

**SIoux FALLS CITY COUNCIL**  
**DAKOTA TERRITORY**  
**&**  
**SIoux FALLS RAILROADS**

Presented By  
Bruce Danielson  
August 1, 2015

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### Note to the Sioux Falls City Council

This compiled short history of Sioux Falls Railroads is for you. Why is this important?

The City Council and people of Sioux Falls, SD must understand legal ramifications surrounding a resolution vote item#44 on the August 4, 2015 agenda.

#### A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE PURCHASE OF REAL PROPERTY FROM THE BNSF RAILWAY COMPANY

We citizens have had the TOP SECRET rail yard document in front of us since Friday afternoon. The preliminary reading shows many holes in data and legal descriptions. The 82 page document being presented by the administration does not adequately cover many issues surrounding Railroad Relocation.

We have heard about a TOP SECRET railroad project for many years with no details attached. We citizens should be able to see what is being promised in our names. We have known from the beginning we were not supposed to be part of this TOP SECRET project. As sunlight shines on this TOP SECRET project we are seeing many problems.

The citizens of Sioux Falls should at least be able to weigh in on this TOP SECRET project. Why must we have so much secrecy, for such little gain to go with the massive hype? We have learned through the documents posted on Friday the City of Sioux Falls is receiving a Quit Claim Deed. Why a Quit Claim Deed when it should be at the very least a Warranty Deed giving future generations and developers full property rights? This is a very serious question. The City of Sioux Falls could be a partner in a land fraud or other issues we know nothing about. We are gambling our city future by taking the word of vested interests. The reconstruction of the full land history would establish the city ownership rights. The railroads entering the city of Sioux Falls had reversionary rights, why risk the legal issues? This land will not be used for transportation operations once abandoned. This is a very risky proposal. It is not difficult. Land title companies do these searches every day. The city hires consultants for everything else, why not this?

So we ask, what is the hurry to spend the money without proper oversight? We are getting ready for major budget demands, ready to put the city of Sioux Falls in more debt for playthings and special interests. Can we take a couple of weeks to really examine this contract with public hearings to get real data, commitments and answers?

Bruce

## [History of Dakota Territory, Volume 2](#)



### [George Washington Kingsbury](#)

S.J. Clarke Publishing Company, 1915 - [Dakota Territory](#)

### **TO IMPROVE RED RIVER**

An earnest effort was made by the settlers of the Red River Valley early in 1876 to induce Congress to make an appropriation to improve the channel of the stream particularly that portion known as Goose Rapids and an appropriation of \$22,000 was asked for this purpose. From a statement that was included in the petition it was learned that during the season of 1875 the commerce of the river had been sufficient to justify the Government in appropriating the money needed for the work proposed. It was shown that there were nearly forty nine million pounds of freight carried by seven steamboats and ten barges over twenty four thousand tons. There were also 7,690 passengers carried during the same season. This business had nearly all grown up since 1870 when one steamer was sufficient to meet the demands for transportation. The petition stated that the river was navigable for 550 miles 350 in the United States and 150 in Manitoba. This distance included the winding of the stream and as much of this commerce was carried into Manitoba it was urged that the Red River would lose it upon the completion of the Canadian Pacific Railroad to Winnipeg then in process of building unless the channel of the Red was so improved that steamboats could successfully compete for the carrying trade and the manufacturing industries of the United States would be shut off from much of the rapidly growing business of that country owing to our inability to compete for the carrying trade.

### **IMMIGRATION**

There was considerable immigration to the counties along the Red River Valley and along the Northern Pacific Railroad from Fargo to Bismarck in 1876 and also to the counties of Turner Hanson Hutchinson and the Firesteel Valley where the new Black Hills route had been laid from the James River to the Missouri at Crow Creek. It was observed that while there was a large emigration towards the hills shortly after the opening of 1876 an unexpectedly large number returned in the fall complaining that the gold regions were overstocked with prospectors. As an illustration of the rush to the hills we find that the number in the Deadwood region in the winter or spring of 1876 could not have exceeded fifty people and by the Fourth of July following at a celebration that occurred at the new Deadwood camp there were estimated to be as many as five thousand in Deadwood. There were as many more scattered through the central and southern hills which would justify the claim of ten thousand for the entire gold region.

## SIoux FALLS MODERN

Sioux Falls is the most promising city in the territory and bids fair to hold the lead until some development of the commercial interests of the Northwest shall demand a great central city on the Missouri River which the sagacious and optimistic citizen believes may come about with the increase of population resulting in manifold larger production of the fruits of the farm and the revival of steamboat transportation on the Missouri River Until then it would seem that aided by its natural resources with a network of railroads connecting it with the great grain and livestock regions of the West and with the leading markets East Sioux Falls must maintain the lead it has already secured This may not be altogether due to the superior intelligence public spirit and enterprise of its citizens though in respect to these qualifications it has had from its earliest settlement the benefit of a community of broad minded intelligent men who were able to fully appreciate the splendid substantial resources within and environing the locality selected for building the city resources not shared to the same extent by any other locality in the territory and by very few in the Northwest A similar statement in a modified form may be made of Minnehaha County in which Sioux Falls is situated Its earliest history is less a type of the early settlement of west ern

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towns for the past fifty years than of the more remote struggles of the pioneers of Kentucky Indiana and Illinois those perilous periods when the war whoop of the savage was not an unfamiliar cry to the adventurous settler The site of Sioux Falls was a favorite resort of the Sioux Indians from the earliest period of the exploration of the country it is mentioned as such and for its wonderful cataracts by Lewis and Clark who learned of it when passing the mouth of the Big Sioux River in 1804 on their way to the Pacific Ocean their Sioux interpreter gave them an account of it These Indians held it in as great esteem and value as that of the Black Hills and were as reluctant to yield it contesting its possession for many years after their tribes had ceded it to the United States The first Sioux Falls village gave way after a stubborn resistance against considerable odds and was abandoned including the slight settlement which had been attempted outside the village and for some years thereafter was practically closed against immigration the site of the village and a reservation of seventy sections of land surrounding being withdrawn from settlement by the Government and occupied by a military post The lands were restored to the public domain in 1869 the post abandoned by troops and the fort and auxiliary structures became the first improvements of the future city Then the earlier pioneers returned and were quickly joined by scores of others whose names and works have since figured prominently and successfully in the political professional and commercial history of the territory (By which we are reminded that the Daniel Boone's of our communities are the men of might and valor who usually retain the leadership in a community while health and life permit them to hold and use it)

## SETTLEMENT OF SIoux FALLS & FIRST RAILROADS

The people who settled in Sioux Falls the second time or rather the settlers of the modern city came in on horseback and in prairie schooners while some patronized the line so well known to the ancients carrying their own baggage suspended to a stout stick thrown over their shoulder The distance to Sioux City was 100 miles this was the nearest market point until the Dakota Southern was extended to Yankton and the Sioux City & Pembina Railroad was extended to Portlandville Iowa which shortened the wagon hauling twenty miles But the Sioux Falls pioneers were early possessed of an ambition to make a market town at home and with this creditable purpose in view are found assembled in Allen's Hall one August evening in 1874 to discuss the railroad question The hall was comfortably filled and every auditor was in favor of a railroad in fact the sentiment as disclosed by a number of stirring speeches was that Sioux Falls could never get beyond the village condition without one and a resolution was adopted at the close of the meeting proposing

## History of Dakota Territory & Sioux Falls Railroads

That the Town of Sioux Falls and Minnehaha County will donate to the first railroad that is completed to this place \$50,000 provided said railroad reaches Sioux Falls by the 1st day of November 1876

This bait did not get a bite but the railroad question remained at the forefront and a year passed without any substantial headway being gained except as it served to increase population and intensify public sentiment

The next public meeting was held in the same hall on November 2 1875 There were 200 prominent citizens of the county at the meeting which organized by electing Melvin Grigsby chairman and CW McDonald secretary The chairman made the initial address and appears to have about exhausted the subject as no other complete review of the situation was attempted The chairman stated in substance "With a voting population of but 624 resources undeveloped wealthy only in the possibilities of the future Minnehaha County cannot expect any man or anybody of men to build a railroad to Sioux Falls for no other consideration than the profits of the investment It would probably take \$1,200,000 to build equip and put in working order a railroad from Sioux Falls to any railroad point and in order for such a road to pay 10 per cent per annum net on the investment the road must earn \$400 per day over and above all expenses Any man of sense knows that a railroad from Sioux Falls to any railroad point

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could not clear \$400 per day for at least the first two years after its construction consequently we cannot expect a railroad to Minnehaha County prior to the time that such a road would be a paying institution unless we are willing to reimburse the builders of such road for the\_ loss they would sustain in operating such road until it did become a self-sustaining enterprise

Wicker Meckling & Company offer to guarantee a road to Sioux Falls within one year from January next if Minnehaha County will raise \$100,000 toward paying for it One hundred thousand dollars seems at first thought an enormous sum for a county with at present only 73.946 acres of taxable land of an assessed value of \$179,343 and with personal property assessed at only \$175,223 to pay for a railroad But when we reflect that we have lost this year 20 cents per bushel on our 250,000 bushels of surplus wheat because we have no railroad or \$50,000 and that when a railroad is started for Sioux Falls with a reasonable prospect of an early completion not only the land at present taxable but every acre of land in the county will immediately increase at least one dollar per acre in value then we begin to realize that it would be better for us to give even the enormous sum of \$100,000 to get a road in one year than to do without it for three years .

How much Minnehaha County could give for a railroad how to raise the funds and where to bestow it were in the opinion of the speaker subjects for the meeting to consider

JD Cameron then read letters from JS Meckling of the Dakota Southern Hubbard of the Sioux City & Pembina Drake of the Sioux City & St Paul and from the Minnesota Southern. The writer of each regretted his inability to attend the meeting approved of its object and presented the advantages of the proposed road in which he was interested

On motion a committee of five consisting of EA Sherman ML Wood Joseph Roberts JL Philips and RF Pettigrew was appointed to draft resolutions The committee having reported a lively discussion ensued wherein remarks were made by EA Sherman Amos F Shaw ML Wood Judge W V Brookings Henry Smith Newton Clark RF Pettigrew CK Howard JD Cameron C VV McDonald and M Grigsby Some were for

## History of Dakota Territory & Sioux Falls Railroads

encouraging one road some another some for the broad gauge some for the narrow and all for taking steps toward organizing a railroad company The following resolutions were finally adopted

1. Resolved, 1 That the interests of Minnehaha County and of Sioux Falls in particular demand the early constructing of a road connecting Sioux Falls with some railroad point
2. That as citizens of Minnehaha County we will do all in our power to aid any railroad company that will guarantee the early construction and operation of a road to Sioux Falls and that our preference is for a road directly from the east
3. That a railroad can and should be constructed from Sioux Falls to a connection with some road east in season to carry off the crop of 1876
4. That immediate steps be taken to organize a railroad company survey a route open stock books and solicit subscriptions
5. That a committee of five be appointed to carry out the intention of the preceding resolution

The chair appointed as such committee ML Wood E.A. Sherman RF Pettigrew Joseph Roberts and Newton Clark and on motion JD Cameron and M Grigsby were added to the committee The meeting then adjourned

The committee appointed held a consultation the day following and agreed to organize a company under the laws of the territory to be known as the Sioux Falls Railroad Company one terminus to be at a point on the eastern boundary of Dakota in the Town of Valley Springs the other terminus at Yankton passing through Sioux Falls and Minnehaha Lincoln Turner Hutchinson and Yankton counties.

Without unnecessary delay and carrying out the purport of the resolutions the committee prepared and filed the following certificate of incorporation:

This certificate of incorporation certifies that the following articles of agreement made and concluded this 10th day of November AD 1875 at Sioux Falls in the County of

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Minnehaha and Territory of Dakota by and between Amos F Shaw Joseph Roberts ML Wood EA Sherman JD Cameron RF Pettigrew and M Grigsby; witnesseth,

That whereas it is the intention of the above named parties to hereby and herein organize themselves into a legally incorporated railroad company under and by virtue of the provisions of the general incorporation act of Dakota Territory approved January 6 AD 1868 entitled An act to regulate incorporations under the name and style of the Sioux Falls Railroad Company for the purpose of constructing and operating a line of railroad from a point on the eastern boundary of Dakota in the Town of Valley Springs in the County of Minnehaha thence in a westerly direction through the County of Minnehaha to the Village of Sioux Falls thence through the counties of Minnehaha Lincoln Turner Armstrong Hutchinson and Yankton to the City of Yankton

Therefore this corporation which is hereby and herein formed and established for the purpose of constructing the above line of road shall be named and known as the Sioux Falls Railroad Company and the said line of road proposed to be built shall be designated as the Sioux Falls Railroad and the amount of capital stock of this company shall be \$500,000 which shall be divided into shares of \$100 each which shares of stock shall be subscribed for as is provided in section 80 of the aforementioned incorporation law of the territory

In accordance with the requirements of section 87 of the incorporation act aforesaid the incorporators herein named do hereby establish a place of business on the line of said road which shall be located at Sioux Falls at the office of RF Pettigrew and the same is hereby

## History of Dakota Territory & Sioux Falls Railroads

declared to be the temporary office of the Sioux Falls Railroad Company until changed by the board of directors and at said office of said company the first books for subscription of stock to the Sioux Falls Railroad Company shall be opened to the public on the 1st day of January AD 1876

(Signed and Sealed) Amos F Shaw Joseph Roberts ML Wood EA Sherman JD Cameron RF  
Pettigrew M Grigsby

The Sioux Falls Railroad Company made a survey of the line of their railroad via Valley Springs to the Minnesota State line in the fall of 1875 Mr. Wood of Valley Springs was in charge of the party Cyrus Walts of Sioux Falls was the compassman Books of subscription to the capital stock of the company were opened early in 1876 and over two thousand shares of stock subscribed Early in January 1876 the St Paul & Sioux City Railroad Company proposed to build a branch from Worthington to Sioux Falls for a bonus of \$100,000 At a public meeting held in Sioux Falls in January 1876 to consider the proposition it was resolved to give \$50,000 that \$100,000 was more than the village could donate In September following the same company proposed to build from Sioux Falls to Worthington for a bonus of \$35,000 cash and \$15,000 more in right of way and depot grounds The proposition was accepted and work of construction was entered upon and completed in 1878 The event was duly chronicled by the Pantagraph newspaper of July 31 1878 as follows

Without any gush or hurrah Sioux Falls last evening received a visit from a locomotive the track having been laid during the day to a point between the two mills The first warning of the presence of the long looked for engine was a couple of toots from its whistle the first sound ever made by a steam whistle in Sioux Falls Today the track will be completed to the depot grounds the rails being simply laid in order to furnish a road which may be used with care for bringing the train into the town so that the company can fulfill its contract for commencing transportation of the mail August 1st The carriage of passengers all the way through to this place will also commence at once Almost any other community under the sun would enthuse over such a piece of fortune as has finally reached us but our people are very matter of fact and it is glory enough for them to know that the road has got here We are all wonderfully glad however that the iron horse has got here because it is what Sioux Falls has been looking forward to for a long long time

Sioux Falls had its first telegraph line from Worthington Minn November 21 1876 It was the forerunner of the first railroad

The Sioux Falls branch of the Southern Minnesota Division of the Chicago Milwaukee & St Paul Railroad was completed to Sioux Falls in November 1881 and a spur from that track was laid to the penitentiary grounds The Milwaukee company was now the owner of the Southern Minnesota and the Sioux City & Pembina and the junction of the two lines was made at Egan Moody County

During the summer of 1886 the Great Northern under the title of the Wilmar & Sioux Falls Division of the Duluth & Denver Railroad was approaching the (Vol II-3)

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eastern border of the territory with Sioux Falls as its objective point HT Corson of Sioux Falls was a director of the local company and had attended a meeting of the parent company at Willmar where plans were substantially agreed upon to extend their line into Dakota without unnecessary delay and that in the course of a year or so after passing into Dakota it will move on to a connection with the Union Pacific and with Denver as its objective point going out of Dakota by way of Yankton

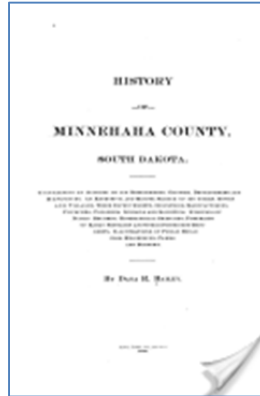
The Illinois Central Railroad was built from Cherokee Iowa to Sioux Falls in 1887 Cherokee was then a town of 2,000 population Sioux Falls claimed 7,000 In connection with the incident of signing the

## History of Dakota Territory & Sioux Falls Railroads

agreement for the Central Mr. EA Sherman of Sioux Falls who had been instrumental in securing the road said that Sioux Falls will have paid \$175,000 for all its five railroads and would with the completion of the Central have all the railroads its interests demanded That manufactories would pour in because of the city's railroad facilities.



**History of Minnehaha County, South Dakota: Containing an Account of Its Settlements, Growth, Development and Resources ... Synopsis of Public Records, Biographical Sketches ...**



[Dana Reed Bailey](#)

Brown & Saenger, ptrs., 1899 - [Minnehaha County \(S.D.\)](#) - 1091 pages

**CHAPTER VI**

**RAILROADS AND MOTOR LINES**

Railroad Meetings

Worthington and Sioux Falls RR

Chicago Milwaukee and St Paul RR

Burlington Cedar Rapids and Northern RR

Illinois Central RR

Willmar and Sioux falls RR

South Sioux Falls Railroad and Rapid Transit

South Dakota Rapid Transit and Railway Co

Sioux Falls Yankton and Southwestern Railway

Schedule of Distances from Sioux Falls to Railroad Stations in this County and Other Important Points

Altitudes

## FIRST SIOUX FALLS RAILROAD PLANNING

Early in the history of the settlement of Minnehaha county her enterprising citizens especially those residing at Sioux Falls were engaged in projects to obtain railroad connections with the outside world

The people of the little village of Sioux Falls recognized the advantages of its location and were filled with great expectations that at some time in the near future a prosperous city would rapidly spring up on the banks of the Sioux To hasten the time when this should be accomplished nothing promised greater results than securing railroad connections

On Monday evening August 20 1874 with only a few hours' notice a large assembly convened at Allen's hall in Sioux Falls to consider the question of offering some inducement for the building of a railroad into town Right here at the first railroad meeting ever held within the boundaries of Minnehaha county the people were told that if Sioux Falls was ever to be anything but a village railroad facilities must be secured and this statement has been made with great earnestness at every railroad meeting held since then whenever steps were being taken to secure a new line of road Meetings of this character usually result in passing a resolution at least and this meeting resolved as follows That the town of Sioux Falls and Minnehaha County will donate to the first railroad that is completed

(HISTORY OF MINNEHAHA COUNTY page 145)

to this place fifty thousand dollars provided said road reaches Sioux Falls by the first day of November 1876 From information received in reference to this meeting we know that some of those present thought that November 1 1876 was the latest day Sioux Falls could get along without a railroad and others thought that it was as early a date as the funds could be secured

From this time on the people never let the railroad question rest and all sorts of projects and schemes were devised to get a railroad and the town was exceedingly fortunate in having among its early settlers some of the most energetic enterprising and capable men that ever settled in a new country

On the 2d day of November 1875 a large and enthusiastic crowd of people gathered at Allen's hall to consider an offer that had been made to the people of Minnehaha county by the Sioux City and Pembina railroad company to build a railroad to Sioux Falls and have it in operation by the 1st day of November 1876 upon the condition that Minnehaha county would raise \$100,000 in aid of the project

Resolutions were passed to the effect that the interest of Minnehaha county demanded a railroad and that the citizens would do all in their power to aid any company to build a road to Sioux Falls also that immediate steps be taken to organize a local company survey a route open stock books and solicit subscriptions along the line of survey A committee was appointed to institute the necessary proceedings to this end consisting of ML Wood EA Sherman Joseph Roberts Newton Clark RF Pettigrew JD Cameron and Melvin Grigsby The committee met the day following and after reviewing the situation it was decided to organize a railroad company to be known as the Sioux Falls Railroad Company having for its object the building of a railroad with one of its termini at Yankton and the other at a point on the eastern boundary of Dakota in the town of Valley Springs M Grigsby was appointed to draft the articles of incorporation and on November 10 the organization was perfected The company consisted of M Grigsby EA Sherman RF Pettigrew AF Shaw Joseph Roberts ML Wood and JD Cameron who at once caused a survey to be made of the line

Another railroad meeting of the citizens of Minnehaha county was held in Sioux Falls on the 22d day of January 1876 and although the expression was unanimous in favor of aiding any railroad company in building into Sioux Falls still the general opinion was that \$50,000 would be as much as the county could afford to donate During the month of March 1876 the Worthington and Sioux Falls railroad company was organized at St Paul with the view of making a connection with the road to be built by the Sioux

## History of Dakota Territory & Sioux Falls Railroads

Falls company and this company proceeded to build a railroad from Worthington in the direction of Sioux Falls completing its line to Luverne during the fall of 1877

At a citizen's meeting held September 5 1877 in Sioux Falls some of the officials of the Sioux City and St Paul and St Paul and Sioux City Railroad company made the following proposition If the citizens of Minnehaha county will vote us aid to the amount of \$25,000 and the village of Sioux Falls will vote us an additional

(HISTORY OF MINNEHAHA COUNTY page 146)

amount of \$10,000 we will build and equip a railroad to Sioux Falls on or before October 1 1878 On the 28th day of September 1877 Horace Thompson of St Paul president of the Worthington and Sioux Falls Railroad Co addressed a letter to the commissioners of Minnehaha county proposing to build that line of road into Sioux Falls by the first day of October 1878 if certain conditions contained in the letter were complied with He required that the County of Minnehaha should raise \$25,000 in aid of the road and said in this communication that he made this proposition with the expectation that Sioux Falls would raise an additional sum of \$10,000 and that the company controlling the charter to the Minnesota line would turn over to the Worthington and Sioux Falls company its charters surveys right of way deeds or releases of the whole line including land at terminus in Sioux Falls for depot and side tracks free from all expense This communication was received by the county board on October 1 and on that day the board decided to submit to the election of the county the question of bonding the county in the sum of \$25,000 in aid of the road as proposed the bonds to run twenty years with interest at ten per cent and not to be issued by the board until Sioux Falls had raised \$10,000 for the same purpose The question was submitted at the general election in November and resulted adversely to the issuance of the bonds the vote standing 304 for and 492 against

After this defeat the proposition made by the Worthington and Sioux Falls company was modified and a proposition was submitted to the people of Sioux Falls offering to build a road into Sioux Falls before the 1st day of November 1878 provided they would raise \$20,000 in aid of the road and comply with the conditions first proposed in reference to the right of way and depot grounds The citizens of Sioux Falls by this time were determined at the road being built west from Worthington and then completed and in operation to Luverne should be extended with the greatest possible dispatch to Sioux Falls Fifty two citizens of Sioux Falls petitioned the board of trustees of the village to submit the question of bonding the village for this purpose in the sum of \$20,000 to the electors of the village and a meeting of the village council was called for December 15 to consider the propriety of so doing

When the meeting convened President Howard and Trustees Sherman VanEps and Phillips were present Trustee Callender absent A motion was made to grant the request of the petitioners which received an unanimous vote and the election was called for January 15 1878 The result of this election was 102 votes for and three against bonding

At a special meeting of the village board held March 29 1878 the bonds voted by the corporation were signed by CK Howard president and C.O. Natesta clerk and put into the hands of the village treasurer to be turned over to the Sioux Falls Railroad Company at the proper time The bonds having been issued the Sioux Falls company was merged into the Worthington and Sioux Falls Railroad company and the extension of its line secured

Sioux Falls was now sure of a railroad and her people watched

(HISTORY OF MINNEHAHA COUNTY page 147)

the approach of the iron rail with great pleasure and every issue of the local newspapers announced the progress that was being made It reached Valley Springs the first of June and on Monday the 4th day of

June the company opened its office at that place for business Brandon the next station was reached on the 15th day of July although considerable grading had been done on the line west of that place On Thursday August 1 1875 the first train with passengers in charge of Peter Becker conductor reached Sioux Falls between twelve and 1 o'clock in the afternoon to be accurate 12 40 A few gentlemen from Sioux Falls met this train at Brandon and decorated the engine with flags and streamers and when the train reached its destination it was greeted by a band of music led by TH Brown and the cheers and shouts of a large assemblage of people

It is easy to imagine something of the feeling pervading the people on this occasion after having so long and so diligently labored for railroad facilities to find at last the work had been accomplished and their ears could hear the whistle of a locomotive and their eyes see a train of cars in Sioux Falls

The writer was in Fan Claire Wisconsin on the 11th day of September 1870 when the first railroad train came into that city It was a great day and the people for miles around decided to make Chicago St Paul Minneapolis and Omaha Passenger Depot

(HISTORY OF MINNEHAHA COUNTY page 148)

the most of it Thousands of people were in attendance and when the train approached hands of music played cannons boomed and the crowd set up a mighty shout A few rods from the depot a large well-dressed woman sat in a two seated carriage with a driver in front and the spirited horses attached to her carriage became frightened and commenced to run when she shouted let them run let them run I have been in the west sixteen years and this is the first time I have seen the cars

The first passenger fare established to St Paul was \$9.75 to Sioux City via Worthington \$6.20 Freight rates to St Paul were as follows

First class \$1.00 per hundred pounds  
Second class 90 per hundred pounds  
Third class 70 per hundred pounds  
Fourth class 60 per hundred pounds  
Lumber \$60 per car  
Wheat 30 cents per bushel

Trains from St Paul arrived at 11 45 AM and departed at 1 15 p M During August and September following the company erected depot buildings engine house and an elevator with a capacity of 0 H 0 bushels

The Worthington and Sioux Falls line was extended to Salem in McCook county during the fall of 1879 and was eventually absorbed by the Chicago St Paul Minneapolis and Omaha Railroad Company

## **THE CHICAGO MILWAUKEE AND ST PAUL RAILROAD**

Having secured one railroad the enterprising business men of Sioux Falls set about the securing of other lines into the city

During the latter part of the year 1878 the Sioux City and Pembina railroad had completed its line to Beloit and like all railroad corporations wanted a donation from the people residing along the line as it proceeded to build It proposed to build to Sioux Falls during the year 1879 provided an appropriation should be made by her people for that purpose At this time the Chicago Milwaukee and St Paul company was building west from McGregor and was getting its line within hailing distance and although the proposed route entered Dakota south of Minnehaha county it was thought advisable to make the attempt to divert it from its course and secure its extension to Sioux Falls

## History of Dakota Territory & Sioux Falls Railroads

A railroad company was organized at Sioux Falls called the Sioux Falls and Red River company and had for its initial object the securing of the Chicago Milwaukee and St Paul line of road This corporation consisted of BF Campbell M Grigsbv Wm VanEps CK Howard JM Washburn A Gale EW Caldwell H Callender NE Phillips and TH Brown of Sioux Falls and WJ Sibbison and RS Alexander of Dell Rapids

As soon as incorporated the company conferred with the management of the C M and St PRR Co in reference to securing that line of road but after brief negotiations it was found impossible

(HISTORY OF MINNEHAHA COUNTY page 149)

to divert it from its proposed route or to secure any assurance that it would build a branch line to Sioux Falls

During the early part of 1879 the Pembina Company manifested a disposition to build to Sioux Falls but at the same time it wanted a donation and submitted to the people at different times propositions for extending its line to Sioux Falls and promised to have the road in operation before January 1 1880

On the 26th day of July it finally proposed that it would do so if Sioux Falls would donate depot grounds and secure the right of way from Canton This offer was promptly accepted and the right of way secured and on the 18th day of December 1879 the first train over this road arrived in Sioux Falls During the month of October 1870 the Sioux City and Pembina and Dakota Southern railroad companies consolidated and on the first day of April 1880 the Chicago Milwaukee and St Paul company absorbed it into its railroad system

Another road the Southern Minnesota during 1870 was rapidly coming west through southern Minnesota and it was thought desirable that this road should build down the valley of the Sioux to Sioux Falls It was not very greedy in its demand for a donation for building to Sioux Falls but asked that depot grounds in the village and the right of way for ten miles north of the corporation limits be given This proposition was accepted and the road secured and completed into Sioux Falls in 1881 and was soon absorbed by the Chicago Milwaukee and St Paul Railroad Company

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### **BURLINGTON CEDAR RAPIDS AND NORTHERN RAILROAD**

As early as the 13th day of August 1884 PP Peck then one of the aldermen of Sioux Falls asked the city council to appropriate \$500 to make a permanent survey of a line of railroad from Sioux Falls east to a point in Osceola or Lyon counties Iowa to intersect with the Burlington Cedar Rapids and Northern railroad This was done by an unanimous vote and a warrant ordered drawn in the sum of \$100 to pay the incidental expenses of such survey A few months later a warrant was drawn for \$400 to defray the expenses of the survey that had been made

The foregoing is the first record the writer has been able to find of any attempt made to get the Burlington line of road into Sioux Falls

During 1885 the subject was discussed but no definite action taken

At a railroad meeting held in Sioux Falls January 2 188 the Burlington Cedar Rapids and Northern Railroad Company made a proposition to extend its line to Sioux Falls during the year 1886 To do this it required that a fund of \$80,000 be raised by the people residing along the proposed route from Ellsworth to Sioux Falls and that the right of way and depot grounds be donated Previous to this the Sioux Falls Iowa and Northern Railroad Company had been formed and the final result of this meeting was to pass a resolution as follows Resolved that it is taken to be the sense of the meeting that the officers of the Sioux Falls Iowa and Northern railroad be requested to draw a guarantee of the

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proposition here submitted by President Ives and present the same to the people of Sioux Falls for their signature and that the chairman of this meeting appoint a committee of five for that purpose This meeting was well attended and those present were in a mood to promise almost anything to secure this road in fact some of them said Sioux Falls could not prosper without it An agreement was drawn up and signed by the committee on the part of Sioux Falls and by President Ives on the part of the railroad company to carry into effect the proposition as first made It was estimated that Sioux Falls would have to raise \$50,000 of the \$80,000 asked for and the contract was made accordingly

On the 11th day of January 1886 the city council convened in special session to consider a petition that had been circulated and largely signed asking the council to levy a tax on all the taxable property in the city sufficiently large to raise \$50,000 or else submit to the people the question of bonding the city in that sum to secure the building of this road to Sioux Falls

The council referred the petition to the finance committee with instruction to report at the next meeting and then adjourned until the next day On the 12th day of January the committee reported recommending the council to submit the question of bonding the city in the sum of \$50 000 in aid of the road to the electors of Sioux Falls and that the election be held on the 9th of February 1886

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The council at once passed a resolution calling the election as recommended by the committee Within a day or two after this action had been taken it was discovered that \$50,000 would not be sufficient to meet the obligations assumed by the citizens committee and a public meeting was held to take the subject into consideration

At this meeting it was thought advisable to raise \$60,000 as it would require at least \$10,000 to get the right of way and depot grounds in Minnehaha county A resolution was passed requesting the city council to submit the question of bonding the city in the sum of \$60,000 to a vote of the people In a called session on the 20th day of January the city council rescinded its former action in the matter and ordered the question submitted to a vote of the people on the 16th day of February 1886 in accordance with the terms of the resolution adopted at the citizens meeting

The election was held and resulted in there being 709 votes cast of which 671 were in favor of issuing bonds and 38 against

On the 26th day of February the vote was canvassed and the bonds ordered issued 120 in number of \$500 each at 7 per cent interest to become due in twenty years On the 12th day of May the city council directed the mayor and clerk to sign the bonds and deposit them in the Minnehaha National Bank This issue of bonds was at a later date destroyed owing to some informalities and on the 9th day of March 1887 a new issue of bonds was made in the same amount to run for twenty years from date

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The road was completed into Sioux Falls on the 26th day of October 1886 JW Boyce driving the last spike at 11 o'clock AM and the ringing of church bells and blowing of steam whistles announced to the people that the B C R & N railroad was completed A freight train arrived that day over the road and the following day at 3 o'clock P M a passenger train left for Ellsworth to connect with the through train from Watertown and on the 1st day of November 1886 regular passenger trains commenced running In securing the right of way through the county and in getting the other towns along the line to Ellsworth to donate their proportionate share required not a little work on the part of Sioux Falls Thomas H Brown did a good deal of this work and is entitled to a large share of the credit in obtaining this line of road

## ILLINOIS CENTRAL RAILROAD

On the 26th day of April 1887 a public meeting was held at Cherokee Iowa to take action in the matter of inducing the Illinois Central Railroad Company to build a branch to Sioux Falls It was a well-attended meeting of the business men of Cherokee and they were alive to the advantages the city would secure by the building of this road A committee was appointed to confer with the officials of the road and to set before them the advantages that Cherokee had over all other towns on the line as a terminus of a branch road to Sioux Falls The committee had also instruction to confer with the people of Sioux Falls and get them interested in the enterprise

This may be said to be the initial step that culminated in securing to Sioux Falls a connection with the Illinois Central although the citizens of Sioux Falls had before this taken some action in the same direction

About four o'clock in the afternoon of Thursday May 12 1887 a delegation of twenty two gentlemen arrived in Sioux Falls in the interest of the proposed railroad from Cherokee This delegation was made up of business men from Cherokee Primghar Sheldon and Rock Rapids They were expected to arrive the next day but the citizens were ready for them and dodgers were at once circulated calling the business men to assemble at the Cataract house that evening to confer with the delegation regarding the projected railroad connection

Representatives of all the various interests in the city responded to the call and the visitors were assured that nothing would please the people of Sioux Falls more than to secure the railroad connection they desired

Just prior to this time it had been intimated in railroad circles that the Illinois Central had a project to extend its road from Fort Dodge to Sioux Falls and from whatever point this road commenced to build through northwestern Iowa the people of Sioux Falls were determined to offer such inducements as to secure the connection RF Pettigrew A Beveridge CE McKinney EA Sherman and Major EG Smith were appointed on the part of Sioux Falls to act with the delegations present from the several localities with instructions to do everything possible to secure the road

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The delegations returned home the next day and reported they had been enthusiastically received all along the line and that the people were alive to the importance of energetic concerted action if they were to secure the road from Cherokee to Sioux Falls

Sioux Falls had been fixed upon by the Central as the ultimate terminus of the proposed branch and whether it was to commence at Fort Dodge Tara Manson or Cherokee although her citizens preferred it should be at Cherokee she was reasonably certain of the connection

On the 22d day of May 1887 the officials of the Illinois Central visited Cherokee and the advantages and feasibility of the route from Cherokee to Sioux Falls were so strongly presented to them by the people of that enterprising city that they secured an order directing Division Superintendent Gilleas to make a survey of the route at once

On Wednesday June 1 1887 DC Rice of Sioux Falls who had been summoned to Cherokee returned home and reported that the route had been divided into three surveying districts one from Cherokee to Sheldon one from Sheldon west and one from Sioux Falls east that he had charge of the one from Sioux Falls and had received instructions to push his work with all possible vigor and that he would commence the next day

## History of Dakota Territory & Sioux Falls Railroads

June 2 1887 Superintendent Gilleas was in Sioux Falls and he said the survey would be completed over the entire route within two weeks On Wednesday July 11 he again visited Sioux Falls accompanied by Wm J Knight attorney of the Illinois Central railroad and it was soon known that they came with authority to contract for the building of the road from Cherokee to Sioux Falls before January 1 1888 As usual on occasions like this a meeting was held at the Cataract house in the evening It was largely attended by representative business men and without any delay Mr. Knight made the following proposition The Illinois Central will at once commence grading and have its line from Cherokee to Sioux Falls in operation by January 1 1888 if the city of Sioux Falls will secure it depot grounds and the right of way thereto from the corporation limits The proposition was accompanied with a statement that the depot grounds wanted by the company was a strip of land 300 feet wide and about 2,000 feet long on the east side of the river north of Eighth street between the river bank and the Omaha track and that the company desired the right of way to the packing house polishing works and quarries and sufficient ground for stock vary and roundhouse purposes

Before this the people of Sioux Falls had agreed with the towns east through which the road was to be built that Sioux Falls would secure the right of way in Minnehaha county After the proposition had been submitted by Mr. Knight it was discussed fully by those present and finally submitted to a vote and it was unanimously decided to accept the proposition A committee was then appointed consisting of RF Pettigrew CE McKinney EG Smith EA Sherman and CO Bailey to obtain a guaranty that the agreement would be carried out and to arrange with the company in reference to all matters contained in its proposition

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Although this project of building the road from Cherokee to Sioux Falls was being carried on by the Illinois Central company still it could not do it directly as its charter obtained from the State of Illinois did not permit it to construct any railroad lines outside of the state but it could acquire possession of railroads by purchase or consolidation To avoid this inhibition the Cherokee and Dakota a construction company was incorporated composed of prominent officials of the Illinois Central

On Tuesday July 12 1887 a large delegation came over from Rock Rapids for the purpose of seeing what could be done in reference to the right of way nine miles in length in Minnesota This delegation wanted Sioux Falls to take care of it as they had all they could do at Rock Rapids having to procure thirty two miles of right of way in Lyon county besides depot grounds The result of this conference was an agreement that Sioux Falls should obtain the right of way in Minnesota

The following Thursday prominent officials of the Illinois Central came to Sioux Falls and informed the people just what was wanted to settle the question whether the road would be built or not Some of the requirements it was impossible to perform and soon after EA Sherman and RF Pettigrew went to Dubuque to confer further with the railroad officials and obtain if possible such modifications of the contract as would enable the people of Sioux Falls to enter into it feeling assured that they could perform the obligations assumed In this mission they were successful and Mr. Sherman returned to Sioux Falls

On Tuesday July 2 1887 he started out with a contract of guaranty to obtain the signatures of the business men of the city and the amount they would be individually responsible for if the road was built in 1887 The city had bonded for \$60,000 in building the B CR and N railroad and had promised the Willmar and Sioux Falls company \$60,000 more and it looked like a big job to secure \$40,000 for this road and it was probable that it could not be obtained for a less sum Mr. Sherman put in a good day's work and at night had \$30,000 subscribed Thirteen men had subscribed \$1,000 each and thirty four men \$500 each The next day he increased the guaranty to \$42 250 and then telegraphed the officials of the Illinois Central that the guaranty was completed in accordance with the Dubuque agreement Thursday



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evening a public meeting was held but it was only necessary as a ratification meeting and it is safe to say that a Sioux Falls audience was never in a happier mood A committee was appointed to secure the right of way consisting of FA Sherman RP Pettigrew CE McKinney HM Avery and RG Parmley On Saturday July 30 1887 the guaranty was accepted by the railroad officials and the grading of the road let to be completed within sixty days and the people of Sioux Falls retired that night assured of another connection with a great railroad system EA Sherman RF Pettigrew and RG Parmley went into Minnesota to secure the right of way in fact all along the line as far as Sioux Falls was to obtain it and one of the committee reported

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that when they were all together they could always secure it Pettigrew and Sherman would get the men into their barns and Par m lev would go into their houses and by his bland smiles winning deportment and entertaining songs would so please the ladies that when they came to the point of contracting for the amount that should be paid they always found the wives more liberal than the husbands On the 12th day of August 1887 this committee reported that they had secured the right of way through Minnesota except for a short distance over the property of two nonresidents and that in so doing had contracted to pay \$6,400

The first iron rail laid on this road was on Monday September 26 1887 at Cherokee Iowa

Monday December 19 1887 was a cold day but nearly five hundred men with two hundred teams were approaching the terminus of the Illinois Central in the city of Sioux Falls laying the iron rail as they advanced and the whole city was ready for a burst of enthusiasm when the last spike should be driven At just 11 30 o clock p M everything was ready when Mayor Norton wielding the sledge with a few well directed blows sent the last spike home and the whole city was soon made aware by the great commotion that followed that Sioux Falls had an air line railroad connection with Chicago

It had been previously arranged that a banquet should be given the officials of the Illinois Central when the road was completed and the evening of the Pith day of December had been fixed upon as the time and as Governor LK Church was to be in the city on that day it was made a dual affair in honor of the officials and his excellency

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At midnight Mayor Norton appeared at the banquet room with the railroad officials and as the governor and other invited guests were present all sat down to one of the most elegant spreads Sioux Falls had ever given EW Caldwell was toastmaster and called on Governor Church to welcome the Central to Dakota which he did in a splendid speech This was followed by speeches from DR Bailey and Major EG Smith on the part of Sioux Falls General Manager Jeffries then made the speech of the occasion and eloquently asserted that notwithstanding a majority of the stock and bonds of his company was held by foreigners it was American to the core Speeches from FR Aikens CH Winsor and EG Wright followed and the gathering dispersed after having given three cheers and a tiger for the Queen City

On Thursday December 22 \$30,000 was paid out in Sioux Falls to the laborers on the new line of road Freight trains commenced running on this road in January 1888 A Cherokee accommodation train was put on April 2 and a regular passenger train June 3 1888

It only remains to add that Sioux Falls fulfilled all the obligations entered into by her citizens to secure this road and that the city council issued the warrants of the city in the sum of \$43 329 52 to pay for the right of way and depot grounds

## WILLMAR AND SIOUX FALLS RAILROAD

On the 18th day of February 1886 several business men of Pipestone visited Sioux Falls to work up the interest among her people in building a railroad to be known as the Willmar and Sioux Falls railroad They registered at the Cataract House and then called upon some of the most prominent business men in the city extolling the enterprise they had in hand as only men can do who want a railroad In the evening a meeting was held in one of the sample rooms at the Cataract House and the project discussed in all its phases EA Sherman was chairman of the meeting and before it adjourned it was decided unanimously to make a move to obtain the road and Andrew Beveridge CL Norton and Cyrus Walts were appointed a committee to act for the city A day or two after this meeting a local company was organized as the Willmar and Sioux Falls Railroad Company with \$2,000,000 capital to build the line and among the directors elected were EA Sherman and HT Corson of Sioux Falls On March 11 1886 articles of incorporation were filed with the secretary of state of Minnesota and on April 6 the local company ordered a preliminary survey to be made

On Tuesday July 20 1886 a mass meeting was held in Sioux Falls to get an expression of the citizens and to see what could be done to secure the road The meeting was quite largely attended and resulted in passing a resolution guaranteeing \$50,000 and the right of way for the line in Minnehaha county to the Manitoba Railway Company if the company would build the road into Sioux Falls

After this time during the year 1886 conferences were held in St Paul with the Manitoba management by prominent citizens of Sioux Falls for the purpose of obtaining if possible the assurance

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that the road would come to Sioux Falls Nothing of a definite character was accomplished although the people at this end of the line were doing everything they could to aid in the project

On the 8th day of January 1887 it was reported that the surveying party was west of Willmar and coming west and on the 7th day of March that the survey had been completed to Pipestone March 24 the surveyors arrived in Sioux Falls having completed the survey of the entire line

April 28 1887 a meeting was held in the court house by the citizens of Sioux Falls for the purpose of considering a proposition that had been made by President JM Spicer which contemplated the building of the road to Sioux Falls It was largely attended and the utmost enthusiasm prevailed and when it was known that the conditions of securing the road were a donation of 850,000 and the right of way in Minnehaha county it was so good a thing that no discussion took place and the proposition was accepted by a unanimous vote A petition to the city council was then and there signed by upwards of fifty taxpayers asking the council to levy a direct tax in aid of the road and pledging the signers to use their best endeavors to secure the name of every taxpayer in the city William Van Eps WH Corson PP Peck NK Phillips and John Sundback were appointed a committee to wait upon the county commissioners at once and urge them to call a special election and submit the question of levying a direct tax in aid of the road to the electors of the county A committee consisting of M Girigsby CE McKinney RF Pettigrew M Gierin and JT Gilbert was appointed to draw up and circulate for signatures a guaranty to the company in sufficient amount to secure the immediate commencement of work on the line May 8 1887 this committee reported that there had been secured \$48 000 upon the guaranty A meeting was held in Palisade township on the same day which was largely attended and WW Coon E Millard and Ezra Royce were appointed a committee to aid in securing the right of way through the township

June 18 1887 President Spicer came to Sioux Falls and upon his arrival a meeting of the citizens was called for the evening It was a representative gathering of the people and when convened EA Sherman

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stated that the people had come together to hear a report of the meeting of the directors of the Willmar and Sioux Falls Railroad Company held at Pipestone the day before He said it had been determined at that meeting that the road could not be built to Sioux Falls during the year 1887 as it was impossible to secure the necessary ties but that the management of the road through its president was ready to submit a proposition to the people which would if accepted secure the road President Spicer then came forward and submitted the following proposition

The Willmar and Sioux Falls Railway Company being desirous of obtaining from the City of Sioux Falls County of Minnehaha Territory of Dakota a bonus from said city in aid of the construction of the line of railway of said company from Willmar Kandiyohi county Minnesota to Sioux Falls Dakota hereby makes to said City of Sioux Falls the following definite proposition as heretofore mutually agreed upon First The amount of such aid is \$50,000 and the right of way through Minnehaha county Dakota to the City of Sioux Falls

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Second The said amount of aid to be paid as follows At the time of the acceptance of this proposition the citizens of Sioux Falls shall execute an indemnity bond to said railway company in the amount of \$50,000 Said bond to be approved by the president of said railway company and conditioned upon the construction of said railway line as herein proposed and the payment of the said aid as follows At the time of the completion of said line of railway to Sioux Falls \$50,000 in cash with the option on the part of the city to make said payment as follows \$20,000 January 1 1889 \$15,000 January 1 1890 and \$15,000 January 1 1891 with interest thereon at the rate of 6 per cent per annum from the lime when said railway company shall have cars running to the said City of Sioux Falls Said right of way through Minnehaha county to the City of Sioux Falls to be obtained at the expense of the citizens of Sioux Falls or of Minnehaha county Dakota and deeds to be placed in the hands of the said railway company on or before September 1 1887 and it is hereby understood and agreed that the citizens of Sioux Falls shall fully protect and indemnify said railway company against any cost or expense in obtaining the right of way through Minnehaha county Dakota to the City of Sioux Falls

Third The said railway company proposes and agrees in consideration of said bonus to cause to be constructed its line of railway from Willmar Kandiyohi county Minnesota to Sioux Falls Minnehaha county Dakota and to complete its line of railway and have cars running thereon to Sioux Falls Dakota on or before the 1st day of January 1889 and to grade said railway through Minnehaha county to Sioux Falls on or before January 1 1888 In witness whereof said Willmar and Sioux Falls Railway Company has on this 15th day of June 1887 caused this proposition to be signed by John M Spicer its president and Charles C Goodnow its secretary and sealed will its corporate seal

The Willmar and Sioux Falls Railway Company

(Seal)

By John M Spicerk President

Charles C Goodnow Secretary

He said that all the counties along the proposed route in Minnesota had voted a tax and secured the right of way except Pipestone county and that the people of that county would vote on the question the following Monday He urged the people to take prompt action in the matter as Sioux City on the one side and towns west of Sioux Falls would pay liberal bonuses to divert the road from Sioux Falls and that Sioux City had already offered 8300 000 for the road Other remarks were made when RF Pettigrew made a motion that the proposition submitted be accepted and the bond given It received a unanimous

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vote A committee to secure the guaranty was appointed composed of John Norton Andrew Beyerid re CE Mc Kinney M Gerin and JT Gilbert

During the summer a good deal of speculation was engaged in in reference to the commencement of the work here the location of the depot and other matters pertaining to the road

August 1 1887 a large crew of men and several hundred teams camped on the Willmar and Sioux Falls line at a point about equidistant from Willmar and Granite Falls and by the 5th of September there were about one hundred camps of graders between Willmar and Sioux Falls September 12 it was learned that a large force of graders had been laid off and that there was trouble somewhere EA Sherman and RF Pettigrew visited St Paul at once and saw James J Hill and were not long in finding the cause of the trouble The Manitoba wanted depot grounds near the Omaha depot south of Eighth street but expected to get what land the company wanted for \$25 000 but had been asked \$50 000 which sum was considered exorbitant The result of the interview was an order by Mr. Hill that

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the grading should go on and that the matter of depot grounds should rest until the spring of 1888 when if necessary condemnation proceedings would be instituted to obtain them At the conclusion of the interview Mr. Hill said I have agreed to put my line through to Sioux Falls and it is going there This statement was a great relief to the people of Minnehaha county for it must be admitted that the boomers at Sioux City had not only kept them guessing but had given them a great amount of hard work and sharp work to thwart their schemes to divert the road from its original destination

September 20 1887 a meeting of the directors of the Willmar and Sioux Falls Railway Company was called at St Paul At this meeting all the directors resigned and an election was held for a new board It was the intention to elect a director from each of the principal towns along the road but it resulted in retaining only President Spicer and Vice President Sherman the balance being made up of prominent officials of the Manitoba

Mr. Sherman arrived home on the 22d of September and the next day it was known that the road had secured depot grounds in the southwestern part of the city but at the same time it was known that the management still desired to obtain land near the Omaha depot for depot grounds if it could be obtained at a reasonable price This it was impossible to do and on the 9th day of October 1887 the depot was located where it now is

The work of grading the road commenced early in the spring of 1888 but was delayed by heavy rains during the latter part of the spring and early summer but on the first day of August a large force was put on and from that time the work was pushed with great vigor The approach of the force engaged in completing the road to Sioux Falls about October 20 1888 astonished the people It looked like a small well equipped army Some of the boarding cars were three stories high and when the people saw seven hundred feet of track laid in just eight minutes they were all ready to vote for Jim Hill for president of the United States The line was completed to Sioux Falls at 4 30 o'clock in the afternoon of October 25 1888 The first regular passenger train on the Willmar and Sioux Falls railroad pulled out of the city of Sioux Falls at 8 30 AM November 1 1888

The bridge not being completed over the Big Sioux river near the company's depot temporary quarters had been provided on Eighth street east of the Omaha depot EA Sherman secured the right of way and depot grounds for this road in Minnehaha county and in doing so labored hard to have it cost the city as little as possible but having done the best he could the city was compelled to pay \$77,403.65.

After the completion of the road it was considered the right thing by the citizens of Sioux Falls to formally express to James J Hill its appreciation of what he had done for the city in giving her a

connection with the great combination lines of railroads under his management and a time had been fixed for so doing but had been changed and finally Tuesday December 11 was settled upon for the (HISTORY OF MINNEHAHA COUNTY page 160)

occasion At first the intention was to give a reception to the railroad officials but as time wore on the original plan was enlarged and the business men of St Paul Minneapolis and towns along the line were invited to the hospitalities of the city

On Monday night December 10 1888 a train of nine sleepers and day coaches started from St Paul for Sioux Falls At different points along the line delegations got aboard the train and when it arrived at its destination there were 185 passengers A few persons from adjoining towns had also been invited so that the guests of the city numbered more than two hundred It was a great disappointment to everyone that James J Hill could not be present but a law suit involving about two million dollars detained him

From the arrival of the train until its departure ten hours later nothing was left undone by the people of Sioux Falls to make the occasion enjoyable for her guests and memorable in the annals of the Queen City The arrangements were simply perfect the banquet elegant and the whole affair terminating in some admirable speeches in harmony with the occasion

### **SOUTH SIOUX FALLS RAILROAD AND RAPID TRANSIT**

The South Sioux Falls Railroad and Rapid Transit Company was incorporated in December 1888

The incorporators were RF Pettigrew SL Tate FH Gerrish CG Ferguson and FW Pettigrew It was supposed at first that the company intended to build a belt motor line around the city the central station to be located at South Sioux Falls

January 4 1889 the city council of Sioux Falls passed an ordinance giving this company the right to build and operate a motor line within the city limits and the exclusive right to certain streets in the city commencing at the intersection of Eleventh Street and Phillips Avenue

During the spring and early summer the road was graded and arrived in the city about the 10th day of May 1889 The 18th day of June 1889 the first business was done on this road over one thousand people being conveyed from Eleventh street to Coats race track A trial trip was made Tuesday June 25 1889 to South Sioux Falls and all the city officials were invited to honor the occasion with their presence

During the summer of that year all sort of surmises were made as to where the western terminus would be located but the idea prevailed quite generally that it was the eastern end of the Midland Pacific and would ultimately be built to Puget Sound

In March 1890 the name of this company was changed to the Sioux Falls Terminal Railroad Company

A portion of this line between the city of Sioux Falls and South Sioux Falls is now operated by the Great Northern Railroad Company

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### **SOUTH DAKOTA RAPID TRANSIT AND RAILROAD COMPANY**

In June 1889 it was known in Sioux Falls that there was a project on foot to construct a motor line from Sioux Falls to East Sioux Falls The organization was perfected about the 1st of July of that year under the name of South Dakota Rapid Transit and Railway Company WR Kingsbury RJ Wells CC Crandall CE Johnson AM Crosby JT Little Jr and SC French were elected directors and they elected Kingsbury president French vice president Johnson treasurer and WS Welliver secretary

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An ordinance was passed by the city council of the city of Sioux Falls on the 1st day of July 1889 granting the right of way for this company to build and operate a single track of its railway along and upon certain streets in the city commencing at the foot of Ninth street crossing the Sioux river and thence east to the city limits But before anything was done at the west end of the line the company and the owners of property on Tenth street arranged for the building of a viaduct on that street east of the bridge over the tracks of the Milwaukee Omaha and Great Northern railroads and the ordinance granting the right of way was afterwards amended so as to begin the line at the intersection of Tenth street and Phillips Avenue

About this time the Tenth street bridge was condemned and owing to the fact that this line was to cross the river on Tenth street the bridge was rebuilt in a most substantial manner As soon as the right of way through the city had been secured the company proceeded to survey the route and when it was completed on the 1st of August Engineer Jackson reported that the line was just six miles in length The building of the bridges on the line seven in all was completed in November and track laying commenced on January 27 1890

About February 20 1890 the contract was let for the equipment of the road all except the cars for the sum of \$35,000

The motors for the electric cars arrived April 8 and were taken to the engine house on block one in East Park addition The engine arrived on April 12 and the boiler weighing 13,000 lbs. on April 17 1890

About this time in the history of the electric motor line a disagreement arose between the city council and the company and during the afternoon of May 14 a special meeting of the committee on rules and ordinances met to consider the matter

At the time of the passage of the original ordinance number 81 the company thought it possible that they might want to cross the river on Tenth street although by the terms of the ordinance it was to cross at Ninth street Afterwards ordinance number 102 was passed amending ordinance 81 giving the company the right to enter the city by way of Tenth street across the viaduct and the laying of a double track on the bridge the company to keep up the repair of the bridge roadway between the rails At the time this ordinance was passed Col JH Drake appeared in opposition to it

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The meeting of the committee was called to consider an ordinance amending ordinance number 81 Col Drake and Wm Van Eps were present and discussed at length the question at issue while the company was represented by JW Jones and its president WR Kingsbury This proposed amendment declared the rights and privileges granted under ordinance 81 forfeited unless the line of railway should be wholly built and equipped for business and in full operation within the limits of the city of Sioux Falls on or before the 15th day of July 1890 or within fifteen days after the Tenth street bridge and viaduct should be completed and open to travel The hearing in this case ended with the promise of President Kingsbury that the company would lay only one track over the bridge and viaduct and that it should be laid upon one of the sidewalks supported by brackets if found practicable

The committee reported this ordinance to the city council on May 17 with a recommendation that it be referred to the city attorney which was accordingly done

About this time one of those little affairs occurred in the city that usually follow in building motor and street car lines where there are or are supposed to be conflicting interests Sunday morning May 25 just after midnight there appeared to be an unusual activity in the vicinity of Tenth street and Phillips avenue It so happened that owing to some public gatherings in the city that were just breaking up a good many people were on the streets and as it was only a step out of the way to visit Tenth street they did so to

verify the rumor that something unusual was taking place at that point A crowd soon gathered and to their surprise found about fifty persons on Tenth street engaged in laying a street car track Mayor Peck soon arrived and was horrified at finding so many men breaking the Sabbath and expostulated with them using some of the most approved scriptural quotations in accents wild but all to no effect The tall form of George Arneson was to be seen everywhere among the Sabbath breakers urging them on Fred Pettigrew and CO Ferguson appeared to be associated with Arneson in command and this gave the whole scheme away for who was there but Judge Tate that could induce such men to work on the Sabbath The mayor and City Attorney Brockway took a hack for Judge Tate's home They found him asleep or apparently so but they aroused him and then commenced one of the most remarkable disquisitions upon the desecration of the Sabbath that was ever delivered to a wicked man Peck told him that the example he was setting was not in keeping with his Presbyterian pretensions and Brockway reminded him that there would be a hereafter that was fearful to contemplate for such men as would induce unreflecting persons like Arneson Pettigrew and Ferguson to break the Sabbath The judge was awed if not convinced and with a trembling hand he wrote a note and handed it to the mayor which read as follows To George Arneson FW Pettigrew and Mr. Hyde Please to stop work on Tenth street and level up the ground so that the work can be renewed Monday morning SL Tate This note was recognized as authority by the street car force Of course this movement was

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for the purpose of occupying the street in advance of the motor line and the mayor after having stopped the street car scheme turned his attention to the managers of the motor line and they agreed to do nothing on Sunday All day Sunday the air was full of rumors as to what would happen on Tenth street at the beginning of the next secular day and a good many people took an afternoon nap on Sunday so as to be present when the exercises commenced About eleven o'clock Sunday night two hundred men appeared on Tenth street between Phillips and First avenues armed with spokes They were there in the interest of the motor line The mayor was also there with the police force augmented by thirty specials sworn in for the occasion The street car managers were also present and tried to induce the mayor to disarm their opponents but the mayor had enlisted in the interest of peace and while he would not disarm any one still he declared he was there to see that no weapons were used by either party in the attempt to occupy Tenth street It was evident however that he was pleased with the extensive preparations that the motor line had made to give the public the advantage of their line upon Tenth street at as early a date as possible During Sunday evening the street car people had been engaged in spiking rails onto ties and had them in readiness for laying Just before midnight a crowd of men started from the street car barn on Eleventh street with rails spiked to ties At this demonstration large wagons of the motor company came from Phillips avenue into Tenth street the first was loaded with ties the second with rails and the last with spikes which were dropped as they proceeded east on Tenth street The motor force occupying the line went at the work in earnest and in four minutes had the iron laid to First avenue in fifteen minutes more they had the rails spiked in place and at 12 20 o'clock Monday morning the motor line was running a handcar over the line The horse car people carried three lengths of rails spiked to ties to First avenue but in attempting to lay one of them in the middle of Tenth street it resulted in its being dropped in the gutter on one side of the street The collision was not much of an affair as the force of the motor line was so much stronger that they had only to place themselves in the path of the street car people to prevent them accomplishing anything After the motor people had the track laid they proceeded to perfect the line and put it in as good condition as possible The street car people after being repulsed drew several loads of ties and rails into Tenth street between Phillips and Main avenues but the motor people were prepared to prevent any further attempt on the part of the company in laying its track

During Sunday the motor people had prepared injunction papers against any interference by the car company in laying its track on Tenth street and during Sunday evening WR Kingsbury JW Jones WA Wilkes and CE Johnson took an engine went to Canton and induced Judge Aikens to return with them and they arrived in the city at midnight Judge Aikens signed the papers and within thirty minutes they were served on Judge Tate and the foreman of the car company and the war for the occupation of Tenth street was transferred to the courts

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The cause of this little scrimmage of course was the desire on the part of the street car company to prevent the motor from occupying any of the principal streets of the city The company had an exclusive franchise for twenty years and had been operating its street cars at a loss and the managers felt that the motor was trespassing upon its rights and that the building of the motor line would lessen the value of the street car property It is only necessary to add that in the end the matter was amicably adjusted

We left the ordinance limiting the time for the completion of the motor line when we turned aside to chronicle the Sunday war between the two companies in the hands of City Attorney Brockway who reported to the city council on May 27 that in his opinion the ordinance ought not to pass and the council defeated the passage of the ordinance

On Friday June 13 1890 at five o'clock in the afternoon the first trip over the electric motor line was made Three trips in all were made during the evening of that day and as this was the first electric train that had ever been run in the state it was quite an event Everything worked smoothly and to the entire satisfaction of the management

On Saturday June 21 1890 the motor line commenced running regular trains to East Sioux Falls

For two or three years there was considerable traffic over this line and during the summers it was largely patronized by picnic parties and pleasure seekers who invariably enjoyed the seven mile trip between the two cities But the enterprise did not prove a good investment and after considerable struggling against adverse circumstances it went into the hands of a receiver and during the summer of 1898 the rails were taken up and we regret to state there is now nothing left but the bare roadbed to remind the people that there was at one time a rapid transit railway line between the cities of Sioux Falls and East Sioux Falls

### **SIoux FALLS YANKTON AND SOUTHWESTERN RAILWAY**

This railroad the last one to enter Sioux Falls was opened to the traveling public October 19 1893 No railroad project ever conceived of by a citizen of Sioux Falls had been so constantly before the public as a railroad from Sioux Falls to Yankton The files of the newspapers in Sioux Falls for fifteen years disclose the fact that this project though dormant at times was ready to come to the front whenever the slightest interest in railroad building was manifest among her citizens At times its construction seemed assured and then again it would for months appear as remote as aerial navigation

A bill was passed by the last territorial legislature 1889 in aid of the construction of railroads that was introduced and pushed through with nothing behind it but this project of Sioux Falls to build a road to Yankton The writer was sent to Bismarck by the

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Commercial Club of Sioux Falls and spent thirty days in getting this measure with others of less importance through and while there reported to RF Pettigrew then president of the club that it seemed impossible to get the law enacted and received in reply a telegram which directed the writer to stick that it must be done and strongly intimated that the writer's residence in Sioux Falls would not be



## History of Dakota Territory & Sioux Falls Railroads

desirable if this measure did not become a law The law was enacted and before the constitution of the state was adopted the citizens of Sioux Falls went at this project with a determination that it should be accomplished EA Sherman in particular devoted a good deal of time to the matter organizing a company and endeavoring to enlist capital in the East and at one time it seemed as though he would be successful But it was decreed otherwise and all hope of aid through any legislation after the adoption of the constitution was at an end On the 27th day of September 1892 some of the foremost citizens of Sioux Falls met at the request of Senator Pettigrew to consider a matter of public interest and when the meeting was organized he stated that the time had come when a railroad could be built to Yankton upon certain conditions The conditions were stated and the meeting promptly decided that the requirements were reasonable and proceeded at once to pledge that the city of Sioux Falls should perform all that was required of her people This much having been accomplished the Sioux Falls Yankton and Southwestern Railway company was organized with Senator Pettigrew as president On the 31st day of October the Argus Leader announced that the grading contracts had been let by Senator Pettigrew From this time on the work progressed rapidly On August 15 1893 the first passengers came from Lennox to Sioux Falls on a construction train As the road approached completion the Jobbers and Manufacturers Association of Sioux Falls decided that the road should be opened in due form and proceeded to arrange for an excursion to the Queen City from all points on the line and Monday October 19 1893 was the day fixed upon The train left Yankton at 8 20 AM consisting of six coaches and arrived in Sioux Falls at 11 o'clock sharp having made the run of sixty two miles in two hours and forty minutes

The train was in charge of Conductor August Burr and Engineer CN Oram Upon the arrival of the train at the corner of Eleventh street and Phillips avenue nearly 700 people disembarked from the cars and a procession headed by the Sioux Falls band the city council and reception committee was soon formed and all falling in line marched down Phillips avenue to Eighth street and thence up Main avenue to the council chamber where the visitors were received and welcomed by CA Jewett president of the Jobbers Association Mayor Peck followed in a speech of welcome on the part of the city The Yankton fire department accompanied by the KP band of Yankton were among the excursionists having received an invitation from the fire department of Sioux Falls to honor the occasion with their presence

The banquet in the evening was the finest ever given in the city The Press of the 20th of October said Germania hall shone resplendent

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last night The banquet hall with its decorations its lights its beauty and the attending brains made a gem that scintillated in the breast of the metropolis of the Dakotas never before equaled and long to be remembered The management of the celebration had turned over the entire management and arrangement of the spread to the Ladies Industrial Society and the St Agnes Guild of the Episcopal church Royally the ladies did their duty The two societies had for assistants thirty five young ladies of this city who under the supervision of captains did the service at the tables in a manner to do credit to Delmonico's finest Stout's orchestra occupied the stage and furnished music throughout the entire programme Seven tables were tastefully arranged with palms and flowers Banquet lamps and boundary ribbons of colors to match were used to divide the tables in sections Over each section a bevy of young ladies costumed in the same colors as the decorations gave the guests constant attention Everything was the perfection of order Every section had distinctive arrangement of plate and decoration Two hundred and seventy five covers were laid The service was solid silver and at each cover was a rose boutonniere EW Caldwell was toastmaster and Captain WH Stoddard William Blatt Esq of Yankton WH Wait of Lennox Melvin Grigsby EA Sherman J Tomlinson Jr Herbert L Greene HH Keith of Sioux Falls and Judge George W Roberts Otto Peemiller and WB Wilcox of Yankton responded to the toasts The

speeches were all admirable but the gem of the evening was the address of Mr. Wilcox Mr. Tomlinson in closing his response to the toast Sioux Falls and Her Business as a Jobbing and Manufacturing Center said And further I want to pay my respects to one man who more than any other has made possible the occasion tonight A man who day and night can always be found pushing working and accomplishing for Sioux Falls a man who differed with him in politics but who every man in Sioux Falls should be ready and is ready to honor as her most energetic and worthy citizen the Honorable RF Pettigrew During the construction of the road Jacob Schaetzel Jr acted as disbursing agent and furnished for publication the following list of the stations and their distance from Sioux Falls Byron 10 miles Lennox 17 miles Davis 26 miles Viborg 33 miles Irene 41 miles Volin 50 miles Yankton 62 miles On Monday October 23 regular trains both passenger and freight commenced running over this line under the management of the Great Northern

Right here the subject of railroads is dismissed and although nothing is expected in a work like this but a record of the past the writer cannot forego the pleasure of predicting that in the near future other railroad enterprises will originate in Sioux Falls become accomplished facts and bring additional prosperity to the city and the country tributary thereto

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### **SCHEDULE OF DISTANCES FROM SIOUX FALLS TO RAILROAD STATIONS IN THIS COUNTY AND OTHER IMPORTANT POINTS**

#### Chicago St Paul Minneapolis and Omaha

From Sioux Falls going east to Brandon 8.6 miles to Valley Springs 15.1 miles to St Paul 240 miles going west to Ellis 6.6 miles to Hartford 14.2 miles to Humboldt 20.9 miles

#### Chicago Milwaukee and St Paul

From Sioux Falls going north to Renner 6 miles Baltic 13.6 miles Dell Rapids 20 miles Egan 34.2 miles Flandreau 40.6 miles going south to Harrisburg 9 miles Canton 20 miles Elk Point 69.7 miles Sioux City 91.5 miles

#### Illinois Central

From Sioux Falls to East Sioux Falls 6.7 miles Rowena 9.3 miles Ben Clare 13.4 miles Chicago 547 miles

#### Great Northern

From Sioux Falls going north to Corson 11 miles Garretson 19 miles Sherman 22 miles St Paul 249 miles going south to Yankton 63 miles

#### Burlington Cedar Rapids and Northern

From Sioux Falls to Chicago 554 miles

#### **Elevation of Stations**

|                      |            |
|----------------------|------------|
| Omaha depot          | 1,397 feet |
| Milwaukee depot      | 1,395 feet |
| Burlington Depot     | 1,400 feet |
| Great Northern Depot | 1,420 feet |
| Brandon              | 1,319 feet |
| Corson               | 1,362 feet |
| Garretson            | 1,457 feet |
| Sherman              | 1,396 feet |

|                |            |
|----------------|------------|
| Dell Rapids    | 1,485 feet |
| Hartford       | 1,564 feet |
| Valley Springs | 1,392 feet |

#### **Elevation of the Big Sioux River**

|   |            |
|---|------------|
| Low water mark near Dell Rapids             | 1,485 feet |
| Low water mark above the falls, Sioux Falls | 1,380 feet |
| Low water mark near Brandon                 | 1,281 feet |
| Low water mark Sioux City                   | 1,098 feet |

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## **[Reversionary Rights](#)**

### **[U.S. Supreme Court Sides with Property Owners in Dispute Over Abandoned Railroad Right of Way](#)**

- [March 21, 2014](#)
- [Chris Stiles](#)

*[Marvin M. Brandt Revocable Trust v. United States](#)*, \_\_\_ U.S. \_\_\_ (2014) No. 12-1173, March 10, 2014.

In a case that piqued the interest of many throughout the West, including property owners and outdoor enthusiasts, the U.S. Supreme Court sided with a Wyoming property owner in a dispute over an abandoned railroad right of way. The case presented the question of what happens to a railroad’s right of way granted under the General Railroad Right-of-Way Act of 1875 when the railroad abandons it: does it go to the Government or to the private party who acquired the land underlying the right of way? Reversing the 10th Circuit Court of Appeals, the Supreme Court ruled that the railroad’s abandoned right of way reverts to the private landowner.

The Supreme Court’s opinion begins with some extensive history regarding the settlement of the West and the federal land grant policies led to the present predicament. The opinion explained that to encourage early settlement and development of the West, Congress first passed acts giving railroad companies fee title to vast stretches of land (the land acquired by the Central Pacific – later the Southern Pacific – and the Union Pacific in exchange for their construction of the Transcontinental Railroad is a good example), but that following public complaints about the amount of land being given away, it passed the General Railroad Right-of-Way Act of 1875 to provide railroad companies only “right[s] of way through the public lands of the United States.” I.e., just the right to use the land – not fee title. One such right of way, granted to a railroad company in 1908, crosses land that the United States later conveyed to the Brandt family in a 1976 land patent. That patent specifically stated that the land was granted subject to the railroad’s rights in the 1875 Act, but it did not specify what would occur if the railroad later relinquished those rights. Years later, a successor railroad abandoned the right of way with federal approval. In 2006, the Government sought a judicial declaration of abandonment and an

order quieting title in the United States to the abandoned right of way, including the stretch that crossed the land conveyed in the 1976 Brandt patent.

Petitioners contested the claim, asserting that the right of way was a mere easement that was extinguished when the railroad abandoned it, so that Brandt now enjoyed full title to his land without the burden of the easement. The Government countered that the 1875 Act granted the railroad something more than a “mere easement,” and that the United States retained a reversionary interest in that land once the railroad abandoned it.

The 10th Circuit Court of Appeals sided with the Government. Although it acknowledged a division among lower courts regarding the nature of the Government’s interest, if any, in abandoned General Railroad Right-of-Way Act of 1875 rights of way, it concluded based on 10th Circuit precedent that the United States had retained an “implied reversionary interest” in the right of way, which then vested in the United States when the right of way was relinquished. The Supreme Court reversed.

The Supreme Court rejected the Government’s position, in large part because the Government had won when it argued the opposite before the Supreme Court more than 70 years ago, in the case of *Great Northern Railway Co. v. United States* (1942) 315 U.S. 262. There, the Government argued, and the Supreme Court agreed, that the 1875 Act granted nothing more than an easement to the railroad companies. Under *Great Northern*, therefore, the railroad had only an easement in its right of way over the land.

The Supreme Court then explained that, when the United States patented the parcel to the Brandt family in 1976, it conveyed fee simple title to that land, “subject to those rights for railroad purposes” that had been granted to the railroad. The United States did not reserve to itself any interest in the right of way in that patent.

After determining that the interest granted to the railroad was nothing more than an easement and that the U.S. retained no interest, the Court noted that the essential elements of easement, including what happens when they cease to be used, are well settled as a matter of property law. Applying basic common law principles, the Court determined that when the railroad abandoned the right of way, the easement referred to in the Brandt patent terminated. Brandt’s land became unburdened of the easement, conferring on him the same full rights over the right of way as he enjoyed over the rest of the parcel.

Justice Sotomayor issued a dissenting opinion arguing that the majority improperly brushed off pre- *Great Northern* precedent suggesting that the United States retained a reversionary interest in railroad rights of way and, to the extent the majority regarded *Great Northern* as having abrogated those precedents, it placed on *Great Northern* more weight than that case could bear. She also claimed that the majority erred by relying on basic common law principles without recognizing that railroad rights of way were not always governed by the ordinary common-law regime.

Justice Sotomayor also pointed out the negative practical implications of the majority’s opinion, claiming that it “undermines the legality of thousands of miles of former rights of way that the

public now enjoys as means of transportation and recreation. And lawsuits challenging the conversion of former rails to recreational trails alone may well cost American taxpayers hundreds of millions of dollars.”

Echoing Justice Sotomayor, many rails-to-trails organizations have described the decision as a serious set-back to the hiking and bicycling trails system envisioned by Congress when it enacted the National Trails System Improvements Act of 1988; however, the decision appears to apply only to privately-held land transferred by the United States subject to an existing railroad easement that is subsequently abandoned. Many thousands of miles of trails along former railroad routes are situated on federal, state or local public lands, or on routes that were originally conveyed to the railroad companies in fee, rather than as easement. The decision does nothing more than confirm what has for centuries been the law of easements: an easement is a right to use another’s land for a specified purpose, and when the holder of the easement expressly or impliedly abandons its use, the easement no longer encumbers the underlying land.

## **Federal Railroad Rights of Way**

### **CRS Report for Congress**

#### **Federal Railroad Rights of Way**

Updated May 3, 2006

Pamela Baldwin

Legislative Attorney

American Law Division

Aaron M. Flynn

Legislative Attorney

American Law Division

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### **Federal Railroad Rights of Way**

#### **Summary**

During the drive to settle the western portion of the United States, Congress sought to encourage the expansion of railroads, at first through generous grants of rights of way and lands to the great transcontinental railroads between 1862 and 1871, and later through the enactment of a general right of way statute. The 1875 General Railroad Right of Way Act permitted railroads to obtain a 200-foot federal right of way by running tracks across public lands. Some railroads also obtained rights of way by private purchase or through the exercise of state or federal powers of eminent domain. Therefore, not all railroad rights of way are on federal lands, and the property interest of a railroad in a right of way may vary. The courts have characterized the interest held by a railroad pursuant to a federally granted right of way

variously: as a “limited fee” in the case of a land grant right of way, or as an easement in the case of a right of way under the 1875 Act.

As railroads closed rail lines, questions arose as to the disposition of the lands within the former rights of way. Many individual instances were resolved in separate legislation. In 1922, Congress enacted a general law to provide that federal railroad rights of way on federal lands become the property of the adjacent landowner or municipality through which the right of way passed. This law is unclear in several respects — for example, as to what procedures are sufficient to constitute an abandonment of a right of way, and on what authority Congress could provide for the establishment of highways within the right of way after abandonment of the rail line. In 1988, in what is popularly known as the Rails to Trails Act, Congress opted to bank rail corridors, keeping them available for possible future use as railroads and making them available for interim use as recreational trails.

Some cases have held that Rails to Trails results in takings of private property when non-federal easements were involved. In the context of federal rights of way, recent cases have held that the federal government did not retain any interest in federal railroad rights of way when the underlying lands were conveyed into private ownership, and therefore if an abandoned rail corridor is held for interim trail use, compensation is owed the adjacent landowners. However, Congress has legislated numerous times over the years regarding federal railroad rights of way, as though Congress believed it had continuing authority over their ultimate disposition. Issues may continue to arise surrounding the disposition of federal railroad rights of way, possibly involving, for example, the authority of Congress over the rights of way, the nature of the interest held by the railroad, the validity of attempts by the railroad to convey all or part of that interest, and disputes between adjacent landowners over perceived entitlements to lands within a particular right of way.

This report discusses the history of federal railroad rights of way and some of the cases addressing them. It will be updated from time to time as circumstances warrant.