

Railroad

Railroading is not just a business or a job—it is a way of life. Led by Marcy Rothman and Danny Guerra, the attorneys at KRCL spend substantial time on the railroad to maintain and build our understanding of the industry so that we can assist our clients in all aspects of what it takes to move freight. We are involved in training and working with operations, maintenance of way, mechanical, marketing, environmental, human resources, claims and legal departments.

We offer business advice, handle transactions, and litigate and try railroad cases. On the business side, we have helped to shape and support teams working through operational and infrastructure developments so that freight can be delivered efficiently and on time. In transactions, we have provided substantive solutions to the unique real estate and other problems posed to railroads by agricultural, riparian, and oil & gas law in Texas. In court, we have consistently provided our clients with significant trial successes in a variety of railroad matters in venues across Texas.

Real Estate Acquisitions and Sales

Our real estate and transactional lawyers routinely handle transactions for the creation, expansion, maintenance and safety of rail facilities and related infrastructure. The acquisitions and sales range from single parcels involving small acreage to those involving dozens of parcels and multi-thousand acre tracts. Our experience not only includes customary purchase and sale documentation and negotiation experience, but also the ability to analyze ancient and modern title, and parse and resolve questions arising from agricultural, riparian, and mineral rights in the context of the purchase and sale of real estate.

In addition, we are experienced in the preparation of covenants and restrictions, easements and agreements for rights of access involving rights of way, intermodal operations, and commercial developments. Our lawyers prepare and revise boundary relocation agreements, work with surveyors and appraisers, and complete transactions involving governmental agencies and international border authorities.

Our trial team litigates these issues when newly filed cases are brought to us but also frequently steps in to resolve ongoing transactional disputes. We handle condemnation matters from offers to commissioners' hearings and in state and federal court thereafter. We develop strategies for operating under the statutory changes resulting from the current legislative environment. We also prepare and try title and lease cases, including but not limited to claims for adverse possession.

Mineral Rights

We have successfully negotiated mineral rights transactions valued in the millions of dollars, including the negotiation of settlements involving oil & gas rights, royalty claims, bonus and most-favored-nation disputes. Our litigators handle mineral rights disputes both for surface and mineral rights owners.

Personal Injury Defense

We represent railroad interests in the investigation and defense of Federal Employers Liability Act suits and other personal injury lawsuits arising from railroad operations, including in industry, at crossings, and along the main lines. We also provide legal support as members of Go Teams during the investigation and management of crossing accidents, derailments, and other incidents involving potential or actual injury to people and property.

Property Damage and Cost Recovery Litigation

Our lawyers have actively and successfully pursued recovery of millions of dollars in property damage and related costs and also have defended similar cases against some of the world's largest corporations.