



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2280		DATE: 2/24/2026	
COMMITTEE: Agriculture			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CHRISTOPHER FERGUSON		PHONE NUMBER: 573-259-3207	
BUSINESS/ORGANIZATION NAME: HEARTLAND SURVEYORS, LC		TITLE: OWNER-MANAGING MEMBER	
ADDRESS: 902 MAIN STREET			
CITY: WAVERLY		STATE: MO	ZIP: 64096
EMAIL: surveyor1322@hotmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/23/2026 1:44 PM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am in support of this bill as it would greatly facilitate the actual location on the ground of abandoned railroads throughout the state, which in many cases may remain either federal or state property until disposed through a more formal process such as vacation. Either way, it's imperative to adjoining landowners to know where their boundaries are to prevent encroachment or adverse possession on what may later be determined as public land.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ROBERT L UBBEN, PLS		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/23/2026 2:37 PM
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I believe that having the centerlines of abandoned railroads located and monumented would be of an immediate and great value to Missouri land owners now and for many more generations to come. As time passes, it becomes harder every year to retrace abandoned rights-of-way as conditions deteriorate or earth moving equipment obliterates the obvious. Having geometry measured now and placed on the ground and results shown on a plat of survey, future surveyors and land owners can use this information to avoid conflicting or confusing property line delineation.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: In-Person	SUBMIT DATE: 2/24/2026 11:06 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am Opposed to this Bill at this Time. With Two (2) Billion Dollars to cut from Our Annual State Budget, we just can not afford \$1.7-Million Dollars over three (3) Years and four (4) additional Full-Time Employees to the Department of Agriculture. Can this task not be complete with existing information and Maps from the Missouri Department of Transportation, Department of Conservation, Department of Parks and Department of Natural Resources and other State Agencies and Local Political Subdivisions of the State?



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BILL GAMBLE		PHONE NUMBER: 573-634-4876	
REPRESENTING: MISSOURI RAILROAD ASSOCIATION		TITLE:	
ADDRESS: PO BOX 1865			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/24/2026 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/24/2026 8:17 AM	
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HB 2280 requires the Department of Agriculture, between August 28, 2026 and December 31, 2046, to restore and monument the centerline geometry of all railroad rights-of-way abandoned by the STB or former ICC.

This is not a routine surveying clarification. It creates long-term fiscal and property law consequences.

1?? Federal–State Jurisdiction Tension

Railroad abandonments are governed by the federal Surface Transportation Board (STB).

Federal rail corridor abandonment and railbanking determinations carry significant preemption under the Interstate Commerce Commission Termination Act (ICCTA).

Mandating state monumentation of corridors abandoned under federal authority risks:

Interference with federally governed

abandonment or railbanking determinations

Confusion regarding title reversion under federal takings jurisprudence

Litigation over implied state recognition of reversionary interests

The state should not unilaterally impose surveying actions that may affect federally regulated corridors.

2?? Property Rights & Reversion Exposure

Abandoned railroad rights-of-way often involve:

Fee simple vs. easement distinctions

Reversionary interests in adjacent landowners

Active takings litigation (including rails-to-trails disputes)

State-sponsored monumentation of “centerline geometry” may be interpreted as:

A declaration of boundary significance
A trigger for title disputes
Evidence in reversion claims

This bill inserts the state into highly contested property law terrain.

3?? Unfunded Long-Term Mandate

The bill sets a 20-year compliance window (2026–2046) without a dedicated funding stream.

Even with “when funds appropriated permit” language, the directive is mandatory in scope (“to restore and monument”).

Statewide monumentation of abandoned corridors is:

Technically complex
Resource intensive
Potentially massive in geographic scope

This creates a structural obligation without defined fiscal guardrails.

4?? Scope Ambiguity

The phrase:
“all railroad rights of way... abandoned by the STB or previously by the ICC”
is broad and retroactive.

This may include:
Decades-old abandonments
Corridors now repurposed
Land subject to private development
Railbanked corridors not fully abandoned

The bill does not distinguish between full abandonment and railbanking.

Conclusion:

HB 2280 expands the Department of Agriculture’s surveying duties into federally regulated rail corridors, potentially implicating federal preemption, property reversion litigation, and long-term fiscal exposure.

This is not a neutral mapping bill — it has boundary law consequences.

I urge caution and opposition absent federal coordination and fiscal clarification.

Legislative Notice:

The General Assembly is hereby placed on notice that mandatory monumentation of federally abandoned railroad rights-of-way may implicate federal preemption under the ICCTA, create reversionary property disputes, and expose the State to litigation concerning title and takings claims. Enactment without clear jurisdictional safeguards and funding parameters warrants heightened legal scrutiny.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: STEVEN E. WEIBLE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/20/2026 4:19 PM	
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Ladies and Gentlemen of the Committee - Thank you for this opportunity to offer written testimony on HB 2280. I oppose this bill.

(1) First of all, I don't think it is appropriate for a state agency to use public funds to survey private property for the benefit of private persons or entities. Railroads are private entities and their rights-of-way are privately held. When a railroad right-of-way is abandoned, the property interest is either eliminated, as would be the case with an easement, or sold, when the original acquisition was in fee simple, or perhaps simply abandoned for someone else to claim. Thus, an abandonment results in the transfer of the property interest from one private owner to another private owner, unless the property interest is acquired by a government entity. It is not appropriate to require a state agency to survey private property for the benefit of a private owner.

(2) Next, the additional duties proposed by HB 2280 are an unfunded mandate. The State Land Survey is funded by a \$1 user fee, established in 1969 and collected by recorders of deeds (Section 59.319(3) (1)). This fee has not changed since 1969, while costs have risen considerably since then and continue to rise. There were 25 staff members in 2000 (not counting the three positions funded by state parks), but that number has diminished to 12 in 2026. More duties were added in 2013, as well, but no additional funding was provided then either. It is unreasonable to expect an already underfunded agency with diminishing staff levels to do more and more work without additional funding. If funding is inadequate to address the current statutory mandate, it is unlikely that the extra duties will receive much attention and putting a deadline on it won't change that fact. The United States Public Land Survey System is the primary concern of the State Land Survey and should come before all other concerns.

(3) Further, HB 2280 does nothing toward providing the documentation to perform the additional duties. To do this work, it is absolutely necessary to have access to the right-of-way plans and other documentation that define the geometry and alignment of the right-of-way. Assuming this proposal is intended to be forward looking as well as backward looking, there needs to be some requirement to provide the needed documentation to the State Land Survey so that the work can be done.

(4) Also, it would appear that this proposal is directed at railroad rights-of-way that have already been abandoned. That means all of those abandoned rights-of-way will have to be identified and records tracked down. State Land Survey staff time and resources are necessary to do this.

(5) The bill sponsor made clear in the committee hearing for HB 1318 from the 2025 session that his intent is to have the work done by private contractors. This is further emphasized by the addition of section 60.610(2) in HB 2280. Even if all of the work is contracted, there will still be considerable State Land Survey staff time committed to these additional duties to collect information (track maps, surveys, deeds, etc.), write technical specifications, select contractors by the qualifications based selection process (see Sections 8.285 to 8.291 RSMo), administer and police the contract and inspect

the final work. It has been my experience that private contractors expect the contracting agency to do all of the preliminary work, so that the private contractor only does fieldwork.

(6) Section 60.610(2) of HB 2280 permits contracts with professional engineers. The retracement of railroad rights-of-way involve "real property rights," so we don't want professional engineers messing this up (unless the PE is also licensed as a professional land surveyor). This isn't just a math problem. This is retracement and requires a license as a professional land surveyor.

(7) Please, note that railroad rights-of-way that have been converted to "interim trail use" are not regarded as having been abandoned (see 16 U.S.C. 1247(d)). Since this proposal only mentions abandoned rights-of-way, it would not apply to any rights-of-way that have been converted to "interim trail use." Besides, rights-of-way converted to "interim trail use" are transferred to the trail sponsor, who should be responsible for any surveys needed on the property they hold. It is not appropriate to require a state agency to survey what belongs to some other entity.

(8) Please, also note that, as worded, HB 2280 technically won't apply to any rights-of-way within the state of Missouri, because neither the Surface Transportation Board nor the Interstate Commerce Commission abandon railroad rights-of-way. Railroad rights-of-way are abandoned by the railroad operators and not by the agencies that regulate them. The Interstate Commerce Commission (ICC) was created in 1887 and had a wide range of regulatory authority over railroads and other forms of interstate transportation. It was abolished in December 1995. The Surface Transportation Board (STB) is the federal agency that is charged with the economic regulation of various modes of surface transportation, primarily freight rail. The agency has jurisdiction over railroad rate, practice, and service issues and rail restructuring transactions, including mergers, line sales, line construction, and line abandonments. The STB also has jurisdiction over certain passenger rail matters, the intercity bus industry, non-energy pipelines, household goods carriers' tariffs, and rate regulation of non-contiguous domestic water transportation. The STB was created on January 1, 1996 (see stb.gov/about-stb/). The ICC was and the STB is a regulatory agency. Neither own or operate railroads and, therefore, do not abandon railroad rights-of-way. In an abandonment proceeding the STB ensures that proper notice to rail users has been given, that any opposition to abandonment is addressed, that any offers of financial assistance have been considered, and that environmental, historic preservation or any other concerns are appropriately addressed before abandonment is consummated by the railroad operator.

(9) It would appear that HB 2280 mandates a deadline of December 31, 2046 to complete the proposed work. Such a mandate would divert limited resources away from the primary, first and foremost, responsibility of the State Land Survey, that being the perpetuation and maintenance of the United States Public Land Survey System in Missouri. HB 2280 is unacceptable, since it further stretches limited funding and demands a focused effort for work that only benefits those private landowners whose land adjoins the abandoned rights-of-way.

*** Again, I oppose HB 2280.