

The Burger Court Opinion Writing Database

Hayfield Northern Railroad Co. v. Chicago & North Western Transportation Co.

467 U.S. 622 (1984)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



8

Supreme Court of the United States
Washington, D. C. 20543

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CHAMBERS OF
THE CHIEF JUSTICE

June 5, 1984

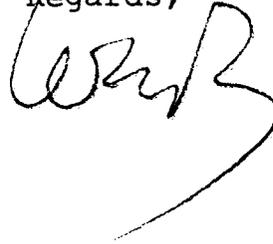
24 JUN -5 11:35

Re: 82-1579 - Hayfield Northern Railroad Company v.
Chicago & North Western Transportation

Dear Thurgood:

I join.

Regards,



Justice Marshall

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Supreme Court of the United States
Washington, D. C. 20543

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JUSTICE MARSHALL

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

JUN -4 11:30

June 4, 1984

No. 83-1579

Hayfield Northern Railroad Co.,
Inc. v. Chicago and North
Western Transportation Co.

Dear Thurgood,

I agree.

Sincerely,

Bill

Justice Marshall

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Supreme Court of the United States
SUPREME COURT, U.S.
Washington, D.C. 20543
JUSTICE

CHAMBERS OF
JUSTICE BYRON R. WHITE

84 JAN -4 A9 52

June 4, 1984

Re: 82-1579 - Hayfield Northern Railroad
Co., Inc. v. Chicago and
North Western Transportation
Co.

Dear Thurgood,

Please join me.

Sincerely yours,



Justice Marshall

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cpm

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1579

**HAYFIELD NORTHERN RAILROAD COMPANY, INC.
AND MINNESOTA *v.* CHICAGO AND NORTH
WESTERN TRANSPORTATION COMPANY**

**ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

[June —, 1984]

JUSTICE MARSHALL delivered the opinion of the Court.

The Staggers Act amendments to the Interstate Commerce Act (the Act)¹ regulate the process by which rail carriers may abandon unprofitable lines and provide a mechanism for shippers to obtain continued service by purchasing lines or subsidizing their operation. This case poses the question whether the Act, as amended, pre-empts a Minnesota eminent domain statute² used to condemn rail property after it has been abandoned pursuant to the amendments. The Court of Appeals for the Eighth Circuit held that the Act, as amended, pre-empted the State statute. 693 F. 2d 819 (1982). We disagree.

I

On January 30, 1981, appellee filed an application with the Interstate Commerce Commission (the Commission) seeking permission to abandon a 44-mile rail line between Oelwein, Iowa and Randolph, Minnesota. Appellee maintained that operation of the line imposed a serious financial strain on its

¹Pub. L. No. 96-448, 87 Stat. 1895 *et seq.*, 49 U. S. C. §§ 10901-10910 (Supp. V).

²Minn. Stat. § 227.27 (1982); *infra*, at — (quoting the text of the law). Many States have enacted similar statutes. See Joint Brief for Appellants 5 (citing statutes in 33 States).

STYLISTIC CHANGES THROUGHOUT.

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice Marshall

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Recirculated: JUN 11 1984

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 82-1579

HAYFIELD NORTHERN RAILROAD COMPANY, INC.
AND MINNESOTA *v.* CHICAGO AND NORTH
WESTERN TRANSPORTATION COMPANY

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

[June 12, 1984]

JUSTICE MARSHALL delivered the opinion of the Court.

The Staggers Rail Act amendments to the Interstate Commerce Act (the Act)¹ regulate the process by which rail carriers may abandon unprofitable lines and provide a mechanism for shippers to obtain continued service by purchasing lines or subsidizing their operation. This case poses the question whether the Act, as amended, pre-empts a Minnesota eminent domain statute² used to condemn rail property after it has been abandoned pursuant to the amendments. The Court of Appeals for the Eighth Circuit held that the Act, as amended, pre-empted the State statute. 693 F. 2d 819 (1982). We disagree.

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¹ Pub. L. No. 96-448, §402, 94 Stat. 1941-1945, 49 U. S. C. §§ 10903-10906 (1976 ed. Supp. V).

² Minn. Stat. § 222.27 (1982); *infra*, at 7-8 (quoting the text of the law). Many States have enacted similar statutes. See Joint Brief for Appellants 5 n. 2 (citing statutes in 33 States).



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 5, 1984

Re: No. 82-1579, Hayfield Northern RR Co., Inc.
v. Chicago & North Western Transportation Co.

Dear Thurgood:

Please join me.

Sincerely,

Justice Marshall

cc: The Conference

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JUSTICE MARSHALL

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

84 JUN -4 12:02

June 4, 1984

82-1579 Hayfield Northern v. Chicago and North Western

Dear Thurgood:

Please join me.

Sincerely,

Lewis

Justice Marshall

lfp/ss

cc: The Conference



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

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JUSTICE MARSHALL

84 JUN -4 A9 52

June 1, 1984

Re: No. 82-1579 Hayfield Northern Railroad Co., Inc.
v. Chicago & North Western Transportation Co.

Dear Thurgood:

Please join me.

Sincerely,

Justice Marshall

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

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JUSTICE MARSHALL

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

84 JUN -4 10:48

June 4, 1984

Re: 82-1579 - Hayfield v. Chicago & North
Western Trans. Co.

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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Washington, D. C. 20543

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SUPREME COURT, U.S.
JUSTICE MARSHALL

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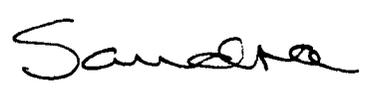
CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 4, 1984

Re: No. 82-1579 Hayfield Northern Railroad Co. and
Minnesota v. Chicago and North Western
Transportation Company

Dear Thurgood,
Please join me.

Sincerely,



Justice Marshall

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