

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

R. T. FAULK, III, ET AL

CIVIL ACTION NO. 07-00554

VERSUS

JUDGE ROBERT JAMES

UNION PACIFIC RAILROAD COMPANY

MAG. JUDGE MARK L. HORNSBY

JUDGMENT

For the reasons previously assigned by this Court and affirmed by the U. S. Fifth Circuit Court of Appeal, it is adjudged that:

1. Plaintiffs are the owners in fee simple of the lands involved, and the Union Pacific Railroad has a personal servitude of right of use with respect to its railroad right of way; and the respective rights and obligations of the parties with respect thereto, including the issue of private rail crossings, are as declared by the Louisiana Supreme Court in its opinion in this matter;
2. LSA-R.S. 48:394 is constitutional as applied to the facts of this case, for the reasons declared by this Court and by the Louisiana Supreme Court; and any desire hereafter to close any of the subject private rail crossings must be undertaken in compliance with that statute or such other Louisiana law as shall at the time be applicable, or by agreement with the landowner;
3. Union Pacific Railroad is ordered to restore the heretofore removed Crossing No.425-142S on the property of R. T. Faulk III;
4. Union Pacific Railroad is responsible to maintain an effective drainage of water across the railroad right of way on Plaintiffs' lands in accordance with its natural flow;
5. The counterclaims of Union Pacific Railroad are denied and dismissed;

6. Costs are assessed to Union Pacific Railroad as allowed by 28 U.S.C. § 1920.

JUDGMENT RENDERED in MONROE, LOUISIANA, this 7th day of December, 2015.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE