

Haynes Boone Earns Two Appellate Victories for Union Pacific Railroad

February 26, 2024 Kent Rutter, Christina Crozier, Polly Fohn

PRACTICES Appellate

Haynes Boone is pleased to announce two significant wins secured by its [Appellate Practice Group](#) on behalf of Union Pacific Railroad last week.

In the first case, the Supreme Court of Texas unanimously ruled in favor of Union Pacific, clarifying the limited circumstances mandating the installation of lights and gates at rural, private railroad crossings. With over 4,800 such crossings in Texas, the implications of this ruling are profound. The team in this case was led by Partner [Kent Rutter](#), who argued the appeal, with assistance from Of Counsel [Christina Crozier](#).

In the second case, the Twelfth Court of Appeals of Texas at Tyler handed down a historic ruling in favor of Union Pacific in a longstanding dispute involving Anderson County and the City of Palestine, Texas. Originating over 150 years ago, the dispute centered on whether federal law preempted an 1872 commitment by a predecessor of Union Pacific to build and maintain locomotive repair facilities in Palestine indefinitely. The U.S. Supreme Court declined to terminate the obligation in 1918, and other courts carried the obligation forward in the 1950s and 1970s. Last week, the court of appeals unanimously relieved Union Pacific of this significant logistical and financial burden, resulting in efficiencies valued at \$180 million. Kent and Partner [Polly Fohn](#) represented Union Pacific in this case, with Kent arguing the appeal.

"Haynes Boone is proud to represent Union Pacific," Kent said. "These victories underscore the unwavering commitment of our firm's Appellate Group to delivering exceptional results for our clients in complex legal disputes."

The Haynes Boone Appellate Group received the highest ranking in Texas in Chambers USA's 2023 guide and was described in the guide as "a destination appellate practice." The group is known for precedent-setting victories in bet-the-company appeals and has earned the respect of judges nationwide.