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EMINENT DOMAIN - FEDERAL

Nicholson v. United States

United States Court of Federal Claims - March 13, 2024 - Fed.Cl. - 2024 WL 1090607

In rails-to-trails case, owners of property adjacent to and underlying rail corridor right-of-way filed suit claiming just compensation for taking of their property allegedly effected by Surface Transportation Board (STB) issuing notice of interim trail use (NITU), railbanking corridor, and authorizing interim recreational trail use, under National Trails System Act.

Parties cross-moved for summary judgment.

The Court of Federal Claims held that:

- Taking was effected by issuing NITU and expanding easement that was meant specifically for railroad purposes;
- Genuine disputes of material fact remained as to precise dimensions of taking; and
- Owners were entitled to complete expert discovery as to property valuation.

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