

# **Bond Case Briefs**

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## **EMINENT DOMAIN - FEDERAL**

### **Zanzarella v. United States**

**United States Court of Federal Claims - December 15, 2025 - Fed.Cl. - 2025 WL 3628241**

Owners of property adjacent to railroad corridor filed rails-to-trails action against United States, seeking just compensation for taking of their properties allegedly effected by Surface Transportation Board (STB) issuing notice of interim trail use (NITU) converting railroad right-of-way to public recreational trail, under National Trails System Act. Parties cross-moved for partial summary judgment.

The Court of Federal Claims held that:

- Railroad held easement for land acquired by condemnations;
- Railroad held easement for land conveyed by deeds referencing railroad purposes;
- Railroad held easement in land conveyed by deeds referencing railroad purposes in granting clause;
- Taking was not effected for easements conveyed by deeds referencing railroad purposes in granting clause as trail did not exceed scope of easement;
- Railroad held easement for land conveyed by deeds referencing railroad purposes outside of granting clause;
- Summary judgment was precluded as to whether railroad held easements for land conveyed by deeds incorporating New York General Railroad Act (GRA);
- Centerline presumption was not rebutted for owners of land conveyed by deeds lacking clear limiting language;
- Centerline presumption was rebutted for owners of land conveyed by deeds with clear limiting language; and
- Preexisting walking and bike trail did not prevent owners from establishing causation for takings claim.