

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

Wolfe v. Reading Blue Mountain

Supreme Court of Pennsylvania - August 20, 2024 - A.3d - 2024 WL 3868639

After railroad filed declaration of taking to condemn portion of private landowners property in order to place new rail siding to connect to its main rail line, owners filed complaint and emergency motion for preliminary injunction.

The Court of Common Pleas granted preliminary injunction pending hearing, and following hearing, sustained owners' objections, and then denied reconsideration. Railroad appealed.

The Commonwealth Court. Owners' petition for allowance of appeal was granted.

The Supreme Court held that railroad's proposed taking of owners' property was for private, rather than public purpose.

Public would not be primary and paramount beneficiary of railroad's proposed taking of private landowners' property in order to rebuild rail siding that Public Utility Commission (PUC) had previously suspended, in order to connect to main railroad line, thus barring railroad's taking of land, under Fifth Amendment and Pennsylvania Constitution; rail siding across owners property would not be used to transport either goods or passengers, only beneficiary of taking would be asphalt company, for which railroad sought reinstallation of rail siding to connect company to railroad's network, to facilitate company's ability to transport materials by rail, company used trucks and private haulers to transport materials it sought to import via rail, and railroad did not have to traverse owners' land to accomplish its goal of connecting company to rail network.