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Association of American Railroads v. Hudson

United States Court of Appeals, Fourth Circuit - July 18, 2025 - F.4th - 2025 WL 2011675

Railroad trade industry association brought pre-enforcement action to challenge Virginia statute establishing streamlined procedures by which internet broadband service providers could access railroad property and lay cable across railroad tracks, alleging federal preemption and an unconstitutional taking.

The United States District Court for the Eastern District of Virginia granted Virginia defendants' motion to dismiss for lack of jurisdiction based on finding that association lacked standing to pursue its claims. Association appealed.

The Court of Appeals held that:

- Association's claim that the Interstate Commerce Commission Termination Act (ICCTA) impliedly preempted the Virginia statute on grounds that the Virginia statute discriminated against railroads did not require participation of the association's individual member railroads, and thus association had standing to bring that claim;
- Association's claim that the ICCTA impliedly preempted the Virginia statute on grounds that the Virginia statute's application, cumulatively and in the aggregate, would unreasonably interfere with rail transportation in Virginia, did not require the participation of the association's individual members, and thus association had standing to bring that claim; and
- Takings challenge to Virginia statute involved individualized proof that required the participation of the association's members, and thus association lacked standing to bring that claim.

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