



# RAILS-TO-TRAILS **FREQUENTLY ASKED QUESTIONS**

PRESENTED TO YOU BY  
STEWART, WALD & SMITH

# Welcome Message

The logo for Stewart Wald & Smith LLC is displayed within a white rectangular frame. The text 'stewart' is in a dark blue serif font. 'wald &' is in a gold serif font, with the ampersand being larger and more decorative. 'smith' is in a dark blue serif font. 'LLC' is in a smaller, dark blue sans-serif font to the right of 'smith'.

stewart  
wald &  
smith LLC

Landowners whose property is taken for recreational trails rely on Stewart, Wald & Smith to recover money for them from the government. We have recovered more money in Rails-to-Trails litigation than any other law firm: \$390 Million and counting.

We encourage you to review our [listing of successful cases](#) and compare it with other firms. Our specialized experience and skills have driven our unparalleled success, involving land in 29 states. Visit us online at [www.swslegal.com](http://www.swslegal.com).

We have put together this informational booklet to provide you with answers to our most frequently asked questions during a rails-to-trails case.

As always, you are welcome to call us at 314-720-0220 or 816-303-1500.

# What is Rails-to-Trails Litigation?

We think this question is best answered with a short video. Scan the QR Code to learn more:



# I like recreational trails. Will this negatively impact the trail?

No. Our case is not adverse to the trail or the trail operator in any way, shape, or form. Our cases are completely neutral towards the trail and trail operator, and will not change anything on the ground. Our only adversary is the federal government. Our case is simply saying that if the government is going to authorize the land in the former railroad corridor to be turned into a public park/trail, then the public should have to pay for it and compensate the landowners on whose land the park/trail is being placed. The only two outcomes of the case are that a landowner will receive compensation or not.





# I do not want a recreational trail next to my property. Can you help me stop the trail?

No. Our case is not adverse to the trail or trail operator. We could not stop the trail even if we wanted to because there is clear United States Supreme Court caselaw upholding the Trails Act and allowing trails to be placed over abandoned railroad corridors.



# How much will I get paid?

Damages will depend on the quantity and quality of land that was taken from you. The quantity is usually calculated by determining how much of your land is next to the former railroad corridor and how many feet go from the edge of your current parcel to the centerline of the railroad corridor. The result is the square footage of land that was taken. The next step is that professional appraisers provide opinions about how much the land is worth per square foot, which depends upon the sales price of comparable land of the same type in your area. Multiplying the square footage of land taken by price per square foot provides the basic amount of property damages. Additionally, appraisers determine whether the presence of a recreational trail damages the remainder of your land. Finally, the government must pay interest on the amount it owes, from the day it took the land until the day it pays you.



# What will this cost me to have you work on my case?

Our contracts ensure that you have no risk of ever having to pay us any money unless we recover money for you. If we recover nothing, you pay us nothing. If we recover nothing, you do not even owe us for the expenses we incurred. If we do recover money for you, then we are paid a fee out of your recovery, based on our contract with you. Even when we recover money for you, the government pays our expenses – so, you never pay our expenses no matter the outcome (for example, the cost of hiring appraisers).



# How long does the process take?

It is difficult to say because it depends on many factors, but the normal life-cycle of a case is 3-5 years, although some have been quicker and some have taken longer.

To learn more about the litigation process, check out our blog dedicated to detailing this process by scanning the QR code below.



[CLICK HERE](#)

The Litigation Process



# Can I obtain compensation without filing a suit?

No. You must bring an action in the appropriate court to obtain compensation. The government does not automatically admit it took the land, and so will not contact you to make an offer.



# What happens if I do not bring a claim?

If you do not make a claim for compensation, you will not be paid compensation. The government will not voluntarily pay you for the land that was taken for the rail-trail conversion.



# Is this a class action?

No. This is not a class action case. Rather, it is a collective group of individual actions.



# Where are these cases brought?

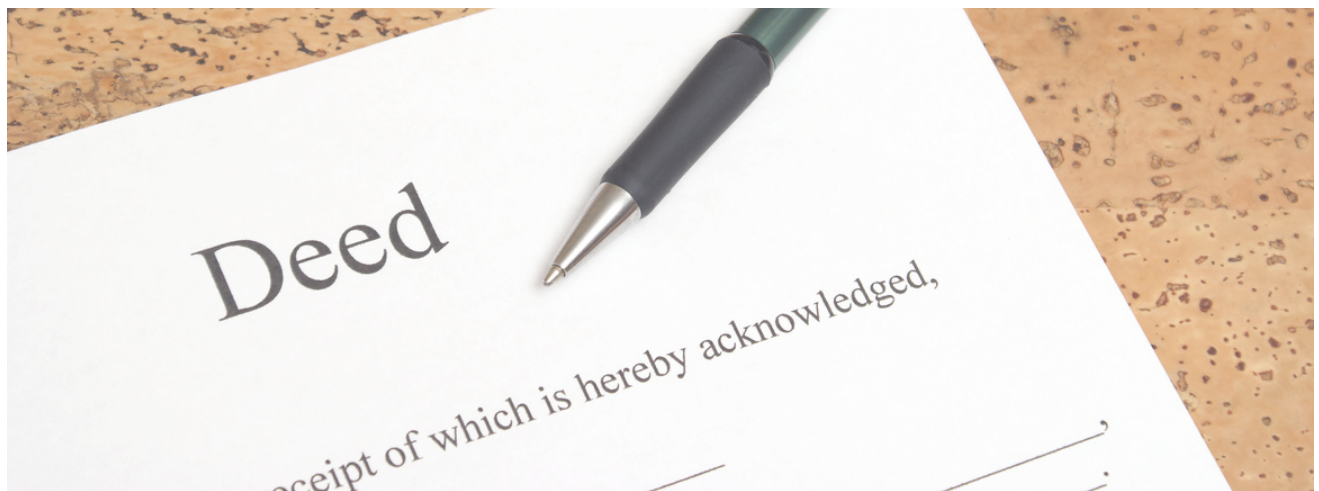
Cases are usually brought in a special court in Washington, D.C. called the United States Court of Federal Claims, which handles claims against the United States. All of our attorneys are licensed to practice in that court.





# What happens if I sell my property before the lawsuit is completed?

If you are the owner of the property on the date the conversion is authorized, then the claim stays with you. It does not transfer to your successor, nor can you assign your claim to another.



**There is a road  
between my land and  
the railroad right of  
way, how can I have a  
claim?**

This does not mean that you do not have a claim. What is often the case is that an analysis of the title history reveals that your property rights extend under the road and into the railroad right of way.



# Conclusion

We hope this frequently asked questions booklet was helpful and informative to you. If you desire further explanation, please do not hesitate to reach out to one of the attorneys at Stewart, Wald & Smith, who are always happy to answer your questions.



Contact Us