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Salmonberry Trail

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Federal lawsuit filed on behalf of landowners along proposed Salmonberry Trail not likely to



thwart project

📅 August 8, 2016 👤 Chas Hundley

By LeeAnn Neal and Chas Hundley

Washington, D.C. – On Aug. 1, [Stewart Wald & McCulley LLC](#), a Kansas City, Missouri legal firm claiming to have settled “nearly all the largest rails-to-trails cases to date” filed a lawsuit against the United States government on behalf of more than 50 plaintiffs who own property along the planned [Salmonberry Trail](#) route between Banks and Tillamook.

The suit contends that “the United States took the Plaintiffs’ property which it is Constitutionally obligated to pay just compensation.” It alleges that much of the railroad line along the site of the proposed Salmonberry Trail was originally obtained as a limited railroad purpose easement, that trail use is beyond the original scope of the easement and that the federal government is liable to the landowners along the railroad for just compensation for blocking the affected landowners reversionary interest in the land.

According to Steven Wald, an attorney with the firm, currently, the plaintiffs listed in the case are all Tillamook County landowners, with additional landowners in Washington County being contacted, who may be added to the case as it progresses.

Wald noted that the lawsuit is neutral to the development of the trail and current operation of the [Oregon Coast Scenic Railroad](#). “Trail groups sometimes think we’re trying to stop the trail, and that’s not what we’re trying to do,” he said. “When people come to our meetings, some are in favor of the trail, and some are against. This lawsuit is only about obtaining compensation from the federal government on behalf of the landowners.”

Salmonberry Trail Project Manager Dennis Wiley, who works for the Oregon Parks and Recreation Department, said that the suit isn’t likely to halt trail planning efforts. “Our understanding of the lawsuit is that the action is against the federal government and there shouldn’t be any impacts to the state, Port of Tillamook Bay or the Salmonberry Trail Intergovernmental Agency or the intention of developing the Salmonberry Trail along the railroad corridor.”



Download or read a copy of the complaint Stewart Wald & McCulley LLC filed on Aug. 1 below:

[Complaint \(.PDF\)](#)

Interested landowners adjacent to the railroad who think that they may be affected adversely can contact Steven Wald at [314-720-0220](tel:314-720-0220) or email him at wald@swm.legal.

LeeAnn Neal is editor of the [Tillamook County Pioneer](#). Chas Hundley is editor of the [Gales Creek Journal](#).

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