

Rails-to-Trails



To learn more about your rights and how to pursue a claim for money damages, please call (314) 655-9292.

Why is there a claim?

When a railroad acquires just an easement for railroad purposes, most state laws require that if the purpose changes or the railroad abandons the easement, the land that was under the easement belongs to the abutting landowners free of any easement. There is a national statute which allows the United States to authorize the conversion of a railroad easement to a public recreational trail, despite state law to the contrary. When that happens, courts have held that the property owner has a Constitutional right to compensation for the loss in value of the property because a new easement is placed on the land. It requires that the landowner file a lawsuit against the United States in Federal Court to assert that right and to prove the amount of the loss. That is just what we do for our landowner clients.

How can we help you?

Once you engage us, we will do our best to research and file the case on your behalf in the U.S. Court of Federal Claims in Washington, DC. We make the claim pursuant to the "Just Compensation" Clause of the 5th Amendment of the US Constitution. The litigation is complex and takes time, but we will be strong advocates for your rights. We take these cases on a contingent fee basis pursuant to a clear engagement letter that promises that you will never pay anything out of pocket. If we are unsuccessful, you pay nothing at all. If we are successful, we get a portion of the recovery as our fee pursuant to the terms of that engagement letter. The government will have to reimburse you for a

portion of that fee so you will pay less than the percentage agreed to in the letter. My firm will pay all the litigation costs and the government will reimburse us for the costs if we are successful. You will not pay any costs, win or lose.

Who do we represent?

We represent landowners who support the trail and those who do not. The cases we file seek only what is owed by virtue of the United States Constitution, and do not interfere with plans for a trail in any way.

What is our experience?

Our Rails-to-Trails team has nearly 20 years of experience asserting property rights of landowners in litigation across the country involving land adjacent to a railroad. We have been involved in over 50 cases in more than 15 states involving land.

What are our results?

We have been very successful in proving the claims we bring and obtaining real money for landowners across the country, including in Iowa, Indiana, North and South Carolina, Montana, Massachusetts, Mississippi, Washington, Tennessee, California, Michigan, New York, Arkansas and other states.

How do we get paid?

We are only paid if our clients are paid, and the United States pays all or a portion of any attorneys' fees due.

"Class counsel [J. Robert Sears] demonstrated himself to be an adept litigator of rails-to-trails cases and a zealous advocate for the class members in this litigation."

Judge Charles F. Lettow
Geneva Rock Products, Inc.,
et al. v. United States

Writing specifically about Baker Sterchi Cowden & Rice, the Judge wrote, "Very few firms in the country have the willingness and the expertise to take on these [cases] against the Government."

Judge Thomas C. Wheeler
Gregory v. United States



J. Robert Sears
sears@bakersterchi.com

Representative List of Cases Across the Nation

- Bartusek v. United States (Iowa)
- Chickering v. United States (Iowa)
- Tierney v. United States (Iowa)
- Pennington v. United States (Tennessee)
- Thomas v. United States (North Carolina)
- Anderson v. United States (Texas)
- Andrews v. United States (North Carolina)
- Gramling v. United States (North and South Carolina)
- Beaver v. United States (Indiana)
- Brown v. United States (North Carolina)
- Burnett v. United States (Missouri)
- Harley-White v. United States (Maine)
- Herron Development v. United States (Montana)
- Lewis v. United States (Maine)
- Martin v. United States (Alabama)
- Mills v. United States (Florida)
- Oak Hill Land Co. (Mississippi)
- Tomberlin v. United States (Alabama)
- Wagner v. United States (Michigan)
- Zinser v. United States (Indiana)

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more:



The choice of a lawyer is an important decision and should not be based solely on advertisements. Past results afford no guarantee of future results. Each case must be judged on its own merits.

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