

# Landowners Along Bennington Path Compensated by Federal Government for Rail-Trail Along Properties

BENNINGTON, VERMONT, UNITED STATES, September 5, 2023

/EINPresswire.com/ -- Stewart, Wald & Smith, a Missouri firm exclusively practicing Rails-to-Trails litigation nationwide, recovered \$118,715.52 from the federal government on behalf of two landowners along 1.57-miles of abandoned railroad line in Bennington County, Vermont, known as the [Bennington Path Rail Trail](#).

Landowners who owned land along the 1.57-mile stretch of abandoned railway spanning from River Street north to the bridge over Furnace Brook in the Town of Bennington, Vermont, recovered money earlier this year in lawsuits filed

in the U.S. Court of Federal Claims, *M & L Rogers, LLC v. United States*, Case No. 22-411, and *Montcalm Point Associates, Inc., v. United States*, Case No. 22-1760. The railway was most recently owned and operated by Vermont Railway, Inc. On July 5, 2018, Vermont Railway, Inc. filed a notice with the [Surface Transportation Board](#) that it wished to abandon the railway.

On September 14, 2018, a Notice of Interim Trail Use ("NITU") was published by the United States Surface Transportation Board pursuant to the [National Trails System Act \("Trails Act"\)](#). The Trails Act permits the conversion of abandoned railroad corridors into nature and hiking trails, which simultaneously preserves the right of way for possible future railroad use, a federal process known as railbanking. The process prevents the land burdened by the railroad easement from reverting to the adjacent landowners, thereby blocking the rights of the landowners to regain their property from within the corridor.

Stewart, Wald & Smith filed the lawsuits in the United States Court of Federal Claims on April 8, 2022, and December 2, 2022. A settlement was eventually reached, and the landowners received

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their compensation from the federal government in July 2023 and August 2023, respectively.

Stewart, Wald & Smith is a law firm with locations in Saint Louis and Kansas City, Missouri. Their national practice focuses on representing landowners in rail-trail conversions.

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