Federal Rails-to-Trails Process Triggers Compensation Claims for Polk County Owners

DES MOINES, IA, UNITED STATES, September 18, 2026 / EINPresswire.com/ -- Polk County landowners have filed a lawsuit against the United States seeking the just compensation guaranteed by the Fifth Amendment following the federal government's authorization of a former railroad corridor for railbanking and recreational-trail use.



Rails to Trails Law Firm - Stewart, Wald & Smith

Landowners in Grimes, Urbandale, Windsor Heights, Clive, West Des Moines, and Des Moines, Iowa, are seeking monetary compensation from the federal government for the taking of their property rights along a planned rail-trail in Polk County.

Stewart, Wald & Smith has now filed a lawsuit in the United States Court of Federal Claims on behalf of landowners who own property adjoining the approximately 12.2-mile railroad corridor extending from Grimes to Des Moines. The lawsuit alleges that the federal government's authorization of railbanking and recreational-trail use imposed a new easement across the landowners' properties within the railroad corridor and prevented their state-law property rights from becoming unencumbered when railroad use ended. This lawsuit is filed in the U.S. Court of Federal Claims entitled Central Iowa Ready-Mix, Inc. v. United States, Case No. 26-1100L, consisting of more than 80 landowners who collectively own nearly 100 pieces of property along the authorized trail.

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>
> *Reed W. Ripley*

The corridor is owned by Norfolk Southern Railway Company and was operated under lease by Iowa Interstate Railroad, LLC. On April 14, 2026, the

railroads jointly petitioned the U.S. Surface Transportation Board for authority for Norfolk Southern to abandon the line and for Iowa Interstate to discontinue service. The corridor extends approximately 12.2 miles between mileposts DU 340.8 and DU 353.0 and includes the approximately 0.8-mile Clive Spur. It passes through several Polk County communities, including Grimes, Urbandale, Windsor Heights, Clive, West Des Moines, and Des Moines.

On April 27, 2026, the Iowa Natural Heritage Foundation, with support from the cities along the corridor, formally requested authority to negotiate for interim trail use and railbanking. The Surface Transportation Board subsequently authorized the federal railbanking process, giving rise to the landowners' Fifth Amendment claims.

The lawsuit does not seek to stop or delay the proposed trail. It is not directed against the Iowa Natural Heritage Foundation, the cities supporting the trail, Norfolk Southern, Iowa Interstate, or any future trail operator. The sole defendant is the United States, and the lawsuit seeks only the monetary compensation that the Constitution requires when the federal government takes private property for public use.

Some participating landowners support recreational trails generally but believe that the public should not obtain the use of private property without compensating its owners. The Fifth Amendment allows the government to take private property for a public purpose, but it requires the government to pay the affected owners just compensation.

Under the federal National Trails System Act, former railroad corridors may be preserved for possible future railroad service while being used in the interim as public recreational trails. This process is commonly known as "railbanking." When the federal government authorizes railbanking, it can prevent railroad easements from terminating under state law and can impose recreational-trail and future-rail-use rights on land that otherwise would be owned free of the railroad easement.

Landowners who establish that they own the land beneath or adjoining the former railroad corridor—and that the railroad held only an easement limited to railroad purposes—may be entitled to compensation for the resulting taking of their property rights. Compensation may include the reduction in the value of the affected property caused by the imposition of the trail-use and railbanking easement. Each owner's eligibility and potential recovery depend upon the property's title history, the instruments by which the railroad originally acquired its interest, and the effect of Iowa property law.

Stewart, Wald & Smith is a law firm that represents landowners in rails-to-trails cases throughout the United States. The firm has extensive experience pursuing Fifth Amendment claims in the United States Court of Federal Claims, including numerous successful cases on behalf of Iowa landowners.

Attorney Reed Ripley explained:

“This process came together very quickly, and we are proud of our role in helping Polk County landowners understand what is happening and what rights they have. The lawsuit does not oppose the trail or seek relief from any local government, trail organization, or railroad. It simply asks the United States to provide the just compensation guaranteed by the Fifth Amendment. We have had tremendous success in our previous Iowa rails-to-trails cases, and we expect that experience to greatly benefit the landowners participating in this case.”

The filing of the lawsuit does not automatically include every owner along the corridor. Other affected property owners may need to take timely action to investigate and preserve their claims. Federal law generally imposes a six-year statute of limitations on claims brought against the United States, and questions concerning ownership and eligibility require an individualized review of each property.

A representative of Stewart, Wald & Smith expects to return to the area in the coming months to meet with additional landowners and provide information about the lawsuit and the claims process. Interested landowners whose property adjoins the former Norfolk Southern corridor should contact Reed Ripley at ripley@swslegal.com or call Stewart, Wald & Smith at 816-303-1500.

Stewart, Wald & Smith is a law firm with offices in Missouri and Kansas. Its national practice focuses on representing landowners whose property rights are affected by federally authorized rail-trail conversions. Past results do not guarantee future outcomes. Each claim depends upon its individual facts and applicable law.

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