

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

**National Railroad Passenger Corporation (Amtrak) v. 0.37 Acres
More or Less of Land on and Below a Horizontal Subterranean Plane
Located Below 1521 North Monroe Street in Baltimore City,
Maryland 21217, et al.**

Amtrak · No. JKB-26-0294 · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Maryland granted Amtrak’s motion to deposit its estimated just compensation in a condemnation action involving subterranean property interests needed for the Baltimore and Potomac Tunnel Replacement Program. The court ordered the Clerk to accept and deposit \$7,600, directed Amtrak to serve all defendants under Federal Rule of Civil Procedure 71.1, and deferred ruling on possession until service was completed.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	James K. Bredar
JURISDICTION	United States District Court for the District of Maryland
DECIDED	January 29, 2026
DOCKET	JKB-26-0294
DISPOSITION	other
PROCEDURAL POSTURE	Amtrak filed a condemnation action and moved to deposit its estimated just compensation for the subject subterranean property interests under the federal quick-take condemnation statute.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- eminent domain
- real estate
- civil procedure
- remedies

PRACTICE AREAS

- eminent domain
- condemnation
- federal civil procedure
- rail transportation infrastructure

QUESTIONS PRESENTED

1. Whether Amtrak properly invoked the federal quick-take condemnation procedure by filing declarations of taking and depositing the estimated just compensation.
2. Whether the court should immediately set the time and terms for Amtrak's possession of the condemned subterranean property interests before service on the defendants.

HOLDINGS

1. Amtrak's motion to deposit its estimated just compensation was properly brought and was granted; upon filing the required declarations and depositing the estimated compensation, title to the subject property interests vests in Amtrak.
2. The court declined to set the time and terms of possession at that time and required Amtrak to complete service under Federal Rule of Civil Procedure 71.1 before seeking possession.

KEY QUOTATIONS

“The Fourth Circuit has explained that there are two methods of exercising the power of eminent domain: “straight condemnation” (where just compensation and final judgment are determined prior to the condemnor’s possession) and “quick take” (where the condemnor may take possession at the beginning of the case).” (at 3)

“Accordingly, Amtrak’s Motion will be granted.” (at 4)

“The Court expects to grant possession of the property to Amtrak after it has effected service upon the Defendants, the Court is unable to assess hardship to the Defendants if they have not first been served and provided an opportunity to answer.” (at 5)

FACTUAL BACKGROUND

Amtrak sought to acquire fee interests in subterranean land beneath five Baltimore properties for construction and operation of the Baltimore and Potomac Tunnel Replacement Program. The requested interests extended below defined subterranean planes and excluded surface improvements and the land between the surface and the defined planes. After unsuccessful efforts to acquire the interests by contract, Amtrak obtained independent appraisals estimating total just compensation at \$7,600.00 and filed declarations of taking.

PROCEDURAL HISTORY

Amtrak filed a Complaint for Condemnation and Request for Possession, Notices of Condemnation, Declarations of Taking, and a Motion to Deposit Estimate of Just Compensation. The court granted the motion, directed the Clerk to accept and deposit \$7,600.00 into an interest-bearing account, required Amtrak to effect service under Federal Rule of Civil Procedure 71.1, and deferred consideration of possession until service was accomplished.

DISPOSITION

other

CASES CITED

- E. Tenn. Nat. Gas Co. v. Sage, 361 F.3d 808 (4th Cir. 2004)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-maryland/2026/national-railroad-passenger-corporation-amtrak-v-0-37-acres-durvvqs0>