

AMTRAK® Subsurface Acquisition Guide for Property Owners

*within the Path of the
Frederick Douglass Tunnel*



Frederick Douglass Tunnel
B&P TUNNEL REPLACEMENT



Amtrak® Frederick Douglass Tunnel Program Information

National Railroad Passenger Corporation (“Amtrak”) is working to improve rail service, safety, and reliability along Amtrak’s Northeast Corridor with the Frederick Douglass Tunnel Program (the “Program”). The existing Baltimore & Potomac Tunnel (“B&P Tunnel”), located in Baltimore, dates to the Civil War era. At 150 years old, it is the oldest tunnel along this section of the Northeast Corridor (“NEC”) and is a bottleneck for operations of MARC and Amtrak passenger trains.

The 1.4-mile tunnel, connecting Amtrak’s Penn Station to MARC’s West Baltimore station, is impacted by a variety of age-related issues. These issues include excessive water infiltration, a deteriorating structure, a sinking floor, and the absence of modern fire and life safety systems for emergencies.

To provide passengers with the safest, fastest, and most reliable commute through Baltimore, Amtrak will construct a new tunnel, the Frederick Douglass Tunnel. Named in honor of Frederick Douglass, a Maryland native and early leader in the fight for the rights of women and minorities, the Frederick Douglass Tunnel will be the centerpiece of the Program.

The Program will modernize and transform a four-mile section of the NEC. The work will include the construction of:

- Two new high-capacity tunnel tubes that will primarily serve electrified passenger trains
- New roadway and railroad bridges
- New rail systems, track and railroad infrastructure
- A new ADA-accessible West Baltimore MARC station
- Modern fire and life safety systems

For more information, please access www.bptunnel.com or follow the project on Facebook or Instagram @bptunnel:



Property Acquisition

The new Frederick Douglass Tunnel will run beneath properties along its alignment. Amtrak needs to secure the rights - known as subsurface real estate rights - from individual property owners to operate beneath these properties. The acquisition of the subsurface real estate rights shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA").

The URA is the foundation for the information discussed in this guide. The URA was enacted to provide uniform and equitable treatment for persons whose property is acquired for public use. Amtrak has identified the specific property needs for acquisitions in connection with the Program.

As an impacted property owner, you have been notified of Amtrak's interest in acquiring certain subsurface rights to your property. This guide explains your rights as an owner of real property to be acquired for a federally funded program or project.

Contact Us About Your Acquisition

There is a full team of individuals working on the Program. Only Amtrak and its consultants, Johnson, Mirmiran & Thompson ("JMT") will have specific information regarding the acquisition of certain subsurface rights to your property. Please direct your questions concerning acquisitions by Amtrak for the Program to the following identified JMT contact:

CONTACT US AT...

Johnson, Mirmiran & Thompson, Inc. (JMT)

Real Estate Services

40 Wight Avenue

Hunt Valley, MD 21030



Telephone: 410-316-2221



Email: ROWServices@jmt.com



The New Tunnel Alignment

Valuation and Just Compensation

The URA does not require appraisals for lower value acquisitions such as subsurface real estate rights. If an appraisal is needed to determine the fair market value of the subsurface rights Amtrak is acquiring, an appraiser may contact you to make an appointment to inspect your property. The appraisal report will be used to set the just compensation that Amtrak will offer to you for your property.

The Written Offer

Amtrak will make an offer to purchase the subsurface real estate rights by mail to the known address(es) of property owners. Amtrak's written offer will consist of a written summary statement that includes a description of the subsurface property rights Amtrak will acquire, the just compensation for the property being acquired and the contact information for the Amtrak representative from JMT who will answer your questions and work with you on the transaction.

Amtrak will give you a reasonable amount of time, no less than 45 days, to consider the written offer and ask questions or seek clarification of anything that you do not understand. If you believe that all relevant material was not considered or have another determination of value, you may present such information to your JMT Representative.

Agreement Between You and Amtrak

When you reach an agreement with Amtrak, you will be asked to sign a purchase agreement. Your signature will affirm that you and Amtrak have reached an agreement concerning the acquisition of your subsurface real estate rights, including the terms and conditions. Amtrak will make every effort to reach an agreement with you during negotiations. You may provide additional information, and make reasonable counter offers and proposals for Amtrak to consider.

Payment and Settlement

Once you and Amtrak have reached an agreement for the acquisition of your subsurface real estate rights, the next step in the process is payment for and execution of deeds and other documents necessary to transfer title. In addition to Just Compensation, your incidental transaction expenses will also be paid or reimbursed by Amtrak such as:

- Recording fees and transfer taxes
- Documentary stamps
- Surveys and legal descriptions of real property
- Other similar expenses necessary to convey the property to Amtrak

Condemnation

Amtrak aims to complete all real property acquisitions in a fair and equitable manner. If Amtrak is unable to reach an agreement with you to acquire your subsurface real estate rights, Amtrak has the statutory right to exercise its power of eminent domain by instituting formal condemnation proceedings with the appropriate federal court.

Amtrak will not take any action to force you into accepting its offer. Prohibited actions include:

- Advancing the condemnation process without due process
- Deferring negotiations
- Deferring condemnation
- Delaying the deposit of funds with the court for your use when condemnation is initiated
- Any other coercive action designed to force an agreement regarding the price to be paid for your property

Litigation Expenses

Normally, Amtrak does not reimburse you for costs you incur because of condemnation proceedings. Amtrak will reimburse you, however, under any of the following conditions:

- The court determines that Amtrak cannot acquire your property by condemnation

- The condemnation proceedings are abandoned by Amtrak without an agreed upon settlement
- Surveys and legal descriptions of real property
- You initiate an inverse condemnation action, and the court agrees with you that Amtrak has taken your real property rights without the payment of just compensation, or Amtrak elects to settle the case without further legal action

The information is provided to assist you in understanding the requirements that must be met by Amtrak, and your rights and obligations. If you have any questions, contact your JMT representative.

