

# Design Standards Letter

**Letter Number: G-1965-35**

**Letter Date: 07/16/1965**

**Effective Date: 07/16/1965**

**Section/Plan No.: None**

**Subject: Railroad and Utility Easements**

## Body

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RIGHT OF WAY

Railroad and Utility Easements

ALL DIVISION, DISTRICT AND URBAN ENGINEERS AND CHIEF COUNSEL:

Joint letter from the divisions of Surveys and Plans and Legal dated August 1, 1961, is rescinded.

Attached are typical forms of easements to be used with railroads and utility companies to obtain construction and maintenance rights for State Highways through areas in which they have prior rights. Special forms, such as "License Agreement" and "Subordination Agreement," desired by certain companies, will be used as in the past. "Quitclaim Deed" should be used when private easements are being vacated.

One unexecuted copy of the "Easement for Highway Construction" is submitted with the agreements, plans and estimates of cost for these adjustments handled by the District. For railroad and utility adjustments to be negotiated by the Main Office, four copies of the proposed "Easement" are submitted along with the plans.

It is the responsibility of the Division of Right of Way to prepare the legal description of that portion of the company's easement being incorporated into the highway right-of-way. The Utility Engineer in the District is responsible for the preparation of the complete "Easement," including description, that will satisfy the specific conditions and requirements of the situation. A sketch should be attached to the utility easement to delineate the area described. This is extremely helpful in following the description and in computing proportionments of cost in future utility adjustments. These sketches are not recorded. Proper preparation of these easements to cover the individual situations, and containing the correct description, will expedite processing and reduce the lost time of making revisions.

Attached for your information and use are:

- (1) Typical easement form to be used with railroad companies.
- (2) Typical "unlimited access" easement form to be used with utility companies.
- (3) Typical "controlled access" easement form to be used with utility companies.
- (4) List of railroad and cross-state pipe line companies operating in the State, showing their corporate names and state in which each is incorporated.

The railroad easement is to contain a metes and bounds description similar to that in the specimen easement referred to under (1) above. Railroad companies have requested that we prepare these descriptions from information shown on their "Track and Right of Way Map" and will furnish these maps upon request. The railroad company's division engineer, in whose division the project is located, should be contacted with the request for two copies of their track map covering the area affected. One copy should be retained in your office for future reference and the other forwarded to this office along with the easement, plans, etc. The easement will be checked in this office and handled with the railroad company for execution.

In those cases where a utility (other than a railroad) is involved, the description is to be similar to the one in the specimen easement mentioned under (3) above, regardless of whether or not the utility company has a definite width of right-of-way. Metes and bounds descriptions will usually be required only when railroad companies are involved.

The company name and state of incorporation are to be shown in the easement exactly as they appear on the list referred to under (4) above. If the state of incorporation is not known, a blank space should be provided to be filled in by the company at the time the document is executed. Your attention is invited to the special instructions at the bottom of this list regarding minor revisions to be incorporated in the typical easement form to be submitted to several companies in special situations.

Reference is made to Section 9.4.4.6 of the Design Manual for information to be included in the letter of transmittal to the Main Office.

It is requested that copies of this letter be furnished the District Utility Engineer, the District Right of Way Agent, and those engaged in the preparation of these documents.

If additional information or assistance is needed, please advise.

L. V. McLaughlin  
Engineer of Surveys and Plans

P. G. Parrish  
Chief, Division of Right of Way