

Design Standards Letter

Letter Number: G-1969-02

Letter Date: 02/11/1969

Effective Date: 02/11/1969

Section/Plan No.: None

Subject: Procedure for the Acquisition of All Railroad Lands

Body

ALL DISTRICT ENGINEERS

This policy letter is being written for the purpose of clarifying the procedure for the acquisition of railroad lands.

Prior to plans being approved for right-of-way, the District Surveys and Plans Department, District Right of Way Department and, if needed, the Division of Surveys and Plans Utility Section must have a conference to determine how to number the parcels owned by the railroad company involved. This means that separate parcel numbers may be required for the operating right-of-way the railroad is located on, and the other land that is owned by the railroad company. After it has been decided how to number the different parcels owned by the railroad, and the approved right-of-way plans are furnished to the District Right of Way Department, the following procedure should be followed:

The District Right of Way Department will prepare the necessary documents to secure the land needed. These documents will be separated in accordance with the parcel numbers. The right-of-way purchases on warranty or quitclaim deeds should be prepared, as well as the easements, license agreements, or subordination agreements, and forwarded to the Right of Way Division Office, along with the appraisals for the right-of-way taken from the railroads, in the same manner as our normal appraisals for other lands needed for right-of-way. We will also need at that time, a certificate of title or a copy of the original deed by which the railroad acquired the property to make a legal determination of ownership. A \$1 consideration will be included in the easements, license agreements, or subordination agreements that are to be handled by the Division of Surveys and Plans Utility Section. The consideration on the right-of-way deed that will be needed for land other than railroad operating right-of-way will be left blank.

After the railroad land appraisals have been reviewed in the Right of Way Division Office and a figure approved for the taking, the approved consideration will be entered on the railroad deed and the Right of Way Division Office will, in turn, forward them to the Division of Surveys and Plans Utility Section for further handling. They will acquire all

lands needed from the railroad companies, whether it be for an operating easement (occupied or unoccupied), or for railroad-owned land. When relocation assistance is involved for occupants located on railroad property, the District Right of Way Department shall explain and handle the relocation of the tenants, entirely. When a highway parallels a railroad tract and the highway right-of-way line are the same, a quitclaim deed acquiring access rights from the railroad should be prepared showing a consideration of \$1, and forwarded in the same manner as previously set out. It will be the District Right of Way Department's responsibility to acquire the access rights from the abutting owner, as he will normally have a reversionary right. Close coordination between all departments is essential.

Just prior to condemnation, it will be the District Right of Way Department's responsibility to check with the Division Surveys and Plans Utility Section to see that all railroad rights have been acquired. If it is determined that the Utility Section will be unable to negotiate with the railroad company, it will be the District Right of Way Department's responsibility to see that the railroad's interests are included in condemnation.

The Division Surveys and Plans Utility Section will give copies of all correspondence to the Division of Right of Way, which will be distributed to the proper District Right of Way Department. Likewise, the Utility Section should receive copies of all correspondence originating in the District Office, so that all concerned will be properly informed.

Leland D. Fletcher
Division Engineer
Surveys and Plans

Robert E. Smith, Chief
Division of Right of Way