

ABANDONED RAILROAD RIGHT OF WAY OWNERSHIP

A railroad right-of-way is only an easement; therefore, if the Board sold property on which a railroad right-of-way existed, the Board's sale removed the Board's interest in the surface estate and any reversionary interest belongs to the tract's current owner, without regard to the various reservation language statements in the conveyance documents. If a request is made concerning ownership of an abandoned railroad right-of-way, the Department will issue a letter to the current surface owner addressing the Board's reversionary property interest and file an affidavit disclaiming title to the surface estate.

General Authority:

Effective Date: January 1, 2021

Revised: