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DEPARTMENT OF TRANSPORTATION**

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**INSTRUCTIONAL BULLETIN NO. 22-06**

**Regarding Update to Chapter 4 CSX Air Easement Update**

**Effective immediately**, Chapter 4 has been updated to include additional information on Railroad Air Rights. The revised section is shown below:

**4-402.04 RAILROAD EASEMENTS  
RAILROAD AIR RIGHTS**

When an overpassing structure impedes the Railroad's capacity to use their easements, rights, or property for Railroad purposes, the Department is required to compensate the Railroad for the encumbrance imposed on the Railroad. Air rights are a type of easement obtained by the Agency to compensate the Railroad for limiting the Railroad's use of their property or easement vertically or horizontally. Air rights are generally bounded by the abutments on either side of the Railroad Corridor and furthest dimensions of the superstructure – generally the parapet walls on either side of the structure. In some cases, the proposed structure does not span the Railroad ROW but in all cases the Air Rights are limited to the dimensions of the superstructure. Air rights will never be acquired from the Railroad for at-grade crossings or crossing where the Railroad operates above a transportation facility. See [Section 4-601.00 HQ Railroad Office Coordination](#) for more information on the types of easement needed for railroad projects

**PERMANENT RAILROAD EASEMENTS**

Permanent Railroad Easements include all properties the railroad has rights to prior to the project but will no longer have rights during and after construction. Examples of permanent easement are slope pavement and foundations for abutments, bents, and columns.

Examples of these and other easements are shown in *Figure 4-8, Temporary Construction, Permanent Drainage, and Air Rights Easements in Plans*.

  
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