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DEPARTMENT OF TRANSPORTATION**

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**INSTRUCTIONAL BULLETIN NO. 22-16**

**Regarding Updates to Chapter 4**

**Effective immediately**, the Roadway Design Guidelines Chapter 4 has revised the following information:

**Updated Sections 4-402.04 Railroad Easements and 4-602.02 Railroad Acquisition Types**

**4-402.04 RAILROAD EASEMENTS**

**RAILROAD AIR RIGHTS**

When an overpassing structure impedes the Railroad's capacity to use their 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 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, [or crossings where the Railroad's ownership interest in its corridor is an easement for railroad purposes](#) See [Section 4-601.00 HQ Railroad Office Coordination](#) for more information on the types of easement needed for railroad projects

**4-602.02 RAILROAD ACQUISITION TYPES**

- **Air Rights**
  - An air rights easement, or aerial easement, may be needed for a grade-separated railway-highway crossing when the Railroad owns fee simple interest in its corridor and the Department holds no highway easement or other land rights for the ground beneath the structure. Such an easement is reserved for future maintenance activities of the structure throughout its life. The required square footage is an envelope that includes the entire superstructure. This is bounded by the bridge abutments (or bridge piers

immediately adjacent to railroad track(s)) and the outside dimensions of the proposed bridge parapet walls.

- Air rights will never be acquired from the railroad for at-grade crossings, crossings where the Railroad operates above a transportation facility, or crossings where the Railroad's ownership interest in its corridor is an easement for railroad purposes.

Chapter 4 has been updated on the website at this link: [DG-C4.pdf \(tn.gov\)](#)



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**KJL:JDK:LHC:MBB**

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