

ACQUISITION, MANAGEMENT & DISPOSAL OF LAND

2) Any public road or a Railway line which is not used exclusively as an oil siding; and

3) Overhead high tension power lines.

(ii) In the case of underground storage tanks, it is not necessary to maintain any safety distances around the storage tank.

(iii) 1) Petroleum class A means Petroleum having its flashing point below 23 degree C.

2) Petroleum class B means petroleum having a flash point of 23 degree C and above but below 65 degree C.

3) Petroleum class C means petroleum having a flash point of 65 degree C and above but below 93 degree C.

Flashing point of any petroleum means the lowest temperature at which it yields a vapour which gives a momentary flash when ignited. It is determined in accordance with the provisions of the Petroleum Act.

(iv) The area of land which is licensed for the purpose of an oil installation on which rent is to be paid should be the whole area including the safety areas prescribed in sub-para (g).

826 Laying Of Oil Pipelines

a) Laying of oil pipe lines for installation other than those for bulk oil installations :-

i) No oil pipe line for conveyance of petrol or other oil is permitted on railway land without the special sanction of the Chief Engineer/Chief General Engineer.

ii) Where the sanction to the project has been obtained, a set of rules for the laying, construction and maintenance of pipe line from the point of view of safety of the travelling public and railway property shall be drawn up by the Railway administration in consultation with the Commissioner of Railway Safety before the work on the project is permitted.

The pipe line shall comply with all the relevant provisions of the petroleum rules relating to transport of petroleum by pipe lines vide para V of Chapter III of the Petroleum Rules 1976.

b) Licensing of land for laying of pipe line, sewer line etc. to State Government and local bodies can be approved by G.M. with FA&CAO's concurrence. However, for other agencies, permission of Railway Board would be required.

827 Construction of Government and private buildings near Railway land

a) 1. While it may be realised that Railways have a prior right of acquisition and utilisation of land adjacent to Railway boundaries, the Railway Administration can only insist on previous intimation being given by the revenue authorities or the local Govt. when such lands are assigned for specific purposes. For the prevention of encroachments on railway land such as by the erection of buildings and platforms and the gradual accrual of easements such as right of way and a right to discharge sullage or storm water over Railway land, it is desirable that sufficient open space be provided between the railway boundary and the nearest face of any structure erected on adjoining land.

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2. The interest of the Railways will be suitably safeguarded by providing for:
- i) an open space of approximately 30m being left between the railway boundary and the nearest edge of a building constructed on adjacent land, the exact space to be left being governed by local conditions; and
 - ii) intimation regarding proposed construction on lands adjacent to the railway boundary being given to the railway authorities at least 90 days before the commencement of erection work.
3. The lands adjoining the railway boundary will be either privately owned or nazul and will be either included in a municipal area or not. Regarding private lands not included in a municipal area, there appears to be no method of enforcing the provisions mentioned above. As regards private lands included in a municipal area, the provisions can be made applicable by incorporating them in the municipal bye-laws and if the state governments have no objection, the municipal committees of the state may be asked to frame bye-laws to this effect. As regards nazul lands, both inside and outside municipal areas, it is suggested that if the state governments have no objection, suitable provision may be made in the conditions governing transfer, at the time of making grants".
- b) In cities and towns where land is valuable and the cost high, it is not expected of the owner of a plot to leave a large vacant space between his building and the Railway boundary. The Interests of the Railway would be adequately safeguarded if sufficient vacant space is left so as to facilitate future road and drainage developments outside the railway land to avoid requests for surrender of railway land for access at a future date. Railways should insist on barest minimum distance. Barest minimum distance shall be ascertained by examining building plans and ensuring that the lay out of the building shall not result into accrual of various easement rights as mentioned above.
 - c) It is necessary that the Chief Engineer should arrange with each State Authority to frame rules in connection with the following:-
 - i) The procedure to be adopted for obtaining the Railway Administration's opinion before consenting to the assignment of land adjacent to railway limits for any specific purposes.
 - ii) The extent of open space to be left outside the railway boundaries for Government owned and privately-owned lands. Such orders may be issued by the State Governments in the form of government circulars or government orders, copies of which should be carefully recorded in the offices of the Chief Engineer, Divisional Engineer and Assistant Engineer.
 - d) Construction of a building or other structure near a station yard or between stations adjacent to the railway limits and within the zone specified in the said government circulars or orders, should be intimated at its commencement by the Section Engineer (P.Way/Works) to the Divisional Engineer and Assistant Engineer by telegram and copies to the local authority, furnishing brief particulars with Kilometrage and the distance of the structure from the railway

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boundary. This action should be immediately followed by a brief report and a sketch of the construction. On receipt of the report, the Divisional Engineer should address the local authority to arrange stoppage of the construction.

828 Earning From Railway Land And Its Monitoring

Once a year each AEN will arrange a detailed survey of existing sources of earnings like grass, fruit trees, fish ponds etc., from Railway land including outstanding dues to be recovered.

Immediate action for issue of auction notice etc., will be taken to have the maximum earnings out of these sources. Targets will be set under the following heads and the same will be advised to Headquarters for the corresponding year, based on the survey of existing resources and outstanding dues (including those of commercial department) to be recovered.

i) Licensing of land for grow more food

- ii) Sale of grass rights
- iii) Sale of fruits of trees
- iv) Sale of fishing rights
- v) Sale of dry and matured trees
- vi) Licensing of land for Teh Bazari and for shopping purposes.
- vii) Licensing of land for other purposes.
- viii) Licensing of land to oil companies.
- ix) Way leave facilities and easement rights along road and rail approaches.

Section Engineer (P.Way/Works) and AENs during routine trolley inspection will make entries of such sources in their diaries which will also be checked by higher officers during inspection.

Monthly progress of earnings under above heads shall be reported by Section Engineer (P.Way/Works) and AEN to Divisional Office who shall report the same to headquarters.

