

STANDARD RESPONSE TO RAILROAD RIGHT OF WAY PROPERTY RIGHT QUESTIONS CONCERNING INACTIVE ROWs

A great percentage of the railroad right of ways that SEPTA owns were transferred to it from Conrail through a congressional mandate under the Railroad Revitalization and Regulatory Reform Act of 1976 (the “4R Act”), 45 U.S.C. § 743 (2017). To ensure that these assets were preserved, Congress required formal petitioning and approval before any railroad right of way could be deemed abandoned. Since its inception, SEPTA has recognized the national and local significance of its railroad rights of way and has never petitioned for the abandonment of any, thus preserving its interest in all of the branches and lines conveyed to it.

As the railroad transportation needs of the region changed, certain branches and lines no longer required the expenditure of public dollars for rail transit yet maintained the potential to serve transportation purposes. In recognition of the national interest in railroad branches and lines Congress passed 16 U.S.C. § 1247, commonly referred to as the Rails-to-Trails Act. The Rails to Trails Act helps preserve railroad rights of way by allowing for their use as trails so long as the trail use is subject to restoration or reconstruction for railroad purposes and it deems that interim use of a railroad right of way as a trail shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights of way for railroad purposes.

In conclusion, under Federal and State legislation, SEPTA is permitted to lease its railroad rights of way for interim use as recreational trails while preserving these right-of-ways for future transportation needs and SEPTA is proud to play a role in the expansion of multi-modal transportation throughout Southeastern Pennsylvania.