

**STATEMENT OF
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BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION
AND PUBLIC LANDS
HEARING ON
H.R. 4817,
TO RESOLVE A MINOR BOUNDARY ENCROACHMENT ON
LANDS OF THE UNION PACIFIC
RAILROAD COMPANY IN TIPTON, CALIFORNIA**

September 14, 2004

Thank you for inviting me to testify regarding H.R. 4817, a bill to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California. The Administration has no objection to H.R. 4817, if amended as discussed below.

According to the bill's sponsor, the land covered by H.R. 4817 constitutes less than 500 square feet of property which is located within a 200-foot railroad right-of-way. This right-of-way was originally conveyed by the United States through an Act of Congress on July 27, 1866 (Act) for the construction of a transcontinental railroad. Under the Act, a Federal reversionary interest exists if the right-of-way is abandoned by the railroad. In this instance, while the railroad has not abandoned its right-of-way, a portion of the right-of-way lies within the boundaries of a private landowner. H.R. 4817 is therefore necessary to relinquish the Federal Government's reversionary interest, which currently constitutes a cloud on the title of this small parcel.

The parcel in question is at the northern end of the city of Tipton, California. According to the master title plat maintained by the Bureau of Land Management, this land has been in private ownership for nearly a century. We see no conflict in clearing title for this land through legislation.

The right-of-way granted to the railroad originally reserved all mineral interests to the Federal Government. However, unlike similar legislation enacted in the recent past, H.R. 4817 as currently written does not retain subsurface mineral ownership for the Federal Government. As a matter of policy, we recommend that the bill be amended to ensure that the subsurface mineral interest is retained in Federal ownership.

Finally, we would like to work with the Committee to ensure that a precise legal description is included in the instrument of release referenced in subsection 1(b).

Thank you for the opportunity to testify. I'll be happy to answer any questions.