# INSURING ACCESS OVER RAILROAD RIGHTS OF WAY

## AVOIDING A TRAIN WRECK

A claim can be costly in terms of time and money spent to find a resolution, and your reputation with your customer can be derailed by the negative impact of a claim. Let the nationally recognized railroad-related title experts at First American Title help you provide quality insurance protection.

## WHEN ACCESS TO THE LAND REQUIRES CROSSING RR PROPERTY

- Right of access to cross must be confirmed or created in favor of the insured.
- Public rights of access for street crossings may be granted by the railroad.
- Private rights of access can also be obtained, such as an easement or a revocable license from the railroad.
- Licenses typically do not run with the land in favor of successors or assigns, are often not recorded, and may be terminated by the railroad.
- Prescriptive rights generally do not accrue against railroad entities.

## STAY ON THE RIGHT TRACK

- Research whether property is impacted by railroad rights, which can include active, inactive or abandoned lines *http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/Query/PublicGradeCrossingInventoryByStateCounty.aspx*
- In most cases, access rights can be established by public right, or private right such as an easement or license.
- If no public or private right to cross the railroad property can be located or created in favor of the insured, the policy (and any commitment or preliminary report) must contain an exception for lack of access.

*Click here* to view an 8-minute video on Railroad Access.
*http://agentnetmedia.firstam.com/AgentNet_Media/RailRoad_Crossings_and_Access_2016.wmv*

For detailed information, review the *Underwriting Communication NA-2016-009-Standard: Insuring Access over Railroad Rights of Way*, in the Content Library of AgentNet® or contact your local First American Title underwriter.

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