

**Statement of  
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Minerals, Realty and Resource Protection  
Bureau of Land Management  
Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands and Forests  
S. 2443, H.R. 2246, Reno ReTrac, Release of Reversionary Interest  
July 9, 2008**

Thank you for inviting me to testify on S. 2443, a bill to release any reversionary interest of the United States in and to certain lands located in Reno, Nevada. During consideration of similar legislation on October 23, 2007 before the House Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands, we testified that we believed the goals of the House bill could be accomplished in a more simplified manner. The House-passed bill, H.R. 2246 and S.2443 are identical bills that partially address our recommendations. The BLM appreciates the work of the sponsors in crafting these bills and we support S.2443 with a minor modification.

**Background**

In the mid-19<sup>th</sup> century, the Congress sought to encourage the development of the West by providing incentives for transcontinental railroads. Among those incentives was the Act of July 1, 1862, authorizing a transcontinental railroad to be built by the Union Pacific Railroad and Telegraph Company. As part of that authorization, the railroad was granted a right-of-way across public lands. One small piece of that right-of-way is addressed in S. 2443.

A portion of the Union Pacific rail line authorized under the 1862 Act runs through downtown Reno, Nevada. As an active rail line, there was increasing concern about safety and traffic flow issues. The city of Reno found a creative solution in the form of the ReTrac (Reno Transportation Rail Access Corridor) project, and in late 2005, the first trains began to run on a 2-mile long, 54-foot wide, 33-foot deep, train trench through downtown Reno. Unfortunately, there have been some questions raised about whether the right-of-way given to the railroad under the 1862 Act is affected by the subsurface nature of these two miles of line. In addition, it is unclear whether the Federal government retains a reversionary interest in the corridor.

**S.2443**

S. 2443 would resolve these questions by releasing any reversionary interest of the Federal government to lands granted to Union Pacific under the Act of 1862 within the subsurface corridor. We would like the opportunity to work with the sponsor and the committee on minor modifications to the map so that the reversionary clause would only be released on those lands within the subsurface corridor. We believe this bill applies the correct approach to clarifying any potential land title questions to this 2 mile subsurface railroad corridor.

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