

# Obtaining Rights-of-Way on Public Lands: a Success Story

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If you haven't applied for a right-of-way across public lands recently, you're in for a pleasant surprise. If you have, then you already know some changes have been made, and more are in the works, to make processing rights-of-way a lot faster and easier.

The March 23 and September 2, 1982 editions of the Federal Register tell part of this success story. In them were regulatory amendments issued by the Bureau of Land Management (BLM) changing the way most rights-of-way are handled on public lands. The reasoning behind these changes is clear: of the more than 4,000 rights-of-way handled annually on public lands (that figure is expected to climb to almost 6,000 by fiscal year 1984), about 75 percent are routine, simple right-of-way requests for access roads to commercial and residential sites, small voltage powerlines, short distance telephone lines, and small diameter water pipelines, to name a few.

About 20 percent of the remaining applications are more complex because of their location and scope; they require more work by both the applicant and agency. Finally, the last five percent are the really large projects: large natural gas pipelines

like the Alaska Natural Gas Transportation System, major transmission lines, and interstate proposals like Aquatrain, to carry coal in plastic containers through a water-filled pipeline.

In the past, BLM generally handled all rights-of-way the same, often requiring the same level of data and information on the thousands of little projects as were required for the more complex projects. This cost applicants money and usually took an inordinate amount of processing time, delaying important and necessary projects.

The regulation changes helped relieve this imbalanced situation. Under the new amended rules, applicants fill out a simple, abbreviated right-of-way application form with much lower data requirements. These rules reduce the requirements for initial detail maps, proof of technical and financial capability, proof of corporate status, wheeling specifications, and other details not really necessary for simple right-of-way requests.

On the more complex cases, more detailed information can be required from applicants if needed to efficiently process a right-of-way application. These new regulations allow BLM and the applicant to work to-

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gether to get the job done in the simplest and fastest manner while still covering all the legally required bases.

Although not a regulatory change, BLM has also been working to delegate more and more authority for actually granting rights-of-way to the lowest field level. Many BLM District and Area Managers can now issue right-of-way grants, when all that authority was previously kept at the BLM State Office level. All this means more local control and the ability to be more timely and more responsive to the applicant's needs.

BLM has also changed its internal working instructions through a new right-of-way manual, distributed to field personnel. The manual gives clear direction for quicker, simpler evaluation and processing of right-of-way applications.

All these changes make the BLM's and the applicant's job easier, but we're not through yet. We're looking at other ways to simplify this process.

One prime area for review is requirements for environmental assessment under the National Environmental Policy Act. This law is designed to make sure Federal agencies carefully look at projects that

might have a significant impact on the environment. But in past years even proponents of this legislation have complained agencies were going overboard, writing long dissertations on every conceivable aspect of the study area. We're looking at more efficient and expeditious ways of achieving the law's objectives, such as utilizing the allowances for categorical exclusions or clearances for many routine rights-of-way, and preparing programmatic and so-called "blanket" environmental impact statements or

assessments to cover more areas and typical projects.

Another area being examined is the right-of-way appraisal system. Appraising the land and project on each proposal to determine a rental fee is time-consuming and tedious. We're looking at establishing fee schedules for typical projects that could apply to most routine rights-of-way. That way we save time and the taxpayers' money and the applicant knows what to expect in advance.

All these efforts need sound indus-

try input. The International Right-of-Way Association and other groups are our "sounding boards" to help determine the changes needed to manage the public lands wisely. Efficient use of rights-of-way are vital for the progressive use of public lands. I urge everyone involved in this important public service work to take an active part in this process to ensure the changes we're making are responsive and helpful.

## Federal acquisition programs eliminate legal-size files and forms

A subject related to general title work is that, as a result of requests from both the Administrative Office of the U.S. Courts and the General Services Administration's National Archives and Records Service, only letter-size documents will be accepted in all Federal courts. The order was issued to heads of all Federal Agencies as a result of a Judicial Conference of the U.S. held on September 26, 1981, and was distributed to Federal Agencies through GSA Bulletin FPMR B-120 dated June 2, 1982. (Copies should be available from local U.S. Government General Service Administration offices.)

It was determined that legal-size documents (8½ by 14 inches) were costly and inefficient. Legal-size paper was determined to cost more, and legal-size file cabinets cost about 13 percent more than letter size for the upright variety and 28 percent more for the mobile or hanging variety. Active files take up more floor space and inactive files take up more storage space. While legal files are generally in the minority of all of the records processed, copying machines and other types of automated office equipment must be designed and manufactured to provide for this exception.

If the Federal Government uniformly complies with this order, the implications could effect all land acquisition agencies—Federal, State, local, quasi-public and even into the

private real estate market. Implementation will obviously take some time (several years at a minimum even for just the Federal agencies), but the long-range implications are significant. All land record systems may need to be changed sometime in the future.

*(This information was published in a Chapter 6 newsletter.)*

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