

## 14.6. FEDERAL LAND TRANSFERS

Title 23 U.S.C., sections 107(d) and 317, provide for the transfer of lands or interests in the lands owned by the United States to an STD or its nominee for highway purposes. The regulations which prescribe the procedures relating to Federal land transfers are found in 23 CFR 710.601.

If lands or interests in lands owned by the United States are needed for highway purposes, the STD or its nominee<sup>(1)</sup> should first file a land transfer application with FHWA. The exception to this process is when such lands or interests therein are managed or controlled by an agency with independent transfer authority such as the Army, Air Force, Navy, Veterans Administration, or Bureau of Indian Affairs. Transfer applications are made directly to these agencies or their land acquisition agent.

Information on the contents of the application, the deed for conveying the lands or interests and other details on the transferring of lands can be found in the "Attorney's Manual for Public Land Transfer and Federal Condemnation"<sup>(2)</sup>. The "Attorney's Manual" provides the STD or its nominee with step-by-step procedures for transferring federal lands as well as examples of the applications and the conveyance deeds.

Often the STD or its nominee works out the details of a project with the local office of the Federal agency (e.g. National Forest or Park) from whom the land is sought prior to submitting the formal application to FHWA. This eases the application process, and minimizes delays and surprises.

When the need for the lands or interests therein no longer exist, the STD must notify FHWA and the concerned Federal agency. Control of the lands or interests will revert to the Federal agency or its assignee from which they were appropriated (23 U.S.C. 315).

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<sup>(1)</sup> An LPA should apply through the STD to FHWA to assure that additional State requirements are met.

<sup>(2)</sup> Environmental Law & Right-of-Way Branch, Office of Chief Counsel, Attorney's Manual For Public Land Transfers and Federal Condemnations (1989), FHWA/USDOT, Pub. No. FHWA-CC-89-006