

RELEASE OF UNITED STATES INTERESTS IN CERTAIN  
RAILROAD GRANT LANDS IN TIPTON, CALIFORNIA

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SEPTEMBER 30, 2004.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 4817]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4817) to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. RELEASE OF UNITED STATES INTERESTS IN CERTAIN RAILROAD GRANT LANDS  
IN TIPTON, CALIFORNIA.**

(a) **RELEASE OF INTERESTS.**—There is hereby released, without consideration, all right, title, and interest of the United States in and to the surface portion of the property located at 615 North Burnett Road in Tipton, California, which encroaches upon land that, subject to a reversionary interest, was conveyed by the United States pursuant to the Act of July 27, 1866 (14 Stat. 292) to facilitate the construction of transcontinental railroads. The United States retains any subsurface mineral rights held by the United States as of the date of the enactment of this Act associated with such land.

(b) **INSTRUMENT OF RELEASE.**—The Secretary of the Interior shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests made by subsection (a).

**PURPOSE OF THE BILL**

The purpose of H.R. 4817 is to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad

Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads.

#### BACKGROUND AND NEED FOR LEGISLATION

The Act of July 27, 1866 (14 Stat. 292) conveyed land from the United States to railroad companies to help facilitate the construction of transcontinental railroads. Today, a railroad right-of-way in Tipton, California, is no longer being used for its original purpose. Mozzarella Fresca, a cheese manufacturing company in Tipton, has a plant located along the railroad right-of-way that it wishes to expand. However, the company cannot secure a loan for the expansion until a surveying error during the last century is clarified. The survey shows the Mozzarella plant extending partially into the Union Pacific Railroad property.

H.R. 4817 would lift the cloud of title to the right-of-way by instructing the Secretary of the Interior to execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument to display the release of the Union Pacific Railroad interests, and thus Mozzarella Fresca would be able to secure funds from a bank to expand its facility.

#### COMMITTEE ACTION

Representative Devin Nunes (R-CA) introduced H.R. 4817 on July 12, 2004. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On September 14, 2004, the Subcommittee on National Parks, Recreation and Public Lands held a hearing on the bill. On September 15, 2004, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill by unanimous consent. Mr. Nunes offered an amendment in the nature of a substitute to ensure that the federal ownership of subsurface mineral interest within the boundary adjustment is retained. The amendment was adopted by unanimous consent. The bill, as amended, was then favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has in-

cluded in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*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, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads*

In 1866, the federal government conveyed to the Union Pacific Railroad Company a right-of-way through certain land in California to facilitate the construction of a transcontinental railroad. That conveyance was subject to the condition that, if the railroad abandoned its right-of-way, full ownership of the land would revert to the federal government. Although the railroad never abandoned the original right-of-way, a small portion of it lies within the boundaries of land that has been privately owned for nearly a century. Under H.R. 4817, the federal government would relinquish its reversionary interest in the portion of the right-of-way that passes through that parcel, thereby clearing the private owner's title to the land.

Based on information from the Bureau of Land Management, CBO estimates that enacting H.R. 4817 would have no impact on federal spending or revenues. H.R. 4817 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not significantly affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.