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VINAY MITTAL

अध्यक्ष, रेलवे बोर्ड  
एवं  
पदेन प्रमुख सचिव, भारत सरकार  
रेल मंत्रालय  
नई दिल्ली - 110 001  
CHAIRMAN, RAILWAY BOARD  
&  
EX-OFFICIO PRINCIPAL SECRETARY,  
GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
NEW DELHI-110001

No. 2012/LML/24/3

Feb. 24, 2012

Dear Shri Chandrasekhar,

Kindly refer to your letter No.115-38/2011-CNP(DP) dt.19.1.12 regarding reconsideration of way leave charges for cable crossing of railway tracks/ land by BSNL.

I have had the matter examined. Requests from organisations/ individuals for crossings of railway tracks for various purposes are considered on the basis of feasibility. Since crossing of tracks involve issues related to safety of train operations, permission of Commissioner of Railway Safety is invariably obtained before laying the cable across the tracks. Such crossings also require regular maintenance by the Railway. After due deliberations while framing the policy, way leave charges @6% of market value of land per annum, subject to minimum of ₹.10,000/- per annum per crossing, were decided. Such charges are uniformly levied on State owned and private telecom operators, other Government Departments/ undertakings for crossing of pipelines, overhead /underground electric line etc.

The extant policy on way leave facilities/ easement rights appropriately caters to user needs and as such downward revision in way leave charges/ fees is not considered feasible.

With regards,

Yours sincerely,

Vinay Mittal  
(Vinay Mittal)

Shri R.Chandrasekhar  
Secretary  
Ministry of Communications  
& Information Technology  
Sanchar Bhavan  
New Delhi

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Secretary (I)  
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Secretary (Tele)  
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File to Director  
(Enter primary reference)

Dir PSU

Check over  
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भारत सरकार  
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Government of India  
Ministry of Communications &  
Information Technology  
Department of Telecommunications  
Sanchar Bhawan, New Delhi-110 001

D.O. No.115-38/2011-CNP (DP)/9  
19<sup>th</sup> January, 2012

*Dear Shri Mittal*

This is regarding granting Right-of-Way (RoW) permission for laying underground cable/OF cable by Ministry of Railway to BSNL and other PSUs. Instructions in this regard has been issued by Railway Board vide letter No. 97/LML/24/3 dated 3.10.2002. The charges prescribed for granting ROW permission are @ 6% of market value of land per annum subject to minimum of Rs. 10,000/- per annum per crossing.

The OF Cables/underground cables are laid at the edge of road. The OF cable is laid below Railway track at Railway crossings, for which RoW chargers are to be paid to Railway. The diameter of OF cable is very small and it is laid through pipes of 40 mm dia. The cables are laid at suitable depth (>1.65 m) below the track and as per procedure prescribed by Railway. The crossing of Rail track is carried out using "Trench Less Technology".

The cable laying under the Railway track is one time activity and as such no damage to Railway property occurs during the process. Therefore, charging annual rental for RoW permission appears to be unjustified. In fact NHAI, PWD and other agencies are levying only one time charges/bank guarantee for granting ROW permission. A Brief Note on problems being faced by BSNL in obtaining Right of Way (RoW) Permission from Railway Department is enclosed herewith.

I, therefore, request you to consider levying of one time charge for granting RoW permission for laying underground telecom cables by Telecom Operators and cause revision of existing guidelines for granting RoW permission.

*With Regards,*

*Yours sincerely,*

*(R. Chandrashekhkar)*

Encl: As above

Vinay Mittal  
Chairman  
Railway Board, Rail Bhavan,  
New Delhi-110001