

CENTRAL GUIDELINES FOR ISSUE OF NOC BY RAILWAY FOR CONSTRUCTION OF GOVERNMENT AND PRIVATE BUILDINGS NEAR RAILWAY LAND.

(Annexure to Letter no. W.274/BW/SC/W/17 dated 11/2/2009).

1. The instance of construction of building by the Government and private owners adjacent to the Railway land without obtaining the NOC from the Railway have come to light and appears that there is no proper mechanism for issuing the NOC for construction of structures by the Government/private owners adjacent to the railway land. The instructions stipulated vide para 827 of the IRWM should be followed for this purpose.
2. The open space to the left between the Railway boundary and nearest edge of the building to be constructed on adjacent land is basically an engineering decision considering various local factors available at that location. However, for taking this decision, following broad guidelines may be followed:-
 - 2.1. The basic aim of giving permission from Railway side is to ensure that the building owners is not dependent upon the railway land for any of its requirements in present as well as in future including the access/approach to the building for civil amenities like drainage, sewage, water supply, road, parking facilities etc. for ensuring this, the builder will have to supply the detailed building plans and also the land plans in adjacent area showing approach roads, layout of drainage facilities, layout of water supply pipe lines, sewage lines, arrangement of parking of vehicles etc.
 - 2.2. The building/ structure must be outside the Railway land including any overhead or underground projection.
 - 2.3. No opening for a door or a window or a ventilator shall be allowed to open directly into the railway land. If any such opening is required to be opened facing the railway land side, then adequate gap must be available between the railway land and such opening. A gap of about 2 m to 3 m should be available to ensure that the habitants are not dependent on the railway land for the purpose of access to the doors or for lighting and ventilation requirements.
 - 2.4. Sufficient setbacks are required to be left from the railway boundary depending upon the plot size for non-high rise building (below 18 m height) and depending upon the building height for high rise building (18.0 m and above high buildings). These setback requirements for the buildings and structures will be broadly as follows:-
 - i) Min. setbacks to be allowed:-
(For non-high rise building below 18m height)

Plot size (Sq.m)	Minimum setback from railway land
Upto 300 sq. m	2.0 m
Above 300 sq.m & upto 500 sq.m	3.0 m
Above 500 sq.m & upto 750 sq.m	4.0 m
Above 750 sq.m & upto 1,500 sq.m	5.0 m
Above 1,500 sq.m & upto 2,500 sq.m	6.0 m
Above 2,500 sq. m	7.0 m

- ii) Setback requirement for high rise buildings
(For buildings of height 18.0 m and above)

Height of building	Minimum setback from railway land
18 m - 21 m	7 m
21 m - 24 m	8 m
24 m - 27 m	9 m
27 m - 30 m	10 m
30 m - 35 m	11 m
35 m - 40 m	12 m
40 m - 45 m	13 m
45 m - 50 m	14 m
Above 50 m	16 m

- 2.5. It should be ensured that the building/structure is sufficiently away from the nearest railway track. This is required to ensure that any damage to the private structures/buildings do not affect the railway traffic and similarly any untoward incident on the railway track, such as train derailments/accidents do not cause any unsafe conditions to the structure /building and inhabitants. As a broad guideline, the minimum distance of nearest edge of a building/ structure from the centre line of the nearest railway track should be as follows:

- 2.5.1. In no case, it should be less than 15 mtrs.
- 2.5.2. It should not be less than “Distance of railway boundary from the centre line of the nearest railway track” + “setback” (as stipulated in Para 2.4) subject to a minimum of 15 meters.
- 2.5.3. The minimum distances stipulated in para 2.5.1 and para 2.5.2 are stipulated considering that, both the formation level of the track and the formation level of the building / structure are at the same level. For any difference in these two levels, half of the difference in these two levels should be added extra.
- 2.5.4. If any additional line, Gauge Conversion, Yard RE-modeling work etc., has been sanctioned or likely to be sanctioned in near future, then such works should be considered to ensure that the building/ structure is adequately away from the anticipated nearest railway track.
- 2.5.5. The building/structure must not affect the visibility on the level crossing for the road users as well as for the train drivers.
- 2.5.6. The application seeking clearance from Railway is an indication that the growth of city/ town is taking place at that location. It will be a good practice that as much as permission is given from railway side, construction of boundary wall at that location is taken up by the applicant. The site should also be visited by railway officials to plan for construction of boundary walls in adjacent areas depending upon the existing and anticipated future development.
3. As per the instruction of General Manager circulated vide this office letter of even no. dated 26.9.07, the NOCs are to be approved personally by the divisional railway manager.
4. The municipal authorities in the jurisdiction of the division must be advised that they must not permit the constructions without NOC issued by the railways, in case the structure/building to be constructed is at a distance less than 30 meters from the railway boundary.

- 4.1. Where municipal authorities are not calling for such NOC and are likely go ahead with their permission without NOC from the railways it should be ensured that they are stopped by writing to the concerned municipal authorities promptly.
- 4.2. Any construction noticed within the minimum distance as mentioned in above mentioned paras should be stopped forth with by section engineer duly advising to all concerned as per para 827(a) of IRWM.
- 4.3. If it is noticed that the constructions are going on without any such municipal approvals as well as NOC from railways, it should be stopped forthwith, duly bringing to the notice of concerned municipal authorities.
- 4.4. If situation warrants, action may be initiated for restoring to judicial recourse

These instructions may be circulated to all concerned staff in the field and to ensure that no construction are carried out by the government/private owners violating the above stipulations.