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**TO:** Honorable Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division Staff

**DATE:** July 21, 2020

**RE: PROPERTY OWNERSHIP INQUIRY**

This memorandum is in response to the July 13, 2020 memo submitted by the office of Council Member Castañeda-López in regards to a request for the Legislative Policy Division to respond to several questions regarding property ownership and responsibility. Please find our responses below.

1. Who owns the property in the red square in the image below, 8500 Fulton St. (parcel no. 20001847-8)?

According to information obtained from the City Assessors Office, the subject property identified as 8500 Fulton is owned by Wayne County DPS-Road.

2. Who owns the property circled in yellow in the image below, which borders and is immediately southwest of 8500 Fulton St.?

In reviewing Sanborn map v5p035, (attached) it appears that the above referenced property is owned by the City of Detroit, however, does not appear to be zoned, nor does it have a parcel i.d. number associated with it. There are a few properties throughout the city which have this unique characteristic, particularly land that is adjacent to freeways, which were erected through previously plotted tracts of land.

3. If the parcel in yellow is owned by a railway company, what is their responsibility for

maintaining the property and complying with city ordinances?

There is no indication that this land belongs to a railroad company, however there are Federal statutes that preempt state and local laws regarding any local attempt to regulation railroad property.

The three commonly found to preempt state and local attempts to regulate railroad activities are the Interstate Commerce Commission Termination Act of 1995 (ICCTA), the Federal Railroad Safety Act of 1970 (FRSA), and the Noise Control Act of 1972 (NCA). The ICCTA preempts state and local laws that may reasonably be said to manage or govern rail transportation. The FRSA preempts state and local regulations of train speed and duration relative to railroad crossings. The NCA establishes the maximum noise levels for rail cars engaged in interstate commerce and may preempt state and local laws attempting to regulate those levels.

The general scheme of these preemptions are to prohibit state and local governments from impacting the management or governance of rail transportation or impeding rail movement and is not intended to directly impact the compliance of local laws relative to maintenance of property owned by a railway company. Ordinances that do not have the effect of impacting the management or governance of rail transportation or impeding rail movement should be applicable to owners of railway property.

Should you have any additional questions, or concerns, please contact our office directly.