

OAC 165:32-1-10; OAC 165:5-3-1

APPLICATION FOR LAWFUL FENCE

SECTION I – APPLICANT

Applicant/Landowner Name _____

FEIN/SSN # _____

Mailing Address _____

City _____ State _____ Zip _____

SECTION II – PROPERTY DESCRIPTION

Section _____ Township _____ Range _____

County _____

General description of property line adjoining the railroad:

☐ Length (in feet) of property _____

☐ Railroad Mile Post location between _____ and _____

Are all other sides of the property fenced?
(If “NO”, please explain)

☐ Yes

☐ No

Are the fences capable of retaining livestock?

☐ Yes

☐ No

Is livestock currently being raised on the property to be fenced?

☐ Yes

☐ No

Is the livestock for commercial or personal use?

☐ Commercial

☐ Personal

A \$500.00 Lawful Fence application fee is required when submitting this application to the Corporation Commission.
The railroad is required to reimburse the landowner the cost of this fee within sixty (60) days of receipt of notice

FOR OFFICE USE ONLY	
Has written notice for a Lawful Fence been sent to the railroad by certified mail? ☐ Yes ☐ No	What is the date of the written notification? _____
Has the \$500.00 fence application has been paid? ☐ Yes ☐ No	(Must attach copy of notification to this application)

The Applicant hereby declares that under penalty of perjury, all statements and representations appearing in the foregoing application and all addendums are based upon my knowledge of the matters referred to and are true and correct.

_____	_____
Applicant/Landowner's Signature	Date

LAWFUL FENCE PROCESS

The Corporation Commission's Lawful Fence process requires that the following steps be completed:

- 1) The landowner must provide written notification to the railroad, that a Lawful Fence be constructed along the portion of the railroad right-of-way that abuts the landowner's property. ***The request letter must be sent by certified mail.***
- 2) ***The landowner must keep a copy of the request letter and the certified mail receipt as evidence that the letter was delivered to the railroad.***
- 3) The railroad must be allowed a ***minimum of forty-five (45) days*** to respond to the fence request.
- 4) If railroad does not respond to the fence request within the forty-five (45) day period, a Lawful Fence Application may be submitted to the Oklahoma Corporation Commission.
- 5) ***APPLICATION FEE:*** A \$500.00 fee is required when submitting a Lawful Fence Application. If the Transportation Division determines that the railroad must construct the Lawful Fence, the railroad must reimburse the landowner the cost of this fee within sixty (60) days from the date of notice.
- 6) When applying to the Commission for a Lawful Fence, the application form must include the following:
 - a) A general description of the property, describing the tract by Section, Township and Range. ***It is not the responsibility of the Corporation Commission to correctly identify the landowner's property.***
 - b) If the property boundary is heavily overgrown or the tract is difficult to identify or locate, it is recommended that the legal land description of the property, as used in the original deed, is included.
 - c) A description of the fence or property line abutting the railroad right-of-way, including the length of the desired fence in feet. The railroad mile post locations should also be included if known. ***NOTE:*** If the tract or fence line is particularly hard to describe, a map of the tract with the Lawful Fence location clearly marked, should be attached to the application.
 - d) A statement as to whether all other sides of the property are fenced and capable of retaining livestock.
 - e) A statement as to whether the livestock raised on the property is for commercial or personal purposes.
 - f) Copies of the Lawful Fence notification letter and the USPS certified mail receipt must be included with the completed application form.
 - g) The signature of the property owner(s) and the date of the signing.
- 7) Once notified, the railroad must construct the Lawful Fence within sixty (60) days or may be subject to a Corporation Commission Court Order to comply within sixty (60) days from the date of the Order or appeal the Order pursuant to Commission rules.