

99159002048000

# Bahnbetriebszwecke Freistellung

Heruntergeladen am 19.06.2025

<https://fimportal.de/xzufi-services/103442701/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99159002048000
Leistungsbezeichnung I	Bahnbetriebszwecke Freistellung
Leistungsbezeichnung II	Applying for exemption from railroad operating purposes for a property on which federal railroad operating facilities are located
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Freistellung (48)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Erlaubnisse und Genehmigungen (2010400),

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	Erschließung und Infrastruktur (2050300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	27.11.2024
Fachlich freigegeben durch	Federal Ministry for Digital and Transport Affairs (BMDV)
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/aeg_1994/_23.html">https://www.gesetze-im-internet.de/aeg_1994/_23.html</a> <a href="https://www.gesetze-im-internet.de/ebabgebv/_2.html">https://www.gesetze-im-internet.de/ebabgebv/_2.html</a> <a href="https://www.gesetze-im-internet.de/ebabgebv/anlage.html">https://www.gesetze-im-internet.de/ebabgebv/anlage.html</a>
Teaser	<p>If you own a railroad property that is no longer used for transportation and whose infrastructure will no longer be used in the long term, you can apply to the Federal Railway Authority (EBA) for exemption of the property under certain conditions.</p>
Volltext	<p>The closure or abandonment of a railroad operating facility, for example a section of track or a station, does not mean that it also loses its legal status as an operating facility. Properties that are operating facilities or on which operating facilities are located are subject to planning approval by the federal government and are removed from the general planning sovereignty of the municipalities.</p> <p>This special status is only lifted if the land is exempted from rail-specific earmarking. The corresponding areas are then returned to the planning sovereignty of the municipalities.</p> <p>If you own an old railroad property and wish to use it for other purposes, you must submit an application for exemption to the Federal Railway Authority (EBA). The EBA can only grant the application if your interest is more important than the public interest in the use of the railroad.</p> <p>The following are eligible to apply for exemption</p> <ul style="list-style-type: none"> <li>• Railroad infrastructure companies,</li> <li>• owners of the land,</li> <li>• the municipality in whose territory the land is located or</li> <li>• the responsible body for road construction on a</li> </ul>

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public road that intends to use the property for road or cycle path construction purposes.

## Erforderliche Unterlagen

- Municipality
  - District
  - Parcel, if designated according to state law
  - Parcel number
  - Area in square meters
  - details of the parcel:
  - Information on route number and route kilometer, if known
  - Information on the former or previous use of the facility or parts of the facility, if known
  - Precise designation of the exemption area and the installations or structures located thereon that are to be exempted from rail operation purposes, in particular with
    - the applicant's interest outweighs the public interest in maintaining the infrastructure,
    - there is no longer a need for transportation,
    - long-term use of the infrastructure is no longer expected
  - Site plans, electronically or in at least 12 copies.
  - Explanation of the legal requirements for exemption: Note: If the plans are larger than A3 format, at least 6 paper plans must also be submitted if submitted electronically. Sometimes the Federal Railway Authority may also request additional copies.
  - In the case of representation: Proof of authorization to represent, e.g. power of attorney
  - Explanation and proof of ownership
  - if available: Declaration on the dispensability check or feasibility check by Deutsche Bahn on the exemptability of the parcel or the area of the railroad operation.

## Voraussetzungen

You can obtain an exemption for your property in the following cases:

- the operating facilities are no longer required for rail traffic
- it is no longer expected that the infrastructure will be used for rail-specific purposes in the long term
- the applicant's interest in the exemption outweighs the legally standardized overriding public interest in the railroad operating purpose of the property

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• the areas on which the operating facilities are located have been decommissioned and this decommissioning has been approved by the EBA - Division 23.  
If only parts of an operating facility, such as a station building, are still used for rail operations, the remaining parts of the property can be exempted as independent areas. The prerequisite is that the parts to be exempted are remeasured as independent parcels of land and that the operating facility remaining for railroad operations is independent in terms of statics and fire protection.

## Kosten

Gebühr: 2.000€

## Verfahrensablauf

You can apply for exemption from rail operations online or in writing.  
Apply online for exemption from rail operating purposes:

- Go to the e-Service portal of the Federal Railway Authority (EBA).
  - If you do not yet have a user account for the e-Service portal, you must register once.
  - Log in with your user data.
- The application wizard will guide you step by step through the required information. Complete the application form in full.
- Upload the required documents and submit the application.
- You will receive an automatic confirmation of receipt.
- The EBA will publish a notice in the Federal Gazette and on the Internet and give the public the opportunity to comment.
- If you have not enclosed these with the application, the EBA will obtain information directly from the federal railroads on the dispensability of the land for which exemption is requested.
- The EBA will send you a notification by post informing you of the decision on the exemption. The railroad infrastructure company, the owner of the land and the municipality on which the land is located will also receive a notification. The supreme state planning authority is also informed.
- You will also receive a notice of fees and expenses, as you will have to pay fees for the notice of exemption and any expenses must also be paid by you.

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Apply in writing for exemption from rail operation purposes:

- Make an informal application on paper and sign it. Enclose the required documents with the application. Send the application with the documents as a letter to the EBA.
- The EBA will publish a notice in the Federal Gazette and on the Internet and give the public the opportunity to comment.
- If you have not enclosed these with the application, the EBA will obtain information directly from the federal railroads on the dispensability of the land for which exemption is requested.
- The EBA will send you a notification by post informing you of the decision on the exemption. The railroad infrastructure company, the owner of the land and the municipality on which the land is located will also receive a notification. The highest regional planning authority is also informed.
- You will also receive a notice of fees and expenses, as you will have to pay fees for the notice of exemption and any expenses must also be paid by you.

**Bearbeitungsdauer**

6 Monat(e)  
 It takes an average of 6 months to process your application. However, the individual processing time may vary considerably.  
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**Frist**

There is no deadline.

**weiterführende Informationen**

[https://www.eba.bund.de/DE/Themen/Freistellung/freistellung\\_node.html](https://www.eba.bund.de/DE/Themen/Freistellung/freistellung_node.html)  
[https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51\\_Checkliste.pdf](https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51_Checkliste.pdf)  
[https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51\\_Leitfaden\\_Empfangsgebiete\\_unter\\_Fachplanungsvorbehalt.pdf](https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51_Leitfaden_Empfangsgebiete_unter_Fachplanungsvorbehalt.pdf)  
[https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51\\_Leitfaden\\_Flaechen\\_unter\\_Fachplanungsvorbehalt.pdf](https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51_Leitfaden_Flaechen_unter_Fachplanungsvorbehalt.pdf)  
[https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51\\_Musterplan\\_Freistellung](https://www.eba.bund.de/SharedDocs/Downloads/DE/Freistellung/Antragstellung/51_Musterplan_Freistellung)

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.pdf  
[https://www.eba.bund.de/SiteGlobals/Forms/Suche/Expertensuche/Oeffentliche\\_Bekanntmachung\\_Formular.html?gts=dateOfIssue\\_dt+desc&cl2Categories\\_Zustaendigkeit=Freistellung&documentType\\_=Publication&cl2Categories\\_Rechtsformat=Bekanntmachungen&sortOrder=dateOfIssue\\_dt+desc&cl2Categories\\_Suchpfad=3679716](https://www.eba.bund.de/SiteGlobals/Forms/Suche/Expertensuche/Oeffentliche_Bekanntmachung_Formular.html?gts=dateOfIssue_dt+desc&cl2Categories_Zustaendigkeit=Freistellung&documentType_=Publication&cl2Categories_Rechtsformat=Bekanntmachungen&sortOrder=dateOfIssue_dt+desc&cl2Categories_Suchpfad=3679716)  
[https://www.eba.bund.de/SiteGlobals/Forms/Suche/Expertensuche/Expertensuche\\_Formular.html?gts=dateOfIssue\\_dt+desc&cl2Categories\\_Zustaendigkeit=Freistellung&documentType\\_=Publication&cl2Categories\\_Rechtsformat=Freistellung&sortOrder=dateOfIssue\\_dt+desc&cl2Categories\\_Suchpfad=2046512](https://www.eba.bund.de/SiteGlobals/Forms/Suche/Expertensuche/Expertensuche_Formular.html?gts=dateOfIssue_dt+desc&cl2Categories_Zustaendigkeit=Freistellung&documentType_=Publication&cl2Categories_Rechtsformat=Freistellung&sortOrder=dateOfIssue_dt+desc&cl2Categories_Suchpfad=2046512)

## Hinweise

### Rechtsbehelf

Objection: Detailed information on how to lodge an objection can be found in the notification.

### Kurztext

- Railroad operating purposes Exemption
- Land that is used by the federal railroads for operational purposes or on which such operational facilities are located is withdrawn from the general planning sovereignty of the municipalities
- Exemption from railway-specific earmarking removes special status and restores the municipalities' planning sovereignty over the corresponding areas
  - Railroad infrastructure companies
  - Owners of the land
  - the municipality on whose territory the land is located
    - the responsible body for road construction on a public road that intends to use the property for road or cycle path construction purposes
- Eligible applicants are
- Fees: EUR 2,000
- Application online or in writing by post
- Processing time: 6 months on average
- Responsible: Federal Railway Authority (EBA)

## Ansprechpunkt

## Zuständige Stelle

## Formulare

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Ursprungsportal	Bahnbetriebszwecke Freistellung, Bahnbetriebszwecke Freistellung