

Basic Chronology

- The Act of Congress dated March 12, 1914 reserved to the United States a 200' right of way (ROW) for the construction of railroads, telegraph and telephone lines across all federally owned lands in Alaska.
- Carl Finell filed for his Alaskan homestead in 1946 in the North Pole area.
- 1947: Utilizing the ROW granted by the 1914 Act, the United States constructed a railroad spur from Fairbanks to Satellite Field (Eielson Air Force Base) bisecting Carl Finell's homestead.
- 1949: Carl Finell received the federal patent to his homestead—the reservation for the railroad ROW was included in the patent.
- 1969: The remainder of the Finell homestead was purchased, including the property that the railroad crosses.
- 1980: The State of Alaska and federal government begin negotiating for the transfer of the Alaska Railroad to State ownership.
- 1983: Congress passed the Alaska Railroad Transfer Act (ARTA) authorizing the sale of the Alaska Railroad and its properties to the State. Section 1209 of ARTA provided that the railroad ROW transferred to the State would “revert” back to U.S. ownership if the State made no use of the ROW for transportation, communication, or transmission purposes for a continuous period of 18 years. Upon such reversion, the U.S. was then obligated to convey the unused ROW to adjacent landowners.
- 1985: The Alaska Railroad is transferred from federal ownership to State ownership.
- 2003: Congress repealed the ROW reversion provision in ARTA Section 1209.
- 2005/2006: While researching crossing closing issues, it was discovered that the ARTA ROW reversion provision had been repealed.

While the railroad has the right to cross their property along the Eielson spur, property owners contend they lost a contingent future property interest when Congress repealed the ARTA ROW reversion provision in 2003, and that it is only fair and equitable for the State to restore this reversionary right. HB 146 accomplishes this goal.