

HOUSE BILL NO. 146

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE TAMMIE WILSON

Introduced: 2/9/11

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing the transfer of land from the State of Alaska and the Alaska**
2 **Railroad Corporation to property owners along the Eielson Spur Line; and providing**
3 **for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
6 to read:

7 FINDINGS. The legislature finds that the 2003 repeal by the United States Congress
8 of the reversion language of 45 U.S.C. 1208(c) and 1209 (Alaska Railroad Transfer Act)
9 resulted in future retention by the Alaska Railroad Corporation and the State of Alaska of a
10 railroad right-of-way that abutting landowners along the Alaska Railroad Corporation's
11 Eielson Spur had a reasonable expectation would be conveyed to them if the Alaska Railroad
12 Corporation and the State of Alaska discontinued use of the land within the right-of-way. This
13 legislation is intended to replace the reversionary rights of the abutting landowners that were
14 repealed by the United States Congress in 2003.

1 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 DISPOSITION OF RAILROAD RIGHT-OF-WAY TO PROPERTY OWNERS
4 ALONG THE EIELSON SPUR LINE. (a) If the State of Alaska and the Alaska Railroad
5 Corporation discontinue use of the right-of-way along the Alaska Railroad Corporation's
6 Eielson Spur Line, the interest of the State of Alaska and the Alaska Railroad Corporation in
7 the land shall revert to the abutting landowners. The State of Alaska and the Alaska Railroad
8 Corporation shall be considered to have discontinued use under this subsection when

9 (1) the governor delivers to the abutting landowners a notice of
10 discontinuance, including a legal description of the property subject to the notice and a
11 quitclaim deed thereto; or

12 (2) the State of Alaska and the Alaska Railroad Corporation have made no use
13 of the right-of-way for a continuous period of 18 years for transportation, communication, or
14 transmission purposes.

15 (b) On reversion under (a)(2) of this section, the State of Alaska and the Alaska
16 Railroad Corporation shall, on request, convey by quitclaim deed all of their rights, title, and
17 interest in the reverted right-of-way to the abutting landowners. When land abutting the
18 reverted right-of-way is conveyed under this section to another person by the State of Alaska
19 and the Alaska Railroad Corporation, the conveyance made shall extend the property of each
20 abutting landowner to the centerline of the right-of-way.

21 (c) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska
22 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

23 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).