

HOUSE CS FOR CS FOR SENATE BILL NO. 86(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:**Referred:****Sponsor(s): SENATORS COGHILL, Hoffman, Stevens, von Imhof, Giessel, Bishop, Costello, Micciche****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to Alaska Railroad Corporation land; authorizing the exchange of land**
2 **between the Alaska Railroad Corporation and Eklutna, Inc.; and authorizing the**
3 **transfer of land from the Alaska Railroad Corporation to the Municipality of**
4 **Anchorage."**

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

6 * **Section 1.** AS 42.40.285 is amended to read:

7 **Sec. 42.40.285. Legislative approval required.** Unless the legislature
8 approves the action by law, the corporation may not

9 (1) exchange, donate, sell, or otherwise convey its entire interest in
10 land;

11 (2) issue bonds;

12 (3) extend railroad lines; this paragraph does not apply to a spur,
13 industrial, team, switching, or side track;

14 (4) lease land for a period in excess of 95 years unless the corporation

1 reserves the right to terminate the lease if the land is needed for railroad purposes;

2 (5) apply for or accept a grant of federal land within a municipality;
3 before approving an action under this paragraph, the legislature must determine that
4 the federal land is required for essential railroad purposes; except as otherwise
5 provided in AS 42.40.410, this paragraph does not apply to the application for or
6 acceptance of a grant of federal land associated with

7 (A) the Anchorage-Wasilla line change project on Elmendorf
8 Air Force Base and Fort Richardson;

9 (B) the Fairbanks intermodal rail yard expansion project;

10 (C) a conveyance of rail properties of the Alaska Railroad
11 under the original Alaska Railroad Transfer Act of 1982 as set out in Title VI,
12 P.L. 97-468; in this subparagraph, "rail properties of the Alaska Railroad" has
13 the meaning given in 45 U.S.C. 1202(10).

14 * **Sec. 2.** AS 42.40.350(a) is amended to read:

15 (a) The corporation shall receive from the United States and, in its own name,
16 take title to all rail property transferred under 45 U.S.C. 1201 - 1214 (Alaska Railroad
17 Transfer Act of 1982), except that the corporation does not have authority over
18 any right, title, or interest in property transferred under this subsection that was
19 not vested in the United States at the time of transfer. All land that is transferred or
20 acquired by the corporation is designated as follows:

21 (1) railroad rights-of-way are railroad utility corridors;

22 (2) land outside railroad utility corridors is rail land.

23 * **Sec. 3.** AS 42.40.410 is amended to read:

24 **Sec. 42.40.410. Federal land.** Except as provided in AS 42.40.285(5), the
25 corporation may submit applications on its own behalf as an instrumentality of the
26 state for acquisition of federal land available under federal law that will enhance the
27 operations of the corporation if it is available under a federal law other than the Alaska
28 Statehood Act of 1958 (P.L. 85 - 508, 72 Stat. 339), as amended. The corporation may
29 receive in its own name conveyances of all interests in federal land. In this section,
30 land or interest in land that is not conclusively owned by the United States at the
31 time of transfer is not available and does not satisfy the exception from legislative

1 approval under AS 42.40.285(5)(C).

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO EKLUTNA, INC. (a)
5 The Alaska Railroad Corporation is authorized to convey the corporation's entire interest in
6 approximately 399.2 acres of rail land located in the Alaska Railroad Eagle River Reserve,
7 within Sections 25, 26, and 35, Township 16 North, Range 2 West, Seward Meridian, to
8 Eklutna, Inc., in exchange for the conveyance to the corporation by Eklutna, Inc., of land
9 adjacent to land owned by the corporation in Birchwood.

10 (b) If the appraised fair market value of the land to be exchanged is unequal, the
11 Alaska Railroad Corporation may accept or pay cash sufficient to equalize the value of assets
12 being exchanged.

13 (c) The land conveyed by Eklutna, Inc., to the Alaska Railroad Corporation shall be
14 held and managed by the corporation in accordance with AS 42.40.

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

17 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE
20 MUNICIPALITY OF ANCHORAGE. (a) The Alaska Railroad Corporation is authorized to
21 convey the corporation's entire interest in approximately 20.2 acres of rail land located in the
22 Alaska Railroad Anchorage Reserve, within Section 7, Township 13 North, Range 3 West,
23 Seward Meridian, and Section 12, Township 13 North, Range 4 West, Seward Meridian, to
24 the Municipality of Anchorage.

25 (b) In consideration for the conveyance authorized in (a) of this section, the Alaska
26 Railroad Corporation may accept cash equivalent to the fair market value of the land being
27 conveyed.

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