

Alaska State Legislature

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House Bill 136: Use of Railroad Easements Sectional Analysis, Version T

Section 1: Amends AS 42.40.350(b)

- **Current Law:** AS 42.40.350(b) establishes that railroad utility corridors must be at least 100 feet wide on either side of the main or branch line unless the railroad does not own enough land to meet that standard. The Alaska Railroad Corporation (ARRC) has the authority to lease or grant easements within this corridor for transportation, communication, and transmission purposes, as long as those uses do not restrict other parallel uses.
- **Amendment:** This section clarifies that ARRC's authority to lease or grant easements is subject to limitations introduced by the new AS 42.40.415 (added to the Alaska Statutes through Section 3 of the bill). This change ensures that ARRC cannot unreasonably restrict property owners from using their land within the easement.

Section 2: Amends AS 42.40.350(c)

- **Current Law:** AS 42.40.350(c) allows ARRC to lease, grant easements, or authorize the use of railroad land, but it prohibits ARRC from selling or conveying its entire interest in rail land except in specific cases.
- **Amendment:** This section adds an exception to ARRC's authority by incorporating the new AS 42.40.415, meaning ARRC must allow landowners to use their property as long as it does not interfere with railroad operations.

Section 3: Adds the New AS 42.40.415 - Use of Easement

- **New Provision:** Subsection (a) explicitly states that ARRC must allow landowners to use property they own that is subject to an easement, provided that the use does not unreasonably interfere with the railroad's use of the property. Subsection (b) clarifies that ARRC may require a permit—and charge a revenue-neutral fee—for landowners who wish to construct a railroad crossing within the easement. This ensures that ARRC retains control over safety and infrastructure standards for physical crossings while prohibiting the corporation from profiting from such permitting.
- **Purpose:** This provision places guardrails on ARRC's authority, ensuring that it cannot broadly prohibit landowners from using their own property simply because the land is subject to a railroad easement.
- **Effect:** Permits landowners to exercise noninterfering use of their land that is subject to a railroad easement and ensures that any fees associated with crossing permits are limited to cost recovery, preventing unreasonable financial burdens on landowners.

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Goals of HB 136

- Permit property owners to use their land that is covered by a railroad easement unless their use interferes with railroad operations.
- Address concerns that ARRC has exercised overly broad control over the railroad right-of-way, such as charging crossing fees or blocking landowners from reasonable use of their own property.
- Align Alaska's policy with the way other railroads operate under similar easements, ensuring a more balanced approach to property rights and railroad operations.