

CS FOR HOUSE BILL NO. 136(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 5/9/25

Referred: Judiciary

Sponsor(s): REPRESENTATIVES KOPP, McCabe, Costello

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to use of railroad easements."**

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

3 * **Section 1.** AS 42.40.350(b) is amended to read:

4 (b) Railroad utility corridors shall be of a width at least 100 feet on both sides
5 of the centerline of the extended main or branch line, unless the corporation does not
6 own or control sufficient land to allow a corridor of that width. Railroad utility
7 corridors may be surveyed by the metes and bounds method. The corporation may not
8 convey its entire interest in land within a utility corridor except as provided in
9 AS 42.40.285, 42.40.370(d) and 42.40.400. However, **except as provided in**
10 **AS 42.40.415,** the corporation may lease, subject to AS 42.40.285 and (d) of this
11 section, grant easements in or permits for, or otherwise authorize use of portions of a
12 utility corridor for transportation, communication, and transmission purposes and
13 support functions associated with those purposes, and for commercial and other uses
14 authorized under this chapter if the use does not restrict other parallel uses of the
15 utility corridor.

1 * **Sec. 2.** AS 42.40.350(c) is amended to read:

2 (c) **Except as provided in AS 42.40.415, the** [THE] corporation may lease,
3 subject to AS 42.40.285 and (d) of this section, grant easements in or permits for, or
4 otherwise authorize use of portions of rail land. However, the corporation may not
5 convey its entire interest in rail land except as provided in AS 42.40.285, 42.40.352,
6 42.40.370(d), and 42.40.400.

7 * **Sec. 3.** AS 42.40 is amended by adding a new section to read:

8 **Sec. 42.40.415. Use of easement.** (a) Except as provided in (b) of this section,
9 the corporation may not charge a fee or require a permit for an owner of real property
10 subject to an easement in favor of the corporation to use the property in a manner that
11 does not unreasonably interfere with the corporation's use of the property.

12 (b) The corporation may require the owner of real property subject to an
13 easement in favor of the corporation to obtain a permit from the corporation to
14 construct a railroad crossing within the easement and may charge the owner a revenue-
15 neutral fee associated with issuing the permit and developing and maintaining the
16 crossing.