

HOUSE BILL NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JAMES, Therriault

Introduced: 1/19/99

Referred: Transportation, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an easement for the extension of the Alaska Railroad to the
2 Alaska-Canada border."

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

4 * **Section 1.** AS 19.05.122(c) is amended to read:

5 (c) If the commissioner approves or modifies the proposed utility corridor and
6 railroad right-of-way,

7 (1) the Department of Natural Resources shall promptly

8 (A) classify, or reclassify, and reserve any state land within the
9 utility corridor for use as a utility corridor and railroad right-of-way;

10 (B) reserve an exclusive use easement for the Alaska
11 Railroad Corporation in state land within the railroad right-of-way; and

12 (C) reserve exclusive use easements for the Alaska Railroad
13 Corporation for terminal and station areas at locations on state land
14 within the utility corridor that the corporation may designate; and

1 (2) the department shall

2 (A) **after consultation with the Alaska Railroad Corporation,**
 3 exercise its authority under AS 19.05.040 to acquire rights-of-way across land
 4 within the utility corridor **that** [WHICH] is subject to the state's power of
 5 condemnation;

6 (B) **in coordination with the Alaska Railroad Corporation,**
 7 work with federal officials to secure reclassification and withdrawal of federal
 8 land in the utility corridor for reservations and rights-of-way across the federal
 9 land for use as a utility corridor and railroad right-of-way; and

10 (C) prepare a report evaluating the impact of construction of an
 11 extension of the Alaska Railroad across federal land within the railroad right-
 12 of-way; the statement shall satisfy the requirements for an "environmental
 13 impact statement" under 42 U.S.C. 4332.

14 * **Sec. 2.** AS 19.05.122 is amended by adding a new subsection to read:

15 (e) In this section, "exclusive use easement" means an easement that affords
 16 to the Alaska Railroad Corporation the following:

17 (1) the exclusive right to use, possess, and enjoy the surface estate of
 18 the land subject to the easement for transportation, communication, and transmission
 19 purposes and for support functions associated with such purposes;

20 (2) the right to use so much of the subsurface estate of the land subject
 21 to the easement as is necessary for transportation, communication, and transmission
 22 purposes and associated support functions for which the surface of such land is used;

23 (3) subjacent and lateral support of the land subject to the easement;
 24 and

25 (4) the right, at the discretion of the corporation, to fence all or part of
 26 the land subject to the easement and to affix track, fixtures, and structures to such land
 27 and to exclude other persons from all or part of such land.

28 * **Sec. 3.** Within one year after the effective date of this Act, the Department of Natural
 29 Resources shall reserve the exclusive use easement described in AS 19.05.122(c)(1)(B), as
 30 added by sec. 1 of this Act, in state land that is within the railroad right-of-way on the
 31 effective date of this Act.