

CS FOR HOUSE BILL NO. 241(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/28/01

Referred: Rules

Sponsor(s): REPRESENTATIVES JAMES, Dyson, McGuire, Scalzi, Wilson, Foster, Whitaker, Fate, Morgan, Davies, Hayes, Harris

SENATOR Therriault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a railroad utility corridor for extension of the Alaska Railroad to**
2 **Canada and to extension of the Alaska Railroad to Whitehorse, Yukon, Canada."**

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

4 *** Section 1.** AS 42.40 is amended by adding new sections to article 5 to read:

5 **Sec. 42.40.460. Extension of the Alaska Railroad.** (a) The corporation may
6 delineate a proposed railroad utility corridor between the existing railroad utility
7 corridor of the Alaska Railroad and the border of Alaska and Canada. The railroad
8 utility corridor shall be at least 500 feet wide. The railroad utility corridor may be
9 designated for a use identified under AS 42.40.350(b). The corporation may also
10 identify land for use as rail land that can be developed for terminal, station, and
11 maintenance facilities, switching yards, and material sites associated with the railroad
12 utility corridor. The corporation shall prepare a complete legal description of the
13 proposed railroad utility corridor and the rail land identified under this subsection.

14 (b) In performing the work authorized by (a) of this section, the corporation

1 shall consider the following factors:

2 (1) grade and alignment standards that are commensurate with rail and
3 utility construction standards and that minimize the prospect of at-grade railroad and
4 highway crossings;

5 (2) availability of construction materials;

6 (3) safety;

7 (4) effects on and service to adjacent communities and potential
8 intermodal transportation connections;

9 (5) environmental concerns;

10 (6) use of public land to the maximum degree possible;

11 (7) minimization of probable construction costs;

12 (8) the location of and the opportunity to obtain access to identified
13 natural resources that could contribute significantly to the state's economic
14 development; and

15 (9) prior and established traditional uses.

16 (c) If the corporation delineates all or a portion of the proposed railroad utility
17 corridor or the associated rail land,

18 (1) the Department of Natural Resources shall, in accordance with
19 AS 42.40.360(b) and 42.40.370, convey state land within the railroad utility corridor
20 and associated rail land to the corporation without cost to the corporation and delineate
21 the route of the railroad utility corridor and the location of the associated rail land in
22 any system of land records maintained by the Department of Natural Resources under
23 AS 38.05.035; and

24 (2) the corporation shall

25 (A) as the corporation considers appropriate, exercise its
26 authority under this chapter to acquire rights-of-way across land within the
27 railroad utility corridor that is subject to the corporation's power of eminent
28 domain;

29 (B) upon delineation of the railroad utility corridor and
30 identification of associated rail land, expeditiously work with federal officials
31 to secure reclassification and withdrawal of federal land for reservations and

1 rights-of-way across the federal land for use as railroad utility corridor and rail
2 land; and

3 (C) prepare a report evaluating the effects of construction of an
4 extension of the Alaska Railroad across federal land; the statement must satisfy
5 the requirements for an environmental impact statement under 42 U.S.C. 4332.

6 (d) The requirements of AS 38.05 (Alaska Land Act) relating to classification
7 and reclassification of land are inapplicable to actions taken by the Department of
8 Natural Resources under this section.

9 (e) The Department of Natural Resources shall retain the classifications and
10 reservations of land identified for use as a proposed utility corridor and railroad right-
11 of-way under former AS 19.05.122 until the corporation informs the department in
12 writing that the land is not needed by the corporation for a utility corridor. If the
13 corporation informs the department in writing that the land is necessary for use as a
14 utility corridor, the department shall convey the land to the corporation under (c) of
15 this section.

16 (f) To complete the work authorized by this section, the corporation may enter
17 into agreements relating to the work with the federal government, an agency or
18 instrumentality of the state, a municipality, or a private organization.

19 **Sec. 42.40.465. Extension of the Alaska Railroad to Whitehorse, Yukon,**
20 **Canada.** The corporation may investigate extension of the Alaska Railroad from the
21 border of Alaska and Canada to Whitehorse, Yukon. The corporation may acquire
22 land or interests in land in Canada as the corporation considers appropriate for the
23 development, construction, and operation of an extension of the Alaska Railroad to
24 Whitehorse, Yukon.

25 * **Sec. 2.** AS 19.05.122 is repealed.