

**HOUSE BILL NO. 142**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE KOPP**

**Introduced: 3/21/25**

**Referred: Transportation**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to use of railroad land for public purposes."**

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

3 \* **Section 1.** AS 42.40.420 is amended to read:

4 **Sec. 42.40.420. Public use of railroad land.** (a) Upon request of a  
5 municipality or the state, the corporation may authorize use of railroad land for public  
6 purposes. Subject to AS 42.40.350(b) and (b) of this section, the corporation shall  
7 authorize a walkway or a trail if the board first finds in writing that the proposed  
8 walkway or trail will not create a safety hazard and will not unreasonably interfere  
9 with continued or expanded operations in the utility corridor.

10 (b) Before authorizing a use under this section, the corporation [BOARD]  
11 shall require the municipality or state to

12 (1) execute an agreement in a form approved by the board to

13 (A) [(1)] agree to restrictions, limitations, and conditions on the  
14 proposed use required by the corporation and reasonably calculated to reduce  
15 the risk of a safety hazard or interference with authorized uses in the utility

1 corridor;

2 **(B)** [(2)] hold the corporation harmless from and indemnify the  
3 corporation for liability and claims arising from any use authorized under this  
4 section including

5 **(i)** [(A)] defending the corporation in a cause of action  
6 brought against the corporation as a result of the use; and

7 **(ii)** [(B)] indemnifying the corporation for the amount  
8 of a judgment, including prejudgment and postjudgment interest,  
9 rendered against the corporation, and for all costs and **attorney**  
10 [ATTORNEY'S] fees incurred by the corporation in settling or  
11 defending the claim; and

12 **(C)** [(3)] stop the use upon request of the corporation if the use  
13 interferes with expansion or replacement of railroad facilities, creates a safety  
14 hazard, or interferes with railroad operations; **and**

15 **(2) obtain a notarized written statement from the owner of real**  
16 **property subject to an easement in favor of the corporation consenting to the use**  
17 **of that property and record the statement in the recorder's office of the recording**  
18 **district in which the property is located.**

19 \* **Sec. 2.** AS 42.40.460(g) is amended to read:

20 (g) In delegating management authority over or conveying all or a portion of  
21 state land to the corporation, the Department of Natural Resources shall reserve the  
22 right to authorize, by lease, permit, or other method, a person to cross or construct  
23 access across the transportation corridor and associated rail land; however, before  
24 authorizing a crossing or construction of access, the department shall obtain  
25 concurrence from the corporation that the proposed crossing or construction is  
26 consistent with applicable safety standards and, to the extent practical, minimizes  
27 effects on railroad operating efficiency. Neither the corporation nor the state is liable  
28 for claims arising from public use of the transportation corridor and associated rail  
29 land, except to the extent the claims arise from the gross negligence of the state, the  
30 corporation, their employees, or their contractors, respectively. The department shall  
31 indemnify the corporation consistent with **AS 42.40.420(b)(1)** [AS 42.40.420(1) - (3)]

1           for claims or related litigation arising from an authorization issued by the department  
2           under this section, except to the extent the claims arise from the gross negligence of  
3           the corporation, its employees, or its contractors.

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

6           APPLICABILITY. AS 42.40.420, as amended by sec. 1 of this Act, applies to uses of  
7 railroad land authorized on or after the effective date of this Act.