

Introduced: 1/27/84
Referred: Transportation and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 543

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the acquisition of the Alaska
7 Railroad; authorizing the governor to negotiate the
8 transfer terms; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. ACCEPTANCE OF TRANSFER CONDITIONS OF ALASKA RAILROAD
11 TRANSFER ACT OF 1982. The state accepts, for itself and any entity that
12 might subsequently be created to operate the Alaska Railroad, the transfer
13 conditions set out in the Alaska Railroad Transfer Act of January 14, 1983,
14 P.L. 97-468, 45 U.S.C. secs. 1201 -- 1214. Accordingly, the state agrees
15 to

16 (1) acquire the Alaska Railroad and accept all rail property of
17 the Alaska Railroad under sec. 604(a) (45 U.S.C. sec. 1203(a)) of the
18 Transfer Act;

19 (2) operate the Alaska Railroad as a rail carrier in intrastate
20 and interstate commerce;

21 (3) assume all rights, liabilities, and obligations of the
22 Alaska Railroad existing on the date of transfer to the state, including
23 leases, permits, licenses, contracts, agreements, claims, tariffs, accounts
24 receivable, and accounts payable, except as otherwise provided by the
25 Transfer Act;

26 (4) protect the employment interests of the employees of the
27 Alaska Railroad during the two-year period commencing on the date of trans-
28 fer, as required by sec. 604(d)(3)(A) (45 U.S.C. sec. 1203(d)(3)(A)) and
29 sec. 607 (45 U.S.C. sec. 1206) of the Transfer Act;

1 (5) protect the employment interests of the officers of the
2 Alaska Railroad as required by sec. 604(d)(3)(E) (45 U.S.C. sec. 1203(d)-
3 (3)(E)) of the Transfer Act;

4 (6) allow representatives of the United States Secretary of
5 Transportation adequate access to employees and records of the Alaska
6 Railroad when needed for the performance of functions related to the period
7 of federal ownership; and

8 (7) compensate the United States at the value determined by the
9 United States Railway Association under sec. 605(d) (45 U.S.C. sec. 1204-
10 (d)) of the Transfer Act.

11 * Sec. 2. The governor may enter into transfer, compensation, and any
12 other, related agreements with the United States Secretary of Transporta-
13 tion in order to secure certification by the secretary that the state has
14 met the transfer conditions of sec. 604 (45 U.S.C. sec. 1203) of the Trans-
15 fer Act and in order to secure the transfer of the Alaska Railroad to the
16 state.

17 * Sec. 3. DEFINITIONS. In this Act, unless the context clearly indi-
18 cates otherwise,

19 (1) "Alaska Railroad" means the agency of the United States
20 Government that is operated by the U.S. Department of Transportation as a
21 rail carrier in Alaska under authority of the Act of March 12, 1914 (Alaska
22 Railroad Act, 43 U.S.C. secs. 975 -- 975g) and sec. 6(i) of the Department
23 of Transportation Act (49 U.S.C. 1655(i)), or, as the context requires, the
24 railroad operated by that agency;

25 (2) "officers of the Alaska Railroad" means the employees occu-
26 pying the following positions at the Alaska Railroad as of the day before
27 the date of transfer to the state: general manager; assistant general
28 manager; assistant to the general manager; chief of administration; and
29 chief counsel;

1 (3) "Transfer Act" means the Alaska Railroad Transfer Act of
2 January 14, 1983, P.L. 97-468, 45 U.S.C. secs. 1201 -- 1214;

3 (4) "transfer conditions" means all those conditions set out in
4 sec. 604 (45 U.S.C. sec. 1203) of the Transfer Act that the state must be
5 certified by the United States Secretary of Transportation to have sat-
6 isfied before transfer of the Alaska Railroad to the State of Alaska can
7 occur under sec. 604(a) of the Transfer Act.

8 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).