

Offered: 3/1/84
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 370 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the Alaska Railroad; authorizing
7 the acquisition of the Alaska Railroad; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. ACCEPTANCE OF CERTIFICATION REQUIREMENTS OF ALASKA RAIL-
11 ROAD TRANSFER ACT OF 1982. The state accepts, for itself and any entity
12 that might subsequently be created to operate the Alaska Railroad, the
13 certification requirements under 45 U.S.C. 1201 - 1214 (Alaska Railroad
14 Transfer Act of January 14, 1983). Accordingly, the state agrees to
15 (1) acquire the Alaska Railroad and accept all rail property of
16 the Alaska Railroad under 45 U.S.C. 1203(a) as described in the report of
17 July 14, 1983, as amended, submitted to Congress and the legislature under
18 45 U.S.C. 1204(a);
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 45 U.S.C.
25 1201 - 1214;
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 45 U.S.C. 1203(d)(3)(A) and 45 U.S.C. 1206;
29 (5) protect the employment interests of the officers of the

1 Alaska Railroad as required by 45 U.S.C. 1203(d)(3)(E);

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

6 (7) compensate the United States at the value determined by the
7 United States Railway Association under 45 U.S.C. 1204(d).

8 * Sec. 2. (a) The governor may enter into transfer agreements, compen-
9 sation agreements, and any other related agreements with the United States
10 Secretary of Transportation in order to secure certification by the secre-
11 tary that the state has met the requirements of 45 U.S.C. 1203 and in order
12 to secure the transfer to the state of the rail properties of the Alaska
13 Railroad as described in the report of July 14, 1983, as amended, submitted
14 to Congress and the legislature under 45 U.S.C. 1204(a).

15 (b) Transfer of the Alaska Railroad shall not occur until after the
16 effective date of an Act establishing or otherwise providing for an entity
17 to operate the state-owned railroad.

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

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

25 (2) "certification requirements" means the conditions under 45
26 U.S.C. 1203 that the United States Secretary of Transportation must certify
27 as having been satisfied by the state before transfer of the Alaska Rail-
28 road to the State of Alaska may occur under 45 U.S.C. 1203(a);

29 (3) "compensate" means payment in full or by credit agreement

1 with cash or pledged funds;

2 (4) "officers of the Alaska Railroad" means the employees occu-
3 pying the following positions at the Alaska Railroad as of the day before
4 the date of transfer to the state: general manager; assistant general
5 manager; assistant to the general manager; chief of administration; and
6 chief counsel.

7 * Sec. 4. AS 42.30 is amended by adding a new section to read:

8 ARTICLE 5. STATE-OWNED RAILROAD.

9 Sec. 42.30.250. PROHIBITION. The state-owned railroad described
10 in 45 U.S.C. 1202(14) may not apply under 16 U.S.C. 410hh(4)(b) - (e)
11 for a right-of-way across the Western (Kobuk River) unit of the Gates
12 of the Arctic National Park.

13 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).