

**HB**

**362**

HFIN

FILE

(11)  
Date Referred to Committee: March 3, 2000

**HOUSE COMMITTEE REF - RT**  
**FURTHER REFERRALS:**

Date of Committee Action: 4-6-00

The FINANCE Committee considered: HB 362

HOUSE BILL NO. 362 APPROVING TRANSFER OF RAILROAD LAND

"An Act authorizing the exchange of land between the Alaska Railroad Corporation and Eklutna, Inc., between the Alaska Railroad Corporation and the United States Department of the Army and the United States Department of the Air Force, between the Alaska Railroad Corporation and Chugach Alaska Corporation, and between the Alaska Railroad Corporation and the Municipality of Anchorage; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 362 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) DCED 3/3/00

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Ben Therrault</i>	Therrault	X			
<i>Mark Mulder</i>	Mulder	X			
<i>Ben Bunde</i>	Bunde			✓	
<i>Alan Ausherman</i>	Ausherman		<del>X</del>	X	
<i>John N. Daines</i>	J. Daines	X			
<i>Ben Grossardt</i>	Grossardt			X	
<i>Carol E. Moses</i>	Moses	✓			
<i>John G. Daus</i>	G. Daus	X			
<i>W. K. Williams</i>	Williams	X			
<i>Phillips</i>	Phillips	X			
<i>Phillips</i>	Phillips	✓			

CHAIR'S SIGNATURE *Ben Therrault*

# FISCAL NOTE

Bill Version: CSHB 362 (TRA)

(H) Publish Date: 3/3/00

## STATE OF ALASKA 2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Track Realignment BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Representative Lisa Murkowski \_\_\_\_\_  
 Requester (H) Transportation Component No. \_\_\_\_\_

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

### POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 362 will create no fiscal impact to the state's general fund or to the Alaska Railroad Corporation (ARRC). The ARRC will convey the Corporation's entire interest in certain lands in exchange for equivalent valued land with Elmendorf Air Force Base, Fort Richardson, Eklutna, Inc. and other entities. No funds will be exchanged between the parties in this land trade legislation.

Prepared by: Wendy Lindskoog Phone 265-2498  
 Division Alaska Railroad Corporation Date/Time 2/29/00 10:29 AM  
 Approved by Commissioner [Signature] Date 2/29/00  
 Agency \_\_\_\_\_

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# HB 362 Railroad Track Realignment

Talking Points

April 5, 2000 1:30 P.M.

- House Bill 362 authorizes the Alaska Railroad Corporation to enter into several land exchange agreements needed for a track upgrade and realignment project.
- The bill approves exchanges of Railroad landholdings for equivalently valued land owned by the Air Force and Army on Elmendorf AFB and Fort Richardson, Eklutna, Inc., Chugach Alaska Corporation and the Municipality of Anchorage, and certain landowners in the Birchwood area. 749.
- Federal legislation is also necessary because of the land swap with the military—the ARRC is working with the Washington delegation to get this passed.
- The exchanges outlined in HB 362 will allow the ARRC's track realignment project between Anchorage and Wasilla to proceed, and will also allow the Department of Transportation and Public Facilities to relocate a portion of the Seward Highway just north of Seward. *grade separated crossing*
- Upgrading and realigning the track will increase safety and efficiency. Straighter track is safer due to reduced track and equipment wear, consistency in train handling, increased sight distance, and reduced maintenance requirements.
- Running time between Anchorage and Wasilla would also be decreased from 95 minutes to 53 minutes, making commuter service more viable.
- Reduced transit time will also mean potential reduction in the traffic growth and impact on the Glenn and Park Highways.
- The railroad plans an investment of \$45-60 million for the improvements. These funds will come from federal transportation grants as well as the ARRC's operating revenues. No general funds will be required.
- This project includes upgrades to vehicle crossings and additional public access amenities that will enhance safety and access across the tracks.
- **Supported by:**
  - Alaska Visitors Association
  - Palmer Chamber of Commerce
  - Matanuska-Susitna Convention and Visitors Bureau
  - Anchorage Convention and Visitors Bureau
  - City of Wasilla
  - Alaska State Chamber of Commerce
  - Chugiak-Eagle River Chamber of Commerce

1-LS1455H  
Utermohle  
4/3/00

4-6-00  
adopted as amended NO OBJ

**CS FOR HOUSE BILL NO. 362(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE MURKOWSKI**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act authorizing the exchange of land between the Alaska Railroad  
2 Corporation and Eklutna, Inc., between the Alaska Railroad Corporation and the  
3 United States Department of the Army and the United States Department of the  
4 Air Force, between the Alaska Railroad Corporation and Chugach Alaska  
5 Corporation, and between the Alaska Railroad Corporation and the Municipality  
6 of Anchorage; authorizing the transfer of land between Alaska Railroad mileposts  
7 133 and 134 from the Alaska Railroad Corporation to certain named individuals;  
8 approving the application for and acceptance of a grant of certain federal land  
9 by the Alaska Railroad Corporation; approving the conveyance of the entire  
10 interest in land appurtenant to the Whittier DeLong Dock by the Alaska Railroad  
11 Corporation; relating to use and disposition of the Whittier DeLong Dock and  
12 associated land; relating to transfers of public land or grants or conveyances of

*deleted*

1 interest in public land among the Alaska Railroad Corporation, the Department  
2 of Transportation and Public Facilities, and the Department of Natural Resources  
3 to relocate or widen the Seward Highway, to relocate railroad facilities, and to  
4 relocate adjacent utility facilities from Potter Station to Girdwood; and providing  
5 for an effective date."

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

7 **Article 1. Land Exchanges Between Alaska Railroad**  
8 **Corporation and Eklutna, Inc., Department of Army and**  
9 **Department of Air Force, Chugach Alaska Corporation, and**  
10 **Municipality of Anchorage; Transfer of Land to Certain Individuals.**

11 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
12 section to read:

13 **APPROVAL OF THE TRANSFER OF REAL PROPERTY TO EKLUTNA, INC.** (a)  
14 The Alaska Railroad Corporation is authorized to convey the corporation's entire interest in  
15 approximately 384 acres of rail land within Tract 39 of Dependent Resurvey of Rectangular  
16 Survey of Township 15 North, Range 2 West, Seward Meridian, officially filed November 10,  
17 1992, to Eklutna, Inc., in exchange for the conveyance to the corporation by Eklutna, Inc., of  
18 approximately 65 acres of land adjacent to the railroad utility corridor at railroad mileposts  
19 129, 130, 133, 140, 142, 146, and 151 and sufficient additional acreage east of Birchwood  
20 Airport and adjacent to the railroad between miles 134.5 and 136.3 to equalize the value of  
21 lands exchanged.

22 (b) The conveyances described in this section are made for the purpose of realignment  
23 of railroad track to improve operating efficiency and enhance safety.

24 (c) The land conveyed by Eklutna, Inc. to the Alaska Railroad Corporation shall be  
25 held and managed by the corporation in accordance with AS 42.40.

26 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
27 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

28 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section  
29 to read:

1 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE UNITED  
2 STATES DEPARTMENT OF THE ARMY AND THE UNITED STATES DEPARTMENT  
3 OF THE AIR FORCE. (a) The Alaska Railroad Corporation is authorized to convey the  
4 corporation's entire interest in approximately 229 acres of railroad utility corridor between  
5 railroad mileposts 118 and 127.5, within Township 13 North, Range 3 West, Seward Meridian,  
6 Township 14 North, Range 3 West, Seward Meridian, and Township 14 North, Range 2 West,  
7 Seward Meridian to the United States Department of the Army and the United States  
8 Department of the Air Force in exchange for the conveyance of approximately 227 acres of  
9 land in the same vicinity to the corporation by the United States.

10 (b) The conveyances described in this section are made for the purpose of realignment  
11 of railroad track to improve operating efficiency and enhance safety.

12 (c) The land conveyed by the United States to the Alaska Railroad Corporation shall  
13 be held and managed by the corporation in accordance with AS 42.40.

14 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
15 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

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

18 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO CHUGACH ALASKA  
19 CORPORATION. (a) Contingent upon the conveyance to the Alaska Railroad Corporation  
20 by the Chugach Alaska Corporation of an equivalent interest in real property onto which the  
21 railroad utility corridor may be relocated, the Alaska Railroad Corporation is authorized to  
22 convey the corporation's entire interest in approximately 6.4 acres of railroad utility corridor  
23 between railroad mileposts 14 and 15, within Township 2 North, Range 1 East, Sections 6 and  
24 7, Seward Meridian, to the Chugach Alaska Corporation.

25 (b) The conveyances described in this section are made for the purpose of realignment  
26 of the railroad to allow relocation of the Seward Highway by the Department of  
27 Transportation and Public Facilities to improve highway operations and enhance safety.

28 (c) Land conveyed by the Chugach Alaska Corporation to the Alaska Railroad  
29 Corporation shall be held and managed by the Alaska Railroad Corporation in accordance with  
30 AS 42.40.

31 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska

1 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

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

4 APPROVAL OF THE TRANSFER OF CERTAIN REAL PROPERTY WITHIN THE  
5 MUNICIPALITY OF ANCHORAGE. (a) Contingent upon the approval of the conveyance  
6 of affected municipal park land by the voters of the Municipality of Anchorage, the Alaska  
7 Railroad Corporation is authorized to convey the corporation's entire interest in

8 (1) approximately 4.5 acres of railroad utility corridor between railroad  
9 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
10 Meridian, to the Municipality of Anchorage in exchange for the conveyance of approximately  
11 13.6 acres of land in the same vicinity to the corporation by the Municipality of Anchorage;

12 (2) approximately 5.1 acres of railroad utility corridor between railroad  
13 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
14 Meridian, to Richard and Carol Drebert, Harry and Simone Thomson, and Richard Moore or  
15 their personal representatives, successors, or assigns; each to receive that portion of the  
16 railroad utility corridor immediately adjacent to their respective parcels of land.

17 (b) The conveyances described in this section are made for the purpose of realignment  
18 of railroad track to improve operating efficiency and enhance safety.

19 (c) The land conveyed by the Municipality of Anchorage to the Alaska Railroad  
20 Corporation shall be held and managed by the corporation in accordance with AS 42.40.

21 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
22 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

23 **Article 2. Whittier DeLong Dock.**

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

26 FINDINGS REGARDING WHITTIER DELONG DOCK. The legislature finds that  
27 the Whittier DeLong Dock and the associated land are required for essential railroad purposes  
28 and that the acquisition of the dock and associated land by the Alaska Railroad Corporation  
29 is in the best interests of the state.

30 \* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section  
31 to read:

1           APPROVAL OF APPLICATION AND ACCEPTANCE. The legislature authorizes  
2 the Alaska Railroad Corporation to apply for and to accept a grant of a parcel of real property  
3 in Whittier, consisting of approximately 6.13 acres and the appurtenant facility known as the  
4 DeLong Dock, from the federal government under terms of sec. 2837(b) - (e), Public Law  
5 106-65. This section constitutes approval for the Alaska Railroad Corporation to apply for  
6 and to accept a grant of federal land within a municipality in accordance with  
7 AS 42.40.285(5).

8           \* Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10           USE AND DISPOSITION OF THE WHITTIER DELONG DOCK AND  
11 ASSOCIATED LAND. (a) Within three months after the conveyance of the real property  
12 described in sec. 6 of this Act from the United States to the Alaska Railroad Corporation, the  
13 corporation shall reconvey ownership of the uplands, tidelands, and submerged lands to the  
14 City of Whittier. The corporation shall retain ownership of the DeLong Dock and the railroad  
15 tracks and rail bed located on the uplands.

16           (b) Notwithstanding (c) - (h) of this section, the corporation and the City of Whittier  
17 are directed and authorized to enter into reciprocal leases for the DeLong Dock and  
18 appurtenant land and to enter into a management agreement to operate the DeLong Dock and  
19 appurtenant land as a single unit consistent with the terms contained in the document entitled  
20 "Management Terms for DeLong Dock" and signed by the corporation and the City of  
21 Whittier. If the management agreement is not signed by both the corporation and the City of  
22 Whittier within six months after the real property described in sec. 6 of this Act is conveyed  
23 by the United States to the corporation, then the corporation and the City of Whittier shall  
24 comply with (c) - (h) of this section.

25           (c) In exchange for ownership of the land described in (a) of this section, the City of  
26 Whittier shall

27                   (1) subdivide the land into two parcels that are separated by the centerline of  
28 the DeLong Dock;

29                   (2) grant a lease to the parcel of land north of the centerline of the DeLong  
30 Dock to the corporation.

31           (d) The corporation shall grant a lease to that portion of the DeLong Dock south of

1 the centerline of the dock to the City of Whittier.

2 (e) The leases described in (c) and (d) of this section must include the following  
3 provisions:

4 (1) each lease must be for a minimum term of 20 years;

5 (2) the rental rate for each lease is \$1.00 a year;

6 (3) the corporation shall have rail access to the dock, and the City of Whittier  
7 shall have a usable road to lands at and beyond the dock;

8 (4) neither the corporation nor the City of Whittier may be required by the  
9 lease to indemnify the other party for its own actions or the actions of a contractor,  
10 subcontractor, or sublessee; liability of the parties shall be governed by the tort law of the  
11 State of Alaska;

12 (5) the corporation and the City of Whittier may assign or sublease its interest  
13 in the lease without the approval of the other party;

14 (6) the corporation and the City of Whittier shall agree to diligently work  
15 together in good faith to resolve disputes and to collaborate with each other in developing a  
16 management agreement for operation of the DeLong Dock facility with the goal of operating  
17 the facility as a single entity for economic development purposes;

18 (7) the leases may not be subject to termination for a breach of a lease;

19 (8) the leases may be amended by mutual agreement of the corporation and  
20 the City of Whittier.

21 (f) The corporation and the City of Whittier shall expeditiously and in good faith  
22 undertake and complete the transactions described in this section under the terms and  
23 conditions set out in this section and under such other terms and conditions as are mutually  
24 satisfactory.

25 (g) Pending the completion of the transactions described in this section, the  
26 corporation and the City of Whittier shall enter into an interim agreement for the use of the  
27 Whittier DeLong Dock and associated land consistent with the provisions of this section.

28 (h) During the five-year period beginning on the date that the real property described  
29 in sec. 6 of this Act is conveyed from the United States to the corporation, the property shall  
30 be used for economic development of the Whittier and Prince William Sound areas, including  
31 freight transportation, tourism, boat moorage for day cruiser or large ocean-going cruise ships,

1 fishing and fish processing, and other uses.

2 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section  
3 to read:

4 **TRANSFER OF CERTAIN STATE LAND AT WHITTIER.** In the event that all or  
5 a portion of the land described in sec. 2837(b), Public Law 106-65, is transferred to the State  
6 of Alaska or an agency of the State of Alaska other than the Alaska Railroad Corporation, the  
7 State of Alaska shall expeditiously reconvey all land and improvements received under sec.  
8 2837(b) - (e), Public Law 106-65, to the City of Whittier.

9 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section  
10 to read:

11 **APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE CITY OF**  
12 **WHITTIER.** The legislature authorizes the Alaska Railroad Corporation to transfer its entire  
13 interest in the land described in sec. 7(a) of this Act in accordance with sec. 7 of this Act.  
14 This section constitutes legislative approval for the corporation to convey its entire interest in  
15 that land under AS 42.40.285(1).

16 **Article 3. Potter Station to Girdwood.**

17 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section  
18 to read:

19 **FINDINGS AND POLICY REGARDING CHUGACH STATE PARK.** (a) The  
20 legislature finds that

21 (1) the Seward Highway within the Chugach State Park from Potter Station to  
22 Girdwood is the sole highway link between the Kenai Peninsula and the rest of this state, an  
23 interstate highway on the national highway system, and a national scenic byway;

24 (2) the Seward Highway within the Chugach State Park is affected by  
25 avalanches and other potential operational problems;

26 (3) relocation or widening of the Seward Highway to avoid some of the  
27 operational problems will require relocation of some adjacent railroad and utility facilities; and

28 (4) relocation of railroad facilities within the Chugach State Park will allow  
29 some areas of the railroad track to be straightened.

30 (b) It is the policy of the state that relocation or widening of the Seward Highway or  
31 relocation of railroad facilities within the Chugach State Park is appropriate and may be

1 accomplished without significantly adversely affecting the purposes for which Chugach State  
2 Park was established.

3 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 **CHUGACH STATE PARK LAND TRANSFERS AND CONVEYANCES.** (a)  
6 Notwithstanding AS 41.21.120 - 41.21.125, the commissioner of natural resources may, for  
7 the purpose of relocation or widening of all or portions of the Seward Highway or relocation  
8 of railroad facilities within the Chugach State Park, and upon a finding by the commissioner  
9 that any grant or conveyance for that purpose would not significantly adversely affect the  
10 purposes for which the Chugach State Park was established,

11 (1) grant a highway easement to the Department of Transportation and Public  
12 Facilities;

13 (2) convey a property interest in land to the Alaska Railroad Corporation to  
14 allow relocation of the Alaska Railroad;

15 (3) grant utility easements; and

16 (4) receive land or interests in land in exchange for land or interests in land  
17 granted or conveyed under (1), (2), or (3) of this subsection.

18 (b) A grant or conveyance made under (a) of this section may not exceed the interest  
19 needed to relocate or widen the Seward Highway or relocate railroad facilities within the  
20 Chugach State Park and to construct, repair, and maintain the relocated or widened highway  
21 and the relocated railroad or utility.

22 (c) A property interest conveyed to the Alaska Railroad Corporation under (a)(2) of  
23 this section shall be held and managed by the corporation in accordance with AS 42.40.

24 (d) Land or an interest in land received by the commissioner under (a)(4) of this  
25 section shall be designated as part of Chugach State Park.

26 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section  
27 to read:

28 **ALASKA RAILROAD LAND TRANSFERS AND CONVEYANCES.**  
29 Notwithstanding AS 42.40.285, the Alaska Railroad Corporation may, for the purpose of the  
30 relocation or widening of the Seward Highway or relocation of Alaska Railroad facilities  
31 within the Chugach State Park, and relocation of adjacent utility facilities, transfer land or

1 convey interests in land in exchange for land or interests in land conveyed to the corporation.

2 \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section  
3 to read:

4 IDENTIFICATION OF STATE PARK LAND OR INTERESTS IN LAND BEING  
5 TRANSFERRED OR CONVEYED UNDER SECTIONS 10 - 12 OF THIS ACT. By the first  
6 day of the First Regular Session of the Twenty-Second Alaska State Legislature, or as soon  
7 as possible after that date, the governor shall

8 (1) identify any land being transferred under secs. 10 - 12 of this Act that  
9 requires amendment to statutes describing the Chugach State Park; and

10 (2) submit to the legislature any legislation needed to make those statutory  
11 amendments.

12 \* **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

Bill Version: CSHB 362 (TRA)

(H) Publish Date: 3/3/00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
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 Component \_\_\_\_\_  
 Sponsor Representative Lisa Murkowski \_\_\_\_\_  
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<b>CAPITAL EXPENDITURES</b>						
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Prepared by: Wendy Lindskoog  
 Division: Alaska Railroad Corporation  
 Approved by Commissioner [Signature]  
 Agency: \_\_\_\_\_

Phone: 265-2498  
 Date/Time: 2/29/00 10:28 AM  
 Date: 2/29/00

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TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES MURKOWSKI, Harris

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6 **Municipality of Anchorage; Transfer of Land to Certain Individuals.**

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12 Survey of Township 15 North, Range 2 West, Seward Meridian, officially filed November 10,  
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20 (c) The land conveyed by Eklutna, Inc. to the Alaska Railroad Corporation shall be  
21 held and managed by the corporation in accordance with AS 42.40.

22 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
23 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

24 \* **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section  
25 to read:

26 **APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE UNITED**  
27 **STATES DEPARTMENT OF THE ARMY AND THE UNITED STATES DEPARTMENT**  
28 **OF THE AIR FORCE. (a)** The Alaska Railroad Corporation is authorized to convey the  
29 corporation's entire interest in approximately 229 acres of railroad utility corridor between  
30 railroad mileposts 118 and 127.5, within Township 13 North, Range 3 West, Seward Meridian,

1 Township 14 North, Range 3 West, Seward Meridian, and Township 14 North, Range 2 West,  
2 Seward Meridian to the United States Department of the Army and the United States  
3 Department of the Air Force in exchange for the conveyance of approximately 227 acres of  
4 land in the same vicinity to the corporation by the United States.

5 (b) The conveyances described in this section are made for the purpose of realignment  
6 of railroad track to improve operating efficiency and enhance safety.

7 (c) The land conveyed by the United States to the Alaska Railroad Corporation shall  
8 be held and managed by the corporation in accordance with AS 42.40.

9 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
10 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

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

13 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO CHUGACH ALASKA  
14 CORPORATION. (a) Contingent upon the conveyance to the Alaska Railroad Corporation  
15 by the Chugach Alaska Corporation of an equivalent interest in real property onto which the  
16 railroad utility corridor may be relocated, the Alaska Railroad Corporation is authorized to  
17 convey the corporation's entire interest in approximately 6.4 acres of railroad utility corridor  
18 between railroad mileposts 14 and 15, within Township 2 North, Range 1 East, Sections 6 and  
19 7, Seward Meridian, to the Chugach Alaska Corporation.

20 (b) The conveyances described in this section are made for the purpose of realignment  
21 of the railroad to allow relocation of the Seward Highway by the Department of  
22 Transportation and Public Facilities to improve highway operations and enhance safety.

23 (c) Land conveyed by the Chugach Alaska Corporation to the Alaska Railroad  
24 Corporation shall be held and managed by the Alaska Railroad Corporation in accordance with  
25 AS 42.40.

26 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
27 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

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

30 APPROVAL OF THE TRANSFER OF CERTAIN REAL PROPERTY WITHIN THE  
31 MUNICIPALITY OF ANCHORAGE. (a) Contingent upon the approval of the conveyance

1 of affected municipal park land by the voters of the Municipality of Anchorage, the Alaska  
2 Railroad Corporation is authorized to convey the corporation's entire interest in

3 (1) approximately 4.5 acres of railroad utility corridor between railroad  
4 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
5 Meridian, to the Municipality of Anchorage in exchange for the conveyance of approximately  
6 13.6 acres of land in the same vicinity to the corporation by the Municipality of Anchorage;

7 (2) approximately 5.1 acres of railroad utility corridor between railroad  
8 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
9 Meridian, to Richard and Carol Drebert, Harry and Simone Thomson, and Richard Moore or  
10 their personal representatives, successors, or assigns; each to receive that portion of the  
11 railroad utility corridor immediately adjacent to their respective parcels of land.

12 (b) The conveyances described in this section are made for the purpose of realignment  
13 of railroad track to improve operating efficiency and enhance safety.

14 (c) The land conveyed by the Municipality of Anchorage to the Alaska Railroad  
15 Corporation shall be held and managed by the corporation in accordance with AS 42.40.

16 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
17 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

## 18 **Article 2. Potter Station to Girdwood.**

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

21 **FINDINGS AND POLICY REGARDING CHUGACH STATE PARK.** (a) The  
22 legislature finds that

23 (1) the Seward Highway within the Chugach State Park from Potter Station to  
24 Girdwood is the sole highway link between the Kenai Peninsula and the rest of this state, an  
25 interstate highway on the national highway system, and a national scenic byway;

26 (2) the Seward Highway within the Chugach State Park is affected by  
27 avalanches and other potential operational problems;

28 (3) relocation or widening of the Seward Highway to avoid some of the  
29 operational problems will require relocation of some adjacent railroad and utility facilities; and

30 (4) relocation of railroad facilities within the Chugach State Park will allow  
31 some areas of the railroad track to be straightened.

1 (b) It is the policy of the state that relocation or widening of the Seward Highway or  
2 relocation of railroad facilities within the Chugach State Park is appropriate and may be  
3 accomplished without significantly adversely affecting the purposes for which Chugach State  
4 Park was established.

5 \* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 CHUGACH STATE PARK LAND TRANSFERS AND CONVEYANCES. (a)  
8 Notwithstanding AS 41.21.120 - 41.21.125, the commissioner of natural resources may, for  
9 the purpose of relocation or widening of all or portions of the Seward Highway or relocation  
10 of railroad facilities within the Chugach State Park, and upon a finding by the commissioner  
11 that any grant or conveyance for that purpose would not significantly adversely affect the  
12 purposes for which the Chugach State Park was established,

13 (1) grant a highway easement to the Department of Transportation and Public  
14 Facilities;

15 (2) convey a property interest in land to the Alaska Railroad Corporation to  
16 allow relocation of the Alaska Railroad;

17 (3) grant utility easements; and

18 (4) receive land or interests in land in exchange for land or interests in land  
19 granted or conveyed under (1), (2), or (3) of this subsection.

20 (b) A grant or conveyance made under (a) of this section may not exceed the interest  
21 needed to relocate or widen the Seward Highway or relocate railroad facilities within the  
22 Chugach State Park and to construct, repair, and maintain the relocated or widened highway  
23 and the relocated railroad or utility.

24 (c) A property interest conveyed to the Alaska Railroad Corporation under (a)(2) of  
25 this section shall be held and managed by the corporation in accordance with AS 42.40.

26 (d) Land or an interest in land received by the commissioner under (a)(4) of this  
27 section shall be designated as part of Chugach State Park.

28 \* Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section  
29 to read:

30 ALASKA RAILROAD LAND TRANSFERS AND CONVEYANCES.  
31 Notwithstanding AS 42.40.285, the Alaska Railroad Corporation may, for the purpose of the

1 relocation or widening of the Seward Highway or relocation of Alaska Railroad facilities  
2 within the Chugach State Park, and relocation of adjacent utility facilities, transfer land or  
3 convey interests in land in exchange for land or interests in land conveyed to the corporation.

4 \* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 IDENTIFICATION OF STATE PARK LAND OR INTERESTS IN LAND BEING  
7 TRANSFERRED OR CONVEYED UNDER SECTIONS 5 - 7 OF THIS ACT. By the first  
8 day of the First Regular Session of the Twenty-Second Alaska State Legislature, or as soon  
9 as possible after that date, the governor shall

10 (1) identify any land being transferred under secs. 5 - 7 of this Act that  
11 requires amendment to statutes describing the Chugach State Park; and

12 (2) submit to the legislature any legislation needed to make those statutory  
13 amendments.

14 \* Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT *dt !*

Offered in House Finance

by Rep. Bunde

To: CS HB 320 (TRA)

Page 2, line 20

After "Whittier."

Insert "Neither the corporation nor the city of Whittier may grant any special right, privilege, or preference to a third party to provide management services at the dock. A contract for management of the dock by a third party shall be awarded by competitive sealed bidding."

CS FOR HOUSE BILL NO. 362(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 3/3/00

Referred: Finance

Sponsor(s): REPRESENTATIVE MURKOWSKI

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the exchange of land between the Alaska Railroad  
 2 Corporation and Eklutna, Inc., between the Alaska Railroad Corporation and the  
 3 United States Department of the Army and the United States Department of the  
 4 Air Force, between the Alaska Railroad Corporation and Chugach Alaska  
 5 Corporation, and between the Alaska Railroad Corporation and the Municipality  
 6 of Anchorage; authorizing the transfer of land between Alaska Railroad mileposts  
 7 133 and 134 from the Alaska Railroad Corporation to certain named individuals;  
 8 and providing for an effective date."

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

10 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new  
 11 section to read:

12 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO EKLUTNA, INC. (a)  
 13 The Alaska Railroad Corporation is authorized to convey the corporation's entire interest in

1 approximately 384 acres of rail land within Tract 39 of Dependent Resurvey of Rectangular  
2 Survey of Township 15 North, Range 2 West, Seward Meridian, officially filed November 10,  
3 1992, to Eklutna, Inc., in exchange for the conveyance to the corporation by Eklutna, Inc., of  
4 approximately 65 acres of land adjacent to the railroad utility corridor at railroad mileposts  
5 129, 130, 133, 140, 142, 146, and 151 and sufficient additional acreage east of Birchwood  
6 Airport and adjacent to the railroad between miles 134.5 and 136.3 to equalize the value of  
7 lands exchanged.

8 (b) The conveyances described in this section are made for the purpose of realignment  
9 of railroad track to improve operating efficiency and enhance safety.

10 (c) The land conveyed by Eklutna, Inc. to the Alaska Railroad Corporation shall be  
11 held and managed by the corporation in accordance with AS 42.40.

12 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
13 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

14 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section  
15 to read:

16 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE UNITED  
17 STATES DEPARTMENT OF THE ARMY AND THE UNITED STATES DEPARTMENT  
18 OF THE AIR FORCE. (a) The Alaska Railroad Corporation is authorized to convey the  
19 corporation's entire interest in approximately 229 acres of railroad utility corridor between  
20 railroad mileposts 118 and 127.5, within Township 13 North, Range 3 West, Seward Meridian,  
21 Township 14 North, Range 3 West, Seward Meridian, and Township 14 North, Range 2 West,  
22 Seward Meridian to the United States Department of the Army and the United States  
23 Department of the Air Force in exchange for the conveyance of approximately 227 acres of  
24 land in the same vicinity to the corporation by the United States.

25 (b) The conveyances described in this section are made for the purpose of realignment  
26 of railroad track to improve operating efficiency and enhance safety.

27 (c) The land conveyed by the United States to the Alaska Railroad Corporation shall  
28 be held and managed by the corporation in accordance with AS 42.40.

29 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
30 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

31 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

2 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO CHUGACH ALASKA  
3 CORPORATION. (a) Contingent upon the conveyance to the Alaska Railroad Corporation  
4 by the Chugach Alaska Corporation of an equivalent interest in real property onto which the  
5 railroad utility corridor may be relocated, the Alaska Railroad Corporation is authorized to  
6 convey the corporation's entire interest in approximately 6.4 acres of railroad utility corridor  
7 between railroad mileposts 14 and 15, within Township 2 North, Range 1 East, Sections 6 and  
8 7, Seward Meridian, to the Chugach Alaska Corporation.

9 (b) The conveyances described in this section are made for the purpose of realignment  
10 of the railroad to allow relocation of the Seward Highway by the Department of  
11 Transportation and Public Facilities to improve highway operations and enhance safety.

12 (c) Land conveyed by the Chugach Alaska Corporation to the Alaska Railroad  
13 Corporation shall be held and managed by the Alaska Railroad Corporation in accordance with  
14 AS 42.40.

15 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
16 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

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

19 APPROVAL OF THE TRANSFER OF CERTAIN REAL PROPERTY WITHIN THE  
20 MUNICIPALITY OF ANCHORAGE. (a) Contingent upon the approval of the conveyance  
21 of affected municipal park land by the voters of the Municipality of Anchorage, the Alaska  
22 Railroad Corporation is authorized to convey the corporation's entire interest in

23 (1) approximately 4.5 acres of railroad utility corridor between railroad  
24 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
25 Meridian, to the Municipality of Anchorage in exchange for the conveyance of approximately  
26 13.6 acres of land in the same vicinity to the corporation by the Municipality of Anchorage;

27 (2) approximately 5.1 acres of railroad utility corridor between railroad  
28 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
29 Meridian, to Richard and Carol Drebert, Harry and Simone Thomson, and Richard Moore or  
30 their personal representatives, successors, or assigns; each to receive that portion of the  
31 railroad utility corridor immediately adjacent to their respective parcels of land.

1 (b) The conveyances described in this section are made for the purpose of realignment  
2 of railroad track to improve operating efficiency and enhance safety.

3 (c) The land conveyed by the Municipality of Anchorage to the Alaska Railroad  
4 Corporation shall be held and managed by the corporation in accordance with AS 42.40.

5 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
6 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

7 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

# ALASKA STATE LEGISLATURE

*Chair:*  
MILITARY AND VETERANS AFFAIRS

*Member:*  
JUDICIARY  
COMMUNITY AND REGIONAL AFFAIRS  
LABOR AND COMMERCE



**REPRESENTATIVE LISA MURKOWSKI**  
Government Hill • Elmendorf • East Anchorage

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## Sponsor Statement HB 362

House Bill 362 authorizes the Alaska Railroad Corporation (ARRC) to enter into several land exchange agreements needed for a track upgrade and realignment project.

The ARRC wants to improve safety and efficiency of its operation by upgrading and realigning its track to reduce 70 sharp curves between Anchorage and Wasilla. To accomplish this project, ARRC needs legislative approval under AS 42.40.285 to convey the Corporation's entire interest in certain lands in exchange for equivalently valued land owned by Elmendorf Air Force Base, Fort Richardson Army Base, Eklutna, Inc., Chugach Alaska Corporation, the Municipality of Anchorage, and certain landowners between mileposts 133 and 134. The land exchanges are necessary for the ARRC's realignment project and the Department of Transportation and Public Facilities' highway relocation project near Seward.

Straighter track is inherently safer due to reduced track and equipment wear, consistency in train handling, increased sight distance, and reduced maintenance requirements—all leading to reduced frequency of train derailments and lower operating costs. Realignment of the track to reduce curvature will decrease the running time between Anchorage and Wasilla from 95 minutes to 53 minutes by increasing the average train speed from 35 mph to approximately 50 mph, making future commuter service more viable.

The track upgrade and realignment will also reduce train gridlock, create more jobs for Alaskans through additional freight and passenger service, and build a better infrastructure to support future economic development in Alaska. But more important to the communities neighboring the Alaska Railroad, this project includes upgrades to vehicle crossings and additional public access amenities including a highway overpass at milepost 14 of the Seward Highway that will enhance safety and access across the tracks. It will also improve service to the northern end of the railbelt.

The proposed track improvements are supported by the Alaska Visitors Association, Matanuska-Susitna Convention and Visitor's Bureau, Anchorage Economic Development Corporation, Anchorage Convention and Visitors Bureau, Palmer Chamber of Commerce, Wasilla Chamber of Commerce, and the City of Wasilla.

Prepared by Amy Erickson, Office of Representative Murkowski.  
Last Updated February 22, 2000.