



LAWS OF ALASKA

1984

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Chapter No.

54

AN ACT

Authorizing the acquisition of the Alaska Railroad; authorizing the governor to negotiate the transfer terms; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Approved by the Governor: May 18, 1984
Actual Effective Date: May 19, 1984

AN ACT

Authorizing the acquisition of the Alaska Railroad;
authorizing the governor to negotiate the transfer
terms; and providing for an effective date.

* Section 1. ACCEPTANCE OF CERTIFICATION REQUIREMENTS OF ALASKA RAILROAD TRANSFER ACT OF 1982. The state accepts, for itself and any entity that might subsequently be created to operate the Alaska Railroad, the certification requirements under 45 U.S.C. 1201 - 1214 (Alaska Railroad Transfer Act of January 14, 1983). Accordingly, the state agrees to

(1) acquire the Alaska Railroad and accept all rail property of the Alaska Railroad under 45 U.S.C. 1203(a) as described in the report of July 14, 1983, as amended, submitted to Congress and the legislature under 45 U.S.C. 1204(a);

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

(3) assume all rights, liabilities, and obligations of the Alaska Railroad existing on the date of transfer to the state, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, and accounts payable, except as otherwise provided by 45 U.S.C. 1201 - 1214;

(4) protect the employment interests of the employees of the Alaska Railroad during the two-year period commencing on the date of transfer, as required by 45 U.S.C. 1203(d)(3)(A) and 45 U.S.C. 1206;

(5) protect the employment interests of the officers of the

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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 of the Alaska Railroad to the state of the rail
13 properties of the Alaska Railroad as described in the report of July 14,
14 1983, as amended, submitted to Congress and the legislature under 45 U.S.C.
15 1204(a).

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

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

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

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

(3) "compensate" means payment in full or by credit agreement with cash or pledged funds;

(4) "officers of the Alaska Railroad" means the employees occupying the following positions at the Alaska Railroad as of the day before the date of transfer to the state: general manager; assistant general manager; assistant to the general manager; chief of administration; and chief counsel.

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