



LAWS OF ALASKA

2000

Source

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Chapter No.

116

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; authorizing the transfer of land between Alaska Railroad mileposts 133 and 134 from the Alaska Railroad Corporation to certain named individuals; relating to transfers of public land or grants or conveyances of interest in public land among the Alaska Railroad Corporation, the Department of Transportation and Public Facilities, and the Department of Natural Resources to relocate or widen the Seward Highway, to relocate railroad facilities, and to relocate adjacent utility facilities from Potter Station to Girdwood; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 6, 2000

Actual Effective Date: June 7, 2000

AN ACT

1 Authorizing the exchange of land between the Alaska Railroad Corporation and Eklutna, Inc.,
2 between the Alaska Railroad Corporation and the United States Department of the Army and the
3 United States Department of the Air Force, between the Alaska Railroad Corporation and
4 Chugach Alaska Corporation, and between the Alaska Railroad Corporation and the Municipality
5 of Anchorage; authorizing the transfer of land between Alaska Railroad mileposts 133 and 134
6 from the Alaska Railroad Corporation to certain named individuals; relating to transfers of public
7 land or grants or conveyances of interest in public land among the Alaska Railroad Corporation,
8 the Department of Transportation and Public Facilities, and the Department of Natural Resources
9 to relocate or widen the Seward Highway, to relocate railroad facilities, and to relocate adjacent
10 utility facilities from Potter Station to Girdwood; and providing for an effective date.

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

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

9

APPROVAL OF THE TRANSFER OF REAL PROPERTY TO EKLUTNA, INC. (a)

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The Alaska Railroad Corporation is authorized to convey the corporation's entire interest in approximately 384 acres of rail land within Tract 39 of Dependent Resurvey of Rectangular Survey of Township 15 North, Range 2 West, Seward Meridian, officially filed November 10, 1992, to Eklutna, Inc., in exchange for the conveyance to the corporation by Eklutna, Inc., of approximately 65 acres of land adjacent to the railroad utility corridor at railroad mileposts 129, 130, 133, 140, 142, 146, and 151 and sufficient additional acreage east of Birchwood Airport and adjacent to the railroad between miles 134.5 and 136.3 to equalize the value of lands exchanged.

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

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(c) The land conveyed by Eklutna, Inc. to the Alaska Railroad Corporation shall be 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 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

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

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APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE UNITED

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STATES DEPARTMENT OF THE ARMY AND THE UNITED STATES DEPARTMENT

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OF THE AIR FORCE. (a) The Alaska Railroad Corporation is authorized to convey the

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corporation's entire interest in approximately 229 acres of railroad utility corridor between

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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

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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 1 West, Sections 18 and 19, 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

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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).