

**HOUSE BILL NO. 93**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOPP

Introduced: 1/30/17

Referred: Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to railroad rights-of-way."

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

3 \* **Section 1.** AS 42.40.350 is amended by adding new subsections to read:

4 (e) Notwithstanding any other provision of law, the corporation may not  
5 block, limit access to or use of, or impose a charge for access to or use of a  
6 corporation right-of-way, as defined in 45 U.S.C. 1202(11), by an adjacent landowner.  
7 Nothing in this subsection prohibits the corporation from bringing an action to enjoin  
8 use of a railroad right-of-way that materially interferes with or causes substantial  
9 safety issues related to rail operations. This subsection does not limit the corporation's  
10 power of eminent domain under AS 42.40.385.

11 (f) The corporation shall record a notice of adjacent landowner rights in a  
12 recording district in which the corporation previously recorded a patent the  
13 corporation received that describes a railroad right-of-way, as defined in 45 U.S.C.  
14 1202(11). The notice must

15 (1) contain the language in (e) and (g) of this section; and

1 (2) reference the previously recorded patent number, property  
2 description, and the book and page number of the previous recording.

3 (g) In this section, "adjacent landowner" means a patent holder, or successor,  
4 as to all or a portion of real property

5 (1) located adjacent to a railroad utility corridor;

6 (2) the title to which vested before January 1, 1983; and

7 (3) that contained or was required to contain a reservation for the  
8 Alaska Railroad under former 43 U.S.C. 975, et seq. (Alaska Railroad Act of 1914).

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

Section 1. AS 42.40.350 is amended by adding new subsections to read:

(e) Notwithstanding any other provision of law, the corporation may not block, limit access to or use of, or impose a charge for access to or use of a corporation right-of-way, as defined in 43 U.S.C. 1502(f), by an adjacent landowner. Nothing in this subsection prohibits the corporation from charging an action to obtain use of a railroad right-of-way that materially interferes with or causes substantial safety issues related to rail operations. This subsection does not limit the corporation's power of eminent domain under AS 42.40.385.

(f) The corporation shall record a notice of adjacent landowner rights in a recording district in which the corporation previously recorded a patent the corporation received that describes a railroad right-of-way, as defined in 43 U.S.C. 1502(f). The notice must

(i) contain the language in (e) and (g) of this section; and