

SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR DUNLEAVY

Introduced: 2/24/17

Referred: Transportation, 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).