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21st Legislature(1999-2000)

**Bill Text 21st Legislature**

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00 **CS FOR SENATE BILL NO. 235(FIN) am H**

01 "An Act authorizing the exchange of land between the Alaska Railroad  
 02 Corporation and Eklutna, Inc., between the Alaska Railroad Corporation and the  
 03 United States Department of the Army and the United States Department of the  
 04 Air Force, between the Alaska Railroad Corporation and Chugach Alaska  
 05 Corporation, and between the Alaska Railroad Corporation and the Municipality  
 06 of Anchorage; authorizing the transfer of land between Alaska Railroad mileposts  
 07 133 and 134 from the Alaska Railroad Corporation to certain named individuals;  
 08 relating to transfers of public land or grants or conveyances of interest in public  
 09 land among the Alaska Railroad Corporation, the Department of Transportation  
 10 and Public Facilities, and the Department of Natural Resources to relocate or  
 11 widen the Seward Highway, to relocate railroad facilities, and to relocate adjacent  
 12 utility facilities from Potter Station to Girdwood; and providing for an effective  
 13 date."

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

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

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

07 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO EKLUTNA, INC. (a)  
 08 The Alaska Railroad Corporation is authorized to convey the corporation's entire interest in  
 09 approximately 384 acres of rail land within Tract 39 of Dependent Resurvey of Rectangular  
 10 Survey of Township 15 North, Range 2 West, Seward Meridian, officially filed November 10,  
 11 1992, to Eklutna, Inc., in exchange for the conveyance to the corporation by Eklutna, Inc., of  
 12 approximately 65 acres of land adjacent to the railroad utility corridor at railroad mileposts  
 13 129, 130, 133, 140, 142, 146, and 151 and sufficient additional acreage east of Birchwood  
 14 Airport and adjacent to the railroad between miles 134.5 and 136.3 to equalize the value of  
 15 lands exchanged.

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

18 (c) The land conveyed by Eklutna, Inc. to the Alaska Railroad Corporation shall be  
 19 held and managed by the corporation in accordance with [AS 42.40](#).

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

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

24 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE UNITED  
 25 STATES DEPARTMENT OF THE ARMY AND THE UNITED STATES DEPARTMENT  
 26 OF THE AIR FORCE. (a) The Alaska Railroad Corporation is authorized to convey the  
 27 corporation's entire interest in approximately 229 acres of railroad utility corridor between  
 28 railroad mileposts 118 and 127.5, within Township 13 North, Range 3 West, Seward Meridian,  
 29 Township 14 North, Range 3 West, Seward Meridian, and Township 14 North, Range 2 West,  
 30 Seward Meridian to the United States Department of the Army and the United States  
 31 Department of the Air Force in exchange for the conveyance of approximately 227 acres of

01 land in the same vicinity to the corporation by the United States.

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

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

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

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

10 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO CHUGACH ALASKA

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

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

20 (c) Land conveyed by the Chugach Alaska Corporation to the Alaska Railroad  
21 Corporation shall be held and managed by the Alaska Railroad Corporation in accordance with  
22 AS 42.40.

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

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

27 APPROVAL OF THE TRANSFER OF CERTAIN REAL PROPERTY WITHIN THE

28 MUNICIPALITY OF ANCHORAGE. (a) Contingent upon the approval of the conveyance  
29 of affected municipal park land by the voters of the Municipality of Anchorage, the Alaska  
30 Railroad Corporation is authorized to convey the corporation's entire interest in

31 (1) approximately 4.5 acres of railroad utility corridor between railroad  
01 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
02 Meridian, to the Municipality of Anchorage in exchange for the conveyance of approximately  
03 13.6 acres of land in the same vicinity to the corporation by the Municipality of Anchorage;

04 (2) approximately 5.1 acres of railroad utility corridor between railroad  
05 mileposts 133 and 134, within Township 15 North, Range 1 West, Sections 18 and 19, Seward  
06 Meridian, to Richard and Carol Drebert, Harry and Simone Thomson, and Richard Moore or  
07 their personal representatives, successors, or assigns; each to receive that portion of the  
08 railroad utility corridor immediately adjacent to their respective parcels of land.

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

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

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

15 **Article 2. Potter Station to Girdwood.**

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

18 FINDINGS AND POLICY REGARDING CHUGACH STATE PARK. (a) The

19 legislature finds that

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

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

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

27 (4) relocation of railroad facilities within the Chugach State Park will allow

28 some areas of the railroad track to be straightened.

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

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

04 CHUGACH STATE PARK LAND TRANSFERS AND CONVEYANCES. (a)

05 Notwithstanding AS 41.21.120 - 41.21.125, the commissioner of natural resources may, for  
06 the purpose of relocation or widening of all or portions of the Seward Highway or relocation  
07 of railroad facilities within the Chugach State Park, and upon a finding by the commissioner  
08 that any grant or conveyance for that purpose would not significantly adversely affect the  
09 purposes for which the Chugach State Park was established,

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

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

14 (3) grant utility easements; and

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

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

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

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

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

27 ALASKA RAILROAD LAND TRANSFERS AND CONVEYANCES.

28 Notwithstanding AS 42.40.285, the Alaska Railroad Corporation may, for the purpose of the  
29 relocation or widening of the Seward Highway or relocation of Alaska Railroad facilities  
30 within the Chugach State Park, and relocation of adjacent utility facilities, transfer land or  
31 convey interests in land in exchange for land or interests in land conveyed to the corporation.

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

03 IDENTIFICATION OF STATE PARK LAND OR INTERESTS IN LAND BEING

04 TRANSFERRED OR CONVEYED UNDER SECTIONS 5 - 7 OF THIS ACT. By the first

05 day of the First Regular Session of the Twenty-Second Alaska State Legislature, or as soon  
06 as possible after that date, the governor shall

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

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

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

**New Text Underlined [DELETED TEXT BRACKETED]**

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