

Enrolled HB 146

LAWS OF ALASKA

2012

Source Chapter No.

CSHB 146(RES) _____

AN ACT

Authorizing the transfer of land from the State of Alaska and the Alaska Railroad Corporation to property owners along the Eielson Spur Line; and providing for an effective date.

BE IT ENACTED BY THE STATE OF ALASKA:

AN ACT

Authorizing the transfer of land from the State of Alaska and the Alaska Railroad Corporation to property owners along the Eielson Spur Line; and providing for an effective date.

* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read: FINDINGS. The legislature finds that the 2003 repeal by the United States Congress of the reversion language of 45 U.S.C. 1208(c) and 1209 (Alaska Railroad Transfer Act) resulted in future retention by the Alaska Railroad Corporation and the State of Alaska of a railroad right-of-way that abutting landowners along the Alaska Railroad Corporation's Eielson Spur had a reasonable expectation would be conveyed to them if the Alaska Railroad Corporation and the State of Alaska discontinued use of the land within the right-of-way. This legislation is intended to replace the reversionary rights of the abutting landowners that were repealed by the United States Congress in 2003.

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read: DISPOSITION OF RAILROAD RIGHT-OF-WAY TO PROPERTY OWNERS ALONG THE EIELSON SPUR LINE. (a) If the State of Alaska and the Alaska Railroad Corporation discontinue use of the right-of-way along the Alaska Railroad Corporation's Eielson Spur Line, the interest of the State of Alaska and the Alaska Railroad Corporation in the land shall revert to the abutting landowners. The State of Alaska and the Alaska Railroad Corporation shall be considered to have discontinued use under this subsection when (1) the governor delivers to the abutting

landowners a notice of discontinuance, including a legal description of the property subject to the notice and a quitclaim deed thereto; or

(2) the State of Alaska and the Alaska Railroad Corporation have made no use of the right-of-way for a continuous period of 18 years for transportation, communication, or transmission purposes. (b) On reversion under (a)(2) of this section, the State of Alaska and the Alaska Railroad Corporation shall, on request, convey by quitclaim deed all of their rights, title, and interest in the reverted right-of-way to the abutting landowners. When land abutting the reverted right-of-way is owned by different persons or entities, the conveyance made under this section shall extend the property of each abutting landowner to the centerline of the right-of-way.

(c) 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.

* **Sec. 3.** This Act takes effect immediately under [AS 01.10.070](#) (c).