

112TH CONGRESS
1ST SESSION

S. 628

To authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Ms. MURKOWSKI (for herself and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Railroad Right
5 of Way Extension Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Freight trains provide an efficient, reliable,
9 all-weather transportation system that produce less

1 greenhouse gas emissions and are 70 percent more
2 fuel efficient than trucks for large loads. The Amer-
3 ican Association of Railroads reports that a freight
4 train can carry 457 ton-miles per gallon of diesel
5 fuel and are substantially more fuel efficient than
6 other forms of surface transportation.

7 (2) The Alaska Railroad Act (38 Stat. 305),
8 which was signed into law on March 12, 1914, au-
9 thorized the construction of a 1,000-mile rail line in
10 the Territory of Alaska “to best aid in the develop-
11 ment of the agricultural and mineral or other re-
12 sources of Alaska . . . and so as to provide trans-
13 portation of coal for the Army and Navy, transpor-
14 tation of troops, arms, munitions of war, the mails,
15 and for other governmental and public purposes”.

16 (3) The Alaska Railroad, which was constructed
17 between 1915 and 1923, consists of only 467 miles
18 of main line tracks. An additional 533 miles of
19 tracks could be constructed under the original au-
20 thorization.

21 (4) An 80-mile rail extension between North
22 Pole and Delta Junction—

23 (A) would greatly benefit the Department
24 of Defense, which has large training areas

1 south of the Tanana River between Fairbanks
2 and Delta Junction;

3 (B) would provide access to the Joint Pa-
4 cific Area Range Complex, which is currently
5 limited to ice roads during winter;

6 (C) would enable the United States Army
7 to mobilize military units to a staging area im-
8 mediately south of the Tanana River;

9 (D) would enable the United States Air
10 Force to move large freight to the Fort Greely
11 missile intercept complete located near Delta
12 Junction; and

13 (E) would facilitate the economical move-
14 ment of commercial freight and passenger
15 transportation, including tourism.

16 **SEC. 3. CONVEYANCE OF LAND IN ALASKA FOR RAILROAD**
17 **RIGHT OF WAY.**

18 (a) CONVEYANCE AUTHORIZED.—The Secretary of
19 the Interior, and such other Federal officials as may be
20 necessary and appropriate, shall convey to the Alaska
21 Railroad Corporation (referred to in this section as the
22 “Alaska Railroad”) all rights, title, and interests held by
23 the United States to approximately 950 acres of land lo-
24 cated between North Pole, Alaska, and Delta Junction,

1 Alaska, for the purpose of constructing a railroad corridor
2 and related support areas and structures.

3 (b) DESCRIPTION OF PROPERTY.—

4 (1) DETERMINATION.—The exact acreage and
5 final route configuration of the conveyance author-
6 ized under subsection (a) shall be determined pursu-
7 ant to the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) process conducted by
9 the Surface Transportation Board.

10 (2) SURVEYS.—The legal description of the real
11 property to be conveyed under subsection (a) shall
12 be determined by surveys satisfactory to the Sec-
13 retary of the Interior. The cost of the surveys shall
14 be borne by the Alaska Railroad.

15 (c) ADDITIONAL TERMS AND CONDITIONS.—

16 (1) IN GENERAL.—The Secretary of the Inte-
17 rior, and such other Federal officials as may be nec-
18 essary and appropriate, may require such additional
19 terms and conditions in connection with the convey-
20 ances described in subsection (a) as may be appro-
21 priate to protect the interests of the United States.

22 (2) SCOPE OF CONVEYANCE.—

23 (A) IN GENERAL.—The interest conveyed
24 to the Alaska Railroad by the United States
25 under subsection (a) shall be a full title inter-

1 est, substantially equivalent to the title interest
2 received by the Alaska Railroad under the Alas-
3 ka Railroad Transfer Act of 1982 (45 U.S.C.
4 1201 et seq.) except as provided in subpara-
5 graph (B).

6 (B) EXCLUSIVE USE RIGHT-OF-WAY.—If
7 the Secretary of the Interior, the Alaska Rail-
8 road, and such other Federal officials as may
9 be appropriate concur, the interest conveyed to
10 the Alaska Railroad in designated areas shall be
11 an exclusive use right-of-way in perpetuity, to
12 include the full rail and utility franchise with
13 reversion to conveyance described in subpara-
14 graph (A) in the event of future Federal dis-
15 position of fee title.

16 (3) CONSTRUCTION.—The railroad extension
17 shall be constructed in phases after the Surface
18 Transportation Board has approved the entire route.

19 (d) CONSIDERATION.—

20 (1) IN GENERAL.—The Alaska Railroad, shall,
21 in consideration for the land conveyed by the United
22 States under this section—

23 (A) convey, or cause to be conveyed, ex-
24 change property in accordance with paragraph
25 (3);

1 (B) pay the purchase price for such real
2 property, in accordance with paragraph (4); or

3 (C) pay other consideration as may be ne-
4 gotiated with the Secretary of Interior and
5 other Federal officials, as appropriate.

6 (2) NUMBER OF PAYMENTS.—Conveyance and
7 payment of consideration may be made through a
8 single payment for the entire route or through sepa-
9 rate payments for each portion of the route, as se-
10 lected by the Alaska Railroad.

11 (3) REPLACEMENT PROPERTY.—If the Alaska
12 Railroad chooses to provide consideration under
13 paragraph (1)(A), the Alaska Railroad shall convey
14 or cause to be conveyed, and pay the cost of con-
15 veying, to the United States, fee simple title to land
16 that the Secretary of the Interior determines to be
17 suitable in exchange for the property being conveyed
18 to the Alaska Railroad.

19 (4) PURCHASE PRICE.—If the Alaska Railroad
20 chooses to provide consideration under paragraph
21 (1)(B), the Alaska Railroad shall pay the United
22 States the fair market value of the real property
23 conveyed by the United States based on its highest
24 and best use, as determined by an independent ap-

1 praisal commissioned by the Secretary of the Inte-
2 rior and paid for by the Alaska Railroad.

3 (5) APPRAISAL.—In carrying out an appraisal
4 under paragraph (4)—

5 (A) the appraisal shall be performed by an
6 appraiser mutually acceptable to the Secretary
7 of the Interior and the Alaska Railroad; and

8 (B) the assumptions, scope of work, and
9 other terms and conditions related to the ap-
10 praisal assignment shall be mutually acceptable
11 to the Secretary of the Interior and the Alaska
12 Railroad.

13 (6) PAYMENT TERMS.—Payment of the ap-
14 praised value for any land conveyed to the Alaska
15 Railroad under this section shall be—

16 (A) made by the Alaska Railroad to the
17 United States upon completion of an as-built
18 survey of the completed construction and re-
19 ceipt by the Alaska Railroad of formal convey-
20 ance; and

21 (B) without interest or any escalation of
22 the value due to the passage of time or develop-
23 ment of the real property.

24 (e) PRE-CONVEYANCE ENTRY.—The Secretary of the
25 Interior, and other Federal officials as may be necessary

1 and appropriate, on such terms and conditions as may be
2 appropriate, may authorize the Alaska Railroad to enter
3 upon the land to be conveyed to the Alaska Railroad at
4 no charge for pre-construction and construction activities.

5 (f) SAVINGS PROVISION.—Nothing in this section
6 may be construed to affect the duties, responsibilities, or
7 liability of the Federal Government under the Comprehen-
8 sive Environmental Response, Compensation and Liability
9 Act of 1980 (42 U.S.C. 9601 et seq.) concerning any lands
10 conveyed under this section.

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