

Interim Conveyance

## Anchorage Recording District

WHEREAS, pursuant to Sec. 604(b)(1)(B) of the Alaska Railroad Transfer Act of 1982 (96 Stat. 2556 et seq.; hereinafter referred to as "ARTA"), the Alaska Railroad Corporation is entitled to an interim conveyance for real property of the Alaska Railroad including both the right-of-way of the Alaska Railroad (railroad right-of-way) and other railroad lands (railroad parcels); this interim conveyance is hereby issued for the real property described below:

Railroad Parcels:Seward Meridian, AlaskaTps. 8 and 9 N., R. 3 E. (Portage)

(PLO 571/835) - all right, title and interest:  
A tract of land 1420 feet wide and 3.30 miles long, 1320 feet on the east side of and parallel to and 100 feet on the west side of and parallel to the centerline of the present main line of The Alaska Railroad between mileage 61.30 and 64.60, bounded on the south by the southerly boundary line of the Turnagain Arm Townsite Reserve, established by E.O. 8480, dated July 12, 1940, the north boundary being a line at right angles to the centerline of the railroad at mileage 64.60.

Containing approximately: 575.00 acres.

(PLO 571/835) - all right, title and interest:  
A tract of land 1/2 mile wide and 1.81 miles long, 1/4 mile on each side of and parallel to the centerline of The Alaska Railroad Passage Canal Connection, between mileage F-10.12 and F-11.93, bounded on the southeast by the easterly boundary line of the Turnagain Arm Townsite Reserve, established by E.O. 8480, dated July 12, 1940, and bounded on the northwest by the easterly boundary line of the parcel described above.

Containing approximately: 579.00 acres.

T. 9 N., R. 3 E.

(PLO 1425) - all right title and interest:  
A tract of land approximately 3,200 feet long and 720 feet wide, lying easterly of the main tract of the Alaska Railroad near Portage, Alaska, and more specifically described as follows:

Beginning at a point on the easterly side of the Alaska Railroad Reserve, Parcel No. 1, PLO 571 which bears N. 09°15' W., 600 feet from the northwesterly corner of Parcel No. 2, PLO 571; thence northwesterly, 1,250 feet along the easterly boundary of Parcel No. 1 to the southeasterly bank of Twentymile River; northeasterly, 2,800 feet along the southeasterly bank of Twentymile River; S. 49°21'15" E., 720 feet; S. 40°38'45" W., 3,200 feet to the point of beginning.

Containing approximately: 46.00 acres.

(PLO 5576) - all right, title and interest:  
In the SW4 Sec. 28, T. 9 N., R. 3 E. (unsurveyed), beginning at what will be, when surveyed, the section corner common to Sections 28, 29, 32 and 33; thence east 759.00 feet; thence north 721.00 feet to a point which is the true point of beginning; thence north 220.00 feet; thence east 495.00 feet; thence south 220.00 feet; thence west 495.00 feet to the point of beginning.

Containing approximately: 2.50 acres.

T. 8 N., R. 4 E., (Whittier)

U.S. Survey No. 2559 - all right, title and interest:

Excluding lot 2, Block 2;

Also excluding the following described lands:

Beginning at the point for corner No. 1, located on line 2-3, U.S. Survey No. 2559, and on the westerly right-of-way of Midway Avenue; thence N. 17°30' E., on the westerly right-of-way of Midway Avenue, approximately 22.57 chains (1,489.70 feet) to corner No. 2, identical with the northeast corner of Lot 17, Block 1, U.S. Survey No. 2559; thence S. 78°51' E.,

approximately 9.31 chains (614.43 feet) to corner No. 3; thence N. 11°09' E., approximately 1.14 chains (75.00 feet) to corner No. 4; thence S. 78°51' E., approximately 2.35 chains (155.00 feet) to corner No. 5; thence N. 11°09' E., approximately 0.61 chains (40.00 feet) to corner No. 6, located on line 1-9, U.S. Survey No. 2559, and approximately 9.09 chains (600.00 feet) N. 89°51' W., of corner No. 9, U.S. Survey No. 2559; thence S. 89°51' E., on a portion of line 1-9, U.S. Survey No. 2559, approximately 9.09 chains (600.00 feet) to corner No. 7, identical with corner No. 9, U.S. Survey No. 2559; thence N. 76°29' E., 0.64 chains (42.18 feet) to corner No. 8; thence N. 55°39' E., approximately 21.60 chains (1,425.77 feet) to corner No. 9; thence N. 34°21' W., approximately 0.23 chains (15.00 feet) to corner No. 10, on line 9-8, U.S. Survey No. 2559, approximately 1.52 chains (100.00 feet) S. 55°39' W., of corner No. 8, U.S. Survey No. 2559; thence N. 55°29' E., on line 9-8, approximately 1.52 chains (100.00 feet) to corner No. 11, identical with corner No. 8, U.S. Survey No. 2559; thence S. 34°21' E., on line 8-7, U.S. Survey No. 2559, approximately 6.67 chains (440.00 feet) to corner No. 12, identical with corner No. 7, U.S. Survey No. 2559; thence S. 55°39' W., on line 7-6, U.S. Survey No. 2559, approximately 18.56 chains (1,224.97 feet) to corner No. 13, identical with corner No. 6, U.S. Survey No. 2559; thence S. 81°19' W., on line 6-5, approximately 14.14 chains (933.47 feet) to corner No. 14, identical with corner No. 5, U.S. Survey No. 2559; thence S. 48°00' W., on line 5-4, U.S. Survey No. 2559, approximately 14.21 chains (937.68 feet) to corner No. 15, identical with corner No. 4, U.S. Survey No. 2559; thence S. 36°00' W., on line 4-3, U.S. Survey No. 2559, approximately 7.73 chains (510.04 feet) to corner No. 16, identical with corner No. 3, U.S. Survey No. 2559; thence N. 78°50' W., on a portion of line 3-2, U.S. Survey No. 2559, approximately 6.55 chains (432.10 feet) to corner No. 1, the point of beginning.

Containing approximately: 27.05 acres.

PLO 1410 - all right, title and interest:

Beginning at Corner No. 2 of PLO 1056, dated January 18, 1955, which bears N. 02°29.75' E., 630.60 feet thence N. 11°09' E., 337.20 feet from U.S.L.M. No. 2559, Whittier Townsite; thence, from the point of beginning N. 11°09' E., 375.00 feet; thence S. 68°00'17" E., 713.43 feet to Corner No. 4 of PLO 1056; thence S. 56°09' W., 500 feet to Corner No. 3 of PLO 1056; thence N. 60°51' W., 365.00 feet to Corner No. 2 of PLO 1056, the point of beginning.

Containing approximately: 4.88 acres.

PLO 1056 - all right, title, and interest:

Beginning at the point of intersection of the line of mean high water of Passage Canal with the easterly boundary line of Parcel No. 6 as described in PLO 587 of May 23, 1949, which is located N. 11°09' E., 372.57 feet from a point in the center line of the main track of the Alaska Railroad at Survey Station "B" 15 plus 68.00. From the point of beginning, U.S.L.M. No. 2559, Whittier Townsite, bears S. 2°29.75' W., 630.69 feet; thence from the point of beginning N. 11°09' E., 337.20 feet; S. 60°51' E., 365.00 feet; N. 56°09' E., 500.00 feet; S. 61°21' E., 280.00 feet; S. 56°09' W., 809.73 feet to a point on line of mean high tide. Northwesterly, 405.00 feet approximately along line of mean high tide to point of beginning.

Containing approximately: 6.52 acres.

PLO 1113 - all right, title and interest:

Beginning at a point which bears S. 88°39' W., 200 feet from the most southerly corner of Parcel No. 7 of Public Land Order No. 587 as withdrawn on 23 May 1949; thence N. 88°39' E., 200 feet to said most southerly corner of Parcel No. 7; thence N. 34°21' W., 77.20 feet to the most westerly corner of Parcel No. 7; thence N. 55°39' E., along the northwest line of Parcel No. 7 a distance of 1,746.18 feet to a point on said northwest line which is S. 55°39' W., 25.95 feet from the most northerly corner of Parcel No. 7; thence S. 70°09' W., 1,846.96 feet to a point; thence N. 60°51' W., 300 feet to a point; thence S. 56°09' W., 525 feet more or less to a point on the

south line of the West Camp access road; thence in a southeasterly direction along the south line of said access road 885 feet more or less to the point of beginning, excluding any lands above the mean high water mark of Passage Canal.

Containing approximately: 15.93 acres.

Seward Meridian, Alaska

T. 13 N., Rs. 3 and 4 W. (Anchorage)

Certificate of Approval in accordance with the conditions set forth in the Tideland Agreement entered into by the Alaska Railroad and the City (Municipality) of Anchorage, on March 3, 1975, as depicted on the map recorded in the Anchorage Recording District - Book 691, page 135.

Containing approximately: 350.00 acres.

Parcels aggregating approximately: 1606.88 acres.

Railroad Right-of-way as defined by Section 603(11) of ARTA:

U.S. Survey No. 4597, Tract A excluding PLO 835 - all right, title and interest.

Containing approximately: 2.33 miles or 56.48 acres.

Seward Meridian, Alaska

Potter Hill (located within T. 12 N., R. 3 W.) - all right, title and interest:

All that portion of Tract One (1) Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160 included within a parcel of land in the Anchorage Recording District, Third District, State of Alaska, described as follows: Beginning at the most Westerly corner of said Tract 1, and running thence N. 49°59'50" E. along the Northwesterly boundary of said Tract 1 for a distance of 78.02 feet; thence S. 42°57'00" E. 123.90 feet; thence S. 30°34'00" W. 78.38 feet to a point on Southwesterly boundary of said Tract 1; thence in a Northwesterly direction along the Southwesterly boundary of said Tract 1 for a distance of 150.00 feet, m/l, to the point of

beginning; all bearings being based on the Alaska State Plane Coordinate System Zone 4; said parcel of land being situated in the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 32, T. 12 N., R. 3 W., Seward Meridian.

Containing approximately: 0.24 acre.

All that portion of Tract Two (2), Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160 lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as Plat 64-108 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.29 acre.

All that portion of Tract Three (3), Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160 lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as Plat 64-108 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.22 acre.

All that portion of Tract Four (4), Block One (1), TURNAGAIN PARK SUBDIVISION, according to the recorded plat thereof, lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-108 in the Office of the Recorder, Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.40 acre.

All that portion of Tract Five (5), Block One (1), TURNAGAIN PARK SUBDIVISION, according to the recorded plat thereof, lying southwesterly of the line designated as "Take Line" on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-108 in the Office of the Recorder, Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.26 acre.

All that portion of Tract Six (6), Block One (1), TURNAGAIN PARK SUBDIVISION, according to the recorded plat thereof, lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-108.

Containing approximately: 0.26 acre.

All that portion of Tract Seven (7), Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160, lying Southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as Plat 64-108, in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.25 acre.

All that portion of Tract Eight (8), Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160 lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as Plat 64-108 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.29 acre.

All that portion of Tract Nine (9), Block One (1), TURNAGAIN PARK SUBDIVISION, according to the recorded plat thereof, lying Southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-108, in the Office of the Recorder, Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.28 acre.

All that portion of Tract Ten (10), Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160 lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as Plat 64-108 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.28 acre.

All that portion of Tract Eleven (11), Block One (1), TURNAGAIN PARK SUBDIVISION, according to the recorded plat thereof, lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-108 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.23 acre.

All that portion of Tract Twelve (12), Block One (1), TURNAGAIN PARK SUBDIVISION, according to Plat P-160, lying Southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as Plat 64-108 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.02 acre.

All that portion of the Southwest one-quarter (SW 1/4) of Section 29, T. 12 N., R. 3 W., Seward Meridian, Alaska, included within a tract of land described as follows:

BEGINNING at the most westerly corner of Lot Twenty-One (21) in Block Three (3), SUNSET HILLS WEST SUBDIVISION, according to the recorded plat thereof, and running thence N. 89°51'30" E. 47.81 feet along the northerly line of said Lot 21; thence N. 46°45'00" W. 233.84 feet; thence N. 43°15'00" W. 392.94 feet; thence N. 39°45'00" W. 294.74 feet; thence N. 36°35'00" W. 294.73 feet; thence S. 36°26'20" E. 525.41 feet; thence S. 40°35'00" E. 455.00 feet; thence S. 46°28'00" E. 204.81 feet to the point of beginning, all bearings being based on the Alaska State Plane Coordinate System, Zone 4.

Containing approximately: 0.441 acre.

Lots Six (6), Eleven (11), and Twelve (12) in Block Three (3) of SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof recorded July 17, 1961, under Plat No. P-600 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 1.08 acres.



Lot Ten (10) in Block Three (3) of SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof recorded July 17, 1961, under Plat P-600 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.355 acre.

Lot Five (5), in Block Three (3), of SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof filed July 17, 1961, under Plat No. P-600 in the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.45 acre.

Lot Seven (7), Block Three (3) of SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof filed July 17, 1961, under Plat No. P-600 in the Office of the District Recorder for the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.35 acre.

Lot Eight (8), Block Three (3) of the SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof filed July 17, 1961 under Plat No. P-600 in the Office of the District Recorder for the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.35 acre.

Lot Nine (9) in Block Three (3) of SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof filed July 17, 1961, under Plat No. P-600 in the Office of the District Recorder for the Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.35 acre.

All that portion of Lot Nineteen of Block Three, SUNSET HILLS WEST SUBDIVISION, according to the recorded plat thereof, lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-105 in the Office of the Recorder, Anchorage Recording District.

Containing approximately: 0.35 acre.

All that portion of Lot Twenty-One (21), Block Three of the SUNSET HILLS WEST SUBDIVISION, according to the official plat thereof filed October 9, 1964, under Plat P-600, lying southwesterly of the line designated as "Take Line", on that certain map titled Potter Hill Relocation, Alaska Railroad, designated as document #64-105 in the Office of the District Recorder, Anchorage Recording District, Third District, State of Alaska.

Containing approximately: 0.51 acre.

T. 10 N., R. 2 E.

That portion of Tract A more particularly described as protracted:

Secs. 19, 20, 29, 32 and 33 - not less than an exclusive use easement.

Containing approximately: 4.00 miles or 96.96 acres.

T. 11 N., R. 2 W.

Secs. 30 to 33, inclusive - not less than an exclusive use easement.

Containing approximately: 3.24 miles or 78.54 acres.

T. 11 N., R. 3 W.

Secs. 4, 9, 10, 15, 22, 23, 25 and 26 - not less than an exclusive use easement.

Containing approximately: 6.42 miles or 155.62 acres.

T. 12 N., R. 3 W.

Secs. 6 and 7 - not less than an exclusive use easement;

Sec. 18, and the West seventeen feet of that portion of lots 6, 7, 8 and 9, WILSON SUBDIVISION, according to the official plats thereof on file in the Office of the District Recorder, Anchorage Recording District, Alaska, located East of the Alaska Railroad right-of-way - not less than an exclusive use easement;

And the West seventeen feet of that portion of the N2SE4SE4 located East of the Alaska Railroad right-of-way - not less than an exclusive use easement;

And a strip of land located within Tract 13A, NIGH SUBDIVISION, according to the official plat thereof on file in the Office of the District Recorder, Anchorage Recording District, Alaska, described as follows:

Beginning at the Southwest corner of Tract 13A; thence S. 62°03'36" E., 18.50 feet; thence N. 10°37'16" W., 150.78 feet; thence S. 04°41'22" E., 140.00 feet to the point of beginning - not less than an exclusive use easement;

Sec. 19, and the West seventeen feet of that portion of Block 3, lots 1-10, inclusive, TURNAGAIN SUBDIVISION No. 2, and lot 3, JUNCTION SUBDIVISION, according to the official plats thereof on file in the Office of the District Recorder, Anchorage Recording District, Alaska - not less than an exclusive use easement;

And the West seventeen feet of that portion of the NE4NE4 located East of the Alaska Railroad right-of-way - not less than an exclusive use easement;

Sec. 20, 29, 30 and 32 - not less than an exclusive use easement.

Containing approximately: 5.83 miles or 146.66 acres.

T. 12 N., R. 4 W.

Sec. 1 - not less than an exclusive use easement.

Containing approximately: 0.40 mile or 9.69 acres.

T. 13 N., R. 4 W.

Secs. 23, 24, 25 and 26 - not less than an exclusive use easement;

Sec. 34, lot 12, SE4NE4, SE4NW4 - not less than an exclusive use easement;

Sec. 35, lots 3 and 4, NE4, N2S2 - not less than an exclusive use easement;

Sec. 36 - not less than an exclusive use easement.

Containing approximately: 6.99 miles or 139.14 acres.

T. 15 N., R. 2 W.

Sec. 24 - not less than an exclusive use easement;  
 Sec. 25, NW4 - not less than an exclusive use easement.

Containing approximately: 1.50 miles or 36.36 acres.

T. 15 N., R. 1 W.

Sec. 5, lots 3, 14, 17, 25, 26, 31, 53 and 65 - not less than an exclusive use easement;  
 Sec. 7, lots 8, 19, 24, 25, 34, 35, 40, 41, 63, 70, 71, 91, 92 and NE4NE4 - not less than an exclusive use easement;  
 Sec. 18, lots 11, 27, 28, 42, 57, 76, 88, 108, 118, 138, 144, 162, 164, 185 and 200 - not less than an exclusive use easement;  
 Sec. 19, lot 4 - not less than an exclusive use easement.

Containing approximately: 2.534 miles or 42.844 acres.

T. 16 N., R. 1 W.

Sec. 24, lot 4, SE4NE4, SW4SW4 and S2NW4SE4 - not less than an exclusive use easement;  
 Sec. 25, W2NW4 - not less than an exclusive use easement.

Containing approximately: 0.93 mile or 22.54 acres.

T. 16 N., R. 1 E.

Sec. 19, lots 4, 5, NE4SW4 and W2NW4SE4 - not less than an exclusive use easement.

Containing approximately 0.545 mile or 13.21 acres.

Aggregating approximately: 34.72 miles or 805.30 acres.

Total aggregate for parcels and right-of-way: 2412.18 acres.

NOW KNOW YE that the United States of America has given and granted, and by these presents in conformity with ARTA does give, grant and convey unto the Alaska Railroad Corporation, its assigns and successors the real property described above to have and to hold forever. The right, title, and interest hereby granted and conveyed in and to the real property described above are the full and complete right, title and interest of the United States in and to said real property, subject to the Reservations and Conditions

set out below. Pursuant to Sec. 606(b)(4)(B) of ARTA, the right, title and interest granted by the United States in the above-described real property that is located within the right-of-way of the Alaska Railroad shall not be less than an exclusive-use easement as defined in Sec. 603(6) of ARTA.

The force and effect of this interim conveyance is to vest in the Alaska Railroad Corporation exactly the same right, title and interest in and to the real property described above as the Alaska Railroad Corporation would have received had it been issued a patent for said real property.

Upon completion of the survey of the real property hereby granted and conveyed, a patent for said real property will be issued by the United States to the Alaska Railroad Corporation pursuant to Secs. 604(b)(2) and (3) of ARTA.

#### Reservations and Conditions

1. Pursuant to Sec. 610 of ARTA, this conveyance is subject to the following conditions:
  - a. Pursuant to Sec. 610(a) of ARTA, if, within ten years after the date of transfer, the Secretary of Transportation finds that all or part of the real property transferred to the State of Alaska under said Act is converted to a use that would prevent the State-owned railroad from continuing to operate, the real property (including permanent improvements to the real property) shall revert to the United States, or at the option of the State (as defined in Sec. 603(14) of ARTA), the State shall pay to the United States an amount determined to be the fair market value of that property at the time its conversion prevents continued operation of the railroad.
  - b. Pursuant to Sec. 610(b) of ARTA, if, after January 5, 1985, the State discontinues use of any land within the right-of-way, the interest hereby conveyed in such land shall revert to the United States when:
    - (1) The Governor of Alaska delivers to the Secretary of the Interior a notice of such discontinuance, including a legal description of the property subject to the notice, and a quitclaim deed thereto; or

- (2) The State has made no use of the land for a continuous period of eighteen years for transportation, communication, or transmission purposes. Pursuant to Sec. 610(b)(2) of ARTA, notice of such discontinuance shall promptly be published in the Federal Register by the Secretary of Transportation, the Secretary of the Interior, or the Secretary of Agriculture, and reversion shall be effected one year after such notice, unless within such one year period the State brings an appropriate action in the United States District Court for the District of Alaska to establish that the use has been continuing without an eighteen-year lapse. Any such action shall have the effect of staying reversion until exhaustion of appellate review of the final judgment in that action or termination of the right to seek such review, whichever first occurs.
2. Pursuant to Sec. 604(c)(2) of ARTA, the following existing easements for administration are reserved to the United States under the jurisdiction of:
- Secretary of Agriculture:
- Portage Creek Trail which is a 25-foot wide trail within U.S. Survey 4597, Tract A (PLO 835) (AA-953).
- Secretary of Defense:
- An easement for a pipeline within T. 10 N., R. 2 E., Tract A, Seward Meridian (A-067518).
- Such easements and the use of such easements shall not interfere with railroad operations or support functions of the State-owned railroad, as defined in Sec. 603(14) of ARTA.
3. The grant of the above-described real property is subject to the following rights and interests granted by the United States prior to this conveyance:
- a. The granted license under Power Project 2170 as to those lands herein conveyed within U.S. Survey No. 4597 (PLOs 571/835), Tract A (Tps. 8 and 9 N., R. 3 E., Seward Meridian); T. 10 N., R. 2 E., Tract A, Seward Meridian.

- b. Any interest in the Anchorage International Airport Road transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Secs. 34, 35 and 36, T. 13 N., R. 4 W., Seward Meridian.
- c. Any interest in the Glenn Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Sec. 19, T. 16 N., R. 1 E., Seward Meridian.
- d. Any interest in the Seward/Anchorage Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to U.S. Survey No. 4597, Tract A (Tps. 8 and 9 N., R. 3 E., Seward Meridian); T. 10 N., R. 2 E., Tract A; Secs. 30 to 33, inclusive, T. 11 N., R. 2 W.; Secs. 10, 15, 22, 23, 25 and 26, T. 11 N., R. 3 W.; Secs. 19, 20, 29 and 30, T. 12 N., R. 3 W., Seward Meridian.
- e. Any interest in the Spenard Road transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Sec. 25, T. 13 N., R. 4 W., Seward Meridian.
- f. There is excepted and reserved any element of ownership from Secs. 24 and 25, T. 16 N., R. 1 W., and Sec. 19, T. 16 N., R. 1 E., Seward Meridian, conveyed by the United States pursuant to the Alaska Communications Disposal Act approved November 14, 1967 (40 U.S.C. 771-792) (AA-6187).
- g. A right-of-way, AA-8095, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 19, T. 16 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- h. A right-of-way, A-021429, for a transmission line, issued to the Matanuska Electric Association, Inc. within Sec. 5, T. 15 N., R. 1 W., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).

- i. A right-of-way, A-029885, for an electric distribution line, issued to the Chugach Electric Association, Inc., within T. 10 N., R. 2 E., Tract A; Sec. 25, T. 11 N., R. 3 W., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
  - j. A right-of-way, A-059784, for a transmission line issued to Chugach Electric Association, Inc. within PLO 835 (T. 8 N., R. 3 E., Seward Meridian) under the Act of February 15, 1901 (43 U.S.C. 959).
  - k. A right-of-way, A-051647, for a natural gas pipeline, issued to the Alaska Pipeline Company, within Sec. 10, T. 11 N., R. 3 W., Seward Meridian, under the Act of February 25, 1920 (30 U.S.C. 185).
  - l. A right-of-way, A-064192, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within U.S. Survey No. 4597, Tract A (T. 9 N., R. 3 E., Seward Meridian), under the Act of August 27, 1958, as amended (23 U.S.C. 317).
4. Pursuant to Sec. 604(c)(1) of ARTA, there is excluded from this conveyance any unexercised right-of-way that may exist under 43 U.S.C. 975(d).

#### Definitions

1. "Real property," as used herein, means land and all of the appurtenances, hereditaments, improvements, facilities, trackwork, roadbed, buildings, franchises, ways, waters, minerals, rights, privileges, fixtures, licenses, lease-holds, reversions, easements, rights under operating, trackage and joint facilities agreements, rents, issues, profits and other interests and items belonging to or in any way appertaining to the above-described land.
2. All of the terms used in this instrument that are defined in Sec. 603 of ARTA have the same meaning herein as provided in said section including but not limited to the following terms:
  - a. "Exclusive use easement," as used herein, means as provided by Sec. 603(6) of ARTA an easement which affords to the easement holder the following:

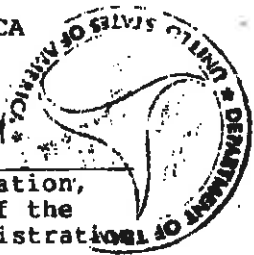


- (1) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;
  - (2) the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;
  - (3) subjacent and lateral support of the lands subject to the easement; and
  - (4) the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands;
- b. "Right-of-way," as used herein, means as provided in Sec. 603(11) of ARTA:
- (1) an area extending not less than one hundred feet on both sides of the centerline of any main line or branch line of the Alaska Railroad; or
  - (2) an area extending on both sides of the centerline of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-Federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (1) of this paragraph.

IN WITNESS WHEREOF, the undersigned authorized officer of the Department of Transportation has in the name of the United States, set his/her hand and caused the seal of the Department to be hereunto affixed on this 5th day of January, 1985, in Nenana, Alaska.

UNITED STATES OF AMERICA

*[Handwritten Signature]*  
Secretary of Transportation,  
by the Administrator of the  
Federal Railroad Administration



Accepted:

ALASKA RAILROAD CORPORATION

By: *[Handwritten Signature]*  
Its: Chairman of the Board  
Dated: January 5, 1985

January 9, 1985

Dear District Recorder,

After recording please return the attached documents to:

Alaska Railroad Corporation

Pouch 7-2111

Anchorage, Alaska 99510-7069

Attention: James O. Campbell, Chairman  
Board of Directors

Thank you.

85-001597  
NR

RECORDED-FILED  
ANCHORAGE REC.  
DISTRICT

JAN 8 2 19 PM '85

REQUESTED BY ALASKA RAILROAD CORP.  
ADDRESS \_\_\_\_\_

Pouch 7-2111  
Anchorage, Alaska 99510-7069

January 9, 1985

Dear District Recorder,

After recording please return the attached documents to:

Alaska Railroad Corporation

Pouch 7-2111

Anchorage, Alaska 99510-7069

Attention: James O. Campbell, Chairman  
Board of Directors

Thank you.

85- 001599

NR

RECORDED-FILED  
ANCHORAGE REC.  
DISTRICT

JAN 8 2 20 PM '85

REQUESTED BY ALASKA RAILROAD CORP.

ADDRESS \_\_\_\_\_

COPY

Exclusive License

## Anchorage Recording District

WHEREAS, pursuant to Sec. 604(b)(1)(C) of the Alaska Railroad Transfer Act of 1982 (96 Stat. 2556 et seq); hereinafter referred to as "ARTA"), the Alaska Railroad Corporation is entitled to an exclusive license for real property of the Alaska Railroad including both the right-of-way of the Alaska Railroad (railroad right-of-way) and other railroad lands (railroad parcels); this exclusive license is hereby issued for the real property described below:

Railroad Parcels:

PLO 396 (Whittier)

Beginning at Corner No. 1 identical with Corner No. 1 of U.S.S. No. 2559, Whittier Townsite, Alaska, from which survey station 24 plus 44.45 in the center line of The Alaska Railroad, Passage Canal Connection bears N. 11°09' E., 250.65 feet, and U.S.L.M. No. 2559 bears S. 78°51' E., 971.83 feet, latitude 60°46'30" N., longitude 148°43'20" W.

From the initial point,

South, 1625.78 feet to Corner No. 2, identical with Corner No. 2 of U.S.S. No. 2559;

West, 200.00 feet to Corner No. 3;

North, 615.38 feet to Corner No. 4;

N. 28°00' W., 1393.46 feet to Corner No. 5, from which survey station 33 plus 25.00 in the center line of the main track of the Alaska Railroad bears N. 11°09' E., 200.00 feet;

Northwesterly 1275.80 feet, 200 feet from, and parallel to, the center line of the main track, to Corner No. 6, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears N. 3°09' E., 200.00 feet;

COPY

N. 3°09' E., 100.00 feet, to Corner No. 7;  
 Southwesterly, 2504.26 feet, 100 feet from, and  
 parallel to, the center line of the main track, to Corner  
 No. 8, from which survey station 70 plus 00 bears  
 N. 55°14' E., 185.95 feet;  
 S. 55°14' W., 692.06 feet to Corner No. 9;  
 N. 71°18' W., 640.00 feet to Corner No. 10;  
 S. 78°42' W., 1760.00 feet to Corner No. 11;  
 N. 38°16' W., 825.46 feet to Corner No. 12, from which  
 survey station 104 plus 00 bears N. 18°42' E., 980.00 feet;  
 N. 18°42' E., 3116.27 feet to Corner No. 13;  
 East 1320.00 feet to Corner No. 14; S. 73°00' E.,  
 860.00 feet to Corner No. 15, a point on the mean high  
 water line, Passage Canal;  
 Southeasterly, 3500 feet, along the line of mean high  
 water, Passage Canal, to Corner No. 16, from which survey  
 station 66 plus 00 in the center line of the main track,  
 Alaska Railroad, bears S. 16°33' E., 100.00 feet;  
 Northeasterly 1991.22 feet, 100 feet from, and  
 parallel to, the center line of the main track, to Corner  
 No. 17, from which a point in the center line of the main  
 track at the station equation 46 plus 28.75 equals 46 plus  
 43.25 bears S. 3°09' W., 100.00 feet;  
 N. 3°09' E., 100.00 feet to Corner No. 18;  
 Southeasterly 1467.54 feet, 200.00 feet from, and  
 parallel to, the center line of the main track, to Corner  
 No. 19, a point on the mean high water line, Passage Canal,  
 from which survey station 31 plus 89.00 bears S. 11°09' W.,  
 200.00 feet;  
 Easterly, 4050.00 feet, along the line of mean high  
 water, Passage Canal, to Corner No. 20, from which survey  
 station 3 plus 00.00 in the center line of the main track  
 bears S. 3°52' E., 115.00 feet, and 100.00 feet from the  
 center line of No. 1 Dock Track;  
 Northeasterly, 3913.29 feet, 100.00 feet from, and  
 parallel to, the center line of No. 1 Dock Track and a  
 prolongation thereof, to Corner No. 21, a point on the mean  
 high water line, Passage Canal;  
 Northeasterly and southerly, 940.00 feet, along the  
 line of mean high water, around a point of land and across  
 the mouth of Cove Creek, to Corner No. 22, a point on the  
 east boundary of Passage Canal Townsite withdrawal  
 described in Executive Order No. 1919 1/2, April 21, 1914,  
 from which Corner No. 7, U.S.S. No. 2559 bears south  
 1204.88 feet and west 2032.85 feet;  
 South 1370.00 feet, along the east boundary of  
 townsite withdrawal, to Corner No. 23;

West 1920.00 feet to Corner No. 24, from which Corner No. 7, U.S.S. No. 2559 bears N. 34°21' W., 200.00 feet; N. 34°21' W., 640.00 feet to Corner No. 25, identical with Corner No. 8, U.S.S. No. 2559, from which survey station minus 11 plus 96.34 in the center line of the main track, bears N. 34°21' W., 200.00 feet; S. 55°39' W., 1565.74 feet to Corner No. 26, identical with Corner No. 9, U.S.S. No. 2559; N. 78°51' W., 2298.48 feet to Corner No. 1, the point of beginning.

Excluding from the above description the following described lands:

PLO 587:

A portion of Parcel 3 - Beginning at a point on line 12-13 of Alaska Railroad Terminal Reserve, withdrawn by PLO 396, from which the main line of the Alaska Railroad is located southerly 100 feet distant at right angle, and from which USED Station A, a standard disc set in concrete, marked "103-00" (coordinate position being N. 9944.44 E. 142565.70) bears S. 26°18' E., 141.42 feet, (Station A being on the center line of the Alaska Railroad main line just outside south portal of Whittier Tunnel, 112.50 feet from face of snowshed), thence by metes and bounds:  
 S. 71°18' E., 1,950.50 feet parallel to and 100.00 feet distant from the center line of the Alaska Railroad main track to a point opposite Station 84:49.5;  
 N. 55°56' W., 783.29 feet to the NE corner of area under permit to CAA for Fan Marker;  
 S. 27°03' W., 100.00 feet to SE corner of CAA permit area;  
 N. 62°57' W., 100.00 feet to SW corner of CAA permit area;  
 N. 27°03' E., 100.00 feet to NW corner of CAA permit area;  
 N. 62°57' W., 157.94 feet;  
 N. 62°00' E., 1,331.68 feet;  
 N. 28°00' W., 155.35 feet;  
 N. 36°27' E., 473.13 feet;  
 Due west, 1983.165 feet; S. 18°42' W., 1128.88 feet along line 12-13 of PLO 396 to point of beginning.

Parcel 4 - Beginning at corner No. 8, U.S.S. 2559, Whittier Townsite, thence by metes and bounds:  
 S. 55°39' W., 100.00 feet along Townsite boundary;  
 N. 34°21' W., 178.00 feet to dock access road right-of-way;  
 N. 55°39' E., 420.00 feet along right-of-way to dock approach;  
 S. 34°21' E., 618.00 feet;  
 S. 55°39' W., 320.00 feet to corner No. 7, U.S.S. 2559;  
 N. 34°21' W., 440.00 feet to point of beginning.

Parcel 8 - Beginning at a point at the southwest corner of the enlarged approach to Whittier Wharf, from which corner No. 8, U.S.S. 2559, Whittier Townsite, bears S. 32°04'20" W., 356.25 feet, thence by metes and bounds:

The following 14 courses run along the new wharf extension contiguous to and south of the original wharf approach and along the south and east confines of the Whittier Wharf to the northeast corner on the seaward face of the wharf:

N. 55°39' E., 120.00 feet;  
 N. 63°59' E., 116.00 feet;  
 N. 73°19' E., 80.00 feet;  
 N. 78°24' E., 802.00 feet;  
 N. 11°36' W., 24.00 feet;  
 N. 78°24' E., 48.00 feet;  
 N. 11°36' W., 66.00 feet;  
 N. 78°24' E., 214.00 feet;  
 S. 11°36' E., 41.00 feet;  
 N. 78°24' E., 25.00 feet;  
 N. 11°36' W., 12.00 feet;  
 N. 78°24' E., 24.00 feet;  
 N. 36°54' E., 63.00 feet;  
 N. 11°36' W., 41.00 feet to NE corner of seaward face of wharf;  
 N. 78°24' E., 350.00 feet along prolongation of the line of the seaward face of the wharf to a point on the mean high tide line on south shore Passage Canal;  
 Northeasterly 300.00 feet along mean high tide line to corner No. 21, PLO 396;  
 Northeasterly and Southerly 940.00 feet along mean high tide line, which is the boundary of PLO 396, across Cove Creek to corner 22, PLO 396;  
 South 1,370.00 feet to corner 23, PLO 396;  
 West 1,920.00 feet to corner 24, PLO 396;  
 N. 34°21' W., 200.00 feet to corner No. 7, U.S.S. 2559;  
 N. 55°39' E., 320.00 feet;  
 N. 34°21' W., 590.00 feet to point of beginning.



PLO 1088

Beginning at a point which bears S. 18°42' W., 100.00 feet from the center line of the main track of The Alaska Railroad, Passage Canal Connection, at Survey Station "B" 79 plus 65.00, Mileage F-2.07. From the point of beginning, Location Monument Station "A," established by the U.S. Army, Alaska, District Engineer, at coordinate point N. 9,944.44 E., 142,565.70 marked by a concrete monument set at subgrade in the center line of the main track at Survey Station "B" 103 plus 00, bears N. 68°50'52" W., 2,237.14 feet.

From the point of beginning, thence S. 8°45' W., 456.87 feet to a point on the line between Corner No. 9 and Corner No. 10 of Public Land Order No. 396; thence along the said line N. 71°18' W., 297.72 feet; thence S. 78°42' W., 1,760.00 feet; thence N. 38°16' W., 825.46 feet; thence N. 18°42' E., 880.00 feet to a point which lies S. 18°42' W., 100.00 feet from the center line of the main track at Survey Station "B" 104 plus 00; thence S. 71°18' E., 2,435.00 feet to the point of beginning.

PLO 2667

Parcel 2b - Commencing at Corner No. 14 of The Alaska Railroad Terminal Reserve at Whittier; thence S. 32°00' E., 1,615 feet, more or less, to the true point of beginning for this description, thence:

N. 40°30' E., 535 feet, more or less, to a point on the mean high tide line of the Passage Canal;

Following the meanders of said high tide line in a generally southerly direction to a point that is S. 35°15' E., from the point of beginning;

N. 35°15' W., 135 feet, more or less, to a point;

S. 58°00' W., 200 feet to a point;

S. 85°15' W., 1,720 feet, more or less, to a point on a boundary line of Parcel No. 3 of Public Land Order No. 587;

N. 62°01'10" E., 245.00 feet, along said boundary line, more or less, to a point that is 100 feet from the preceding course when measured at right angle thereto;

N. 85°15' E., 1,475 feet, more or less, to a point;

N. 58°00' E., 175 feet, more or less, to a point that is S. 35°15' E., 255 feet, more or less, from the point of beginning;

N. 35°15' W., 255 feet, more or less, to the point of beginning.

Total acreage of PLO 396, as modified: 214.48 acres.

Additional Railroad Parcels:PLO 587 (Whittier)

Parcel 7 - Beginning at a point on the northwest corner of the approach to the original Whittier Wharf from which corner No. 8 of U.S.S. 2559 bears S. 21°08'20" W., 396.24 feet, thence by metes and bounds:

N. 55°39' E., 406.00 feet along seaward face of the wharf approach;

S. 78°24' W., 402.59 feet;

S. 55°39' W., 1,772.13 feet to a point on the approximate mean high water line of Passage Canal, from which corner No. 9, U.S.S. 2559 bears S. 12°11'10" E.;

S. 34°21' E., 77.20 feet to a point approximately 10 feet North of the center line of the No. 1 wharf track of the Alaska Railroad;

N. 75°34'30" E., 176.07 feet to a point on the north line of Parcel No. 9;

N. 60°39' E., 185.01 feet along north line of Parcel No. 9;

N. 48°33' E., 361.78 feet along north line of Parcel No. 9;

N. 55°42' E., 375.71 feet along north line of Parcel No. 9;

S. 34°21' E., 45.84 feet;

N. 55°39' E., 652.85 feet;

S. 34°21' E., 0.88 foot to point of beginning.

Containing approximately: 6.15 acres.

U.S. Survey No. 2559: (Whittier)

Block 2, Lot 2.

Containing approximately: 0.11 acre.

PLO 2791, Tract No. 1 (Whittier)

BEGINNING at a point from which a point on the center line of the main track of the Portage Canal Connection, Alaska Railroad, at U.S. Army Survey Station 104+00.00, approximately two miles west of the Whittier railroad station, in approximate latitude 60°46' N., longitude 148°44' W., bears West 1,320.00 feet, S. 18°42' W., 2,136.27 feet. From the initial point; N. 17°30' E.,

795.00 feet; East approximately 770 feet to a point on line of mean high tide of Passage Canal; Southerly with meanders approximately 1,100 feet; N. 73°00' W., 860 feet to the point of beginning.

Containing approximately: 16.18 acres.

U.S. Survey No. 408: (Anchorage)

Additional Terminal Reserve, excluding PLO 3532;

That portion designated as Railroad Centerline; AND

Block 1, Anchorage Townsite, lots 1 to 5 inclusive, and lots 8 to 11, inclusive;

Block 3, Anchorage Townsite, portion of lots 1, 2 and 3a, excluding the following described lands:

BEGINNING at the SE corner of said Lot 1, Block 3; thence (1), North along the easterly line of said Lot 1, 79.94 feet to the P.C. of a 60-foot radius curve; thence (2), from a tangent that bears South, along a curve to the right having a radius of 60 feet, through an angle of 87°28'47" for an arc length of 91.61 feet; thence (3), S. 87°28'47" W., 92.73 feet to the intersection thereof with the westerly line of said Lot 3a; thence (4), South 15.92 feet to the SW corner of said Lot 3a; thence (5), East along the southerly line of said Lots 3a, 2 and 1, 150 feet to the point of beginning.

Also excluding all that portion of said Lot 1, Block 3, described as follows:

BEGINNING at the NE corner of said Lot 1; thence (1), West 22 feet along the North line of said Lot 1; thence (2), from a tangent that bears East, along a curve to the right having a radius of 22 feet through an angle of 90° for an arc distance of 34.56 feet to the intersection with the East line of said Lot 1; thence (3), North along last said line 22 feet to the point of beginning.

Block 3, Anchorage Townsite, lots 4a, 5a and 6a of the Original Townsite of Anchorage, Alaska, according to plat C-140, Anchorage Recording District, excluding the following described lands:

BEGINNING at the Southwest corner of said Lot 6a; thence (1) East 150 feet to the Southeast corner of said Lot 4a; thence (2) North along the East line of said

Lot 4a, 15.92 feet; thence (3) S. 87°28'47" W., 150.14 feet to the intersection thereof with the West line of said Lot 6a; thence (4) south along the West line of said Lot 6a, 9.32 feet to the point of beginning.

Block 4, Anchorage Townsite, N2, excluding the following described lands:

BEGINNING at SW corner of the designated A.R.R. Reserve; thence (1) North 79.57 feet along the West line of said reserve; thence (2) East 7.15 feet; thence (3) from a tangent that bears S. 65°00' E., along a curve to the left having a radius of 763.94 feet through an angle of 22°45' for an arc length of 303.33 feet to the intersection thereof with the East line of said reserve; thence (4) South 8.59 feet along last said line to the SE corner of said reserve; thence (5) west 300.00 feet along the South line of said reserve to the point of beginning;

Block 5, Anchorage Townsite, lot 1, excluding the following described lands:

BEGINNING at the NE corner of said lot 1; thence (1) West 50 feet to the NW corner of said lot 1; thence (2) South along the West line of said lot 1, 9.78 feet; thence (3) S. 86°16'06" E., 50.11 feet to the intersection thereof with the East line of said lot 1; thence (4) North along the East line of said lot 1, 13.04 feet to the point of beginning;

Block 11, Anchorage Townsite, lots 4, 5 and 6;  
 Block 12, Anchorage Townsite, lots 1, 2, 10, 11 and 12;  
 Block 20, Anchorage Townsite, lots 1 to 12, inclusive, including 20-foot alley;  
 Block 21, Anchorage Townsite, lots 1 to 6, inclusive, lots 9 and 10;  
 Block 40A, East Addition, Anchorage Townsite, excluding Ship Creek;  
 Block 41A, East Addition, Anchorage Townsite;  
 Block 41D, East Addition, Anchorage Townsite;  
 Block 43, East Addition, Anchorage Townsite;  
 Block 59, Anchorage Townsite, lots 7 and 8;  
 Block 120, Anchorage Townsite, lots 1 to 6, inclusive;  
 Block 121, Anchorage Townsite, lots 1 to 6, inclusive.

Containing approximately: 65.47 acres.

U.S. Survey No. 1170 (Anchorage)

Alaska Railroad Terminal Reserve, excluding U.S. Survey Nos. 2275, 2276, 2961 A, 3047 A and B, 3061 A and B, and Tracts 1, 2 and 3 of U.S. Survey No. 2920, Tracts 1 and 2 of U.S. Survey No. 3026, Tracts 1-4 inclusive of U.S. Survey No. 3296 A and B, Tracts A, B and C of U.S. Survey No. 3458, lots 1 and 2 of U.S. Survey No. 4816 and PLO 546, also excluding the following described lands:

A parcel of land located in the NE4SE4 of Sec. 7, T. 13 N., R. 3 W., Seward Meridian, adjoining Lot 5A, Block O of the West Government Hill Subdivision, more specifically described as follows:

BEGINNING at Corner C-6, U.S. Survey No. 3047, thence S.  $61^{\circ}11'30''$  W., 152.32 feet; thence southerly along a  $35^{\circ}35'$  curve, radius 160.99 feet, 128.15 feet; thence S.  $15^{\circ}36'$  W., 15.59 feet; thence N.  $74^{\circ}24'$  W., 60 feet to the southeasterly corner of said parcel and the true point of beginning, thence N.  $15^{\circ}36'$  E., 15.88 feet; thence easterly along a  $25^{\circ}56'$  curve, radius 220.99 feet, 8.83 feet; thence S.  $61^{\circ}18'$  W., 35.35 feet; thence S.  $74^{\circ}24'$  E., 25.05 feet to the true point of beginning; and

ALSO excluding parcel of land located in the NE4SE4, Sec. 7, T. 13 N., R. 3 W., Seward Meridian, being the northerly 242.65 feet of Block 1 of the East Government Hill Subdivision of the Alaska Railroad at Anchorage, Alaska, and more specifically described as follows:

BEGINNING at Corner C-6, U.S. Survey No. 3047, thence S.  $61^{\circ}11'30''$  W., 152.32 feet; thence southerly along a  $35^{\circ}35'$  curve with a radius of 160.99 feet, 59.32 feet; thence S.  $74^{\circ}22'$  E., 255.47 feet; thence N.  $15^{\circ}38'$  E., 242.65 feet; thence N.  $74^{\circ}22'$  W., 22.86 feet; thence S.  $61^{\circ}11'30''$  W., 126.25 feet to the point of beginning; and

ALSO excluding the following described lands located in the SW4 of Sec. 7, T. 13 N., R. 3 W., Seward Meridian and further described as:

Block E, lot 2A; Block F, lots 2A and 3A; Block G, lots 1A to 3A, inclusive; Block H, lots 1A to 4A, inclusive, all located within the West Government Hill Subdivision, City of Anchorage, filed for record on May 18, 1956, Filing No. C-101-f, in the United States Commissioner's Office, Anchorage, Alaska.

Containing approximately: 320.00 acres

U.S. Survey No. 1456 (Anchorage)  
 Block 33, Fourth Addition, Anchorage Townsite, lots 1,  
 2, 3 and 5;  
 Block 34, Fourth Addition, Anchorage Townsite, lots 1  
 and 2.

Containing approximately: 3.41 acres.

U.S. Survey No. 3458 (Anchorage)  
 Tract A, Block P;  
 Tract C, lots 4 and 5.

Containing approximately: 0.66 acre.

T. 13 N., R. 3 W., Seward Meridian  
 Sec. 7, a portion of Government lots 10 and 15, more  
 particularly described as follows:

BEGINNING at the southwest corner of Government Lot 11 of said Sec. 7; thence on the west line thereof, north, a distance of 580.14 feet to the northwest corner of said lot; thence N. 12°30'00" E., a distance of 224.00 feet, more or less to a point being called Point "A" in this description, for further reference hereinbelow; said point being on the East Meander Line for Knik Arm; thence returning to said POINT OF BEGINNING; thence on the south line of said Lot 11, East, a distance of 830.28 feet to the southeast corner of said Lot 11; thence on the East line thereof, north, a distance of 113.52 feet to the southwest corner of Government Lot 14 of said Sec. 7; thence on the South line thereof, N. 81°49'38" E., a distance of 309.54 feet to the southeast corner of said Lot 14; thence S. 62°44'30" W., a distance of 409.54 feet more or less, to a point being 30.00 feet south (as measured at right angles to) of said south line of Lot 11; thence along a line being parallel with and 30.00 feet south of said line, west, a distance of 588.42 feet more or less to a point on a 349.87 foot radius curve to the left; said curve having its center point bearing S. 23°55'05" E.; thence on said curve through a central angle of 18°02'30" for an arc distance of 109.98 feet; thence S. 47°59'25" W., a distance of 181.90 feet; thence S. 41°37'30" W., a distance of 595.00 feet, more or less to said Meander Line; thence northeasterly on said Meander Line to the above-described Point "A". There is excepted therefrom the following described parcels of land:

PARCEL 1

Commencing at the center 1/4 corner of said Sec. 7;  
 thence N. 00°08' W., a distance of 739.86 feet, to the

northeast corner of U.S. Government Lot 10; thence S. 89°57' W., along the north line of said Lot 10, a distance of 129.22 feet and the TRUE POINT OF BEGINNING; thence S. 45°22'13" E., a distance of 42.15 feet; thence S. 89°57' W., a distance of 42.15 feet; thence N. 45°22'13" W., a distance of 42.15 feet, to the north line of said Lot 10; thence N. 89°57' E., along said north line of Lot 10, a distance of 42.15 feet to the point of beginning.

PARCEL 2

Commencing at the center 1/4 corner of said Sec. 7; thence N. 00°08' W., a distance of 739.86 feet, to the northeast corner of U.S. Government Lot 10; thence S. 89°57' W., along the north line of said Lot 10, a distance of 220.83 feet and the TRUE POINT OF BEGINNING; thence S. 23°20'22" E., a distance of 32.67 feet; thence S. 89°57' W., a distance of 35.94 feet; thence N. 23°20'22" W., a distance of 32.67 feet to the north line of said Lot 10; thence N. 89°57' E., along said north line of Lot 10, a distance of 35.94 feet to the point of beginning.

Containing 5.78 acres, more or less.

Sec. 8, SE4 excluding U.S. Survey No. 3026, Tract 2 and the following described lands:

BEGINNING at the 1/4 corner for Secs. 7 and 8, thence by metes and bounds; West, 730 feet along the center line of Sec. 7 to its intersection with the center line of the Ft. Richardson Sewer Outfall Line; S. 00°03'40" W., 25 feet; thence along a line generally 25 feet south of the center line of the sewer line, S. 61°37'16" E., 262.60 feet; S. 74°18'35" E., 3,905.60 feet; N. 72°33'20" E., 1,039.70 feet; N. 62°11'20" E., 740.70 feet; N. 82°11'05" E., 347.50 feet; N. 60°17'59" E., 364.00 feet; N. 22°49'17" E., 682.10 feet; N. 51°38'42" E., 189.60 feet; N. 84°25'22" E., 201.90 feet; S. 46°02'30" E., 295.20 feet; N. 70°42'50" E., 218 feet to the east line of the SW4NW4 of Sec. 9, T. 13 N., R. 3 W.; N. 00°01'40" W., 1,000.60 feet to the center point of the NW4 Sec. 9; N. 89°58'20" W., 1,319.66 feet to the section line between secs. 8 and 9; S. 00°01'40" E., 1,318.90 feet along section line to the 1/4 corner for Secs. 8 and 9; West along the center line of Sec. 8 approximately 1 mile to point of beginning;

Sec. 9, SW4SW4, NW4SW4 and SW4NW4, excluding PLO 546.

Containing approximately: 175.00 acres.

PLO 670 (Anchorage)

Those lands between the west right-of-way line of the Alaska Railroad (a line parallel to and 100 feet west of the center line) and the shore line of Knik Arm, and extending from the north boundary of Anchorage Townsite (U.S. Survey No. 409), withdrawn by Executive Order 1919 1/2 of April 21, 1914 and Executive Order 2216 of June 22, 1915, southwesterly to the south boundary of the South Addition to Anchorage (U.S. Survey No. 408), withdrawn by Executive Order 1919 1/2 of April 21, 1914, and Executive Order 2242 of August 31, 1915, as such townsite and Addition are shown on a townsite plat approved October 1, 1917.

Containing approximately: 13.45 acres.

PLO 789 (Anchorage)

BEGINNING at Corner No. 4, East Addition to Anchorage Townsite, coincident with the northwest corner of Sec. 17, T. 13 N., R. 3 W., Seward Meridian, thence by metes and bounds:

S. 00°08' E., 792.66 feet to the intersection with centerline of an alley;  
 East, 208.52 feet to intersection with west boundary line of East "H" Street extended;  
 North, 210.00 feet to intersection with north boundary line of Seward Street;  
 East, 720.00 feet to intersection with west boundary line of East "I" Street;  
 North, 300.00 feet to intersection with south boundary line of Ship Street;  
 East, 1,440.00 feet to intersection with west boundary line of East "L" Street;  
 North, 283.99 feet to intersection with section line between sections 8 and 17;  
 S. 89°58' W., 2,370.37 feet to point of beginning, as shown on the supplemental plat of survey of the East Addition to Anchorage Townsite accepted August 30, 1941.

Containing approximately: 22.82 acres.



PLO 3128 (Anchorage)

BEGINNING at a point which bears west 625.29 feet from center 1/4 corner of Sec. 7, T. 13 N., R. 3 W., Seward Meridian; thence West, 569.50 feet; N. 02°30' W., 111.00 feet; N. 56°30' E., 230.00 feet; N. 67°30' E., 108.50 feet; N. 79°25' E., 113.00 feet; N. 87°10' E., 161.50 feet; S. 01°25' E., 308.70 feet to the point of beginning.

Containing approximately: 3.20 acres.

PLO 3919 (Anchorage)

A tract of land lying in lot 10, Sec. 7, T. 13 N., R. 3 W., and described as follows:

BEGINNING at a point on the latitudinal 1/4 section line of said Sec. 7 which bears W. 252.14 feet from the center 1/4 corner of said Sec. 7; thence N. 18°00' E., 464.00 feet; S. 76°01'15" W., 487.79 feet; S. 80°30' W., 90.00 feet; S. 01°25' E., 308.70 feet to a point on the said latitudinal 1/4 section line;

East, 411.10 feet along said latitudinal 1/4 section line to the point of beginning.

Containing approximately: 4.00 acres.

Seward Meridian, AlaskaT. 15 N., R. 2 W. (PLOs 689 and 2308)

Sec. 25, SW4;

Sec. 26, NE4, S2;

Sec. 34, lots 1, 2, 5 and 6, SE4NE4, NE4SE4, S2SE4;

Sec. 35;

Sec. 36, W2 that portion North and West of the right-of-way line of the Glenn Highway; AND

Tract A - Beginning at the northeast corner of the SW4SW4 of said Sec. 36, T. 15 N., R. 2 W., thence easterly along the northerly line of the SE4SW4 of said Sec. 36, a distance of 662.85 feet to the northwesterly right-of-way line of the old existing Glenn Highway; thence S. 37°28'47" W. along last said line a distance of 564.13 feet; thence along a 01°54'02" curve to the left (radius equals 3,014.79 feet) through an arc of 09°24'52" a distance of 495.37 feet; thence N. 60°55'25" W. a distance of

727.26 feet; thence N. 02°56'29" E. a distance of 102.90 feet to the southeasterly right-of-way line of said Alaska Highway Project F-042-1(1); thence N. 44°56'35" E. along the last said line a distance of 819.38 feet; thence southerly along the easterly line of NW4SW4 of said Sec. 36 a distance of 171.70 feet to the point of beginning; AND

Tract B - Beginning at the southwest corner of said Sec. 36, T. 15 N., R. 2 W., thence S. 89°56'13" E. along the south line of said Sec. 36, a distance of 1,137.25 feet to the northwesterly right-of-way line of the old existing Glenn Highway; thence N. 27°23'47" E. along the last said line a distance of 312.81 feet; thence N. 60°55'25" W. a distance of 732.92 feet; thence S. 88°13'51" W. a distance of 180.17 feet to the southeasterly right-of-way line of said Alaska Highway Project F-042-1(1); thence S. 44°56'35" W. along the last said line a distance of 651.47 feet to the west line of said Sec. 36; thence S. 00°07'50" W. along the last said line a distance of 166.04 feet to the point of beginning.

Containing approximately: 1,798.062 acres.

T. 15 N., R. 1 W. (PLO 3577)

- Sec. 5, SW4, that portion lying southeasterly of a line extending 100 feet northwesterly from and parallel to, the centerline of the Alaska Railroad;
- Sec. 6, SE4SE4SE4SE4 that portion lying southeasterly of a line extending 100 feet northwesterly from, and parallel to the Alaska Railroad;
- Sec. 7, SE4NE4 and SE4SW4NE4;
- Sec. 8, N2NW4 and W2SW4NW4.

Containing approximately: 250.80 acres.

T. 16 N., R. 1 W. (PLO 755)

- Sec. 23, SE4, that part south and west of the main channel of the Eklutna River;

Sec. 25, W2, that part south and west of the main channel of the Eklutna River and west of the right-of-way of the Alaska Railroad;

Sec. 26, E2, that part south of the main channel of the Eklutna River and north and west of the right-of-way of the Alaska Railroad; AND

An easement appurtenant for road purposes more fully described as follows:

An easement sixty (60) feet in width, thirty (30) feet each side of centerline, for an existing road from the Glenn Highway in the NE4 Sec. 25, T. 16 N., R. 1 W., westerly to the west side of the Alaska Railroad right-of-way in Sec. 26, T. 16 N., R. 1 W.

Containing approximately: 205.00 acres.

T. 16 N., R. 1 W. (PLO 2672)

Sec. 23, lots 3 and 4;  
Sec. 26, NW4 and N2SW4.

Containing approximately: 310.00 acres.

T. 16 N., R. 1 W.

Sec. 24, S2NE4SW4, SE4SW4, and that part of the S2NW4SE4 lying northwesterly of the right-of-way of the Alaska Railroad; and

SE4NW4NE4, SW4NE4, NW4NW4SE4, SW4NW4NE4 and that portion of the NE4NW4SE4 lying northeasterly from the right-of-way of the Alaska Railroad; AND

(1) An easement appurtenant for road purposes more fully described as follows:

An easement sixty (60) feet in width, thirty (30) feet each side of centerline, for an existing road from the Glenn Highway in the NE4 Sec. 25, T. 16 N., R. 1 W., northwesterly to the east side of the Alaska Railroad right-of-way Sec. 24, T. 16 N., R. 1 W.

Excl. Lic.

- (2) An easement appurtenant for utility purposes more fully described as follows:

An easement twenty (20) feet in width, ten (10) feet each side of centerline, for an existing power transmission line from the E2 Sec. 19, T. 16 N., R. 1 W., westerly to the W2 Sec. 24, T. 16 N., R. 1 W..

Containing approximately: 138.20 acres.

Aggregating approximately: 3,552.79 acres.

Railroad Right-of-way as defined in Section 603(11) of ARTA:

Seward Meridian, Alaska

T. 10 N., R. 1 E.

Secs. 20 to 24, inclusive, 28, 29 and 30. ✓

Containing approximately: 6.40 miles or 155.14 acres.

T. 10 N., R. 1 W.

Secs. 5, 6, 8, 9, 10, 13, 14, 15, 23, 24 and 25. ✓

Containing approximately: 7.33 miles or 177.68 acres.

T. 10 N., R. 2 W.

Secs. 1, 2, 3 and 4.

Containing approximately: 3.33 miles or 80.72 acres.

T. 12 N., R. 3 W.

Sec. 33.

Containing approximately: 0.41 mile or 9.94 acres.

T. 13 N., R. 3 W.

Sec. 3;

Sec. 4, SE4SE4;

Sec. 9, N2NE4, SW4NE4, SE4NW4;

Sec. 10, N2NW4.

Containing approximately: 2.50 miles or 60.60 acres.

T. 14 N., R. 3 W.  
 Sec. 24, lot 6 and S2SE4;  
 Secs. 25 and 26;  
 Sec. 34, SE4SE4;  
 Sec. 35.

Containing approximately: 3.54 miles or 85.79 acres.

T. 13 N., R. 4 W.  
 Sec. 35, N2.

Containing approximately: 0.80 mile or 19.39 acres.

T. 14 N., R. 2 W.  
 Secs. 3, 9, 10, 16, 17 and 19;  
 Sec. 20, lots 1, 3 and 4, S2N2, SE4;  
 Sec. 21, NW4.

Containing approximately: 6.64 miles or 160.95 acres.

T. 15 N., R. 1 W.  
 Sec. 5, lots 4, 13, 15, 18, 32, 40, 41, 46, 47, 48, 49,  
 52, 54, 63, 64 and 66, S2SW4SW4NE4;  
 Sec. 7, lots 7, 20 and 64;  
 Sec. 18, lots 10, 41, 58, 75, 89, 107, 119, 137, 145,  
 161, 165, 184, 186, 199 and 201.

Containing approximately: 3.00 miles or 72.72 acres.

T. 16 N., R. 1 W.  
 Sec. 24, N2NW4SE4;  
 Sec. 26, E2, SW4SW4;  
 Secs. 27, 32, 33 and 34.

Containing approximately: 2.88 miles or 68.06 acres.

T. 16 N., R. 1 E.  
 Sec. 15, lots 1, 5 and 6, S2;  
 Sec. 16;  
 Sec. 19, SE4NE4, NE4SE4, E2NW4SE4;  
 Secs. 20, 21 and 22.

Containing approximately: 3.87 miles or 93.69 acres.

Aggregating approximately: 40.70 miles or 984.68 acres.

Total aggregate for parcels and right-of-way: 4,537.47 acres.

NOW KNOW YE that there is, therefore, granted by the United States of America, through the Secretary of Transportation, unto the Alaska Railroad Corporation, an exclusive license for, to and on the real property described above, which license affords the holder the exclusive right to use, occupy and directly receive all benefits of the real property described above for the operation of the State-owned railroad in conformity with the attached Memorandum of Understanding among the Federal Railroad Administration, the State of Alaska, Eklutna Inc., Cook Inlet Region, Inc., and Toghoththele Corporation. This license is subject to the Reservations and Conditions set out below.

Reservations and Conditions

1. Pursuant to Sec. 604(c)(2) of ARTA the following described existing easements for administration are reserved to the United States under the jurisdiction of:

Secretary of Defense:

a. Easements for Current Communication, Utility and Transportation Uses:

The easements identified in this paragraph 1.a in, upon, over, under and across the real property hereby conveyed are reserved to the United States, or its assigns, for communication, utility, and transportation uses in conformity with the uses to which each such easement was devoted on January 14, 1983, including the continuing right in the United States, or its assigns, to use, operate, locate, replace, reconstruct, maintain, alter, repair, remove, patrol, and access the roads, parking lots, bunkers, fences, overhead and underground electric and communication cables, wires and equipment, water systems, storm and sewer lines, natural gas or petroleum products pipelines, and aircraft control systems, together with the right to trim, cut, fell and remove therefrom any and all vegetation, obstructions, structures or obstacles that are growing or may hereafter grow or be placed upon the real property subject to these easements and that may, in the judgment of the United States, or its assigns, substantially impair its authorized use of the easement. The United States, or its assigns, will give at least twenty (20) days notice to the Alaska Railroad Corporation, or its successors or assigns, before undertaking construction, reconstruction or demolition activity within an easement hereby reserved, except that in the case of an emergency the United States may undertake whatever activity is necessary to alleviate the emergency after giving such notice as is reasonable in the circumstances. The

easements identified in this paragraph 1.a are more specifically described in the paragraphs below identified as LOCATION DESCRIPTIONS OF CURRENT COMMUNICATIONS, UTILITY, AND TRANSPORTATION USES and displayed on the plats entitled Elmendorf Air Force Base P.L. 97-468 Easements, Fort Richardson P.L. 97-468 Easements, and Anchorage Petroleum Terminal P.L. 97-468 Easements, recorded herewith.

LOCATION DESCRIPTIONS OF CURRENT COMMUNICATIONS, UTILITY, AND TRANSPORTATION USES:

ON ELMENDORF AIR FORCE BASE:

<u>NO.</u>	<u>MILEPOST</u>	<u>DESCRIPTION</u>
1	115.68	A 24-inch sanitary sewer line starting from Elmendorf Air Force Base, thence to Manhole 21-13E, at approximately Railroad Mileage 115.65, thence in an easterly direction to Manhole 21-11E, at approximately Railroad Mileage 115.75, thence east back to Elmendorf Air Force Base, all being parallel to the Base boundary, all being north of the main-line track, and located in the NE4 of the SW4 and the NW4 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
2	115.80	A vitrified clay 24-inch sanitary sewer line beginning on Elmendorf Air Force Base, thence to Manhole 21-9E (located south of Bluff Road near its intersection with Plum Avenue) (approximately Railroad Mileage 115.80), thence extending east approximately 600 feet, running south of and parallel to Bluff Road, all being north of the main-line track, and located in the N2 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
3	115.81	A sanitary sewer line at approximately Railroad Mileage 115.81 beginning at Manhole 24 on the existing 24-inch outfall sewer line situated 25 feet north of the present south boundary of Elmendorf Air Force Base; thence S. 13°51'29" W. 226.95 feet to Manhole 34-2; thence S. 2°21'28" W., 74.86 feet to Manhole 34-1; thence S. 2°20'16" W., 355.49 feet to a point, said point being at Manhole A-34 of the outfall sewer line belonging to the Municipality of Anchorage, and located in the W2 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.

- 4 115.825 An automobile parking lot at approximately Railroad Mileage 115.825, beginning near the intersection of Plum Avenue and Bluff Road, measuring approximately 600 feet long by 30 feet wide, said lot being located on the south side of, parallel, and adjacent to Bluff Road where the Road passes in front of Building 21-700, on Elmendorf Air Force Base, all being north of the main-line track, and located in the N2 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- 5 115.93 An access road to the Security Police Bunker in Item 6 below (approximately 12 feet wide and 150 feet long) beginning at the end of Item 4 above, at approximately Railroad Mileage 115.93 north of the main-line track and extending to approximately Milepost 116, located in the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- 6 115.97 A Security Police Bunker, consisting of a structure and the surrounding area within a radius of 30 feet, located approximately 200 feet, as measured on a line perpendicular to the main-line track, north-northwesterly of Railroad Mileage 115.97, and located in the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- 7 115.99 An overhead transmission line at approximately Railroad Mileage 115.99 extending approximately 50 feet south from the intersection of Bluff Road and the unnamed road (running north/south) directly east of Building 21-700 to a power pole with guy wire, thence approximately 100 feet in a south-southeasterly direction to its termination at the Municipal Light and Power transmission line, and located in the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian; also, an overhead line running from the intersection of Plum Avenue and Bluff Road to the line described above, and located in the same quarter and section. Both lines include an area extending out 15 feet on either side of the lines.



- 8 116.23 The access road at approximately Railroad Mileage 116.23 diverging from Persimmon Street (at a point almost due South of Building 22-001) and running approximately 600 feet in an easterly direction to the parcel of land described in Item 10 below, all being north of the main-line track, and located in the NE4 of the SE4 of Section 8 and the NW4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 9 116.23 A 24-inch sanitary sewer line starting from Elmendorf Air Force Base, thence to Manhole 22-21E, at approximately Railroad Mileage 116.23, thence in an east-northeasterly direction paralleling the Base boundary to Manhole 22-19E, at approximately Railroad Mileage 116.23, thence north-northeasterly back to Elmendorf Air Force Base, all being north of the main-line track, and located in the NE4 of the SE4 of Section 8 and the NW4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 10 116.40 Parcels of land used for a pump house, access roads, water lines, storm drainage, and other associated uses in connection with the Elmendorf Base Power Plant (Building 22-004) at approximately Railroad Mileage 116.40 more fully described as follows:

PUMP HOUSE SITE

Commencing at the corner common to Sections 8, 9, 16, and 17, Township 13 North, Range 3 West, Seward Meridian, Alaska; thence N. 0°01'40" W. along the line common to Sections 8 and 9, a distance of 1951.60 feet to a point on the mainline of the Alaska Railroad at Station 125 +89.3; thence N. 60°00' E. along said mainline 314.70 feet to Station 129 +04.0, said station also being the point of intersection with the Powder Spur track; thence continue along the centerline of said spur track 202.00 feet to Station 2 +02.0; thence N. 54°28'36" W., 14.00 feet to the true point of beginning

COPY

for this description and also being the SE corner thereof; thence in a northeasterly direction concentric to and 14 feet from the center line of the aforesaid spur on a curve to the left 172.00 feet to the point of tangency of said curve; thence N. 14°04' E., 219.00 feet to the NE corner of the pump house site, said corner also being N. 75°56' W., 14.00 feet from the centerline of the spur track at Station 5 +98.0; thence N. 66°02' W., 109.0 feet to the NW corner of said Pump House Site and being situated upon the present boundary of Elmendorf Air Force Base; thence S. 22°49'17" W. along said boundary 285.00 feet to the SW corner; thence S. 29°44'48" E., 172.00 feet to the Point of Beginning. The above described parcel of land contains 0.88 acre, more or less.

Water Intake Line

✓ Commencing at the NE corner of the Pump House Site, said corner being N. 75°56' W., 14.00 feet from Powder Spur Track Station 5 +98.0; thence S. 14°04' W., along the Pump House Site boundary 65.00 feet to the true point of beginning for this description; thence S. 66°02' E., 474.00 feet to a point on the Post Road right-of-way line; thence S. 60°00' W. along said line 22.00 feet; thence N. 66°02' W., 464.00 feet to a point on the aforesaid Pump House Site boundary; thence N. 14°04' E. along said boundary 20.00 feet to the Point of Beginning. The above-described parcel of land contains 0.22 acre, more or less.

Water Outlet Line

✓ Commencing at the NE corner of the Pump House Site, said corner being N. 75°56' W., 14.00 feet from Powder Spur Track Station 5 +98.0; thence S. 14°04' W., 121.00 feet along the Pump House Site boundary to the true point of beginning for this description; thence S. 66°02' E., 434.00 feet; thence S. 57°30' W., 23.00 feet; thence N. 66°02' W., 418.00 feet

to a point on the aforesaid Pump House boundary line; thence N. 14°04' E. along said line 21.00 feet to the Point of Beginning. The above described parcel of land contains 0.20 acre, more or less.

✓ A storm and industrial drainage outfall line traversing across a portion of the Alaska Railroad Terminal Reserve between the Elmendorf Air Force Base boundary and the northerly right-of-way line of Post Road, said outfall line crossing at a right angle to the main line of the Alaska Railroad at approximate Station 130 +84 and being 360 feet, more or less, in length within said Alaska Railroad Terminal Reserve, and located in the W2 of the NW4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

Also that portion of land, approximately 50 feet long by 20 feet wide, extending along the northern side of the Post Road right-of-way from the above-described Water Intake and Outlet Lines to the water cooling pond located at the intersection of Post Road and Reeves Boulevard, and located in the N2 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

✓ 11 116.51

A 24-inch sanitary sewer line extending from Elmendorf Air Force Base to Manhole 22-9E, thence approximately 160.00 feet from Manhole 22-9E toward Manhole 22-7E, thence back to Elmendorf Air Force Base, which is approximately Railroad Mileage 116.51 to Railroad Mileage 116.54, respectively, all being north of the main-line track, and located in the SE4 of the SW4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

✓ 12 116.55

A steel 10-inch storm drain, approximately 100 feet in length, running almost due North from Manhole 22-53 at approximately Railroad Mileage 116.55, that being on the Post Road right-of-way directly across from the cooling pond, all being

south of the main-line track, and located in the SE4 of the NW4 and the NE4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; also, a vitrified clay 10-inch culvert, approximately 1000 feet in length, running inside the Post Road right-of-way from approximately Railroad Mileage 116.40 to Railroad Mileage 116.59, all being south of the main-line track, and located in the SE4 of the NW4 and the N2 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

13 116.57

That portion of the Post Road right-of-way (60 feet on either side of the Road's centerline) which overlaps the railroad right-of-way and consisting of the portion of the Road's right-of-way from where it first enters upon Elmendorf Air Force Base opposite the cooling pond, at approximately Railroad Mileage 116.57, and running for approximately 1000 feet towards Gate #2, all being on the northwest side of Post Road and on the southeast side of the main-line track, and located in the NE4 of the SW4 and the SE4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

✓ 14 116.65

An overhead transmission line crossing over the right-of-way of the main line of The Alaska Railroad at approximately Railroad Mileage 116.65 in the SE4 of the NW4, Section 9, Township 13 North, Range 3 West, Seward Meridian, said crossing being located at approximate railroad station 148 +55 P.O.C. and crossing on an approximate bearing of S. 48°00' E. for a distance of 210.00 feet, more or less, and including an area extending out 15 feet on either side of the line.

15 116.67

A concrete storm drain channel crossing from, at approximately Railroad Mileage 116.67, the main-line track to Post Road, and located in the SW4 of the SE4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

- 16 116.76 A chain link fence (approximately 150 feet in length) running perpendicular to and north of Post Road directly adjacent to Building 22-014 at approximately Railroad Mileage 116.76, all being south of the main-line track, and located in the SE4 of the NW4 and the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 17 116.88 ✓ A 24-inch sanitary sewer line at approximately Railroad Mileage 116.88 starting from Elmendorf Air Force Base approximately 50 feet west of Manhole 8-3E, thence to Manhole 8-3E, thence east-northeasterly to Manhole 8-1E, thence north-northeasterly approximately 90 feet until it returns to Elmendorf Air Force Base, all being north of the main-line track, and located in the NW4 of the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 18 116.45 An underground Federal Aviation Administration communication cable (Route A) crossing the right-of-way in two places: the first at approximately Railroad Mileage 116.45 crossing the right-of-way in a northeasterly direction beginning at approximately the NW corner of the Pump House Site as described in Item 10 above and re-entering Elmendorf Air Force Base 500 feet to the northeast, all being north of the main-line track, and located in the SW4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; including an area extending out 10 feet on either side of the cable. The second crossing is described in Item 21, below.
- 19 116.90 ✓ An 8-inch multiproduct underground pipeline entering the right-of-way from Elmendorf Air Force Base at approximately Railroad Mileage 116.90 running in an easterly direction until it reaches a point about midway between the right-of-way boundary and the main-line track where it turns and crosses at a perpendicular the main-line track, turning again when it reaches the southeast right-of-way boundary, and

following the boundary northeasterly for approximately 300 feet until it turns again and re-enters Elmendorf Air Force Base, and located in the NW4 of the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.

- 20 116.90 ✓ A 6-inch underground gas pipeline entering the right-of-way from Elmendorf Air Force Base at approximately Railroad Mileage 116.90 running in an easterly direction until it reaches a point about midway between the right-of-way boundary and the main-line track where it turns and crosses at a perpendicular the main-line track, turning again when it reaches the southeast right-of-way boundary, and following the boundary northeasterly for approximately 300 feet until it turns again and re-enters Elmendorf Air Force Base, and located in the NW4 of the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.
- 21 116.90 ✓ An underground Federal Aviation Administration communication cable (Route A) crossing the right-of-way in two places: the second at approximately Railroad Mileage 116.90 crossing the right-of-way in an easterly direction, crossing the main-line track approximately 750 feet southwest of where Post Road crosses the track, and located in the W2 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable. The first crossing is described in Item 18, above.
- 22 117.01 ✓ An overhead transmission line crossing the right-of-way in a north-northwesterly direction at approximately Railroad Mileage 117.01, or 200 feet southwest of where Post Road crosses the main-line track, and located in the W2 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.

- 23 117.05 ✓ A roadway (Post Road) approximately 75 feet wide running in a northerly direction from approximately Railroad Mileage 117.02 to approximately Railroad Mileage 117.08 and crossing the main-line track at approximately Railroad Mileage 117.05, and located in the SE4 of the NW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 24 117.267 ✓ An underground communication cable running from Elmendorf Air Force Base for approximately 227 feet on a bearing of S. 72°20'40" W. to the main-line track, thence paralleling the south side for approximately 150.0 feet, thence crossing the track at approximately Railroad Mileage 117.267 (Survey Station 180 +40) on a bearing of S. 43°50'10" E. running for approximately 22.20 feet, thence turning and paralleling the track in a northeasterly direction for approximately 150.00 feet, thence turning to a bearing of S. 16°55'50" W. for approximately 200.00 feet where it re-enters Elmendorf Air Force Base, located in the N2 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 25 117.45 A buried electrical cable running, on a line perpendicular to the main-line track, from Elmendorf Air Force Base to a point approximately at Railroad Mileage 117.45, thence turning in an east-northeasterly direction and, paralleling the adjacent Base boundary, continuing to Central Substation at approximately Railroad Mileage 117.72, all being north of the main-line track, and located in the S2 of the SW4 of the SW4 and the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 26 117.54 Access road approximately 12 feet wide beginning at approximately Railroad Mileage 117.54 and running in an easterly direction to approximately

Railroad Mileage 117.68 where it turns south and enters Elmendorf Air Force Base, all being south of the main-line track, and located in the N2 of the NW4 of the NW4 of Section 10 and the SE4 of the SW4 of the SW4 and the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

- 27 117.57 ✓ An overhead transmission line running from a transformer approximately 30 feet south of the main-line track at approximately Railroad Mileage 117.57 to approximately Railroad Mileage 118.15 where it crosses into Elmendorf Air Force Base, all being south of the main-line track, and located in the N2 of the NW4 of the NW4 of Section 10 and SE4 of the SW4 of the SW4 and the S2 of the SE4 of the SW4 of the SW4 and the S2 of the SE4 of the SW4 and the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.
- 28 117.59 ✓ Underground POL lines at approximately Railroad Mileage 117.59 located as follows: Beginning at the section corner common to Sections 3, 4, 9 and 10, Township 13 North, Range 3 West, Seward Meridian, thence S.  $0^{\circ}02'32''$  E. a distance of 59.40 feet to a point on the centerline of the railroad right-of-way; thence N.  $80^{\circ}46'45''$  E. following the centerline of said right-of-way a distance of 844.00 feet to the true point of beginning for this description; thence by metes and bounds along the following courses and distances: N.  $9^{\circ}13'15''$  W., 100.00 feet; N.  $80^{\circ}46'45''$  E., 16.00 feet; S.  $9^{\circ}13'15''$  E., 100.00 feet; S.  $39^{\circ}31'55''$  E., 115.00 feet, more or less, to the right-of-way boundary; S.  $80^{\circ}46'45''$  W., 34.00 feet, more or less, on a line coinciding with the right-of-way boundary; N.  $39^{\circ}31'55''$  W., 75.00 feet, more or less; N.  $9^{\circ}13'15''$  W., 35.00 feet, to the true point of beginning of this description.



29 117.65

An underground Federal Aviation Administration cable (Route B) entering the right-of-way from Elmendorf Air Force Base at approximately Railroad Mileage 117.65, north of the main-line track, and running almost due east between 2nd Street and the main-line track until it crosses the main-line track just south of the 2nd Street crossing and then re-enters Elmendorf Air Force Base at approximately Railroad Mileage 118.06, or about 100 feet south of where 2nd Street re-enters the Base, and located in the S2 of the SW4 and the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.

30 117.68

An overhead transmission line crossing over the right-of-way of The Alaska Railroad at Mileage 117.68, approximately along the easterly line of the SW4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian, crossing over the centerline of the main track at survey station "R" 201 plus 87.7 P.O.T. on a bearing of S. 0°11'11" W. The said point of crossing the centerline of the main track is located as follows: From the section corner common to Sections 3, 4, 9 and 10, T. 13 N., R. 3 W., Seward Meridian, thence S. 0°02'32" E., 59.40 feet to a point on the center line of main track; thence N. 80°46'45" E., 1329.10 feet to an intersection with the centerline of the power line. The length of the power line included within the right-of-way of the railroad is 202.72 feet. The total area covered being as follows: From the section corner common to Sections 3, 4, 9 and 10, T. 13 N., R. 3 W, Seward Meridian, thence S. 0°02'32" E., 59.40 feet to a point on the centerline of main track; thence N. 80°46'45" E., 1313.89 feet to the true point of beginning of this description; thence N. 0°11'11" E., 101.36 feet to the right-of-way boundary; thence N. 80°46'45" E., 30.40 feet on a line coinciding with the right-of-way boundary; thence S. 0°11'11" W., 202.72 feet to the

right-of-way boundary; thence S. 80°46'45" W., 30.40 feet on a line coinciding with the right-of-way boundary; thence N. 0°11'11" E., 101.36 feet to the true point of beginning of this description.

- 31 117.68 Two overhead transmission lines at approximately Railroad Mileage 117.68: the first crossing the southern boundary of the right-of-way from Elmendorf Air Force Base at approximately the same point as Item 30 above does and proceeding in a north-northeasterly direction, at about a 25° angle from Item 30 above, until it re-enters the Base north of the main-line track, and located in the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; the second crossing into the right-of-way at approximately the same place as the first and proceeding in a northwesterly direction, at about a 30° angle from Item 30 above, until it crosses the main-line track at which point it turns to an east-northeasterly direction and re-enters the Base at approximately the same place as Item 30 above does, and located in the SE4 of the SW4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian. Both lines include an area extending out 15 feet on either side of the lines.
- 32 117.72 A 24-inch vitrified clay storm drain and manhole and a culvert located at approximately Railroad Mileage 117.72, entering the right-of-way from Elmendorf Air Force Base almost due south of the intersection of Q and 2nd Streets, all being north of the main-line track, and located in the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- 33 117.74 2nd Street beginning at approximately Railroad Mileage 117.74 where it enters, from Elmendorf Air Force Base, the railroad right-of-way, running parallel to the Base boundary and north of the main-line track, to Milepost 118 where Spur Road diverges, thence across the main-line track at approximately Railroad Mileage 118.04 to approximately Railroad Mileage 118.07 where it reenters Elmendorf Air Force Base, located in the S2 of the SE4 of the SW4 and the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

- 34 117.77 An overhead communication cable running from Elmendorf Air Force Base south to a pole located on the right-of-way at approximately Railroad Mileage 117.77, thence south across the main-line tracks to a pole carrying the lines described in Item 30 above, thence in an east-southeasterly direction until it crosses into Elmendorf Air Force Base, and located in the SE4 of the SW4 of the SW4 and the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.
- 35 117.93 A Security Police Bunker, consisting of a structure and the surrounding area within a radius of 30 feet, located just inside the right-of-way at the south end of the north/south runway on Elmendorf Air Force Base, at approximately Railroad Mileage 117.93, all being north of the main-line track, and located in the SE4 of the SE4 of the SW4 and the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- 36 117.94 The North/South Runway approach lighting system located on both sides of the extended centerline of the runway where it crosses the right-of-way at approximately Railroad Mileage 117.94, Survey Station 216 +08.7, and on both sides of the main-line track, and located in the SE4 of the SE4 of the SW4 and the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- 37 117.97 A 10-inch water main running in a straight line almost due north crossing the right-of-way at approximately Railroad Mileage 117.97, and located in the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

- 38 117.98 Access road from 2nd Street west of the right-of-way to the Golf Course and POL areas, being approximately 30 feet wide, and entering the right-of-way at approximately Railroad Mileage 117.98, thence heading west more or less parallel to the right-of-way boundary until it finally returns to Elmendorf Air Force Base at approximately Railroad Mileage 117.68, all being south of the main-line track, and located in the S2 of the SE4 of the SW4 and the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- 39 118.00 Spur Road from the point it diverges from 2nd Street at approximately Milepost 118.00, running parallel to the Base boundary and all being northwesterly of the main-line track, to approximately Railroad Mileage 118.65 where it re-enters Elmendorf Air Force Base, and located in the W2 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- 40 118.00 A 12-inch underground water main running east from Elmendorf Air Force Base to a point located between Spur Road and 2nd Street at approximately Railroad Mileage 118.03, thence running parallel to and northwest of the main-line track (near the Base boundary) to a point at approximately Railroad Mileage 118.36, thence easterly crossing the main-line track to approximately Railroad Mileage 118.378, thence resuming its original course but parallel to and southeast of the main-line track (near the Base boundary) until it re-enters Elmendorf Air Force Base at approximately Railroad Mileage 118.57, and located in the SW4, NW4, and NE4 of the SE4 and the SE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.
- 41 118.05 A 15-inch storm drain culvert crossing 2nd Street between the main-line track and the southeastern boundary of the right-of-way, at approximately Railroad Mileage 118.05, all being southeast of the main-line track, and located in the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

- 42 118.07 An underground communication cable consisting of four conduits spaced about 4 feet apart crossing the right-of-way in an easterly direction at approximately Railroad Mileage 118.07, or approximately 100 feet north of 2nd Street, and located in the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.
- 43 118.09 A buried communication cable located at Elmendorf Air Force Base, in the Third State Judicial District, being wholly within the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian, and also being wholly within the Alaska Railroad right-of-way; the centerline of which being more specifically described as follows:
- Beginning at Manhole 337, said point being 25 feet from the centerline of Spur Road when measured at right angle thereto, and opposite ARR Engineers Survey Station 224 +45 (approx.) when measured at right angle thereto; thence northeasterly, 25 feet from and parallel to the centerline of Spur Road for a distance of 1,525.00 feet to a point opposite ARR Engineers Survey Station 239 +70 (approx.) when measured at right angle thereto; thence northwesterly across Spur Road for a distance of 50 feet, more or less, to the Elmendorf Air Force Base boundary; and including an area extending out 10 feet on either side of the cable.
- 44 118.09 A buried communication cable running easterly from Elmendorf Air Force Base to Manhole 336 on the right-of-way at approximately Railroad Mileage 118.09, about 225 feet northeast of the meeting of Spur Road and 2nd Street, thence about 550 feet in a northeasterly direction parallel to the northwestern right-of-way boundary until it turns just beyond Manhole 337 to the east, crossing the main-line track and re-entering Elmendorf Air Force Base, and located in the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.

- 45 118.16 A buried communication cable running from the cable described in Item 44 above at approximately Railroad Mileage 118.16 parallel to the main-line track for approximately 1,575 feet where it turns at 90° to the northwest, thence approximately 75 feet where it diverges with one branch running west to Elmendorf Air Force Base and the other running northeast for approximately 700 feet where it re-enters the Base, all being northwest of the main-line track, and located in the W2 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 46 118.22 An underground communication cable at approximately Railroad Mileage 118.22 extending 274 feet across the right-of-way of the Railroad on a bearing of S. 80°52' W., and crosses under the center line of the main track at railroad survey station 223 + 80 P.O.C., a point which lies approximately 130 feet southwesterly from the northeasterly end of a 6°00' curve to the left. The coordinates of the point of crossing the center line of the main track on the Army grid system are: N. 110,676.11; E. 113,727.27, and located in SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 47 118.60 An underground 8-inch water main branching off from Item 40 above just prior to its turn at approximately Railroad Mileage 118.378, running thence in a southerly direction until it crosses onto Elmendorf Air Force Base at approximately Railroad Mileage 118.37, approximately 75 feet in total length and all being east of the main-line track, located in the NE4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.
- 48 118.60 A 6-inch underground water main running northeast from its juncture with Item 40 above, crossing the main-line track at a perpendicular, and crossing into Elmendorf Air Force Base at approximately Railroad Mileage 118.60, survey station 246 +50, and located in NE4 of the SE4 and the SE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

- 49 118.60 Overhead power lines, communication cables, and guy wire crossing the right-of-way at approximately Railroad Mileage 118.60 (station 244 +73), and located in the W2 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the lines.
- 50 118.80 An overhead transmission line crossing the right-of-way in an east/west direction at approximately Railroad Mileage 118.80, and located in the W2 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.
- 51 119.00 Four underground conduits carrying power lines crossing the right-of-way perpendicularly at approximately Railroad Mileage 119.00; also underground power lines diverging and heading due north from those described above at Manhole 43-27 located along the eastern boundary of the right-of-way until they reach a power pole and electrical transformer approximately 250 feet north of the above-described lines and midway between the main-line track and the eastern boundary of the right-of-way; all located in the NE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.
- 52 119.10 Underground conduits carrying communication cables crossing at approximately a 75° angle the right-of-way at approximately Railroad Mileage 119.10 which is approximately 200 feet south of the centerline of Spur Road where it crosses the right-of-way and meets Davis Highway, and located in the NE4 of the NE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.

- 53 119.19 Underground conduits carrying communication cables crossing in a more-or-less straight line at a perpendicular to the right-of-way at approximately Railroad Mileage 119.19 which is approximately 60 feet south of the centerline of Spur Road where it crosses the right-of-way and meets Davis Highway, and located in the NE4 of the NE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.
- 54 119.20 Spur Road, being approximately 75 feet wide, where it crosses the right-of-way and meets Davis Highway at approximately Railroad Mileage 119.20, and located in the sub-quarter sections which meet at the point of meeting of Sections 2 and 3, Township 13 North, and Sections 34 and 35, Township 14 North, Range 3 West, Seward Meridian.
- 55 119.20 Spur Road from its crossing described in Item 54 above where it meets with Davis Highway at approximately Railroad Mileage 119.20, thence running north, parallel and adjacent to the Elmendorf Air Force Base boundary, to its junction with an unnamed access road, that road thence running north, parallel and adjacent to the Base boundary, to approximately Railroad Mileage 119.62 where it crosses into Elmendorf Air Force Base, all being on the eastern side of the main-line track, and located in the SE4 of the SE4 of the SE4 of Section 34 and the W2 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian.
- 56 119.20 Hubble Road from its intersection with Spur Road, at approximately Railroad Mileage 119.20, to approximately Railroad Mileage 119.60, all being west of the main-line track, and located in the E2 of the SE4 of Section 34 and the W2 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian.
- 57 119.20 A 14-inch underground water main crossing the right-of-way in an east/west direction, at approximately Railroad Mileage 119.20, or approximately 50 feet north of the centerline of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the SE4 of the



- SE4 of the SE4 of Section 34 and the SW4 of the SW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.
- 58 119.25 A Security Police Bunker, consisting of a structure and the surrounding area within a radius of 30 feet, located approximately 70 feet east of the main-line track and approximately 150 feet north of the centerline of Spur Road where it crosses the right-of-way, at approximately Railroad Mileage 119.25, and located in the SE4 of the SE4 of the SE4 of Section 34 and the SW4 of the SW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian.
- 59 119.25 A buried communication cable crossing the right-of-way in an easterly direction at approximately Railroad Mileage 119.25, or 425 feet north of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the SE4 of the SE4 of the SE4 of Section 34 and the SW4 of the SW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 60 119.35 A 14-inch underground water main entering from Elmendorf Air Force Base the right-of-way on its eastern side at approximately Railroad Mileage 119.35 that being approximately 750 feet north of the centerline of Spur Road where it crosses the right-of-way, thence in a straight line north-northwesterly, crossing the main-line track, to a point at approximately Railroad Mileage 119.38 approximately midway between the main-line track and the Base boundary, thence in a straight line northerly until it crosses into Elmendorf Air Force Base west of the main-line track at approximately Railroad Mileage 119.61, and located in the SE4 of the SE4 of the SE4 of Section 34 and the W2 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

- 61 119.60 An aerial communication line crossing the right-of-way in an east/west direction at approximately Railroad Mileage 119.60, or 1,950 feet north of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.
- 62 119.42 An 8-inch underground water main entering the right-of-way from the east from Elmendorf Air Force Base at approximately Railroad Mileage 119.42 crossing in a northwesterly direction the Army Spur Line to Fort Richardson to a point between and approximately equidistant from the Spur Line and the main-line track, thence turning in an easterly direction, crossing the main-line track and re-entering the Base on the west at approximately Railroad Mileage 119.44, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.
- 63 119.60 An overhead transmission line crossing the right-of-way in an east-southeasterly direction at approximately Railroad Mileage 119.60, or approximately 2,000 feet north of the centerline of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.
- 64 119.75 An underground sanitary sewer line entering the right-of-way at S. 85°30' E., or approximately Railroad Mileage 119.75, and running in an easterly direction across the right-of-way to a point on the far side of the right-of-way approximately 100 feet north of its entrance where it leaves the right-of-way, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.

- 65 119.80 A buried communication cable crossing the right-of-way in an east/west direction at approximately Railroad Mileage 119.80, and located in the SW4 of the NW4 and the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.

ON FORT RICHARDSON:

- 1 122.91 All those portions of Loop Road, Roosevelt Road, and Farrel Road where they intersect while crossing the right-of-way, said intersection being located at approximately Railroad Mileage 122.91 and the entire area stretching for approximately 1,000 feet along and across the right-of-way, all being located in the W2 of Section 19, T. 14 N., R. 2 W., Seward Meridian.
- 2 121.60 An underground communication cable crossing the right-of-way at approximately Railroad Mileage 121.60, in the NW4 of Section 25, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 3 122.12 An underground communication cable crossing the right-of-way at approximately Railroad Mileage 122.12, at the line dividing Sections 24 and 25, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 4 122.87 A communication line proceeding from the Railroad T. & T. Line Pole No. 10,988 on the northwesterly side of the main track, thence southeasterly in an underground conduit 75 feet approximately to Alaska Communications System Pole No. 10,987, crossing under the centerline of the main track at survey station 3721 +74 (1947 chainage); thence northeasterly 150 feet approximately by aerial pole line to the southeasterly right-of-way line of the railroad, at approximately Railroad Mileage 122.87, and located in the W2 of Section 19, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.

- 5 123.00 A power line crossing the right-of-way at approximately Milepost 123.00, survey station 3732+60, and located in the NE4 of the SW4 of Section 19, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 30 feet on either side of the line.
- 6 123.03 A communication cable crossing the right-of-way approximately 90 feet north of Milepost 123, survey station 3733+97, and located in the NE4 of the SW4 of Section 19, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 7 126.70 An artillery road where it crosses the right-of-way at approximately Railroad Mileage 126.70, and located in the SE4 of Section 9, Township 14 North, Range 2 West, Seward Meridian.
- 8 127.96 A 60-foot right-of-way for a road, 30 feet on each side of, and parallel to the centerline of the road, across the 200 foot right-of-way of the Railroad at Railroad Mileage 127.96, the centerline of road crossing the centerline of the main track of the Railroad at survey station 3395 approximately, and located in the N2 of Section 10, Township 14 North, Range 2 West, Seward Meridian. Also a road branching off from the above-described crossing where it intersects with the road described in item 9 below, all being west of the main-line track.
- 9 127.96 An unnamed road, running parallel to the main-line track, from its junction with the crossing described in Item 8 above at approximately Railroad Mileage 127.96, in the N2 of Section 10, Township 14 North, Range 2 West, Seward Meridian, to its entry onto Fort Richardson at approximately Railroad Mileage 129.30, approximately 125 feet due south of the Post boundary, in Section 3, Township 14 North, Range 2 West, Seward Meridian, all being wholly within the right-of-way and west of the main-line track; also, a branch from the above-described road diverging at a perpendicular approximately 1,100 feet due south of the Post boundary, all being west of the main-line track.

- 10 127.96 A communication cable crossing the right-of-way at approximately Railroad Mileage 127.96, and located in the N2 of Section 10, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 11 Not Used.
- 12 123.38 An unnamed road, crossing into the right-of-way in a west-northwesterly direction at approximately Railroad Mileage 123.38, and located in the NE4 of Section 19, Township 14 North, Range 2 West, Seward Meridian.
- 13 Not Used.
- 14 122.14 An unnamed road entering the right-of-way at approximately Railroad Mileage 122.14, running in an easterly direction paralleling the right-of-way boundary, to approximately Railroad Mileage 122.32 where it leaves the right-of-way, all being north of the main-line track, and located in the SW4 of the SE4 of Section 24, Township 14 North, Range 3 West, Seward Meridian.
- 15 122.90 An 18-inch concrete line with manholes crossing Farrel Road just before its junction with Loop Road, at approximately Railroad Mileage 122.90, all being northwest of the main-line track, and located in the SW4 of Section 19, Township 14 North, Range 2 West, Seward Meridian.

On Anchorage Petroleum Terminal --

- 1 Access to Anchorage Petroleum Terminal (U.S. Army) by way of Ocean Dock, Port, Tidewater and Terminal Roads and W. Bluff Drive and the unnamed road branching off to the east from Ocean Dock Road; located within the Alaska Railroad Terminal Reserve in Section 7, Township 13 North, Range 3 West, Seward Meridian.
- 2 Multiproduct underground pipelines located within Section 7, lots 10 and 15, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the lines (A-041517).

All the foregoing covenants and agreements shall run with the land.

b. Avigation Easements:

The following easements over the real property hereby conveyed and situated within the exterior perimeters of or adjacent to Elmendorf Air Force Base and Fort Richardson are reserved to the United States, or its assigns, for the purpose of unobstructed passage of all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used, or designed for the navigation of or flight in the air) by whomever owned and operated in the airspace above said real property at the following heights:

- (1) Within Elmendorf Air Force Base: From 23 feet above the railroad bed as it exists to an infinite height on that portion of the main line right-of-way lying approximately between Railroad Mileage 117.77 and Railroad Mileage 118.12, and Railroad Mileage 118.91 and Railroad Mileage 119.30, those being areas within extensions from the active aircraft runways, as more specifically displayed on the plat entitled Elmendorf Air Force Base P.L. 97-468 Easements, recorded herewith.
- (2) From 60 feet above the railroad bed as it exists to an infinite height on all that portion of the real property hereby conveyed lying between Railroad Mileage 118.12 and Railroad Mileage 118.91, that being all the area situated between the two areas identified in the foregoing paragraph, and as more specifically displayed on the plat entitled Elmendorf Air Force Base P.L. 97-468 Easements, recorded herewith.
- (3) Within and Adjacent to Fort Richardson: From 50 feet above the railroad bed as it exists to an infinite height on all that portion of the main line right-of-way situated approximately between Railroad Mileage 122.74 and Railroad Mileage 131.66, that being an active aircraft training area and restricted airspace zone, as more specifically displayed on the plat entitled Fort Richardson P.L. 97-468 Easements, recorded herewith.

There is further reserved to the United States the right to fire or fly missiles or projectiles in the above-described airspace of Fort Richardson except when a train or Alaska Railroad personnel are present in the area. No right to fire or fly missiles or projectiles below the above-described airspace is reserved hereby.

There is further reserved to the United States, or its assigns, the right to cause in all airspace above the real property subject to the above-described avigation easements such noise, vibrations, fumes, dust, fuel particles, and all other ordinary effects that may be caused by the operation of aircraft landing, taking off, or operating at or on Elmendorf Air Force Base or Fort Richardson; provided, however, that the phrase "operation of aircraft" and the word "operating," as used in this instrument, do not include aircraft crashes or landing of aircraft on the above-described real property. The Alaska Railroad Corporation hereby waives, remises, and releases all rights or causes of action which it, or its successors or assigns, may hereafter acquire against the United States due to such noise, vibration, fumes, dust, fuel particles, or any other ordinary effects that may be caused by the operation of aircraft landing at, taking off from, or operating at or on Elmendorf Air Force Base or Fort Richardson, except that no waiver is made or given hereby of any action or liability accruing in favor of the State of Alaska or the Alaska Railroad Corporation under any applicable Federal or State law or regulation concerning air or water quality. The Avigation Easements hereby reserved include as an incident thereof the continuing right in the United States to prevent the erection or growth upon the above-described real property of the State of Alaska of any building, structure, tree, or other object extending into the prohibited airspace established by this paragraph 1.b, and to remove from said airspace, or at the sole option of the United States as an alternative, to require the marking and lighting as obstructions to air navigation, any such building, structure, tree, or other object which may in the future be upon the real property subject to these easements and intrude into the prohibited airspace established by this paragraph 1.b, together with the right of ingress to, egress from, and passage over the above-described real property to accomplish the purposes stated in this sentence.

The Alaska Railroad Corporation hereby covenants, for itself and its successors and assigns, that for and during the life of the avigation easements hereby reserved, it will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon the real property any building, structure, tree, or other object extending into the prohibited airspace established by this paragraph 1.b, and that it shall not hereafter use or permit or suffer the use of said property in such manner as to create electrical interference with radio communication between any installation upon Elmendorf Air Force Base or Fort Richardson, and aircraft, or as to make it difficult for fliers to distinguish between landing lights and other lights, or as to impair visibility in the vicinity of said bases, or as otherwise to endanger the landing, taking off, or maneuvering of aircraft within the prohibited airspace established by this paragraph 1.b.

These aviation easements do not prevent the Alaska Railroad Corporation, its successors or assigns, from transporting aboard rail cars objects, with reasonable prior notice, which extend into the prohibited airspace established by the enumerated paragraphs above, provided that such objects remain in transit and are not stored upon the right-of-way or on any of the real property subject to these easements. All the foregoing covenants and agreements shall run with the land.

c. Safety Zone Easements Related to Munitions and Explosives:

The following easements in and over the real property hereby conveyed, and situated within the exterior perimeters of Elmendorf Air Force Base and Fort Richardson, are reserved to the United States, or its assigns, to maintain a safety zone surrounding locations wherein explosives and munitions are stored, handled, and transported, to wit: All that portion of the main line right-of-way lying approximately between Railroad Mileage 118.19 and Railroad Mileage 118.69, and Railroad Mileage 119.09 and Railroad Mileage 119.79 in the case of Elmendorf Air Force Base, and Railroad Mileage 121.10 and Railroad Mileage 122.41 in the case of Fort Richardson, as more specifically displayed on the plats entitled Elmendorf Air Force Base P.L. 97-468 Easements, and Fort Richardson P.L. 97-468 Easements, recorded herewith.

The easements reserved by this paragraph 1.c include the continuing right in the United States, or its assigns, to prohibit human habitation on (but not transportation of persons or freight over and through) the real property subject to these safety zone easements, and the right of ingress to, egress from, and passage over the said real property to accomplish the above purposes. The Alaska Railroad Corporation hereby covenants and agrees, for itself and its successors and assigns, that, for and during the life of this easement, it will not erect, permit the erection of, or permit or suffer to remain upon the said real property within the herein described safety zones any habitation or dwelling of any kind. All the foregoing covenants and agreements shall run with the land.

d. Safety Zone Easements Surrounding Runways:

The following easements in and over the real property hereby conveyed, and situated within the exterior boundaries of Elmendorf Air Force Base, are reserved to the United States, or its assigns, to maintain safety zones surrounding the active runways: All those portions of the main line right-of-way lying



approximately between Railroad Mileage 117.64 and Railroad Mileage 118.16, and Railroad Mileage 118.79 and Railroad Mileage 119.41, as more specifically displayed on the plat entitled Elmendorf Air Force Base P.L. 97-468 Easements, recorded herewith.

The easements reserved by this paragraph 1.d include the continuing right in the United States, or its assigns, to prohibit human habitation on (but not transportation of persons or freight over and through) the real property subject to these safety zone easements, and the right of ingress to, egress from, and passage over the said real property to accomplish the above purposes. The Alaska Railroad Corporation hereby covenants and agrees, for itself and its successors and assigns, that, for and during the life of this easement, it will not erect, permit the erection of, or permit or suffer to remain upon the said real property within the herein described safety zones any habitation or dwelling of any kind. All the foregoing covenants and agreements shall run with the land.

e. Fire, Rescue, and Security Easement:

An easement in and over all the real property hereby conveyed, and situated within the exterior perimeters of Elmendorf Air Force Base and Fort Richardson, is reserved to the United States, or its assigns, permitting the United States (1) to enter upon said real property at any time without notice for purposes of fire suppression or protection of government property or in response to aircraft emergencies or crashes, or for training for such purposes; (2) to maintain the continued security of the military installations adjacent to said real property by entry of security personnel of the United States and their equipment upon said real property, without notice and as may be necessary, subject to the requirement that such entry or use shall not interfere with railroad operations; and (3) to enter upon the said real property to cut or trim any vegetation deemed by the United States to interfere with installation security or with the continuing ability to use fire suppression equipment as aforesaid. All the foregoing covenants and agreements shall run with the land.

f. Restrictive Security Easement:

An easement in and over all the real property hereby conveyed, and situated within the exterior perimeters of Elmendorf Air Force Base and Fort Richardson, is reserved to the United States, or its assigns, by which, unless the Alaska Railroad Corporation, or its successors or assigns, takes certain actions as hereinafter stated, the United States, in

order to prevent compromise of United States military security and assure adequate protection of defense resources within the military reservations in the interests of national defense, may prevent access to or presence on said properties by any person, other than passengers on a train, employees, agents, or contractors of the Alaska Railroad Corporation, or its successors or assigns, or Federal, State, or Municipal government employees. The Alaska Railroad Corporation, hereby covenants and agrees, for itself and its successors and assigns, that for and during the life of this easement, it and they will take no action to permit access to or presence upon the above described real property by any person except those who are passengers on a train, employees, agents, or contractors of the Alaska Railroad Corporation, or its successors or assigns, or employees of the Federal, State, or Municipal Governments, unless it has first taken such precautions as are acceptable to the United States which are reasonable and generally utilized in similar circumstances, to include erection of suitable barriers and adoption of control procedures, to ensure such access does not jeopardize the security of the military installations. All the foregoing covenants and agreements shall run with the land.

g. Termination of Easements: *None*

The easements, covenants, and agreements specified in paragraphs l.c, l.e, and l.f above shall terminate if and when, and to the extent the military reservation within which they are situated, is revoked, vacated, or no longer used for military or defense purposes.

Secretary of Agriculture:

✓ An easement for a communication site issued within Sec. 3, T. 10 N., R. 2 W., Seward Meridian (43 U.S.C. 1732) (AA-953).

Such easements and the use of such easements shall not interfere with railroad operations or support functions of the State-owned railroad, as defined in Sec. 603(14) of ARTA.

2. Pursuant to Sec. 604(b)(4) of ARTA, the exclusive license granted herein is subject to any valid leases, permits and other instruments issued before the date of transfer of the railroad to the State, specifically including:

- a. The granted license under Power Project 350 as to those lands herein conveyed within Secs. 8 and 9, T. 13 N., R. 3 W.; Sec. 24, T. 14 N., R. 3 W., all in Seward Meridian.

- b. The granted license under Power Project 2170 as to those lands herein conveyed within Secs. 20 through 24, 29, and 30, T. 10 N., R. 1 E.; Secs. 5 and 15, T. 10 N., R. 1 W., all in Seward Meridian.
- c. The granted license under Power Project 7114 as to those lands herein conveyed within Secs. 19 and 20, T. 14 N., R. 2 W., Seward Meridian.
- d. There is excepted and reserved any element of ownership from Sec. 19, T. 14 N., R. 2 W.; Sec. 24, T. 14 N., R. 3 W.; Sec. 36, T. 15 N., R. 2 W.; Sec. 26, T. 16 N., R. 1 W.; Secs. 15, 16, 19, 20 and 21, T. 16 N., R. 1 E., all in Seward Meridian, conveyed by the United States pursuant to the Alaska Communications Disposal Act approved November 14, 1967 (40 U.S.C. 771-792) (AA-6187).
- e. Any interest in the Glenn Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Secs. 35 and 36, T. 15 N., R. 2 W.; Secs. 15, 16, 20 and 21, T. 16 N., R. 1 E., all in Seward Meridian.
- f. Any interest in the Seward/Anchorage Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Secs. 22, 23, 24 and 30, T. 10 N., R. 1 E.; Secs. 5, 6, 8, 9, 10, 13, 14, 15 and 24, T. 10 N., R. 1 W.; Secs. 1, 2, 3 and 4, T. 10 N., R. 2 W., all in Seward Meridian.
- g. A right-of-way, AA-2559, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 35, T. 15 N., R. 2 W., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- h. A right-of-way, AA-8095, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Secs. 16 and 21, T. 16 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).

- ✓i. A right-of-way, AA-8997, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 16, T. 16 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- ✓j. A right-of-way, A-010069, for a transmission line issued to the Matanuska Electric Association, Inc., within Sec. 15, T. 16 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- k. A right-of-way, AA-15076, for a transmission line issued to the Matanuska Electric Association, Inc., within Sec. 15, T. 16 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- l. A right-of-way, AA-16161, for a transmission line issued to the Chugach Electric Association, Inc., within Sec. 19, T. 14 N., R. 2 W.; Sec. 20, T. 14 N., R. 3 W., all in Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- m. A right-of-way, A-020860, for a transmission line issued to the Chugach Electric Association, Inc., within U.S. Survey No. 408 (PLO 789) Blocks 38B and 41D (T. 13 N., R. 3 W., Seward Meridian), under the Act of February 15, 1901 (43 U.S.C. 959).
- n. A right-of-way, A-021429, for a transmission line issued to the Matanuska Electric Association, Inc., within Secs. 5 and 8, T. 15 N., R. 1 W., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- o. A right-of-way, A-022452, for a transmission line issued to the Alaska Power Administration within Secs. 35 and 36, T. 15 N., R. 2 W., Seward Meridian (43 U.S.C. 1732).
- ✓p. A right-of-way, A-029885, for an electric distribution line issued to the Chugach Electric Association, Inc., within Secs. 20 through 24, T. 10 N., R. 1 E.; Secs. 1 thru 4, T. 10 N., R. 2 W., all in Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).

- q. A right-of-way, A-038111, for an electric distribution line issued to the Matanuska Electric Association, Inc., within Sec. 24, T. 16 N., R. 1 W., Seward Meridian (PLO 2259), under the Act of February 15, 1901 (43 U.S.C. 959).
- r. A right-of-way, A-046811, for a transmission line, issued to the Chugach Electric Association, Inc., within Sec. 30, T. 10 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- s. A right-of-way, A-050466, for a transmission line issued to the Matanuska Electric Association, Inc., within Sec. 10, T. 14 N., R. 2 W.; Sec. 24, T. 14 N., R. 3 W.; Secs. 25, 26, 34 and 35, T. 15 N., R. 2 W.; Secs. 5 and 8, T. 15 N., R. 1 W.; Sec. 26, T. 16 N., R. 1 W., all in Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- t. A right-of-way, AA-51054, for a pipeline issued to the Alaska Pipeline Company within Secs. 15, 16, 20 and 21, T. 16 N., R. 1 E., Seward Meridian, under the Act of February 25, 1920 (30 U.S.C. 185).
- u. A right-of-way, A-057370, for a material site issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 15, T. 16 N., R. 1 E., Seward Meridian, Under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- v. A right-of-way, A-063653, for a transmission line issued to the Matanuska Electric Association, Inc., within Secs. 35 and 36, T. 15 N., R. 2 W., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- w. A right-of-way, A-067568, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Secs. 23 and 24, T. 10 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).

3. This license is subject to settlement or final adjudication of the unresolved claims of valid existing rights as defined in Sec. 603(3) of ARTA. A listing of these unresolved claims is set out below:

Parcels

All parcels in Whittier - State Selection AA-17588.

U.S. Survey No. 408:

That portion designated as Dedicated Railroad Centerline - State Selection A-060527.

Additional Terminal Reserve - State Selections A-060527 and A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.

Block 1 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-30.

Blocks 3, 4 and 5 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-18.

Block 11 Anchorage Townsite - State Selection A-060527 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-6.

Block 12 Anchorage Townsite - State Selection A-060527 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-37.

Blocks 20 and 21 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-3.

Block 33 Fourth Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-31.

Block 34 Fourth Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-54.

Block 40A East Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.

Blocks 41A and 41D East Addition, Anchorage  
Townsite - State Selection A-061880 and Regional  
Selection (Cook Inlet Region, Inc.) AA-8098-2.

Block 43 East Addition, Anchorage Townsite - State  
Selection A-061880 and Regional Selection (Cook  
Inlet Region, Inc.) AA-8098-54.

Block 59, lot 7 Anchorage Townsite - State  
Selection A-060527.

Block 59, lot 8 - State Selection A-060527 and  
Regional Selection (Cook Inlet Region, Inc.)  
AA-8098-9.

Blocks 120 and 121 Anchorage Townsite - State  
Selection A-061880 and Regional Selection (Cook  
Inlet Region, Inc.) AA-8098-38.

U.S. Survey No. 1170 - State Selections A-060527 and  
A-061880 and Regional Selections (Cook Inlet  
Region, Inc.) AA-8098-32, AA-8098-39, AA-8098-43  
and AA-8098-70.

U.S. Survey No. 3458, Tract C, Lots 4 and 5 - State  
Selection A-061880.

U.S. Survey No. 3458, Tract A, Block P - Regional  
Selection (Cook Inlet Region, Inc.) AA-8098-42 and  
State Selection A-061880.

Seward Meridian

T. 13 N., R. 3 W.,

Sec. 7, portions of lots 10 and 15 - State Selection  
A-061880 and Regional Selections (Cook Inlet  
Region, Inc.) AA-8098-75 and AA-8098-69.

Sec. 8 - State Selection A-061880 and Regional  
Selection (Cook Inlet Region, Inc.) AA-8098-32.

Sec. 9 - State Selection A-061880 and Regional  
Selections (Cook Inlet Region, Inc.) AA-8098-32  
and AA-8098-92.

PLO 670 - State Selection A-060527.

PLO 789 - State Selection A-061880 and Regional  
Selection (Cook Inlet Region, Inc.) AA-8098-32.

PLO 3128 and PLO 3919 - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.

T. 15 N., R. 2 W.

PLO 2308 and 689 - State Selection A-061267, Village Selection (Eklutna Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-8098-16.

T. 15 N., R. 1 W.

PLO 3577 - State Selection A-061179, Village Selection (Eklutna, Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-8098-91.

T. 16 N., R. 1 W.

Sec. 24 (acquired) - Village Selection (Eklutna, Inc.) AA-6661-B and Regional Selection (Cook Inlet Region, Inc.) AA-8098-17.

PLO 755 - Village Selection (Eklutna, Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-8098-17.

PLO 2672 - State Selection A-055409, Village Selection (Eklutna, Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-11153-14.

PLO 2259 - Village Selection (Eklutna, Inc.) AA-6661-C.

Right-of-way:

Seward Meridian

T. 10 N., R. 1 E., Secs. 20 to 24, inclusive, 28, 29 and 30 - State Selection A-053724.

T. 10 N., R. 1 W., Secs. 5, 6, 8, 9, 10, 13, 14, 15, 23, 24 and 25 - State Selection A-053730.

T. 10 N., R. 2 W., Secs. 1, 2, 3 and 4 - State Selection A-053730.

T. 12 N., R. 3 W., Sec. 33 - State Selection A-058730.

T. 13 N., R. 3 W., Secs. 3, 4, 9 and 10 - Regional Selection (Cook Inlet Region, Inc.) AA-8098-92 and State Selections A-061880.



- T. 13 N., R. 4 W., N2, Sec. 35 - State Selection  
A-058730.
- T. 14 N., R. 3 W., Secs. 24 and 25 - Regional Selection  
(Cook Inlet Region, Inc.) AA-8098-35 and State  
Selection AA-21462.
- T. 14 N., R. 3 W., Secs. 26 and 35 - Regional Selection  
(Cook Inlet Region, Inc.) AA-8098-92 and State  
Selection AA-21462.
- T. 14 N., R. 3 W., Sec. 34 - State Selection AA-21462  
and Regional Selection (Cook Inlet Region, Inc.)  
AA-8098-92.
- T. 14 N., R. 2 W., Secs. 3, 9, 10, 16, 17 and 19 -  
State Selection A-061777 and Regional Selection  
(Cook Inlet Region, Inc.) AA-8098-35.
- T. 14 N., R. 2 W., Secs. 20 and 21 - Regional Selection  
(Cook Inlet Region, Inc.) AA-8098-35 and State  
Selection A-061777.
- T. 15 N., R. 1 W., Sec. 5:  
lots 4, 13, 18, 32, 40, 41, 46, 47,  
48, 49, 52, 54, 63, 64 and 66 - State Selection  
A-058730.
- lot 15 - State Selection A-061179 and Village  
Selection (Eklutna, Inc.) AA-6661-A.
- S2SW4SW4NE4 - Native allotment AA-5834, Village  
Selection (Eklutna Inc.) AA-6661-F, Regional  
Selection (Cook Inlet Region, Inc.) AA-11153-23  
and Litigation AA-16675.
- T. 15 N., R. 1 W., Sec. 7 - lots 7, 20 and 64 - State  
Selection A-058730.
- T. 15 N., R. 1 W., Sec. 18 - lots 10, 41, 58, 75, 89,  
107, 119, 137, 145, 161, 165, 184, 186, 199 and  
201 - State Selection A-058730.
- T. 16 N., R. 1 W., Secs. 24, 26, 27, 32, 33 and 34 -  
State Selection A-055409, Village Selection  
(Eklutna Inc.) AA-6661-A and Litigation AA-41462.

- T. 16 N., R. 1 E., Secs. 15, 16, 20, 21 and 22 -  
State Selection A-055409, Village Selection  
(Eklutna, Inc.) AA-6661-A and Litigation AA-41462.
- T. 16 N., R. 1 E., Sec. 19 - State Selection A-055409,  
Village Selection (Eklutna, Inc.) AA-6661-C,  
Regional Selection (Cook Inlet Region, Inc.)  
AA-8098-10 and Litigation AA-41462.

During the term of this license the exclusive rights granted by this license shall not be diminished by any unresolved claim of a valid existing right.

4. Pursuant to Sec. 604(b)(4) of ARTA, the exclusive license granted for any lands herein shall terminate upon the conveyance of such lands following the settlement or relinquishment of any of the unresolved claims of valid existing rights described in paragraph 3 above. This license shall terminate only to the extent of the claim or claims settled or adjudicated.
5. If the real property that is the subject of any unresolved claim listed in paragraph 3 above is located within the railroad's right-of-way and if the final adjudication of the claim is in favor of the claimant and against the Alaska Railroad, the license granted herein shall automatically terminate for such property upon conveyance of that property pursuant to Sec. 604(b)(4) of ARTA. If as the result of such a conveyance, any lands within the railroad's right-of-way or any interest in such lands are conveyed from federal ownership, the State shall, concurrently with the conveyance to the claimant, receive not less than an exclusive use easement in such lands pursuant to Sec. 606(b)(4)(B) of ARTA.
6. If the final adjudication of any unresolved claim listed in paragraph 3 is against the claimant and in favor of the Alaska Railroad, that land previously subject to the claim shall, pursuant to Sec. 604(b)(2) of ARTA, be conveyed to the State by an interim conveyance or patent. Upon such conveyance, the license granted herein for the property subject to the conveyance shall terminate pursuant to Sec. 604(b)(4) of ARTA.

7. At the time all or a portion of this license is terminated, the United States Department of Transportation shall issue to the State a notice of termination identifying the real property that is no longer subject to the license and each conveyance that has caused full or partial termination of the license.
8. Pursuant to Sec. 606(e) of ARTA, the State shall be liable to a party receiving a conveyance of land among the above-described properties subject to this license for damage resulting from use by the State of land under this license in a manner not authorized by this license.

#### Definitions

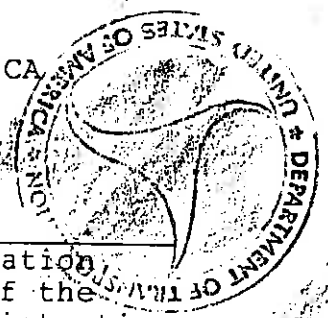
1. "Exclusive-use easement," as used herein, means as provided by Sec. 603(6) of ARTA an easement which affords to the easement holder the following:
  - a. the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;
  - b. the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;
  - c. subjacent and lateral support of the lands subject to the easement; and
  - d. the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands.
2. "Right-of-way," as used herein, means as provided in Sec. 603(11) of ARTA:
  - a. an area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or

- b. an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-Federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (a) of this paragraph.

IN WITNESS WHEREOF, the undersigned authorized officer of the Department of Transportation has in the name of the United States, set his/her hand and caused the seal of the Department to be hereunto affixed on this 5th day of January, 1985, in Nenana, Alaska.

UNITED STATES OF AMERICA

*[Handwritten Signature]*



Secretary of Transportation,  
by the Administrator of the  
Federal Railroad Administration

Accepted:

ALASKA RAILROAD CORPORATION

By: *[Handwritten Signature]*  
 Its: Chairman of the Board  
 Dated January 5, 1985

COPY

[A to Z Index](#) | [FAQs](#) | [About BLS](#) | [Contact Us](#) | [Subscribe to E-mail Updates](#)

[Follow Us](#) | [What's New](#) | [Release Calendar](#) | [Site Map](#)

Search BLS.gov

[Home](#) | [Subjects](#) | [Data Tools](#) | [Publications](#) | [Economic Releases](#) | [Students](#) | [Beta](#)

# Databases, Tables & Calculators by Subject

SHARE ON: FONT SIZE: PRINT:

TOP PICKS

SERIES REPORT

PUBLIC DATA API

DISCONTINUED DATABASES

FAQS

SPECIAL NOTICES

MORE SOURCES OF DATA

## CPI Inflation Calculator

### CPI Inflation Calculator

\$ 24,115.00

in 1965

Has the same buying power as:

\$179,075.69

in 2014

Calculate

[About this calculator](#)  
[Mobile Browser? View full screen.](#)

### About the CPI Inflation Calculator

The CPI inflation calculator uses the average Consumer Price Index for a given calendar year. This data represents changes in prices of all goods and services purchased for consumption by urban households. This index value has been calculated every year since 1913. For the current year, the latest monthly index value is used.

RECOMMEND THIS PAGE USING: Facebook Twitter LinkedIn

#### TOOLS

[Areas at a Glance](#)  
[Industries at a Glance](#)  
[Economic Releases](#)  
[Databases & Tables](#)  
[Maps](#)

#### CALCULATORS

[Inflation](#)  
[Location Quotient](#)  
[Injury And Illness](#)

#### HELP

[Help & Tutorials](#)  
[FAQs](#)  
[Glossary](#)  
[About BLS](#)  
[Contact Us](#)

#### INFO

[What's New](#)  
[Careers @ BLS](#)  
[Find It! DOL](#)  
[Join our Mailing Lists](#)  
[Linking & Copyright Info](#)

#### RESOURCES

[Inspector General \(OIG\)](#)  
[Budget and Performance](#)  
[No Fear Act](#)  
[USA.gov](#)  
[Benefits.gov](#)  
[Disability.gov](#)

[Freedom of Information Act](#) | [Privacy & Security Statement](#) | [Disclaimers](#) | [Customer Survey](#) | [Important Web Site Notices](#)

U.S. Bureau of Labor Statistics | Postal Square Building, 2 Massachusetts Avenue, NE Washington, DC 20212-0001

[www.bls.gov](http://www.bls.gov) | Telephone: 1-202-691-5200 | TDD: 1-800-877-8339 | [Contact Us](#)



MOVING THE  
**AMERICAN  
ECONOMY**

**Federal Railroad Administration  
Trespassing and ATV Usage  
On Railroad Property  
Fact Sheet**

## **Background on Railroad Trespassing**

Trespassing along railroad rights-of-way is the leading cause of rail-related fatalities in America. Nationally, approximately 500 trespassing deaths occur each year, the vast majority of which are preventable. By definition, trespassers are illegally on private railroad property without permission. They are most often pedestrians who walk across or along railroad tracks as a shortcut to another destination. Some trespassers are loitering; engaged in recreational activities such as jogging, hunting, bicycling, snowmobiling; or operating off-road, all-terrain vehicles (ATV).

Overall, the railroad-operating environment is inherently a hazardous one for which railroad employees have the benefit of extensive safety training. Trespassers do not have the benefit of this knowledge, nor are they aware of current and impending train movements. In addition to risking their lives, trespassers may sustain life-threatening injuries by failing to properly use designated crossing locations at highway-rail grade crossings, and dedicated pedestrian access paths. In most States, trespassing is codified as a property crime and is a general offense. A number of States specifically forbid trespassing on railroad property. A list of State-by-State trespassing laws is available at: [www.fra.dot.gov/us/content/2305](http://www.fra.dot.gov/us/content/2305).

## **Role of the Federal Railroad Administration**

The focus of the Federal Railroad Administration's (FRA) efforts to combat rail trespassing is to prevent it from occurring in the first place, not to make the behavior safe. FRA's Highway-Rail Grade Crossing Safety and Trespass Prevention Program team is committed to reducing the prevalence, popular indifference, and social acceptability of trespassing. To that end, FRA sponsors and carries out wide-ranging efforts, primarily focusing on public education. FRA works in partnership with the rail industry, State and local governments, and other transportation organizations to raise public awareness through outreach efforts at schools, workplaces, and community organizations across the country about the inherent dangers and consequences of trespassing. Law enforcement agencies and judicial officials, in particular, are critical in the success of these activities, since stopping individuals and issuing citations or tickets can significantly deter would-be violators.

## **Role of Railroads**

The prevention of trespassing along railroad rights-of-way and facilities is a significant concern for railroads. When a trespass event occurs, locomotive engineers suffer the trauma of hopelessly witnessing a tragic event that he or she is effectively powerless to prevent, and the railroad incurs the cost of delays, equipment damage, and possible litigation. Railroads take several precautions to mitigate trespassing. These precautions include: posting "No Trespass" signs; dispatching railroad security forces to patrol railroad rights-of-way, sometimes in coordination with local law enforcement agencies; and encouraging their employees to report trespassers. In some instances, railroads install fencing near grade crossings and passenger train stations to prevent people from taking shortcuts, and conduct local education programs, often in conjunction with Operation

Lifesaver, Inc. Also, where appropriate, railroads support the construction of grade-separated pedestrian walkways.

### **Operation Lifesaver, Inc.**

Operation Lifesaver, Inc. (OLI) is an international, nonprofit, continuing public education program that was first established in 1972 to end collisions, deaths, and injuries at places where roadways cross train tracks, and along railroad rights-of-way. Its programs are sponsored cooperatively by Federal, State, and local government agencies; highway safety organizations; and the Nation's railroads. OLI's trained and certified volunteer speakers offer free safety presentations for various professions and for all age groups in order to increase public safety around railroad tracks. FRA awards annual grant funding to OLI to provide grants to 50 State organizations that manage railroad safety awareness programs. The funds also support training programs such as regional workshops developed for Operation Lifesaver's volunteer trainers and presenters, communications programs, publications, and the development and distribution of public service announcements. Additional information is available at: [www.oli.org](http://www.oli.org).

### **The Average Trespasser**

In order to better understand who is trespassing, and where and why they are trespassing, FRA issued a report in March 2008 based upon 3 years of reported trespasser fatalities. Medical examiners and coroners across the country were surveyed, and based on the best information available from those who elected to participate in the study, we found that the average trespasser is a 38-year-old Caucasian male under the influence of alcohol and/or drugs, with a median household income of \$36,000. More than 25 percent of these individuals did not graduate from high school. The report, *Rail-Trespasser Fatalities: Developing Demographic Profiles*, available at [www.fra.dot.gov/downloads/safety/tdreport\\_final.pdf](http://www.fra.dot.gov/downloads/safety/tdreport_final.pdf), recommends conducting additional demographic analysis to develop targeted educational and outreach programs and law enforcement initiatives to reduce the number of rail trespass incidents.

### **Key Safety Tips to Avoid Becoming a Trespass Statistic**

- Always expect a train! This is especially critical where there are multiple tracks and the sound of one train can mask the sound of a second train on the other set of tracks.
- Cross the tracks only at approved crossings. Crossing tracks at any other location is illegal and puts you at risk of tripping on rails or slipping on icy ballast. There is no margin for error if a train is approaching.
- Don't try to beat a train at a crossing. It's almost impossible to accurately judge the distance and speed of an oncoming train.
- Don't stand close to the tracks. A train is at least 3 feet wider than the tracks on each side. In addition, a fast moving train may kick up or drop debris.
- Don't ever walk along tracks on bridges or in tunnels. You may not hear an approaching train and since clearances in bridges and tunnels can be tight, you may not be able to escape an approaching train.
- Don't attempt to jump or climb on, over, under, or in between rail equipment. Even an idle freight car can be dangerous.



## **ATVs Damage Railroad Track**

- ATV operators are illegally trespassing by riding on or near railroad tracks and rights-of-way. Railroads and governmental authorities are very concerned about damage to track caused by ATVs and other off-road vehicles.
- Riding along railroad tracks leads to erosion of an important part of the track foundation known as “ballast.” Ballast is the rock and soil material used to support the ties and rail, and it is responsible for carrying 40 percent of the weight of a passing train.
- The ballast is crucial for maintaining safe train operations. Damage to the ballast degrades the entire track structure and can lead to a train derailment.
- A derailment can result in injuries and or the death of train crews, railroad passengers, and innocent bystanders including those who live and work along rail lines; as well as a hazardous material spill or release, and damage to property nearby. Only authorized railroad employees or contractors are permitted to operate vehicles on or occupy railroad tracks and rights-of-way.

Ireland	Mica	Rudd
Jeffries	Minih	Russo
Jenkins	Mitchell (NY)	Santini
Johnston	Moffett	Sawyer
Jones (NC)	Mollohan	Scheuer
Jones (TN)	Morrison	Shamansky
Lantos	Mottl	Shelby
Latta	Murphy	Siljander
LeBoutillier	Nelligan	Simon
Lee	Nelson	Smith (IA)
Lehman	Nichols	Smith (OR)
Levitas	Ottinger	Smith (PA)
Lewis	Oxley	Stangeland
Livingston	Panetta	Stanton
Long (LA)	Patterson	Stark
Lot	Paul	Synar
Luken	Perkins	Taylor
Lungren	Peyster	Trautler
Marlenee	Price	Walgren
Marriott	Fritchard	Washington
Martin (NC)	Pursell	Watkins
Martin (NY)	Quillen	Weaver
Mathies	Rahall	Weber (OH)
Mattox	Railsback	Whitehurst
McClory	Rhodes	Williams (OH)
McCurdy	Roberts (SD)	Winn
McDade	Rogers	Yatron
McEwen	Rose	Young (AK)
McGrath	Rosenthal	Zelertti

□ 1940

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**FURTHER MESSAGE FROM THE SENATE**

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to the amendments of the Senate with amendments to a bill of the House of the following title:

H.R. 3420. An act to authorize appropriations for fiscal year 1982 for carrying out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes.

**PIPELINE SAFETY AUTHORIZATION ACT OF 1981**

Mr. FLORIO, Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3420), to authorize appropriations for fiscal year 1982 for carrying out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes, with Senate amendments to the House amendment to the Senate amendments and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment to the Senate engrossed amendment to the text of H.R. 3420, insert the following:

That titles II through VII of this Act may be cited as the "Rail Safety and Service Improvement Act of 1982".

**TITLE I—NATURAL GAS PIPELINE SAFETY**

Sec. 101. Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673(b)) and section 204(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2003(b)) are each amended by striking

"once every 6 months," and substituting "twice each calendar year."

Sec. 102. Section 8(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1675(a)) is amended by striking "sixtieth day" and substituting "90th day".

Sec. 103. Section 206(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2005(a)) is amended by striking "60th day" and substituting "90th day".

Sec. 104. Section 8(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking "(other than subsection (a)(3) thereof)" and substituting "(other than subsection (a)(2) thereof)".

**TITLE II—BANKRUPT RAILROADS**

**SHORT TITLE**

Sec. 201. This title may be referred to as the "Bankrupt Railroad Service Preservation and Employee Protection Act of 1982".

**Subtitle A—Service Preservation**

**PURPOSE**

Sec. 211. It is the purpose of this subtitle to continue the effort by Congress to assure service over the lines of rail carriers subject to liquidation in instances where rail carriers are willing to provide service over such lines and financially responsible persons are willing to purchase the lines for continued rail operations.

**FINDINGS**

Sec. 212. The Congress finds that—

(1) it is necessary to establish procedures to facilitate and expedite the acquisition of rail lines of carriers subject to liquidation by financially responsible persons in instances where service is not being provided over the line by the carrier and where the financially responsible person seeks to provide rail service over the line;

(2) procedures set forth in the amendments made by this title represent an exercise of the powers of the Congress under the Constitution of regulate commerce among the several States which will provide a practicable means for preserving rail service, thus benefiting shippers, employees, and the economies of the States in which such carriers subject to liquidation have operated service, and for facilitating interstate commerce, while at the same time providing safeguards to protect the interest of the estates of such carriers by requiring compensation which is not less than the constitutionally required minimum; and

(3) it is in the public interest that the Interstate Commerce Commission's authority to issue orders involving temporary authority to operate service over lines of carriers subject to liquidation be clarified.

**AMENDMENTS TO THE MILWAUKEE RAILROAD RESTRUCTURING ACT**

Sec. 213. Section 17(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 915(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) If a person has made or makes an offer to acquire from a carrier subject to liquidation a rail line or lines over which no service is provided by that carrier, and that offer has been or is rejected by the trustee in bankruptcy of such carrier, such person may submit an application to the Commission seeking approval of such person's acquisition of such line or lines. A copy of any such application shall be filed simultaneously with the court.

"(B) The Commission shall, within 15 days after the filing of an application under subparagraph (A) of this paragraph, determine whether the applicant—

"(1) is a financially responsible person; and

"(2) has made a bona fide offer to acquire the line or lines under reasonable terms.

"(C)(1) If the Commission's determination under subparagraph (B) of this paragraph is affirmative with respect to the matters referred to in clauses (1) and (2) of such subparagraph, the applicant and the trustee in bankruptcy (hereafter in this paragraph referred to collectively as the 'parties') shall enter into negotiations with respect to terms for the acquisition of the line or lines applied for. If the parties at any time agree on such terms, a request for approval of the acquisition shall be filed with the Commission and the court. If the parties are unable to agree to such terms within 30 days after the date of the Commission's determination under subparagraph (B) of this paragraph, either party may, within 60 days after the expiration of such 30-day period, request the Commission to prescribe terms for such acquisition, including compensation for the line or lines to be acquired. The Commission shall prescribe such terms within 60 days after any such request is made. The terms prescribed by the Commission shall be binding upon both parties, subject to court review as provided in subparagraph (D) of this paragraph, except that the applicant may withdraw its offer within 10 days after the Commission prescribes such terms.

"(2) If more than one applicant has requested under this subparagraph that the Commission prescribe the terms of acquisition for the same or overlapping lines or portions of such lines, the Commission shall prescribe terms for such acquisition which it determines best serve the public interest.

"(D)(1) Within 15 days after the Commission prescribes terms under subparagraph (C) of this paragraph, the Commission shall transmit such terms to the court, unless the offer is withdrawn under such subparagraph. Notwithstanding any other provision of law, the court shall, within 60 days after such transmittal, approve the acquisition under terms prescribed by the Commission if the compensation for the line or lines is not less than that required as a constitutional minimum.

"(2) Except as provided in this subparagraph, no action shall be taken by the court which would prejudice the acquisition which is the subject of an application under this paragraph.

"(E) The Commission shall require that any person acquiring a line or lines under this paragraph use, to the maximum extent practicable, employees or former employees of the carrier subject to liquidation in the operation of service on such line or lines.

"(F) No person acquiring a line under this paragraph may transfer or discontinue service on such line prior to the expiration of 4 years after such acquisition.

"(G) The Commission shall, within 45 days after the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, prescribe such regulations and procedures as are necessary to carry out the provisions of this paragraph.

"(H) As used in this paragraph, the term—

"(1) 'carrier subject to liquidation' means a carrier which, on the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, was the subject of a proceeding pending under section 77 of the Bankruptcy Act or under subchapter IV of chapter 11 of title 11, United States Code, and which has been ordered by the court to liquidate its properties;

"(2) 'the court' means the court having bankruptcy jurisdiction over the carrier subject to liquidation; and

(18) Financially responsible person means a person capable of compensating the carrier subject to liquidation for the acquisition of the line or lines proposed to be acquired and able to cover expenses associated with providing service over such line or lines for a period of not less than 4 years.

**INTERSTATE COMMERCE COMMISSION  
AUTHORITY**

Sec. 214. (a) Section 122(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1017(a)) is amended—

(1) by striking "the Rock Island Railroad or the Milwaukee Railroad" and inserting in lieu thereof the following: "a carrier which, on the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, was the subject of a proceeding pending under section 71 of the Bankruptcy Act or under subchapter IV of chapter 11 of title 11, United States Code";

(2) by striking the last sentence of such section; and

(3) by adding at the end thereof the following: "The Commission shall have authority to authorize continued rail service under this section over the lines of any such carrier which has been ordered by the court having jurisdiction over such a carrier to liquidate its properties until the disposition of the properties of the estate of such carrier."

(b) Section 122(c) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1017(c)) is repealed.

**Subtitle B—Employee Protection**

**EMPLOYEE PROTECTION AGREEMENT**

Sec. 231. Section 106 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005) is amended to read as follows:

**"EMPLOYEE PROTECTION AGREEMENT**

"Sec. 106. (a) The Secretary and the representatives of the various classes and crafts of employees of the Rock Island Railroad shall, not later than 90 days after the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, enter into an agreement providing protection for employees of the Rock Island Railroad who are adversely affected as a result of a reduction in service by such Railroad. Such agreement may provide for the use of funds described in subsection (c) of this section for the following purposes:

- "(1) Subsistence allowances to employees.
- "(2) Moving expenses for employees who must make a change in residence."
- "(3) Retraining expenses for employees who are seeking employment in new areas.
- "(4) Separation allowances for employees.
- "(5) Health and welfare insurance premiums.

"(6) Such other purposes as may be agreed upon by the parties.

"(b) If the parties are unable to reach agreement within the time period specified in subsection (a) of this section, the Secretary shall, within 30 days after the expiration of such time period, prescribe a schedule of benefits for employee protection not inconsistent with the provisions of this Act.

"(c) Any agreement entered into under subsection (a) of this section, and any benefit schedule prescribed under subsection (b) of this section, shall not require the expenditure of funds in excess of amounts authorized to be appropriated under section 217(f)(1)(C) of the Regional Rail Reorganization Act of 1973, nor shall any individual employee receive benefits in excess of \$20,000 under such agreement or benefit schedule. No benefits or assistance may be

provided under any agreement entered into or benefit schedule prescribed under this section after April 1, 1984.

"(d) The Board shall, in such manner as it shall prescribe by regulation, administer the distribution of funds under any agreement entered into or benefit schedule prescribed under this section, and shall determine the amount for which each employee is eligible under such agreement or benefit schedule. Such regulation shall include procedures to resolve by final and binding arbitration any dispute over an employee's eligibility or claim."

**SECTION**

Sec. 232. Section 108 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1007) is amended—

(1) in subsections (a) and (d), by striking "or arrangement entered into" and inserting in lieu thereof "entered into or benefit schedule prescribed"; and

(2) in subsection (b), by striking "April 1, 1981" and inserting in lieu thereof "120 days after the effective date of any agreement entered into under section 106(a) of this title or of any benefit schedule prescribed under section 106(b) of this title, as the case may be".

**NEW CAREER TRAINING ASSISTANCE**

Sec. 233. Section 119(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1014(a)) is amended by striking "from the Rock Island Railroad under an employee protection agreement or arrangement entered into under section 106 of this title may" and inserting in lieu thereof "under an employee protection agreement entered into or a benefit schedule prescribed under section 106 of this title may, if so provided under such agreement or benefit schedule."

**REFRALS**

Sec. 234. (a) Section 110 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1008) is repealed.

(b) The second sentence of section 14(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 913(b)) is repealed.

**DISPUTE RESOLUTION**

Sec. 235. (a) Section 704(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(c)) is amended by striking "3-year" and inserting in lieu thereof "4-year".

(b) Section 704(g) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(g)) is amended by striking "this section or section 703 of this Act" wherever it appears and inserting in lieu thereof "this section, section 703 of this Act, section 8 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 907), or section 105 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1004)".

**RAILROAD HIRING**

Sec. 236. (a) Section 8 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 907) is amended by striking "April 1, 1981," and inserting in lieu thereof "April 1, 1984."

(b) Section 195(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1004(a)) is amended by striking "January 1, 1981," and inserting in lieu thereof "January 1, 1984."

**TITLE III—NORTHEAST CORRIDOR**

**AMENDMENTS**

Sec. 301. Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.) is amended as follows:

(1) Section 703(IX)(XII) is amended by striking "and Albany, New York" and inserting in lieu thereof "Albany, New York, and Atlantic City, New Jersey".

(2) Section 704(a)(X1) is amended to read as follows:

"(1) \$2,213,000,000 to remain available until expended (A) in order to effectuate the goals of section 703(IX)(X1) of this title, of which not less than \$27,000,000 shall be available to finance the cost of the equipment modification and replacement which States (or local or regional transportation authorities) will be required to bear as a result of the electrification conversion system of the Northeast Corridor pursuant to this title; (B) of which, if the National Railroad Passenger Corporation receives notification on or before June 1, 1983, from the State of New Jersey that such State has approved a plan, developed in consultation with the National Railroad Passenger Corporation, for the operation of rail passenger service between the main line of the Northeast Corridor and Atlantic City, New Jersey, and if such Corporation determines that such plan is feasible, \$30,000,000 shall be made available by the Secretary to the National Railroad Passenger Corporation for rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between such points, consistent with the plan for operation approved by the State, in order to ensure that such track will be of sufficient quality to permit safe rail passenger service at a minimum of 79 miles per hour not later than September 30, 1985, and to promote rail passenger use of such track; and (C) of which such sums as may be required shall be available for the following projects with respect to the main line of the Northeast Corridor: development of the Union Station in Washington, District of Columbia; installation of 189 track miles of concrete ties with continuously welded rail between Washington, District of Columbia, and New York, New York; renewal of 133 track miles of existing continuously welded rail on concrete tie track between Washington, District of Columbia, and New York, New York; installation of reverse signaling between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, on numbers 2 and 3 tracks; restoration of ditch drainage in concrete tie locations between Washington, District of Columbia, and New York, New York; undercutting of 83 track miles between Washington, District of Columbia, and New York, New York; rehabilitation of bridges between Washington, District of Columbia, and New York, New York (including Hi line); development of a maintenance-of-way equipment repair facility between Washington, District of Columbia, and New York, New York; roadbed stabilization at various locations between Washington, District of Columbia, and New York, New York; automation of Bush River Drawbridge at milepost 72.14; improvements to the New York Service Facility to develop rolling stock repair capability; construction of maintenance-of-way bases at Philadelphia, Pennsylvania, Sunnyside, New York, and Cedar Hill, Connecticut; installation of rail car washer facility at Philadelphia, Pennsylvania; restoration of storage tracks and buildings at the Washington Service Facility; installation of centralized traffic control from Landlith, Delaware, to Philadelphia, Pennsylvania; track improvements including high speed surfacing, ballast cleaning, and associated equipment repair and material distribution; rehabilitation of interlockings between Washington, District of Columbia, and New York, New York; painting of Connecticut River, Groton, and Pelham Bay bridges; additional catenary renewal and

power supply upgrading between Washington, District of Columbia, and New York, New York; rehabilitation of structural, electrical, and mechanical systems at the 30th Street Station in Philadelphia, Pennsylvania; and installation of evacuation and fire protection facilities in tunnels at New York, New York."

(3) Section 704(a) is amended by adding at the end thereof the following new sentence: "Funds are authorized to be appropriated under this section in excess of limitations imposed under the preceding sentence with respect to a fiscal year, or for fiscal years after the fiscal year ending September 30, 1983, to the extent that the amount appropriated under the authority of this section for any previous fiscal year is less than the limitation under such sentence with respect to such previous fiscal year. The Secretary shall expend or reserve for expenditure funds from the yearly appropriations under this section for the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, first (A) if the National Railroad Passenger Corporation receives the notification referred to in paragraph (1)(B) of this subsection, for the purposes under such paragraph; and (B) in the amount of \$62,000,000 for track improvements with respect to the Southwest corridor project in Boston, Massachusetts, less any amounts obligated for such purpose from yearly appropriations for any fiscal year ending before October 1, 1982. The amount so expended or reserved for expenditure for the purposes of paragraph (1)(B) of this subsection for the fiscal year ending September 30, 1983 shall be \$10,000,000."

(4) Section 704(b) is amended—

(A) by striking "LIMITATION.—" and inserting in lieu thereof "LIMITATIONS.—(1)"; and

(B) by adding at the end thereof the following:

"(2)(A) The projects for which funds are authorized to be appropriated under subsection (a)(1)(C) of this section shall be a part of the Northeast Corridor improvement project, and the goals of this title shall not be considered to be fulfilled until such projects are completed. Such projects shall not be undertaken or viewed as a substitute for any improvements specified in the document entitled Corridor Master Plan II, NECIP Restructured Program, date January 1982, prepared for the United States Department of Transportation, Federal Railroad Administration, Northeast Corridor Improvement Project, in cooperation with the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak), by DeLew, Cather/Parsons, NECIP architect/engineer.

"(B) For purposes of implementing the improvements and rehabilitation described in subsection (a)(1)(3) of this section, the Secretary may defer projects identified in the document referred to in subparagraph (A) of this paragraph. The aggregate cost of such projects as the Secretary may so defer shall not be substantially greater than the amount the Secretary is required to expend or reserve for expenditure for purposes of subsection (a)(1)(3) of this section."

(5) Section 705 is amended—

(A) in subsection (a), by striking "the" after "reallocation to" and inserting in lieu thereof "such"; and

(B) in subsection (b), by inserting "National Railroad Passenger" immediately before "Corporation".

#### NEW SERVICE

Sec. 302. (a) If the National Railroad Passenger Corporation receives notification on or before June 1, 1983, from the State of New York that such State has approved a plan, developed in consultation with such

Corporation, for the acquisition and rehabilitation of a line and construction necessary to facilitate improved rail passenger service between Spuyten Duyvil, New York, and the main line of the Northeast Corridor, and has approved a plan, developed in consultation with such Corporation and appropriate local governmental officials, for the rehabilitation of the Amtrak station at Syracuse, New York, such Corporation shall, by September 30, 1985, expend funds, not in excess of \$30,000,000, authorized to be appropriated under section 601 of the Rail Passenger Service Act (45 U.S.C. 601) for such purposes.

(b) Notwithstanding the provisions of section 403 of the Rail Passenger Service Act (45 U.S.C. 563), the National Railroad Passenger Corporation may operate the service described in section 704(a)(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976.

(c) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended by adding at the end thereof the following new subsection:

"(e) Funds from the yearly appropriations under this section for the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985 shall, if the Corporation receives the notification referred to in section 302(a) of the Rail Safety and Service Improvement Act of 1982, be first expended or reserved for expenditure by the Corporation for the purposes under such section 302(a). The amount expended or reserved for expenditure for such purposes for the fiscal year ending September 30, 1983 shall be \$10,000,000."

#### TITLE IV—RAILROAD FINANCING

##### EXTENSION

Sec. 401. Sections 505(e), 507(a), 507(d), and 509(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(e), 827(a), 827(d), and 829(a)) are amended by striking "September 30, 1982" wherever it appears and inserting in lieu thereof "September 30, 1985".

##### TRANSACTION ASSISTANCE

Sec. 402. Notwithstanding any other provision of law, any financially responsible person (including any government authority), except for a class I rail carrier, shall upon application be eligible for financial assistance made available in section 805 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) for the purchase, lease, or rehabilitation of rail lines of the Consolidated Rail Corporation which are to be used for common carrier rail service and with respect to which an application for a certificate of abandonment has been filed with the Interstate Commerce Commission under section 308(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748(a)), or a notice of insufficient revenues has been filed with the Commission under section 308(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748(c)).

##### AUTHORIZATION FOR RAIL FUNDS

Sec. 403. (a) Section 508(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)) is amended—

(1) in paragraph (2), by striking "Not less than" and inserting in lieu thereof "Not more than";

(2) by striking paragraph (3);

(3) by redesignating paragraph (4) as paragraph (3);

(4) in paragraph (3), as redesignated by paragraph (3) of this section—

(A) by striking "(2) and (3)" and inserting in lieu thereof "and (2)"; and

(B) by inserting "and not more than \$55,000,000 are authorized to be appropri-

ated for fiscal years 1983, 1984 and 1985" immediately before the period; and

(5) by adding at the end thereof the following new paragraph:

"(4) \$40,000,000 of the funds received by the Secretary of the Treasury from amounts appropriated under subsection (a) of this section shall be reserved and made available for meritorious applications regarding that restructuring of rail freight facilities and systems specified in section 505(b)(2)(ii) of this title.

"(5) \$15,000,000 of the funds appropriated under subsection (a) of this section shall be available for the purchase, or for the refinancing of the purchase, of the rail line of the Chicago, Rock Island and Pacific Railroad Company between Fort Worth and Dallas, Texas, or of interests in such rail line, by a State or one or more political subdivisions thereof. To the extent that funds are made available for such purposes through appropriations for any Administration of the Department of Transportation, other than the Federal Railroad Administration, the amount of funds authorized under this section shall be reduced accordingly."

(b) Section 505(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(b)(2)) is amended—

(1) by inserting "(i) immediately after 'priorities'; and

(2) by inserting "(ii) immediately after 'in the private sector and'."

#### TITLE V—MISCELLANEOUS PROVISIONS

##### LOCAL RAIL SERVICE

Sec. 501. Section 5(h)(2)(A) of the Department of Transportation Act (49 U.S.C. 1654(h)(2)(A)) is amended to read as follows:

"(A) two-thirds of the available funds, multiplied by a fraction the numerator of which is the sum of (i) total rail mileage in the State, other than rail mileage of the Consolidated Rail Corporation, which, in accordance with section 10904(e) of title 49, United States Code, either is 'potentially subject to abandonment' or with respect to which a carrier plans to file, or has filed, an application for a certificate under subsection (a) of such section, and (ii) the total rail mileage of the Consolidated Rail Corporation in the State which such Corporation has certified to be in a situation comparable to 'potentially subject to abandonment' within the meaning of such term under such section 10904 or with respect to which the Consolidated Rail Corporation plans to file, or has filed, an application for a certificate under section 308 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748) or under section 10904(a) of title 49, United States Code, and the denominator of which is the total of the rail mileage described in clauses (i) and (ii) in all the States; and"

##### CONTRACT RATES

Sec. 502. Section 10713(k)(1) of title 48, United States Code, is amended by striking "and paper)" and inserting in lieu thereof "but not including wood pulp, wood chips, pulpwood or paper)".

##### BURNHAM CANAL

Sec. 503. The portion of the Burnham Canal, in Milwaukee, Wisconsin, which is underneath and west of a point one hundred feet east of South Eleventh Street is declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States. The right to alter, amend, or repeal this section is hereby expressly reserved.

**COMMUTER TRANSITION FUNDING**

Sec. 504. (a) Section 1139(b) of the Northeast Rail Service Act of 1981 is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by striking "in the fiscal year ending September 30, 1982";

(3) by striking "contracting with Amtrak Commuter"; and

(4) by adding at the end thereof the following new paragraph:

"(B) Any funds appropriated under the authority of this subsection shall be distributed by the Secretary to Amtrak Commuter and commuter authorities according to the statutory provisions of paragraph (1) of this subsection within 90 days after receipt of an application by Amtrak Commuter or such commuter authorities or within 90 days after the date of enactment of the Rail Safety and Service Improvement Act of 1982, whichever is later."

(b) Section 219(g) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 728(g)) is amended—

(1) by inserting "(1)" immediately after "APPROPRIATION.—"; and

(2) by adding at the end thereof the following new paragraph:

"(2) To the extent provided in appropriation Acts, any funds appropriated under the authority of paragraph (1) of this subsection prior to the date of enactment of the Rail Safety and Service Improvement Act of 1982 may be reappropriated to the Secretary, to facilitate the transfer of rail commuter services from the Corporation to other operators, for distribution under the statutory provisions of section 1139(b) of the Northeast Rail Service Act of 1981."

(c)(1) Section 217(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(a)) is amended by striking "\$262,000,000" and inserting in lieu thereof "\$137,000,000".

(2) Section 217(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)) is amended to read as follows:

**"(f) AUTHORIZATION OF APPROPRIATIONS.—**

(1) There is authorized to be appropriated not to exceed \$262,000,000—

"(A) of which not to exceed \$137,000,000 shall be appropriated to the Association for purposes of purchasing securities and accounts receivable of the Corporation under this section, such sums to remain available until the Secretary transfers the Corporation under title IV of this Act;

"(B) of which not to exceed \$75,000,000 shall be appropriated to the Secretary, to facilitate the transfer of rail commuter services from the Corporation to other operators, for distribution under the statutory provisions of section 1139(b) of the Northeast Rail Service Act of 1981;

"(C) of which not to exceed \$25,000,000 shall be appropriated to the Secretary to be allocated for employee protection under section 106 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1006); and

"(D) of which not to exceed \$15,000,000 shall be appropriated to the Secretary to facilitate the transfer of rail commuter services from railroads that entered reorganization after calendar year 1974 to any commuter authority that was providing commuter service, operated by a railroad that entered reorganization after calendar year 1974, as of January 1, 1979.

"(2) All sums received on account of the holding or disposition of any securities or accounts receivable referred to in paragraph (1)(A) of this subsection shall be deposited in the general fund of the Treasury.

"(3) The amount authorized to be appropriated under paragraph (1)(B) of this sub-

section shall be reduced, in an amount equal to any amounts reappropriated under the authority of section 219(g)(2) of this Act, upon the date of enactment of any Act which reappropriates such amounts."

**INTERCITY PASSENGER SERVICE EMPLOYEE PROTECTION**

Sec. 505. (a) Section 1165 of the Northeast Rail Service Act of 1981 is amended—

(1) by inserting "(a)" immediately after "Sec. 1165."; and

(2) by adding at the end thereof the following new subsection:

"(b) Conrail employees who are deprived of employment by an assumption or discontinuance of intercity passenger service by Amtrak shall be eligible for employee protection benefits under section 761 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797), notwithstanding any other provision of law, agreement, or arrangement, and notwithstanding the inability of such employees otherwise to meet the eligibility requirements of such section. Such protection shall be the exclusive protection applicable to Conrail employees deprived of employment or adversely affected by any such assumption or discontinuance."

**RAILROAD DEVELOPMENT CRITERIA**

Sec. 506. (a) Section 10910(b)(1)(A)(XII) of title 49, United States Code, is amended by striking "has been placed" and inserting in lieu thereof "is", and by inserting "before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section" immediately after "10903 and 10904 of this title".

(b) The amendment made by subsection (a) of this section shall be effective with respect to any application or preliminary filing with respect to which the Commission has made no final decision before May 1, 1982, except that such amendment shall not affect any line which has been removed from the carrier's system diagram map before the date of enactment of this Act.

**AUTHORIZATION OF APPROPRIATIONS**

Sec. 507. There is authorized to be appropriated to the Secretary of Transportation \$15,800,000 for the fiscal year ending September 30, 1983, for the Office of the Administrator of the Federal Railroad Administration, of which not to exceed \$9,300,000 shall be used for executive direction and administration and not to exceed \$6,400,000 shall be used for policy support.

**NORTHEAST CORRIDOR COORDINATION**

Sec. 508. Section 505 of the Rail Passenger Service Act (45 U.S.C. 585) is amended—

(1) by striking "Board of Directors of Amtrak Commuter" both places it appears and inserting in lieu thereof "Northeast Corridor Coordination Board"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Northeast Corridor Coordination Board shall consist of (1) one member from each commute authority, within the meaning of such term under section 1135(a)(3) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(a)(3)), which operates or contracts for the operation of rail commuter service over the main line of the Northeast Corridor; (2) two members to be named by Amtrak; and (3) one member to be named by the Consolidated Rail Corporation."

**APPLICABILITY OF LAWS**

Sec. 509. Title V of the Rail Passenger Service Act (45 U.S.C. 581 et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 511. APPLICABILITY OF LAWS.**

"Any commuter authority operating commuter service under this title shall be sub-

ject to applicable laws with respect to such service, including, but not limited to, the Railway Labor Act (45 U.S.C. 151 et seq.), the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), the Railroad Retirement Tax Act (26 U.S.C. 2301 et seq.), and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)."

**COMMISSION PROCEDURES**

Sec. 510. Section 1164(c) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1112(c)) is amended—

(1) in paragraph (1)—

(A) by striking "bankruptcy, substantial sale," and inserting in lieu thereof "bankruptcy or substantial sale"; and

(B) by amending the last sentence to read as follows: "The Secretary may substitute for the evidence of such debt contingency notes payable solely from the railroad operating assets then securing such debt, including reinvestments thereof, or such other contingency notes as the Secretary deems appropriate and which conform to the terms set forth in this subsection."; (2) by amending paragraph (2) to read as follows:

"(2) If the interest of the United States is limited under paragraph (1), any new debt issued by such a railroad subsequent to the issuance of the debt described in paragraph (1) may have such higher priority in the event of bankruptcy, liquidation, or abandonment of the assets of such a railroad than the debt described in such paragraph as the Secretary and the railroad may agree."; and

(3) by adding at the end thereof the following new paragraph:

"(3) In carrying out the duties under this subsection, the Secretary may (A) enter into such agreements, (B) in accordance with any such agreements, cancel or cause to be cancelled or amend or cause to be amended any notes or securities currently held by agencies or instrumentalities of the United States, and (C) accept in exchange as substitution therefor such instruments evidencing the indebtedness owed to such agencies or instrumentalities as, in the Secretary's judgment, will effectuate the purposes of this subsection."

**FEEDER LINE TRANSFER**

Sec. 511. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall provide Federal financial assistance, in accordance with the provisions of this section, for the acquisition and rehabilitation (including related new construction of sidings and connecting tracks) of the feeder line which the Illinois Central Gulf Railroad has abandoned extending between Milepost 73 near Herscher, Illinois and Milepost 125 near Barnes, Illinois (known as the "Bloomer Line").

(b) In carrying out this section, the Secretary shall provide assistance to a qualified applicant in an amount not to exceed 90 percent of the acquisition costs and 80 percent of the rehabilitation costs associated with the redevelopment of the feeder line. Any qualified applicant may provide the non-Federal share of the costs of such project.

(c) If an application is filed with the Secretary which is supported by a preponderance of the rail service users on the feeder line or segment of such line for which such an application is filed, the Secretary shall act expeditiously on such application. If the Secretary denies an application filed under this section, the Secretary must provide to the applicant a contemporaneous statement of reasons for the denial and a list of the specific amendments to the application which, if made, would cause the Secretary to approve such application.

(d) If the entity purchasing the line described in subsection (a) of this section petitions the Interstate Commerce Commission for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practically participate, the Commission shall, within 30 days after the date such petition is filed and pursuant to section 10705(a) of title 49, United States Code, require the establishment of reasonable joint rates and divisions over such route.

(e) There is authorized to be appropriated \$1,000,000 to carry out this section.

(f) As used in this section, the term "qualified applicant" means—

- (1) a State or local governmental entity;
- (2) a person who is able to assure that adequate transportation will be provided over a substantial portion of the feeder line described in subsection (a) of this section for a period of not less than 3 years; or
- (3) any combination of members of the classes of applicants described in paragraphs (1) and (2) of this subsection.

#### TITLE VI—ALASKA RAILROAD

##### TRANSFER

###### SHORT TITLE

Sec. 601. This title may be cited as the "Alaska Railroad Transfer Act of 1982".

###### FINDINGS

Sec. 602. The Congress finds that—

(1) the Alaska Railroad, which was built by the Federal Government to serve the transportation and development needs of the Territory of Alaska, presently is providing freight and passenger services that primarily benefit residents and businesses in the State of Alaska;

(2) many communities and individuals in Alaska are wholly or substantially dependent on the Alaska Railroad for freight and passenger service and provision of such service is an essential governmental function;

(3) continuation of services of the Alaska Railroad and the opportunity for future expansion of those services are necessary to achieve Federal, State and private objectives; however, continued Federal control and financial support are no longer necessary to accomplish these objectives;

(4) the transfer of the Alaska Railroad and provision for its operation by the State in the manner contemplated by this title is made pursuant to the Federal goal and on-going program of transferring appropriate activities to the States;

(5) the State's continued operation of the Alaska Railroad following the transfer contemplated by this title, together with such expansion of the railroad as may be necessary or convenient in the future, will constitute an appropriate public use of the rail system and associated properties, will provide an essential governmental service, and will promote the general welfare of Alaska's residents and visitors; and

(6) in order to give the State government the ability to determine the Alaska Railroad's role in serving the State's transportation needs in the future, including the opportunity to extend rail service, and to provide a savings to the Federal Government, the Federal Government should offer to transfer the railroad to the State, in accordance with the provisions of this title, in the same manner in which other Federal transportation functions (including highways and airports) have been transferred since Alaska became a State in 1959.

###### DEFINITIONS

Sec. 603. As used in this title, the term—

- (1) "Alaska Railroad" means the agency of the United States Government that is operated by the Department of Transportation as a rail carrier in Alaska under author-

ity of the Act of March 12, 1914 (43 U.S.C. 975 et seq.) (popularly referred to as the "Alaska Railroad Act") and section 6(1) of the Department of Transportation Act (49 U.S.C. 1635(1)), or, as the context requires, the railroad operated by that agency;

(2) "Alaska Railroad Revolving Fund" means the public enterprise fund maintained by the Department of the Treasury into which revenues of the Alaska Railroad and appropriations for the Alaska Railroad are deposited, and from which funds are expended for Alaska Railroad operation, maintenance and construction work authorized by law;

(3) "claim of valid existing rights" means any claim to the rail properties of the Alaska Railroad on record in the Department of the Interior as of the day before the date of enactment of this Act;

(4) "date of transfer" means the date on which the Secretary delivers to the State the four documents referred to in section 604(b)(1) of this title;

(5) "employees" means all permanent personnel employed by the Alaska Railroad on the date of transfer, including the officers of the Alaska Railroad, unless otherwise indicated in this title;

(6) "exclusive-use easement" means an easement which affords to the easement holder the following:

(A) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;

(B) the right to use so much of the sub-surface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;

(C) subject and lateral support of the lands subject to the easement; and

(D) the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands;

(7) "Native Corporation" has the same meaning as such term has under section 102(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(b));

(8) "officers of the Alaska Railroad" means the employees occupying the following positions at the Alaska Railroad as of the day before the date of transfer: General Manager, Assistant General Manager, Assistant to the General Manager, Chief of Administration; and Chief Counsel;

(9) "public lands" has the same meaning as such term has under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e));

(10) "rail properties of the Alaska Railroad" means all right, title, and interest of the United States to tracks, buildings, facilities, machinery, equipment, supplies, records, rolling stock, trade names, accounts receivable, goodwill, and other real and personal property, both tangible and intangible, in which there is an interest reserved, withdrawn, appropriated, owned, administered or otherwise held or validly claimed for the Alaska Railroad by the United States or any agency or instrumentality thereof as of the date of enactment of this Act, but excluding any such properties disposed of, and including any such properties acquired, in the ordinary course of business after that date but before the date of transfer, and also including the exclusive-use easement within the Denali National Park and Preserve conveyed to the State pursuant to this title and also excluding the following:

(A) the unexercised reservation to the United States for future rights-of-way required in all patents for land taken up, entered, or located in Alaska, as provided by the Act of March 12, 1914 (43 U.S.C. 975 et seq.);

(B) the right of the United States to exercise the power of eminent domain;

(C) any moneys in the Alaska Railroad Revolving Fund which the Secretary demonstrates, in consultation with the State, are unobligated funds appropriated from general tax revenues or are needed to satisfy obligations incurred by the United States in connection with the operation of the Alaska Railroad which would have been paid from such Fund but for this title and which are not assumed by the State pursuant to this title;

(D) any personal property which the Secretary demonstrates, in consultation with the State, prior to the date of transfer under section 604 of this title to, be necessary to carry out functions of the United States after the date of transfer; and

(E) any lands or interest therein (except as specified in this title) within the boundaries of the Denali National Park and Preserve;

(11) "right-of-way" means, except as used in section 609 of this title—

(A) an area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or

(B) an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-Federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (A) of this paragraph;

(12) "Secretary" means the Secretary of Transportation;

(13) "State" means the State of Alaska or the State-owned railroad, as the context requires;

(14) "State-owned railroad" means the authority, agency, corporation or other entity which the State of Alaska designates or contracts with to own, operate or manage the rail properties of the Alaska Railroad or, as the context requires, the railroad owned, operated, or managed by such authority, agency, corporation, or other entity; and

(15) "Village Corporation" has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(j)).

###### TRANSFER AUTHORIZATION

Sec. 604. (a) Subject to the provisions of this title, the United States, through the Secretary, shall transfer all rail properties of the Alaska Railroad to the State. Such transfer shall occur as soon as practicable after the Secretary has made the certifications required by subsection (d) of this section and shall be accomplished in the manner specified in subsection (b) of this section.

(b)(1) On the date of transfer, the Secretary shall simultaneously:

(A) deliver to the State a bill of sale conveying title to all rail properties of the Alaska Railroad except any interest in real property;

(B) deliver to the State an interim conveyance of the rail properties of the Alaska Railroad that are not conveyed pursuant to subparagraph (A) of this paragraph and are not subject to unresolved claims of valid existing rights;

(C) deliver to the State an exclusive license granting the State the right to use all

rail properties of the Alaska Railroad not conveyed pursuant to subparagraphs (A) or (B) of this paragraph pending conveyance in accordance with the review and settlement or final administrative adjudication of claims of valid existing rights;

(D) convey to the State a deed granting the State (1) an exclusive-use easement for that portion of the right-of-way of the Alaska Railroad within the Denali National Park and Preserve extending not less than one hundred feet on either side of the main or branch line tracks, and eight feet on either side of the centerline of the "Y" track connecting the main line of the railroad to the power station at McKinley Park Station and (2) title to railroad-related improvements within such right-of-way.

Prior to taking the action specified in subparagraphs (A) through (D) of this paragraph, the Secretary shall consult with the Secretary of the Interior. The exclusive-use easement granted pursuant to subparagraph (D) of this paragraph and all rights afforded by such easement shall be exercised only for railroad purposes, and for such other transportation, transmission, or communication purposes for which lands subject to such easement were utilized as of the date of enactment of this Act. In the event of reversion to the United States, pursuant to section 816 of this title, of the State's interests in all or part of the lands subject to such easement, such easement shall terminate with respect to the lands subject to such reversion, and no new exclusive-use easement with respect to such reverted lands shall be granted except by Act of Congress.

(2) The Secretary shall deliver to the State an interim conveyance of rail properties of the Alaska Railroad described in paragraph (1)(C) of this subsection that become available for conveyance to the State after the date of transfer as a result of settlement, relinquishment, or final administrative adjudication pursuant to section 806 of this title. Where the rail properties to be conveyed pursuant to this paragraph are surveyed at the time they become available for conveyance to the State, the Secretary shall deliver a patent therefor in lieu of an interim conveyance.

(3) The force and effect of an interim conveyance made pursuant to paragraphs (1)(B) or (2) of this subsection shall be to convey to and vest in the State exactly the same right, title, and interest in and to the rail properties identified therein as the State would have received had it been issued a patent by the United States. The Secretary of the Interior shall survey the land conveyed by an interim conveyance to the State pursuant to paragraphs (1)(B) or (2) of this subsection and, upon completion of the survey, the Secretary shall issue a patent therefor.

(4) The license granted pursuant to paragraph (1)(C) of this subsection shall authorize the State to use, occupy, and directly receive all benefits of the rail properties described in the license for the operation of the State-owned railroad in conformity with the Memorandum of Understanding, referred to in section 806(b)(3) of this title. The license shall be exclusive, subject only to valid leases, permits, and other instruments issued before the date of transfer and easements reserved pursuant to subsection (c)(2) of this section. With respect to any parcel conveyed pursuant to this title, the license shall terminate upon conveyance of such parcel.

(c)(1) Interim conveyances and patents issued to the State pursuant to subsection (b) of this section shall confirm, convey and vest in the State all reservations to the

United States (whether or not expressed in a particular patent or document of title), except the unexercised reservations to the United States for future rights-of-way made or required by the first section of the Act of March 12, 1914 (43 U.S.C. 975d). The conveyance to the State of such reservations shall not be affected by the repeal of such Act under section 815 of this title.

(2) In the license granted under subsection (b)(1)(C) of this section and in all conveyances made to the State under this title, there shall be reserved to the Secretary of the Interior, the Secretary of Defense and the Secretary of Agriculture, as appropriate, existing easements for administration (including agency transportation and utility purposes) that are identified in the report required by section 805(a) of this title. The appropriate Secretary may obtain, only after consent of the State, such future easements as are necessary for administration. Existing and future easements and use of such easements shall not interfere with operations and support functions of the State-owned railroad.

(3) There shall be reserved to the Secretary of the Interior the right to use and occupy, without compensation, 5,000 square feet of land at Talkeetna, Alaska, as described in ARR Lease Numbered 69-25-0002-5165 for National Park Service administrative activities, so long as the use or occupation does not interfere with the operation of the State-owned railroad. This reservation shall be effective on the date of transfer under this section or the expiration date of such lease, whichever is later.

(d)(1) Prior to the date of transfer, the Secretary shall certify that the State has agreed to operate the railroad as a rail carrier in intrastate and interstate commerce.

(2)(A) Prior to the date of transfer, the Secretary shall also certify that the State has agreed to assume all rights, liabilities, and obligations of the Alaska Railroad on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, and accounts payable, except as otherwise provided by this title.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the United States shall be solely responsible for—

(1) all claims and causes of action against the Alaska Railroad that accrue on or before the date of transfer, regardless of the date on which legal proceedings asserting such claims were or may be filed, except that the United States shall, in the case of any tort claim, only be responsible for any such claim against the United States that accrues before the date of transfer and results in an award, compromise, or settlement of more than \$2,500, and the United States shall not compromise or settle any claim resulting in State liability without the consent of the State, which consent shall not be unreasonably withheld; and

(2) all claims that resulted in a judgment or award against the Alaska Railroad before the date of transfer.

(C) For purposes of subparagraph (B) of this paragraph, the term "accrue" shall have the meaning contained in section 2401 of title 28, United States Code.

(3)(A) Prior to the date of transfer, the Secretary shall also certify that the State-owned railroad has established arrangements pursuant to section 807 of this title to protect the employment interests of employees of the Alaska Railroad during the 2-year period commencing on the date of transfer. These arrangements shall include provisions—

(1) which ensure that the State-owned railroad will adopt collective bargaining agreements in accordance with the provi-

sions of subparagraph (B) of this paragraph;

(2) for the retention of all employees, other than officers of the Alaska Railroad, who elect to transfer to the State-owned railroad in their same positions for the 2-year period commencing on the date of transfer, except in cases of reassignment, separation for cause, resignation, retirement, or lack of work;

(3) for the payment of compensation to transferred employees (other than employees provided for in subparagraph (E) of this paragraph), except in cases of separation for cause, resignation, retirement, or lack of work, for 2 years commencing on the date of transfer at or above the base salary levels in effect for such employees on the date of transfer, unless the parties otherwise agree during that 2-year period.

(4) for priority of reemployment at the State-owned railroad during the 2-year period commencing on the date of transfer for transferred employees who are separated for lack of work, in accordance with subparagraph (C) of this paragraph (except for officers of the Alaska Railroad, who shall receive such priority for one year following the date of transfer);

(5) for credit during the 2-year period commencing on the date of transfer for accrued annual and sick leave, seniority rights, and relocation and turnaround travel allowances which have been accrued during their period of Federal employment by transferred employees retained by the State-owned railroad (except for officers of the Alaska Railroad, who shall receive such credit for one year following the date of transfer);

(6) for payment to transferred employees retained by the State-owned railroad during the 2-year period commencing on the date of transfer, including for one year officers retained or separated under subparagraph (E) of this paragraph, of an amount equivalent to the cost-of-living allowance to which they are entitled as Federal employees on the day before the date of transfer, in accordance with the provisions of subparagraph (D) of this paragraph; and

(7) for health and life insurance programs for transferred employees retained by the State-owned railroad during the 2-year period commencing on the date of transfer, substantially equivalent to the Federal health and life insurance programs available to employees on the day before the date of transfer (except for officers of the Alaska Railroad, who shall receive such credit for one year following the date of transfer).

(B) The State-owned railroad shall adopt all collective bargaining agreements which are in effect on the date of transfer. Such agreements shall continue in effect for the 2-year period commencing on the date of transfer, unless the parties agree to the contrary before the expiration of that 2-year period. Such agreements shall be renegotiated during the 2-year period, unless the parties agree to the contrary. Any labor-management negotiation impasse declared before the date of transfer shall be settled in accordance with chapter 71 of title 5, United States Code. Any impasse declared after the date of transfer shall be subject to applicable State law.

(C) Federal service shall be included in the computation of seniority for transferred employees with priority for reemployment, as provided in subparagraph (A)(iv) of this paragraph.

(D) Payment to transferred employees pursuant to subparagraph (A)(vi) of this paragraph shall not exceed the percentage of any transferred employee's base salary level provided by the United States as a

cost-of-living allowance on the day before the date of transfer, unless the parties agree to the contrary.

(E) Prior to the date of transfer, the Secretary shall also certify that the State-owned railroad has agreed to the retention, for at least one year from the date of transfer, of the offices of the Alaska Railroad, except in cases of separation for cause, resignation, retirement, or lack of work, at or above their base salaries in effect on the date of transfer, in such positions as the State-owned railroad may determine; or to the payment of lump-sum severance pay in an amount equal to such base salaries for one year to officers not retained by the State-owned railroad upon transfer or, for officers separated within one year lump-sum severance payment (diminished pro rata for employment by the State-owned railroad within one year of the date of transfer prior to separation).

(4) Prior to the date of transfer, the Secretary shall also certify that the State has agreed to allow representatives of the Secretary adequate access to employees and records of the Alaska Railroad when needed for the performance of functions related to the period of Federal ownership.

(5) Prior to the date of transfer, the Secretary shall also certify that the State has agreed to compensate the United States at the value, if any, determined pursuant to section 605(d) of this title.

#### TRANSITION PERIOD

Sec. 605. (a) Within six months after the date of enactment of this Act, the Secretary and the Governor of Alaska shall jointly prepare and deliver to the Congress of the United States and the Legislature of the State a report that describes to the extent possible the rail properties of the Alaska Railroad, the liabilities and obligations to be assumed by the State, the sum of money, if any, in the Alaska Railroad Revolving Fund to be withheld from the State pursuant to section 603(8)(C) of this title, and any personal property to be withheld pursuant to section 603(8)(D) of this title. The report shall separately identify by the best available descriptions (1) the rail properties of the Alaska Railroad to be transferred pursuant to section 604(b)(1)(A), (B) and (D) of this title; (2) the rail properties to be subject to the license granted pursuant to section 604(b)(1)(C) of this title; and (3) the easements to be reserved pursuant to section 604(c)(2) of this title. The Secretaries of Agriculture, Defense, and the Interior and the Administrator of the General Services Administration shall provide the Secretary with all information and assistance necessary to allow the Secretary to complete the report within the time required.

(b) During the period from the date of enactment of this Act until the date of transfer, the State shall have the right to inspect, analyze, photograph, photocopy and otherwise evaluate all of the rail properties of the Alaska Railroad and all records related to the rail properties of the Alaska Railroad maintained by any agency of the United States under conditions established by the Secretary to protect the confidentiality of proprietary business data, personnel records, and other information, the public disclosure of which is prohibited by law. During that period, the Secretary and the Alaska Railroad shall not, without the consent of the State and only in conformity with applicable law and the Memorandum of Understanding referred to in section 606(b)(3) of this title—

(1) make or incur any obligation to make any individual capital expenditure of money

from the Alaska Railroad Revolving Fund in excess of \$300,000;

(2) (except as required by law) sell, exchange, give, or otherwise transfer any real property included in the rail properties of the Alaska Railroad; or

(3) lease any rail property of the Alaska Railroad for a term in excess of 5 years.

(c) Prior to transfer of the rail properties of the Alaska Railroad to the State, the Alaska Railroad's accounting practices and systems shall be capable of reporting data to the Interstate Commerce Commission in formats required of comparable rail carriers subject to the jurisdiction of the Interstate Commerce Commission.

(d)(1) Within nine months after the date of enactment of this Act, the United States Railway Association (hereinafter in this section referred to as the "Association") shall determine the fair market value of the Alaska Railroad under the terms and conditions of this title, applying such procedures, methods and standards as are generally accepted as normal and common practice. Such determination shall include an appraisal of the real and personal property to be transferred to the state pursuant to this title. Such appraisal by the Association shall be conducted in the usual manner in accordance with generally accepted industry standards, and shall consider the current fair market value and potential future value if used in whole or in part for other purposes. The Association shall take into account all obligations imposed by this title and other applicable law upon operation and ownership of the state-owned railroad. In making such determination, the Association shall use to the maximum extent practicable all relevant data and information, including, if relevant, that contained in the closing report prepared pursuant to subsection (a) of this section.

(2) The determination made pursuant to paragraph (1) of this subsection shall not be construed to affect, enlarge, modify, or diminish any inventory, valuation, or classification required by the Interstate Commerce Commission pursuant to subchapter V of chapter 107 of title 49, United States Code (49 U.S.C. 10781 et seq.).

(e) Section 202(a) of the Regional Rail Reorganization Act of 1973 is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting in lieu thereof: "and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) determine the value of the Alaska Railroad, as required by section 605 of the Alaska Railroad Transfer Act of 1982."

#### LANDS TO BE TRANSFERRED

Sec. 606. (a) Lands among the rail properties of the Alaska Railroad shall not be—

(1) available for selection under section 12 of the Act of January 2, 1976, as amended (43 U.S.C. 1611, note), subject to the exception contained in section 12(b)(8)(1)(D) of such Act, as amended by subsection (d)(5) of this section;

(2) available for conveyance under section 1425 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2515);

(3) available for conveyance to Chugach Natives, Inc., under sections 1429 or 1430 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2531) or under sections 14(c) or 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c) and 1613(h)(8), respectively); or

(4) available under any law or regulation for entry, location, or for exchange by the

United States, or for the initiation of a claim or selection by any party other than the State or other transferee under this title, except that this paragraph shall not prevent a conveyance pursuant to section 12(b)(8)(1)(D) of the Act of January 2, 1976 (43 U.S.C. 1611, note), as amended by subsection (d)(5) of this section.

(b)(1)(A) During the ten months following the date of enactment of this Act, so far as practicable consistent with the priority of preparing the report required pursuant to section 605(a) of this title, the Secretary of the Interior, Village Corporations with claims of valid existing rights, and the State shall review and make a good faith effort to settle as many of the claims as possible. Any agreement to settle such claims shall take effect and bind the United States, the State, and the Village Corporation only as of the date of transfer of the railroad.

(B) At the conclusion of the review and settlement process provided in subparagraph (A) of this paragraph, the Secretary of the Interior shall prepare a report identifying lands to be conveyed in accordance with settlement agreements under this title or applicable law. Such settlement shall not give rise to a presumption as to whether a parcel of land subject to such agreement is or is not public land.

(2) The Secretary of the Interior shall have the continuing jurisdiction and duty to adjudicate unresolved claims of valid existing rights pursuant to applicable law and this title. The Secretary of the Interior shall complete the final administrative adjudication required under this subsection not later than three years after the date of enactment of this Act, and shall complete the survey of all lands to be conveyed under this title not later than five years after the date of enactment of this Act, and after consulting with the Governor of the State of Alaska to determine priority of survey with regard to other lands being processed for patent to the State. The Secretary of the Interior shall give priority to the adjudication of Village Corporation claims as required in this section. Upon completion of the review and settlement process required by paragraph (1)(A) of this subsection, with respect to lands not subject to an agreement under such paragraph, the Secretary of the Interior shall adjudicate which lands subject to claims of valid existing rights filed by Village Corporations, if any, are public lands and shall complete such final administrative adjudication within two years after the date of enactment of this Act.

(3) Pending settlement or final administrative adjudication of claims of valid existing rights filed by Village Corporations prior to the date of transfer or while subject to the license granted to the State pursuant to section 604(b)(1)(C) of this title, lands subject to such claims shall be managed in accordance with the Memorandum of Understanding among the Federal Railroad Administration, the State, Eklutna, Inc., Cook Inlet Region, Incorporated (as that term is used in section 12 of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1150)), and Toghthele Corporation, executed by authorized officers or representatives of each of these entities. Duplicate originals of the Memorandum of Understanding shall be maintained and made available for public inspection and copying in the Office of the Secretary, at Washington, D.C., and in the Office of the Governor of the State of Alaska, at Juneau, Alaska.

(4) The following procedures and requirements are established to promote finality of administrative adjudication of claims of valid existing rights filed by Village Corporations, to clarify and simplify the title



status of lands subject to such claims, and to avoid potential impairment of railroad operations resulting from joint or divided ownership in substantial segments of right-of-way.

(A)(X) Prior to final administrative adjudication of Village Corporation claims of valid existing rights in land subject to the license granted under section 804(b)(1)(C) of this title, the Secretary of the Interior may, notwithstanding any other provision of law, accept relinquishment of so much of such claims as involved lands within the right-of-way through execution of an agreement with the appropriate Village Corporation effective on or after the date of transfer. Upon such relinquishment, the interest of the United States in the right-of-way shall be conveyed to the State pursuant to section 804(b)(1)(B) or (2) of this title.

(ii) With respect to a claim described in clause (i) of this subparagraph that is not settled or relinquished prior to final administrative adjudication, the Congress finds that exclusive control over the right-of-way by the Alaska Railroad has been and continues to be necessary to afford sufficient protection for safe and economic operation of the railroad. Upon failure of the interested Village Corporation to relinquish so much of its claims as involve lands within the right-of-way prior to final adjudication of valid existing rights, the Secretary shall convey to the State pursuant to section 804(b)(1)(B) or (2) of this title all right, title and interest of the United States in and to the right-of-way free and clear of such Village Corporation's claim to and interest in lands within such right-of-way.

(B) Where lands within the right-of-way, or any interest in such lands, have been conveyed from Federal ownership prior to the date of enactment of this Act, or is subject to a claim of valid existing rights by a party other than a Village Corporation, the conveyance to the State of the Federal interest in such properties pursuant to section 804(b)(1)(B) or (2) of this title shall grant not less than an exclusive-use easement in such properties. The foregoing requirements shall not be construed to permit the conveyance to the State of less than the entire Federal interest in the rail properties of the Alaska Railroad required to be conveyed by section 804(b) of this title. If an action is commenced against the State or the United States contesting the validity or existence of a reservation of right-of-way for the use or benefit of the Alaska Railroad made prior to the date of enactment of this Act, the Secretary of the Interior, through the Attorney General, shall appear in and defend such action.

(c)(1) The final administrative adjudication pursuant to subsection (b) of this section shall be final agency action and subject to judicial review only by an action brought in the United States District Court for the District of Alaska. Review of agency action pursuant to this title shall be expedited to the same extent as the expedited review provided by section 1108 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3168).

(2) No administrative or judicial action under this title shall enjoin or otherwise delay the transfer of the Alaska Railroad pursuant to this title, or substantially impair or impede the operations of the Alaska Railroad or the State-owned railroad.

(3) Before the date of transfer, the State shall have standing to participate in any administrative determination or judicial review pursuant to this title. If transfer to the State does not occur pursuant to section 804 of this title, the State shall not thereaf-

ter have standing to participate in any such determination or review.

(X1) Section 12(b)(7)(D) of the Act of January 2, 1978 (Public Law 94-204) is amended—

(A) by striking "subsection 12(b)(6)" and inserting in lieu thereof "section 12(b) (5) and (6)";

(B) by striking "12(b)(7)(C)" and inserting in lieu thereof "12(b)(7)(iv)";

(C) by striking "crediting" and inserting in lieu thereof "using";

(D) by striking "this subsection 12(b)(7)(D)(b)" and inserting in lieu thereof "these subsections 12(b)(7) (ix) or (ii)";

(E) by striking "State" in the last sentence and inserting in lieu thereof "state"; and

(F) by striking the penultimate sentence.

(2) Section 12(b)(7) of such Act is amended—

(A) by redesignating subsections (ii) through (iv) as subsections (iv) through (vi), respectively; and

(B) by inserting immediately after subsection (i) the following:

"(ii) Subject to the exceptions stated in section 12(b)(9), and notwithstanding the foregoing subsection 12(b)(7)(D) and any provision of any other law or any implementing regulation inconsistent with this subsection, until the obligations of the Secretary and the Administrator of General Services under sections 12(b) (5) and (6) are otherwise fulfilled:

"(A) concurrently with the commencement of screening of any excess real property, wherever located, for utilization by Federal agencies, the Administrator of General Services shall notify the Region that such property may be available for conveyance to the Region upon negotiated sale. Within fifteen days of the date of receipt of such notice, the Region may advise the Administrator that there is a tentative need for the property to fulfill the obligations established under sections 12(b) (5) and (6). If the Administrator determines the property should be disposed of by transfer to the Region, the Administrator or other appropriate Federal official shall promptly transfer such property;

"(B) no disposition or conveyance of property under this subsection to the Region shall be made until the Administrator, after notice to affected State and local governments, has provided to them such opportunity to obtain the property as is recognized in title 40, United States Code and the regulations thereunder for the disposition or conveyance of surplus property; and

"(C) as used in this subsection, 'real property' means any land or interests in land owned or held by the United States or any Federal agency, any improvements on such land or rights to their use or exploitation, and any personal property related to the land.

"(iii) If the Region accepts any conveyance under section 12(b)(7)(i) or (ii), it shall be in exchange for acres or acre-equivalents as provided in subparagraph I(CX2)(e) of the document referred to in this section, except that, after the obligation of the Secretary and the Administrator under subparagraph I(CX2)(g) of that document has been fulfilled, the acre-equivalents under subparagraph I(CX2)(e)(iii)(A) shall be one-half the valued increment therein stated. The entitlement of the Region under section 12(b) of this Act shall be reduced by the number of acres or acre-equivalents attributed to the Region under this subsection. The Secretary and the Administrator are directed to execute an agreement with the Region which shall conform substantially to the Memorandum of Understanding Regarding the Implementation of Section

12(b)(7), dated September 10, 1982, and submitted to the Senate Committee on Commerce, Science, and Transportation. The Secretary, the Administrator and the Region may thereafter otherwise agree to procedures to implement responsibilities under this section 12(b)(7), including establishment of accounting procedures and the delegation or reassignment of duties under this statute."

(3) Section 12(b)(7)(iv) of such Act, as so redesignated by paragraph (2) of this subsection, is amended—

(A) by striking "surplus" the first place it appears therein;

(B) by inserting immediately before the period at the end of the first sentence the following: "or paying for the conveyance of property pursuant to subsections (i) or (ii)";

(C) by inserting immediately after "account shall be" the following: "the sum of (1)";

(D) by striking "I(CX2)(e)" and inserting in lieu thereof "I(CX2)(e)(iii)(A)";

(E) by striking "the effective date of this subsection", and inserting in lieu thereof "December 2, 1980";

(F) by striking "and shall be adjusted" and inserting in lieu thereof "and (2) one-half the acre or acre-equivalent exchange value under subparagraph I(CX2)(e)(iii)(A) of ten townships fewer than the unfulfilled entitlement of the Region on the same date to acres or acre-equivalents under paragraph I(CX1) of the document referred to in this section. The balance of the property account shall be adjusted in accordance with subsection 12(b)(7)(iii)"; and

(G) by striking "subsection 12(b)(6)" and inserting in lieu thereof "section 12(b)(5) and (6)".

(4) Section 12(b)(7)(v) of such Act, as so redesignated by paragraph (2) of this subsection, is amended by striking "subsection (ii)" and inserting in lieu thereof "subsection (iv)".

(5) Section 12(b)(8) of such Act is amended to read as follows:

"12(b)(8). Subject to the exceptions stated in section 12(b)(9), and notwithstanding any provisions of law or implementing regulation inconsistent with this section:

"(i) The deadlines in subparagraphs I(CX2)(a) and (g) of the document referred to in this section shall be extended until the Secretary's obligations under section 12(b) (5) and (6) are fulfilled. *Provided*, That:

"(A) the obligation of the Secretary under subparagraph I(CX2)(a) of such document shall terminate on such date, after July 15, 1984, that the Secretary has fulfilled his obligation under subparagraph I(CX2)(g) of that document; *Provided*, That the obligation of the Secretary under subparagraph I(CX2)(g) of such document shall be fulfilled at such date, after July 15, 1984, that the sum of the acres or acre-equivalents identified for and placed in the pool and the acres or acre-equivalents used by the Region in purchasing property under section 12(b)(7) equals or exceeds 138,240 acres or acre-equivalents;

"(B) the authority of the Secretary under subparagraphs I(CX2)(b) and I(CX2)(g)(ii) of such document to contribute to the pool created under subparagraph I(CX2)(a) of such document shall terminate (a) on July 15, 1984, if, by that date, the Secretary has fulfilled his obligation under subparagraph I(CX2)(g), or (b) if not, on such date after July 15, 1984 as such obligation is fulfilled, or (c) if such obligation remains unfulfilled, on July 15, 1987;

"(C) the concurrence by the State as described in subparagraphs I(CX2)(a)(vi) and I(CX2)(c) of the document referred to in this section shall be deemed not required

after the Secretary has fulfilled his obligation under subparagraph I(CX2)(g) of that document, but in no event after July 18, 1987. In lieu of such concurrence, after 1984 as to military property, and after the Secretary has fulfilled his obligation under subparagraph I(CX2)(g) of that document or July 18, 1987, whichever is earlier, as to any other property, except property of the Alaska Railroad which is governed by subsection 12(b)(6)(IXD) of this Act, the Secretary shall not place any lands in the selection pool referred to in subparagraphs I(CX2)(a) and (g) of the document referred to in this section without the prior written concurrence of the State. Such concurrence shall be deemed obtained unless the State advises the Secretary within ninety days of receipt of a formal notice from the Secretary that he is considering placing property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question, requires the property for a public purpose of the State or municipality; and

"(D) notwithstanding section 806(a)(2) of the Alaska Railroad Transfer Act of 1982, the Secretary may include property of the Alaska Railroad in the pool of lands to be made available for selection to the extent that he is authorized to do so under a provision of section 12(b) of this Act if the State consents to its inclusion, which consent is not subject to any limitation under subsection 12(b)(8)(XC) herein: *Provided*, That, while the Alaska Railroad is the property of the United States, the Secretary shall obtain the consent of the Secretary of Transportation prior to including such property. *And provided further*, That, if the transfer of the Alaska Railroad to the State does not occur pursuant to the terms of the Alaska Railroad Transfer Act of 1982 or any amendments thereto, the State's consent shall be deemed obtained unless the State advises the Secretary in writing, within ninety days of receipt of a formal notice from the Secretary that he is considering placing such property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question, requires the property for a public purpose of the State or the municipality.

"(II) In addition to the review required to identify public lands under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e)), the Secretary shall identify for inclusion in the pool all public lands (as such term is used under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e))), as described in subparagraph I(CX2)(a)(v) of the document referred to in this section, and shall, in so doing, review all Federal installations within the boundaries of the Cook Inlet Region whether within or without the areas withdrawn pursuant to section 11 of the Alaska Native Claims Settlement Act (43 U.S.C. 1610) or by the Secretary acting under authority contained in that section: *Provided*, That no such additional review under such subparagraph shall be required of military installations or of such other installations as may be mutually excluded from review by the Region and the Secretary: *And provided further*, That the Secretary shall not review any property of the Alaska Railroad unless such property becomes available for selection pursuant to subsection 12(b)(8)(IXD).

"(III) The concurrence required of the State as to the inclusion of any property in the pool under subparagraph I(CX2)(b) of the document referred to in this section shall be deemed obtained unless the State advises the Secretary in writing, within ninety days of receipt of a formal notice

from the Secretary that the Secretary is considering placing property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question requires the property for a public purpose of the State or the municipality.

"(iv) The deadlines in subparagraph I(CX1)(b) of the document referred to in this section shall be extended for an additional twenty-four months beyond the dates established in the Act of July 17, 1980 (Public Law 96-311; 94 Stat. 947).

"(v) On or before January 18, 1985, the Secretary shall report to the Congress with respect to:

"(A) such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, except for lands held by the Alaska Railroad or the State-owned railroad, within the boundaries of the Cook Inlet Region or elsewhere can be made available to the Region, to the extent of its entitlement;

"(B) the feasibility and appropriate nature of reimbursement of the Region for its unfulfilled entitlement as valued in subsection 12(b)(7)(iv) of this Act;

"(C) the extent to which implementation of the mechanisms established in section 12(b)(7) promise to meet such unfulfilled entitlement;

"(D) such other remedial legislation or administrative action as may be needed; and

"(E) the need to terminate any mechanism established by law through which the entitlement of the Region may be completed."

"(6) Section 12(b) of such Act is amended by adding at the end thereof the following:

"12(b)(9). No disposition or conveyance of property located within the State to the Region under section 12(b)(6), 12(b)(7) and 12(b)(8), as amended, shall be made if the property is subject to an express waiver of rights under the provisions of subparagraph I(CX2)(f) of the document referred to in this section, or if such disposition or conveyance violates valid rights, including valid selections or valid authorized agreements, of Native Corporations (as such term is used in section 102(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(6))) or the State existing at the time of such disposition or conveyance under section 8 of Public Law 85-508, as amended (excepting section 906(e) of the Alaska National Interest Lands Conservation Act), sections 12(a), 12(b), 16(b) or 22(f) of the Alaska Native Claims Settlement Act, section 12(h) of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1154), or sections 1416, 1418 through 1425 (inclusive), 1427 through 1434 (inclusive), or 1436 of the Alaska National Interest Lands Conservation Act: *Provided, however*, That nothing within this subsection 12(b)(9) shall diminish such rights and priorities as the Region has under section 12(b) of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1151), as amended by section 4 of the Act of October 4, 1976 (Public Law 94-456; 90 Stat. 1935), section 3 of the Act of November 18, 1977 (Public Law 95-178; 91 Stat. 1369), section 2 of the Act of August 14, 1979 (Public Law 96-55; 93 Stat. 386), the Act of July 17, 1980 (Public Law 96-311; 94 Stat. 947), and section 1435 of the Alaska National Interest Lands Conservation Act.

"12(b)(10). For the purpose of its incorporation into this section, paragraph I(CX1) of the document referred to in this section is amended as follows: (1) by striking 'withdrawn' and inserting in lieu thereof 'withdrawn or formerly withdrawn'; (2) by striking '17(d)(1) and inserting in lieu thereof

'17(d)(1) and (2)'; and (3) by striking the last sentence of subparagraph I(CX1)(a) and inserting in lieu thereof the following: 'Cook Inlet Region, Incorporated shall not nominate any lands within the boundaries of any conservation system unit, national conservation area, national recreation area, national forest, defense withdrawal, or any lands that were made available to the State for selection pursuant to sections 2 and 5 of the State-Federal Agreement of September 1, 1972.'

"12(b)(11). Notwithstanding the provisions of section 906 of the Alaska National Interest Lands Conservation Act and section 8(1) of the Alaska Statehood Act (72 Stat. 339):

"(i) The State is hereby authorized to convey to the United States for reconveyance to the Region, and the Secretary is directed to accept and so reconvey, lands tentatively approved for patent or patented to the State, if the State and the Region enter into an agreement that such lands shall be reconveyed to the Region to fulfill all or part of its entitlement under paragraph I(CX1) of the document referred to in this section: *Provided*, That the acreage of lands conveyed to the United States under this provision shall be added to the State's unfulfilled entitlement pursuant to section 8 of the Alaska Statehood Act, and the number of townships to be nominated, pooled, struck, selected and conveyed pursuant to paragraph I(CX1) of the document referred to in this section shall be reduced accordingly.

"(ii) The Secretary is directed to convey to the Region lands selected by the State prior to July 18, 1975 or pursuant to sections 2 and 5 of the State-Federal Agreement of September 1, 1972, if the State relinquishes such selections and enters into an agreement with the Region that such lands shall be reconveyed to the Region to fulfill all or part of its entitlement under paragraph I(CX1) of the document referred to in this section, and the number of townships to be nominated, pooled struck, selected and conveyed pursuant to paragraph I(CX1) of the document referred to in this section shall be reduced accordingly.

"(iii) The Secretary, in the Secretary's discretion, is authorized to enter into an agreement with the State and the Region to implement the authority contained in this section 12(b)(11), which agreement may provide for conveyances directly from the State to the Region. Conveyances directly conveyed shall be deemed conveyances from the Secretary pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)."

(e) The State shall be liable to a party receiving a conveyance of land among the rail properties of the Alaska Railroad subject to the license granted pursuant to section 804(b)(1)(C) of this title for damage resulting from use by the State of the land under such license in a manner not authorized by such license.

#### EMPLOYEES OF THE ALASKA RAILROAD

Sec. 607. (a)(1) Any employees who elect to transfer to the State-owned railroad and who on the day before the date of transfer are subject to the civil service retirement law (subchapter III of chapter 83 of title 5, United States Code) shall, so long as continually employed by the State-owned railroad without a break in service, continue to be subject to such law, except that the State-owned railroad shall have the option of providing benefits in accordance with the provisions of paragraph (2) of this subsection. Employment by the State-owned railroad without a break in continuity of service

shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 88 of title 5, United States Code. The State-owned railroad shall be the employing agency for purposes of section 8334(a) of title 5, United States Code, and shall contribute to the Civil Service Retirement and Disability Fund a sum as provided by such section, except that such sum shall be determined by applying to the total basic pay (as defined in section 8331(5) of title 5, United States Code) paid to the employees of the State-owned railroad who are covered by the civil service retirement law, the percentage rate determined annually by the Director of the Office of Personnel Management to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate, specified in section 8334(a) of title 5, United States Code. The State-owned railroad shall pay into the Federal Civil Service Retirement and Disability Fund that portion of the cost of administration of such Fund which is demonstrated by the Director of the Office of Personnel Management to be attributable to its employees.

(2) At any time during the 2-year period commencing on the date of transfer, the State-owned railroad shall have the option of providing to transferred employees retirement benefits, reflecting prior Federal service, in or substantially equivalent to benefits under the retirement program maintained by the State for State employees. If the State decides to provide benefits under this paragraph, the State shall provide such benefits to all transferred employees, except those employees who will meet the age and service requirements for retirement under section 8336(a), (b), (c) or (f) of title 5, United States Code, within 5 years after the date of transfer and who elect to remain participants in the Federal retirement program.

(3) If the State provides benefits under paragraph (2) of this subsection—

(A) the provisions of paragraph (1) of this subsection regarding payments into the Civil Service Retirement and Disability Fund for those employees who are transferred to the State program shall have no further force and effect (other than for employees who will meet the age and service requirements for retirement under section 8336(a), (b), (c) or (f) of title 5, United States Code, within 5 years after the date of transfer and who elect to remain participants in the Federal retirement program); and

(B) all of the accrued employee and employer contributions and accrued interest on such contributions made by and on behalf of the transferred employees during their prior Federal service (other than amounts for employees who will meet the age and service requirements for retirement under section 8336(a), (b), (c) or (f) of title 5, United States Code, within 5 years after the date of transfer and who elect to remain participants in the Federal retirement program) shall be withdrawn from the Federal Civil Service Retirement and Disability Fund and shall be paid into the retirement fund utilized by the State-owned railroad for the transferred employees, in accordance with the provisions of paragraph (2) of this subsection. Upon such payment, credit for prior Federal service under the Federal civil service retirement system shall be forever barred, notwithstanding the provisions of section 8334 of title 5, United States Code.

(b) Employees of the Alaska Railroad who do not transfer to the State-owned railroad shall be entitled to all of the rights and

benefits available to them under Federal law for discontinued employees.

(c) Transferred employees whose employment with the State-owned railroad is terminated during the 2-year period commencing on the date of transfer shall be entitled to all of the rights and benefits of discontinued employees that such employees would have had under Federal law if their termination had occurred immediately before the date of the transfer, except that financial compensation paid to officers of the Alaska Railroad shall be limited to that compensation provided pursuant to section 604(d)(3)(E) of this title. Such employees shall also be entitled to seniority and other benefits accrued under Federal law while they were employed by the State-owned railroad on the same basis as if such employment had been Federal service.

(d) Any employee who transfers to the State-owned railroad under this title shall not be entitled to lump-sum payment for unused annual leave under section 561 of title 5, United States Code, but shall be credited by the State with the unused annual leave balance at the time of transfer.

STATE OPERATION

Sec. 806. (a)(1) After the date of transfer to the State pursuant to section 604 of this title, the State-owned railroad shall be a rail carrier engaged in interstate and foreign commerce subject to the jurisdiction of the Interstate Commerce Commission under chapter 106 of subtitle IV of title 49, United States Code, and all other Acts applicable to rail carriers subject to that chapter, including the antitrust laws of the United States, except so long as it is an instrumentality of the State of Alaska, the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), the Railroad Retirement Tax Act (26 U.S.C. 3201 et seq.), the Railway Labor Act (45 U.S.C. 181 et seq.), the Act of April 22, 1908 (45 U.S.C. 51 et seq.) (popularly referred to as the "Federal Employers' Liability Act"), and the Railroad Unemployment Insurance Act (45 U.S.C. 551 et seq.). Nothing in this title shall preclude the State from explicitly invoking by law any exemption from the antitrust laws as may otherwise be available.

(2) The transfer to the State authorized by section 604 of this title and the conferral of jurisdiction to the Interstate Commerce Commission pursuant to paragraph (1) of this subsection are intended to confer upon the State-owned railroad all business opportunities available to comparable railroads, including contract rate agreements meeting the requirements of section 10713 of title 49, United States Code, notwithstanding any participation in such agreements by connecting water carriers.

(3) All memoranda which sanction non-compliance with Federal railroad safety regulations contained in 49 CFR Parts 209-236, and which are in effect on the date of transfer, shall continue in effect according to their terms as "waivers of compliance" (as that term is used in section 202(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(c)).

(4) The operation of trains by the State-owned railroad shall not be subject to the requirement of any State or local law which specifies the minimum number of crew members which must be employed in connection with the operation of such trains.

(5) Revenues generated by the State-owned railroad shall be retained and managed by the State-owned railroad for railroad and related purposes.

(6)(A) After the date of transfer, continued operation of the Alaska Railroad by a public corporation, authority or other agency of the State shall be deemed to be

an exercise of an essential governmental function, and revenue derived from such operation shall be deemed to accrue to the State for the purposes of section 118(a)(1) of the Internal Revenue Code of 1954 (26 U.S.C. 118(a)(1)). Obligations issued by such entity shall also be deemed obligations of the State for the purposes of section 163(a)(1) of the Internal Revenue Code of 1954 (26 U.S.C. 163(a)(1)), but not obligations within the meaning of section 13(b)(2) of the Internal Revenue Code of 1954 (26 U.S.C. 163(b)(2)).

(B) Nothing in this title shall be deemed or construed to affect customary tax treatment of private investment in the equipment or other assets that are used or owned by the State-owned railroad.

(b) As soon as practicable after the date of enactment of this Act, the Interstate Commerce Commission shall promulgate an expedited, modified procedure for providing on the date of transfer a certificate of public convenience and necessity to the State-owned railroad. No inventory, valuation, or classification of property owned or used by the State-owned railroad pursuant to subchapter V of chapter 107 of title 49, United States Code (49 U.S.C. 10781 et seq.) shall be required during the two-year period after the date of transfer. The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 252(b) of the Energy Policy and Conservation Act (42 U.S.C. 6362(b)) shall not apply to actions of the Commission under this subsection.

(c) The State-owned railroad shall be eligible to participate in all Federal railroad assistance programs on a basis equal to that of other rail carriers subject to the jurisdiction of the Interstate Commerce Commission under chapter 106 of subtitle IV of title 49, United States Code.

(d) After the date of transfer to the State pursuant to section 604 of this title, the portion of the rail properties within the boundaries of the Chugach National Forest and the exclusive-use easement within the boundaries of the Denali National Park and Preserve shall be subject to laws and regulations for the protection of forest and park values. The right to fence the exclusive-use easement within Denali National Park and Preserve shall be subject to the concurrence of the Secretary of the Interior. The Secretary of the Interior, or the Secretary of Agriculture where appropriate, shall not act pursuant to this subsection without consulting with the Governor of the State of Alaska or in such a manner as to unreasonably interfere with continued or expanded operations and support functions authorized under this title.

FUTURE RIGHTS-OF-WAY

Sec. 809. (a) After the date of enactment of this Act, the State or State-owned railroad may request the Secretary of the Interior or the Secretary of Agriculture, as appropriate under law, to expeditiously approve an application for a right-of-way in order that the Alaska Railroad or State-owned railroad may have access across Federal lands for transportation and related purposes. The State or State-owned railroad may also apply for a lease, permit, or conveyance of any necessary or convenient terminal and station grounds and material sites in the vicinity of the right-of-way for which an application has been submitted.

(b) Before approving a right-of-way application described in subsection (a) of this section, the Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall consult with the Secretary. Approval of an application for a right-of-way, permit,

lease, or conveyance described in subsection (a) of this section shall be pursuant to applicable law. Rights-of-way, grounds, and sites granted pursuant to this section and other applicable law shall conform, to the extent possible, to the standards provided in the Act of March 12, 1914 (43 U.S.C. 975 et seq.) and section 803(6) of this title. Such conformance shall not be affected by the repeal of such Act under section 815 of this title.

(c) Reversion to the United States of any portion of any right-of-way or exclusive-use easement granted to the State or State-owned railroad shall occur only as provided in section 810 of this title. For purposes of such section, the date of the approval of any such right-of-way shall be deemed the "date of transfer".

#### REVERSION

Sec. 810. (a) If, within ten years after the date of transfer to the State authorized by section 804 of this title, the Secretary finds that all or part of the real property transferred to the State under this title, except that portion of real property which lies within the boundaries of the Denali National Park and Preserve, is converted to a use that would prevent the State-owned railroad from continuing to operate, that real property (including permanent improvements to the property) shall revert to the United States Government, or (at the option of the State) the State shall pay to the United States Government an amount determined to be the fair market value of that property at the time its conversion prevents continued operation of the railroad.

(b) If, after the date of transfer pursuant to section 804 of this title, the State discontinues use of any land within the right-of-way, the State's interest in such land shall revert to the United States. The State shall be considered to have discontinued use within the meaning of this subsection and subsection (d) of this section when:

(1) the Governor of the State of Alaska delivers to the Secretary of the Interior a notice of such discontinuance, including a legal description of the property subject to the notice, and a quitclaim deed therefor; or

(2) the State has made no use of the land for a continuous period of eighteen years for transportation, communication, or transmission purposes. Notice of such discontinuance shall promptly be published in the Federal Register by the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, and reversion shall be effected one year after such notice, unless within such one-year period the State brings an appropriate action in the United States District Court for the District of Alaska to establish that the use has been continuing without an eighteen-year lapse. Any such action shall have the effect of staying reversion until exhaustion of appellate review from the final judgment in that action or termination of the right to seek such review, whichever first occurs.

(c) Upon such reversion pursuant to subsection (b) of this section, the Secretary of the Interior shall immediately convey by patent to abutting landowners all right, title and interest of the United States. Where land abutting the reverted right-of-way is owned by different persons or entities, the conveyance made pursuant to this subsection shall extend the property of each abutting owner to the centerline of the right-of-way.

(d) If use is discontinued (as that term is used in subsection (b) of this section) of all or part of those properties of the Alaska Railroad transferred to the State pursuant to this title which lie within the boundaries of the Denali National Park and Preserve or the Chugach National Forest, such prop-

ties or part thereof (including permanent improvements to the property) shall revert to the United States and shall not be subject to subsection (c) of this section. Upon such reversion, jurisdiction over that property shall be transferred to the Secretary of the Interior or the Secretary of Agriculture, as appropriate, for administration as part of the Denali National Park and Preserve or the Chugach National Forest.

(e) Except as provided in subsections (a) through (d) of this section, if, within five years after the date of transfer to the State pursuant to section 804 of this title, the State sells or transfers all or substantially all of the State-owned railroad to an entity other than an instrumentality of the State, the proceeds from the sale or transfer that exceed the cost of any rehabilitation and improvement made by the State for the State-owned railroad and any net liabilities incurred by the State for the State-owned railroad shall be paid into the general fund of the Treasury of the United States.

(f) The Attorney General, upon the request of the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, shall institute appropriate proceedings to enforce this section in the United States District Court for the District of Alaska.

#### OTHER DISPOSITION

Sec. 811. If the Secretary has not certified that the State has satisfied the conditions under section 804 within one year after the date of delivery of the report referred to in section 806(a) of this title, the Secretary may dispose of the rail properties of the Alaska Railroad. Any disposal under this section shall give preference to a buyer or transferee who will continue to operate rail service, except that—

(1) such preference shall not diminish or modify the rights of the Cook Inlet Region, Incorporated (as that term is used in section 12 of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1150)), pursuant to such section, as amended by section 806(d) of this title; and

(2) this section shall not be construed to diminish or modify the powers of consent of the Secretary or the State under section 12(b)(8) of such Act, as amended by section 806(d)(5) of this title.

Any disposal under this section shall be subject to valid existing rights.

#### DENALI NATIONAL PARK AND PRESERVE LANDS

Sec. 812. On the date of transfer to the State (pursuant to section 804 of this title) or other disposition (pursuant to section 811 of this title), that portion of rail properties of the Alaska Railroad within the Denali National Park and Preserve shall, subject to the exclusive-use easement granted pursuant to section 804(b)(1)(D) of this title, be transferred to the Secretary of the Interior for administration as part of the Denali National Park and Preserve, except that a transferee under section 811 of this title shall receive the same interest as the State under section 804(b)(1)(D) of this title.

#### APPLICABILITY OF OTHER LAWS

Sec. 813. (a) The provisions of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act, and including provisions popularly known as the Government in the Sunshine Act), the Federal Advisory Committee Act (5 U.S.C. Appx. 1 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to actions taken pursuant to this title, except to the extent that such laws may be applicable to grant-

ing of rights-of-way under section 806 of this title.

(b) The enactment of this title, actions taken during the transition period as provided in section 605 of this title, and transfer of the rail properties of the Alaska Railroad under authority of this title shall be deemed not to be the disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the "Surplus Property Act of 1944" (50 U.S.C. Appx. 1622). Such events shall not constitute or cause the revocation of any prior withdrawal or reservation of land for the use of the Alaska Railroad under the Act of March 12, 1914 (43 U.S.C. 975 et seq.), the Alaska Statehood Act (note preceding 48 U.S.C. 21), the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1145), the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371), and the general land and land management laws of the United States.

(c) Beginning on the date of enactment of this Act, the ceiling on Government contributions for Federal employees health benefits insurance premiums under section 8906(b)(2) of title 5, United States Code, shall not apply to the Alaska Railroad.

(d) Nothing in this title is intended to enlarge or diminish the acreage entitlement of the State or any Native Corporation pursuant to existing law.

(e) With respect to interests of Native Corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), except as provided in this title, nothing contained in this title shall be construed to deny, enlarge, grant, impair, or otherwise affect any judgment heretofore entered in a court of competent jurisdiction, or valid existing right or claim of valid existing right.

#### CONFLICT WITH OTHER LAWS

Sec. 814. The provisions of this title shall govern if there is any conflict between this title and any other law.

#### REPEAL AND AMENDMENT OF EXISTING STATUTES

Sec. 815 (a) On the date of transfer to the State (pursuant to section 804 of this title) or other disposition (pursuant to section 811 of this title), whichever first occurs, the following provisions are repealed:

(1) The Act of March 12, 1914 (43 U.S.C. 975 et seq.).

(The act of June 24, 1946, to authorize certain expenditures by the Alaska Railroad (60 Stat. 304).

(2) The Act of July 18, 1932, concerning mining of coal adjacent to the Alaska Railroad (30 U.S.C. 208a).

(3) Section 8(D) of the Department of Transportation act (49 U.S.C. 1655(i)).

(b) On the date of transfer to the State (pursuant to section 804 of this title) or other disposition (pursuant to section 811 of this title), whichever first occurs, the following provisions are amended as follows:

(1) Title 5, United States Code, is amended—

(A) in section 305(a), by striking paragraph (3), and by redesignating paragraphs (4)-(8) as paragraphs (3)-(7), respectively;

(B) in section 3401(1), by striking clause (iii), and by redesignating clauses (iv)-(viii) as clauses (iii)-(vii), respectively;

(C) in section 8102(a)(1), by striking clause (iii), and by redesignating clauses (iv)-(ix) as clauses (iii)-(viii), respectively;

(D) in section 5342(a)(1), by striking subparagraph (C), and by redesignating subpar-

agraphs (D)-(J) as subparagraphs (C)-(I), respectively; and

(E) in section 7327, by striking subsection (a), and by striking the subsection designation "(b)".

(3) Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 602(7)) is amended by striking "and the Alaska Railroad".

(3) Section 10749(b) of title 49, United States Code, is amended—

(A) by inserting "or" at the end of paragraph (1)(B);

(B) by striking "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking paragraph (3).

(4) Section 324(a)(1) of the Public Health Service Act (42 U.S.C. 351(a)(1)) is amended by striking "employees of the Alaska Railroad and".

(5) Section 2023(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1(3)(a)) is amended by striking the third sentence.

(6) Section 1(o) of the Railroad Retirement Act of 1974 (45 U.S.C. 231(o)) is amended by inserting immediately after "National Transportation Safety Board," the following: "the State-owned railroad (as defined in the Alaska Railroad Transfer Act of 1982), so long as it is an instrumentality of the State of Alaska,".

#### SEPARABILITY

Sec. 616. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

#### TITLE VII—RAIL SAFETY

##### SHORT TITLE

Sec. 701. This title may be referred to as the "Federal Railroad Safety Authorization Act of 1982".

##### REGULATORY AUTHORITY

Sec. 702. (a) Section 202(h)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(h)(1)) is amended to read as follows:

"(h)(1)(A) The Secretary shall, within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1982, issue such initial rules, regulations, orders, and standards as may be necessary to insure that the construction, maintenance, and operation of railroad passenger equipment maximize safety to rail passengers. The Secretary shall, as a part of any such rulemaking, consider comparable Federal regulations and procedure which apply to other modes of transportation, especially those administered and enforced by the Federal Aviation Administration. The Secretary shall also consider relevant differences between commuter and intercity passenger service. The Secretary shall periodically review any such rules, regulations, orders, and standards and shall, after a hearing in accordance with subsection (b) of this section, make such revisions in any such rules, regulations, orders, and standards as may be necessary.

"(B) The Secretary shall submit to the Congress a report within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1982 with respect to rules, regulations, orders, and standards issued under subparagraph (A) of this paragraph which describes any rules, regulations, orders, and standards issued or to be issued under this subsection, explains the reasons for their issuance, and compares them to comparable Federal regulations and procedures which apply to other modes of transportation, especially those administered and enforced by the Federal Aviation Administration."

(b) The Secretary of Transportation shall, before March 1, 1983, conduct a study of the training of onboard operating and service railroad personnel in evacuation procedures and the use of emergency equipment. The Secretary shall consider, as part of such study, Federal regulations and procedures applicable to other modes of transportation. The Secretary shall submit the results of such study to the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

(c) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by subsection (a) of this section, is further amended by adding at the end thereof the following new subsections:

"(i) The Secretary shall, within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1982, issue rules, regulations, orders, and standards to apply appropriate safety principles to track used for commuter or other short-haul rail passenger service in a metropolitan or suburban area.

"(j) The Secretary shall, within 90 days after the date of enactment of the Federal Railroad Safety Authorization Act of 1982, report to the Congress on whether to issue rules, regulations, orders, and standards to require that the leading car of any railroad train in operation after July 1, 1983, be equipped with an acceptable form of mounted oscillating light.

"(k) As used in this section, the term 'all areas of railroad safety' includes the safety of commuter or other short-haul rail passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979."

##### AUTHORIZATION FOR APPROPRIATIONS

Sec. 703. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

"(1) by redesignating subsection (c) as subsection (d); and

"(2) by adding immediately after subsection (b) the following new subsection:

"(CX1) There are authorized to be appropriated to carry out the provisions of this Act, except section 206(d) of this title and paragraph (3) of this subsection, not to exceed \$29,300,000 for the fiscal year ending September 30, 1983, and not to exceed \$31,400,000 for the fiscal year ending September 30, 1984.

"(2) To carry out the provisions of section 206(d) of this title relating to State safety programs, there are authorized to be appropriated not to exceed \$2,700,000 for the fiscal year ending September 30, 1983, and not to exceed \$2,900,000 for the fiscal year ending September 30, 1984.

"(3) For the purpose of conducting safety research and development activities under this Act, there are authorized to be appropriated not to exceed \$30,000,000 for the fiscal year ending September 30, 1983, and not to exceed \$21,000,000 for the fiscal year ending September 30, 1984, including funds for assisting in the treatment of alcohol and drug abuse problems of railroad employees."

##### MOVEMENT FOR REPAIR

Sec. 704. Section 4 of the Act of April 14, 1910 (45 U.S.C. 13) is amended by striking "where such car can be repaired" and all that follows through "at the sole risk of the carrier," and inserting in lieu thereof the following: "on the line of railroad on which the car was discovered to be defective or insecure where such car can be repaired, or, at the option of a connecting carrier, such car may be hauled to the nearest available point on the line of such connecting carrier

where such car can be repaired if such point is no farther than the nearest available point on the line on which the car was discovered defective or insecure, without liability for the penalties imposed by this section or section 6 of this title, if any such movement is necessary to make such repairs and such repairs cannot be made except at any such repair point; and such movement or hauling of such car shall be at the sole risk of the carrier doing the moving or hauling."

##### ASH PAN ACT

Sec. 705. The Act of May 30, 1906 (45 U.S.C. 17 through 21), commonly referred to as the Ash Pan Act, is repealed.

##### RESPONSIBILITY FOR COMPLIANCE

Sec. 706. Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended to read as follows:

"(a) It shall be unlawful for any railroad to fail to comply with any rule, regulation, order, or standard prescribed by the Secretary under this title."

Amend the title of H.R. 3420 so as to read: "A bill making technical corrections to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes".

Mr. FLORIO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. LENT. Reserving the right to object, Mr. Speaker, and I will not object, I do so solely for the purpose of asking my colleague, the chairman of the Subcommittee on Commerce, Transportation, and Tourism, if he would explain briefly the Senate amendment.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Speaker, I thank the gentleman for the opportunity to explain what it is that has been done. This bill is identical to that bill that was passed by the House yesterday with the following modifications. The Shipping Act provisions have been stricken from the bill, and on the Alaska railroad provision there has been a compromise effectuated whereby the compensation to be paid by the State of Alaska in the event that the Alaska railroad were to be transferred to the State would be fixed by the U.S. Railway Association and there would be no transfer until such compensation were paid.

It is important to note that the rail provisions of this legislation are derived from H.R. 6308. Accordingly, to the extent applicable, the legislative history of H.R. 6308 shall be part of the legislative history of H.R. 3420.

Title III of H.R. 3420 deals with the Northeast corridor improvement project. Basically, it clarifies the scope of the overall project and the availability of funds to complete the project. It also makes funds available to implement improvements and rehabilitation of the rail lines between the main line

of the Northeast corridor and Atlantic City, N.J., so that safe passenger rail service can be operated over this line at a minimum speed of 79 miles per hour not later than September 30, 1985.

The bill requires the Secretary of Transportation to expend or reserve for expenditure, first, a total of \$30 million out of the yearly appropriations for the Northeast corridor improvement project in fiscal years 1983, 1984, and 1985 for improvements to the rail line between the main line of the Northeast corridor and Atlantic City, N.J. This provision is intended simply to make sure that sufficient resources will be made available in a timely manner so that the September 30, 1985, deadline for completing rehabilitation and improvement to the Atlantic City rail line can be met.

The term "expend or reserve for expenditure" is included so that if circumstances over which the Secretary has no control make it impossible for him to actually expend funds out of a particular fiscal year's appropriation for the Northeast corridor improvement project first for the Atlantic City rail improvements, then other corridor improvements can go forward as long as the Secretary first "reserves for expenditure" during that fiscal year funds out of the yearly appropriations for the Northeast corridor improvement project sufficient to permit required improvements and rehabilitation of the Atlantic City rail line to be accomplished by the end of fiscal year 1985.

Of the \$30 million provided for improvements to the Atlantic City rail line, the bill directs the Secretary to expend or reserve for expenditure, first, \$10 million out of the fiscal year 1983 appropriations for the Northeast corridor improvement project so that actual improvement and rehabilitation of the rail line can begin in fiscal year 1983.

Under the bill it should be noted that the Secretary of Transportation is required to expend or reserve for expenditure funds for the Atlantic City rail improvements. However, the Secretary is required by the bill to turn these funds over to Amtrak, and Amtrak, not the Secretary, has exclusive responsibility for implementing the required improvements.

In addition, the bill provides that the State of New Jersey shall consult with Amtrak in the development of the plan for the operation of improved passenger rail service between the mainline of the Northeast corridor and Atlantic City, N.J.

As the only U.S. operator of a national system of intercity rail passenger service, Amtrak has a great deal of expertise that will be valuable to the State of New Jersey in developing and insuring the feasibility of a plan for the operation of service over the Atlantic City rail line. Furthermore, the bill provides that the improvements and rehabilitation implemented by

Amtrak pursuant to this legislation on the Atlantic City rail line must be consistent with the plan approved by the State of New Jersey for the operation of the service. For example, if an operator other than Amtrak is selected to provide service on the Atlantic City rail line, it may be necessary for Amtrak to enter into agreements with other parties to insure that the improvements and rehabilitation of the line are consistent with the plan for operation of the service selected by the State.

Mr. LENT. It is my understanding this amendment has the support of the Department of Transportation; is that correct?

In addition it is my understanding that title III of the Senate amendment makes funds available to consolidate railroad passenger service at Pennsylvania Station in New York City. These funds would be used for the rehabilitation of a rail line required to facilitate rail passenger service between Spuyten Duyvil on the Hudson line and the main line of the Northeast corridor. This proposal, referred to as the west side connection, would allow the Empire Service trains from upstate New York to connect directly with the Northeast corridor at Penn Station. The connection is expected to yield benefits of approximately \$10 million a year. Is my understanding correct as to the inclusion within the Senate amendment of this provision?

Mr. FLORIO. The gentleman is correct in both regards.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Does the gentleman mean we are finally going to get rid of the Alaskan Railroad?

Mr. LENT. That is correct.

Mr. ROUSSELOT. Fantastic.

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SEIBERLING. Mr. Speaker, reserving the right to object, and I will not object, I would just like to ask the gentleman, it is my understanding that this contains the provisions with respect to the land transactions and native rights that were worked out with the representatives of the House Committee on Interior and Insular Affairs, and that the Senate worked out the compromise on the acquisition cost.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

That is exactly correct.

Mr. SEIBERLING. Mr. Speaker, I strongly support this remarkable achievement, and I commend the gentleman from New Jersey for his role in achieving it.

Mr. Speaker, in addition to the concerns for pipeline and rail safety and the other aspects of this bill which I share with all of our colleagues, I have a particular concern for the portion of the bill dealing with the transfer of the Alaska Railroad to the State of Alaska. This concern arises from my responsibilities as chairman of the Subcommittee on Public Lands and National Parks of the Committee on Interior and Insular Affairs.

In conjunction with the distinguished chairman of our full committee, Mr. UDALL, I have carefully reviewed the Alaska Railroad provisions of the bill now before us. I am glad to be able to inform the House that those provisions, which are in title VI of the bill, are in accord with the positions taken by our committee and by the House as a whole after this legislation was reported from our committee and from the Committee on Energy and Commerce.

Therefore, I support the motion to concur in the amendment of the Senate, and I ask unanimous consent to revise and extend my remarks at this point in the Record.

When legislation to transfer the Alaska Railroad was proposed originally in the House, the Committee on Interior and Insular Affairs, through our chairman, Mr. UDALL, noted that we had a distinct interest because such a transfer inevitably involved matters within our committee's jurisdiction under the Rules of the House. Accordingly, the bill reported by the Committee on Energy and Commerce (H.R. 6308) was also referred to our committee, and we added a number of provisions relating to the procedure, terms, and conditions of the transfer. Thanks to the generous cooperation of the Committee on Energy and Commerce, and especially of the chairman of the subcommittee involved, Mr. FLORIO, those provisions were included within the bill that was brought to the floor and which the House passed on August 12, 1982.

Since that time, our committee has continued to play an active role with regard to the proposals to transfer the railroad, insofar as those proposals have involved matters within our jurisdiction.

By way of background, I should explain that the Alaska Railroad was authorized to be built by an act of Congress in 1914, and has been in operation since 1923. It is currently administered by the Department of Transportation. The railroad extends from the port town of Seward, at the southern end of the Kenai Peninsula, to Fairbanks. Between Anchorage and Fairbanks, its route passes through a portion of the Denali National Park and Preserve. Between Anchorage and Seward, the route crosses the Chugach National Forest.

Under the rules of the House, the Committee on Interior and Insular Affairs has jurisdiction over both the national park system and the national forests which were created by reservations from the public domain; the Chugach National Forest is in that category.

A number of Native corporations have asserted claims to land held by the railroad, under the provisions of the Alaska Native Claims Settlement Act. Generally, these claims are premised on section 3(e) of that act, which defines "public lands" for purposes of that act. Only public lands were to be made available for Native selections under the act. That section, in pertinent part, defines "public lands" as "all Federal lands and interests therein except: First, the smallest practicable tract, as determined by the Secretary of the Interior enclosing land actually used in connection with the administration of any Federal installations \* \* \*". To date, there has been no final determination of what is the smallest practicable tract of land actually used by the Alaska Railroad; thus there has been no final determination of the validity of the several selections of railroad-held properties by the Native corporations.

The Committee on Interior and Insular Affairs, of course, has exclusive jurisdiction, under the rules of the House, over all matters involving Indians, including the Alaska Native Claims Settlement Act.

The 1914 act providing for establishment of the Alaska Railroad requires (43 U.S.C. 975d) that "all patents for lands taken up, entered, or located in Alaska after March 12, 1914" must include a reservation for rights-of-way for the construction of railroads, telegraph, and telephone lines. The significance of this requirement and its relationship to subsequent provisions of laws such as the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and the Alaska National Interest Lands Conservation Act, which includes a title, title XI, dealing with rights-of-way across certain Federal lands, is unclear. It is also unclear whether such a reserved right would be held to be transferred to the State in the event of transfer would be held to be transferred to the State in the event of transfer to the State of the Alaska Railroad, without clear provisions in any transfer legislation.

These also are matters within the special responsibilities and concerns of the Committee on Interior and Insular Affairs.

Let me briefly address myself to each of these matters and the position on each which was taken by the Committee on Interior and Insular Affairs, positions which were reflected in the House bill, H.R. 6308, which dealt with the transfer of the railroad.

First, with regard to the portions of the railroad which cross Denali National Park and Preserve and the Chugach National Forest: The Committee

on Interior and Insular Affairs concluded, as our Committee's Report (97-571, part II) explained, that "the exact status of the Railroad's present holdings" within those areas "is not to be viewed as determinative of the question of the extent to which those holdings should be transferred to the State." It was our view, and the view endorsed by the House through passage of H.R. 6308, that the State should be granted a railroad easement through Denali National Park and Preserve and the Chugach National Forest so as to allow continued operation of the railroad without creating new administrative and management problems arising from the creation of new non-Federal inholdings.

As it comes back to us from the Senate, the bill now before us meets our committee's concerns about the relationship between the railroad and the national park and national forest system, once the railroad is no longer in Federal ownership. Under section 604(b)(1)(D), on the date of transfer of the railroad the State will be granted an exclusive use easement for the portion of the railroad within Denali National Park and Preserve. This easement may be used only for railroad purposes and for such other transportation, transmission, or communication purposes for which the park lands subject to the easement were used on the date of enactment of the bill. And while under the bill the State will receive outright title to the portion of the railroad within the boundaries of the Chugach National Forest, that part of the railroad will be subject to all the laws and regulations for the protection of the resources and values of the national forest, pursuant to section 608(d) of the bill. Similarly, section 608(d) provides that the railroad-easement lands within the boundaries of the national park will be subject to all the laws and regulations for protection of the resources and values of the park, and also explicitly states that the Secretary of the Interior must concur before the State may be permitted to fence any of the lands within the national park affected by the railroad easement.

The bill is also acceptable with regard to the treatment of the various Native claims affecting railroad holdings. On this topic, I believe that it would be helpful to provide Members with some background information and a detailed discussion.

Since the enactment of the Alaska Native Claims Settlement Act (ANCSA) in 1971 there has been considerable controversy between village corporations representing Alaska Native villages located proximate to the Alaska Railroad (ARR) and the Federal Railroad Administration (FRA) regarding the validity of land selections filed by the corporations for lands which were reserved or withdrawn prior to the date of enactment of ANCSA for the use of the ARR.

If village corporation selections of ARR lands are valid they represent a solemn commitment of the United States to the Alaska Native people. However, ARR lands essential to the continued operation of the railroad by the State of Alaska should remain a part of the rail properties of the Alaska Railroad. The bill now before us reconciles these two competing policy goals in the following manner.

After enactment, and even on the date of transfer of the Railroad to the State, ARR lands, which are subject to claims of valid existing rights, including but not limited to land selection applications filed by village corporations pursuant to ANCSA, will remain in Federal ownership until such time as the validity of such claims is determined.

With respect to village corporation land selections, during the 10-month period following the date of enactment, the Secretary of the Interior, the State, and the village corporations with pending claims will make a good faith effort to agree whether ARR lands which have been selected by a village corporation should be conveyed to the corporation or the State. If the parties agree that a particular parcel of land which is the subject of a village corporation land selection application should be conveyed to the corporation, the parcel shall be immediately conveyed to the village corporation and the regional corporation representing the region within which the village is located, pursuant to the terms and conditions of ANCSA, and the acreage of the parcel will be deducted from the acreage entitlement of the village corporation under that act.

With respect to the village of Cantwell, its village corporation has been merged into Ahtna, Inc., a regional corporation; for purposes of this bill then, Ahtna, Inc. is the village corporation for Cantwell.

The conveyance of a parcel of land to native corporations as the result of an agreement between the parties shall not give rise to a presumption as to whether the parcel is or is not public land. Consequently, if a native corporation which has received a conveyance desires to compel the Federal Railroad Administration to pay the corporation any of the proceeds derived from the parcel subsequent to its selection by a village corporation, the corporation must file a civil action and obtain declaratory relief that the parcel is in fact public land within the meaning of the relevant provisions of ANCSA.

If the parties agree that a particular parcel of land which is the subject of a village corporation land selection application should remain part of the rail properties of the Alaska Railroad, the parcel shall be conveyed to the State pursuant to section 604(b)(2).

If at the end of the 10-month negotiation period the parties have not

agreed that a particular parcel of land which is the subject of a selection application filed by a village corporation should be conveyed to either the corporation or the State, the Secretary of the Interior shall adjudicate whether the parcel is public land available for selection by and conveyance to the corporation pursuant to ANCSA. The Secretary shall make his determination based on the standards set forth in the regulations implementing section 3(e) of ANCSA which he promulgated on October 22, 1980 (43 C.F.R. subpart 2655). The Secretary of the Interior shall complete his final administrative adjudication with respect to each parcel of land which is the subject of a village corporation land selection application within 2 years from the date of enactment of this act. However, the Secretary of the Interior shall not adjudicate the validity of a village corporation's selection of a parcel of land which is the subject of an agreement between the parties. "Final administrative adjudication" means the administrative procedure which the Bureau of Land Management, the Interior Board of Land Appeals, and the Secretary of the Interior employ to determine the availability of lands subject to a land selection application filed by a Native corporation for selection by and conveyance to Native corporations pursuant to ANCSA.

If the Secretary of the Interior determines that a parcel of land is public land available for selection by and conveyance to Native corporations, he shall immediately convey such parcel to the appropriate corporations, pursuant to the terms and conditions of ANCSA and shall deduct the acreage of the parcel from the acreage entitlement of the village corporation which filed the selection application. If the Secretary of the Interior determines that the parcel is not public land he shall immediately convey the parcel to the State pursuant to section 604(b)(2).

A decision by the Secretary of the Interior as the result of a final administrative adjudication that a parcel of land is or is not public land available for selection by and conveyance to Native corporations may be the subject of judicial review, in the U.S. District Court for the District of Alaska and by the appellate courts. The party seeking judicial review may request the district court and the appellate courts, as appropriate, to enjoin the conveyance of the parcel to the opposing party and for other appropriate injunctive relief. Similarly, injunctive relief is also available with respect to judicial review of any other administrative action undertaken pursuant to this Act. However, neither the district court nor the appellate courts may enjoin or otherwise delay the transfer of the railroad to the State or grant injunctive relief which will substantially impair or impede the operation of the railroad.

Prior to a decision by the State not to accept the transfer of the railroad, the State shall have standing to participate in both the administrative proceedings of the Secretary of the Interior relating to his final administrative adjudication of a village corporation's selection of lands among the rail properties of the Alaska Railroad and the proceedings of the district and appellate courts relating to judicial review of the final administrative adjudication. However, the State's standing shall cease at any time it determines not to accept the transfer of the Alaska Railroad and it shall not participate further in any administrative or judicial proceedings to which it was a party prior to the date of such determination. The State's standing to participate in any other administrative proceedings or judicial review pursuant to this act also shall cease at any time it determines not to accept the transfer of the Alaska Railroad.

Because of the importance of lands within the right-of-way to the continued operation of the State-owned railroad, if a village corporation land selection application includes lands within a portion of the right-of-way, the village corporation may relinquish its claim to the lands within the right-of-way at any time prior to a final administrative adjudication of the validity of its selection of the lands described in the application. In lieu of the lands within the right-of-way claims to which are so relinquished, the village corporation shall be conveyed lands from among its other selections or, if its other selections are insufficient to insure that the corporation will receive conveyance of its full acreage entitlement, from lands withdrawn for selection by and conveyance to the corporation pursuant to section 22(X2) of ANCSA, as amended. Under no circumstances shall relinquishments of lands within the right-of-way, relinquishments of lands as the result of an agreement between a village corporation and the State pursuant to section 606(b)(1)(A), or any other agreement, or administrative or judicial action undertaken as a result of this act result in a diminishment of the acreage entitlement of any Native Corporation pursuant to ANCSA. However, if lands within a portion of the right-of-way should revert to the Federal Government pursuant to section 610, Native corporations whose property abuts the portion of the right-of-way which is the subject of the reversion shall, like all other landowners whose property abuts the right-of-way, receive conveyance of the right-of-way pursuant to section 610(c), and lands within the right-of-way conveyed pursuant to section 610(c) shall not be deemed to have been conveyed pursuant to ANCSA and shall not be charged against the acreage entitlement of any Native corporation.

If a village corporation does not relinquish lands within the right-of-way

which are described in a land selection application, the availability for selection and conveyance of the lands described in the application shall be adjudicated by the Secretary of the Interior pursuant to the standards set forth in the regulations implementing section 3(e) of ANCSA which were promulgated on October 22, 1980. If the lands described in the application are determined by the Secretary of the Interior to be available for selection by and conveyance to the corporation pursuant to those regulations, the Secretary of the Interior must then determine whether to retain the lands within the right-of-way in fee and convey such lands to the State pursuant to section 604(b)(2) of this act or to convey the lands within the right-of-way to the appropriate Native corporations reserving an easement for railroad purposes pursuant to section 17(b) of ANCSA. In this regard section 606(b)(X)(XII) of the bill makes it clear that the Congress has determined that reserving an easement rather than retaining the lands within the right-of-way in fee will not afford the State sufficient protection or safe and economic operation of the railroad. Consequently, under this bill, the Secretary of the Interior shall not convey to the appropriate Native corporations the lands within the right-of-way; instead the Secretary of Transportation shall convey such lands to the State, pursuant to section 604(b)(2).

It should be emphasized that the above-described procedures for settling claims of valid existing rights filed by village corporations apply only to the settlement of claims to lands which have been validly claimed by the Alaska Railroad prior to the date of enactment of ANCSA under a public land order, executive order, statute, or similar color of law.

Between the date of enactment of the bill now before us and the conveyance of a parcel of land to the appropriate Native corporations pursuant to the above-described procedures, the Federal Railroad Administration shall administer each parcel of land which is the subject of a land selection application filed by a village corporation pursuant to applicable law and the terms and conditions of the memorandum of understanding described in section 607(b)(3) regardless of whether a particular village corporation has signed the memorandum. Similarly, between the date of transfer and the conveyance of a parcel of land to the appropriate Native corporations, the State shall conform its occupation and use of the parcel to the terms and conditions of the memorandum regardless of whether the village corporation which selected the parcel has signed the memorandum.

It should be emphasized that with the exception of first, the 10-month negotiation period set forth in section 606(b)(1)(A); second, the authority of



a village corporation to relinquish lands within a portion of the right-of-way without having to relinquish all of the other lands which are the subject of the same land selection application as set forth in section 603(b)(4)(A)(i); third, the occupancy, use, and administration of lands by the Federal Railroad Administration and the State pursuant to the terms and conditions of the memorandum of understanding described in section 606(b)(3); fourth, the State's standing to participate in administrative and judicial proceedings pursuant to section 606(c)(3); and fifth, section 606(a) and 608(d), nothing in this bill is intended to deny, enlarge, grant, impair, or otherwise affect any judgment heretofore entered in a court of competent jurisdiction, or valid existing right or claim of valid existing right or other interest of any Native corporation under ANCSA or the Alaska National Interest Lands Conservation Act. This is made clear by the terms of section 613(e).

Similarly, it should be emphasized that nothing in this act is intended to enlarge, diminish, or in any way alter the responsibility of the Federal Railroad Administration, and after the date of transfer the State, to deposit the proceeds derived from lands selected by Native corporations into the escrow account established by section 2 of Public Law 94-204, as amended. If lands which have been administered by the Federal Railroad Administration and selected by Native corporations are public lands which will be conveyed to Native corporations pursuant to ANCSA or as a result of the enactment of this act, then the Native corporations which receive conveyance of the lands are entitled to the proceeds which have been derived from those lands subsequent to the filing of their land selection applications. If such lands are adjudicated not to be public lands available for Native corporation selection and conveyance, then the proceeds derived from such lands remain the property of the Federal Railroad Administration, or after the date of transfer the State.

Unfortunately, since 1976 the Federal Railroad Administration has failed to deposit any proceeds from lands subject to Native corporation land selection applications in to the escrow account. However, pursuant to section 604(d)(2)(B) the United States remains responsible for all claims against the Alaska Railroad, including but not limited to claims against the Federal Railroad Administration for failure to deposit proceeds in the escrow account. Similarly, although the State is authorized pursuant to section 604(b)(1)(C) and (b)(4) to receive all benefits of lands which are the subject of the exclusive license, pursuant to section 604(d)(2)(A) the State also is responsible for the obligations of the Alaska Railroad after the date of transfer. And such obligations may include the obligation to deposit the pro-

ceeds derived from lands which are the subject of land selection applications filed by Native corporations into the escrow account until such time as the lands are conveyed to either the Native corporations or the State.

Finally, Mr. Speaker, there are the remaining matters of concern to the Committee on Interior and Insular Affairs which are touched on in this bill.

Section 615(a)(1) provides that, on the date of transfer of the Railroad or other disposal of the Railroad pursuant to section 611, the original act of March 12, 1914, pursuant to which the railroad came into being, will be repealed. The reference to "other disposition" reflects the fact that section 611 gives the State 1 year after enactment of the bill to fulfill the conditions imposed for the State's receipt of the railroad and that if the State does not meet those conditions within that period, the Secretary of Transportation then will be authorized to dispose of the railroad. Such disposal would apparently be by sale, lease, or similar transaction. In any event, section 612 makes it clear that should the Secretary, under the authority of section 611, dispose of the railroad to any party other than the State, such party will receive no greater rights within the Denali National Park and Preserve than the State would receive under the other provisions of the bill. Similarly, it is our understanding that the portion of the Railroad within the Chugach National Forest would, under section 608(d) remain subject to the laws and regulations for protection of the values and resources of the national forest, regardless of the transfer of the title of those railroad lands.

As to future rights-of-way, section 609(a) provides that such rights-of-way for additions to or expansions of the railroad will be granted only in accordance with the provisions of applicable existing law, including but not limited to the Federal Land Policy and Management Act of 1976, the Alaska National Interest Lands Conservation Act, or the National Environmental Policy Act. Applicable existing law will also govern the granting of future leases, permits, or conveyances for terminal and station grounds and material sites which may be sought in connection with future rights-of-way.

In this connection, I should point out that the phrase "right-of-way" is used in different ways in different parts of title VI. Except with regard to section 609, the section dealing with future rights-of-way that may be applied for, for extending the railroad, the term refers to an area extending for certain specified distances on each side of the centerline of the railroad's main or branch lines—that is, those lines where railroad tracks are now in place. I believe that it is generally understood and agreed that there are places along the railroad's route where the railroad in fact has control over slightly different areas besides its tracks than the general area addressed

in the definition section, whether because of ownership patterns, prior Federal actions, or for other reasons.

I should also point out, Mr. Speaker, that the Committee on Interior and Insular Affairs has not been involved in the debate over whether the United States should receive monetary or other compensation for the transfer of the railroad. That matter, in the House, is within the jurisdiction of the Committee on Energy and Commerce.

Mr. Speaker, let me conclude by pointing out that the Committee on Interior and Insular Affairs has attempted to act in an expeditious and cooperative manner with regard to this important legislation, while at the same time fulfilling our responsibilities under the rules of the House for a careful review of those aspects of this bill which are within our jurisdiction. I want to express my appreciation for the courtesy and consideration of the members of the Committee on Energy and Commerce, and in particular Mr. FLORIO, the chairman of the Subcommittee on Commerce, Transportation, and Tourism. So far as concerns the provisions of title VI, relating to the Alaska Railroad, the bill that they have brought before the House today is sound and I believe that it deserves the approval of the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. FLORIO)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three conference reports on H.R. 5470, H.R. 7093, and H.R. 6056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.