

HOUSE BILL NO. 924

INTRODUCED BY MEASURE, RANEY
BY REQUEST OF THE HOUSE NATURAL
RESOURCES COMMITTEE

IN THE HOUSE

FEBRUARY 18, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

 FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 77; NOES, 22.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

 FIRST READING.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 41; NOES, 9.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 11, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 924
 2 INTRODUCED BY Measur Roney
 3 BY REQUEST OF THE HOUSE NATURAL
 4 RESOURCES COMMITTEE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A FIRST RIGHT
 7 OF REFUSAL FOR A RIGHT-OF-WAY TO PUBLIC RECREATIONAL TRAIL
 8 USERS UPON THE SALE OF A RAILBED; AND AMENDING SECTION
 9 60-11-111, MCA."

10
 11 WHEREAS, the legislature recognizes that there is an
 12 ever-increasing demand for public recreational trails; and

13 WHEREAS, abandoned railbeds are uniquely suited for
 14 public recreational uses; and

15 WHEREAS, the potential value of abandoned railbeds as
 16 public rights-of-way should be evaluated prior to their
 17 disposal; and

18 WHEREAS, abandoned railbeds may be held in trust as
 19 public recreational trails until such time as the railbeds
 20 can be reactivated as a railroad.

21
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 NEW SECTION. **Section 1. Definitions.** As used in
 24 [section 3], the following definitions apply:

25 (1) "Public recreational trail user" means a local

1 government or an incorporated not-for-profit corporation
 2 that has as its stated purpose the development, use, or
 3 maintenance of public recreational trails.

4 (2) "Public recreational use" means the uses provided
 5 in 70-17-102(1), (5), and (7).

6 (3) "Rail banked" means holding an easement of
 7 right-of-way over a railbed in trust for use as a
 8 recreational trail until such time as the railbed is needed
 9 for transportation purposes.

10 (4) "Railbed" means the fee or lessor interest in the
 11 land 8.5 feet to either side of the centerline of the
 12 railroad track.

13 (5) "Railroad" means a railroad corporation or its
 14 trustee or successor in interest or a nonrailroad-holding
 15 corporation that owns controlling interest in a railroad.

16 **Section 2.** Section 60-11-111, MCA, is amended to read:

17 **"60-11-111. Identification and acquisition of railroad**
 18 **rights-of-way.** (1) Identification of those railroad lines
 19 proposed for abandonment in the state of Montana that may
 20 have potential for local transportation service or future
 21 use as transportation corridors is necessary to determine
 22 the feasibility of acquisition by the state and to allow the
 23 state to negotiate for acquisition of those railroad lines
 24 or easements therein.

25 (2) The department of commerce:

1 (a) shall identify railroad rights-of-way in this state
2 that may be abandoned and research the feasibility of
3 acquisition by the state of Montana of those rights-of-way
4 that may be abandoned;

5 (b) shall report periodically to the legislative
6 finance committee, created in 5-12-201, on the progress of
7 the duties imposed upon it pursuant to subsection (2)(a);
8 and

9 (c) may negotiate for and acquire easements in the
10 rights-of-way or the railroad rights-of-way and attendant
11 facilities identified pursuant to subsection (2)(a) and:

12 (i) hold all such acquired lands in trust for
13 transportation purposes; and

14 (ii) upon creation of an appropriate local authority,
15 other than an agency of state government, shall transfer to
16 such local authority all attendant facilities and all rights
17 and responsibility to operate and maintain transportation
18 services over the lands acquired in subsection (2)(c).

19 (3) The department of commerce may contract with a
20 private person or organization to complete its
21 responsibilities under subsection (2).

22 ~~(3)~~(4) Abandoned rights-of-way acquired and held in
23 trust pursuant to subsection (2)(c)(i) must be administered
24 by the department of state lands as prescribed in Title 77,
25 until such time as the land is needed for transportation

1 purposes."

2 NEW SECTION. Section 3. First right to easement. (1)

3 Except as provided in subsection (4), a railroad may not
4 sell or offer for sale an interest in a railbed or land
5 adjacent to a railbed when the sale of the adjacent land
6 would prevent the public's right to use the railbed for a
7 right-of-way unless it first extends a right of refusal of
8 an easement for right-of-way to those persons or entities
9 interested in obtaining an easement over the railbed for
10 public recreational use.

11 (2) A railroad may commission a public recreational
12 trail user to conduct an investigation and prepare a report
13 analyzing the feasibility of use of the railbed for public
14 recreational uses. If the report concludes that the subject
15 parcel is not suited for public recreational use, the
16 proposed sale may close 30 days after the publication of the
17 report.

18 (3) A railbed with an easement acquired under this
19 section is considered to be rail banked.

20 (4) Railbeds acquired by a railroad by an easement the
21 terms of which limit the use of the railbed exclusively to
22 railroad purposes must first be offered to the owners of the
23 reversionary estate.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 924

INTRODUCED BY MEASURE, RANEY
BY REQUEST OF THE HOUSE NATURAL
RESOURCES COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROVIDING A FIRST-RIGHT~~
~~OF REFUSAL FOR A RIGHT-OF-WAY TO PUBLIC RECREATIONAL TRAIL~~
~~USERS UPON THE SALE OF A RAILBED~~ REQUIRING THE DEPARTMENT OF
COMMERCE TO ASSIST PERSONS REPRESENTING RECREATIONAL,
TRANSPORTATION, AND UTILITY INTERESTS IN ACQUIRING OWNERSHIP
OR EASEMENT OF ABANDONED RAILBEDS; AND AMENDING SECTION
60-11-111, MCA."

WHEREAS, the legislature recognizes that there is an
ever-increasing demand for public recreational trails; and

WHEREAS, abandoned railbeds are uniquely suited for
public recreational uses; and

WHEREAS, the potential value of abandoned railbeds as
public rights-of-way should be evaluated prior to their
disposal; and

WHEREAS, abandoned railbeds may be held in trust as
public recreational trails until such time as the railbeds
can be reactivated as a railroad.

STATEMENT OF INTENT

IT IS THE POLICY OF THE STATE OF MONTANA TO PRESERVE THE
INTEGRITY OF ABANDONED OR VACANT RAILROAD CORRIDORS FOR THE
PURPOSE OF RECREATIONAL, TRANSPORTATION, AND UTILITY
CORRIDORS. ACCORDINGLY, THE STATE AND THE DEPARTMENT OF
COMMERCE SHOULD MAKE EVERY EFFORT TO PRESERVE THESE
CORRIDORS INTACT FOR FUTURE USES.

TO FURTHER THIS POLICY AND TO ALERT THE PUBLIC OF THE
POTENTIAL AVAILABILITY OF ABANDONED RAILBEDS, THE DEPARTMENT
SHALL IDENTIFY AND MAINTAIN A LIST OF PERSONS REPRESENTING
RECREATIONAL, TRANSPORTATION, AND UTILITY INTERESTS
THROUGHOUT THE STATE WHO HAVE A POTENTIAL INTEREST OR STAKE
IN ABANDONED RAILROAD CORRIDORS. UPON RECEIVING NOTIFICATION
FROM THE INTERSTATE COMMERCE COMMISSION OF AN IMPENDING
ABANDONMENT PROCEEDING FOR A RAILBED IN THE STATE, THE
DEPARTMENT SHALL, PURSUANT TO 60-11-111(2)(D), NOTIFY EACH
OF THE PERSONS ON THE LIST. UPON RECEIVING A REQUEST FROM AN
INTERESTED PERSON REPRESENTING A RECREATIONAL,
TRANSPORTATION, OR UTILITY INTEREST, THE DEPARTMENT SHALL
ARRANGE FOR AND FACILITATE DISCUSSIONS BETWEEN THE PERSON
AND THE RAILROAD. THE DEPARTMENT SHALL ASSIST WITH THESE
DISCUSSIONS FOR NO LONGER THAN 30 DAYS, AND THE RAILROAD,
UNDER THESE CIRCUMSTANCES, SHALL RESPOND TO ANY PROPOSAL SET
FORTH BY AN INTERESTED PERSON OR THE DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 NEW SECTION. Section 1. Definitions. As used in
2 [section 32], the following definitions apply:

3 ~~{1}--"Public recreational trail user" means a local~~
4 ~~government or an incorporated not-for-profit corporation~~
5 ~~that has as its stated purpose the development, use, or~~
6 ~~maintenance of public recreational trails.~~

7 ~~{2}--"Public recreational use" means the uses provided~~
8 ~~in 70-17-102(1), (5), and (7).~~

9 ~~{3}--"Rail banked" means holding an easement of~~
10 ~~right-of-way over a railbed in trust for use as a~~
11 ~~recreational trail until such time as the railbed is needed~~
12 ~~for transportation purposes.~~

13 ~~{4}(1) "Railbed" means the fee or lessor interest in~~
14 ~~the land 8.5 feet to either side of the centerline of the~~
15 ~~railroad track.~~

16 ~~{2} "RECREATIONAL INTEREST" MEANS A LOCAL GOVERNMENT OR~~
17 ~~A NOT-FOR-PROFIT CORPORATION THAT HAS AS ITS STATED PURPOSE~~
18 ~~THE DEVELOPMENT, USE, OR MAINTENANCE OF PUBLIC RECREATIONAL~~
19 ~~TRAILS.~~

20 ~~{5}--"Railroad" means a railroad corporation or its~~
21 ~~trustee or successor-in-interest or a nonrailroad holding~~
22 ~~corporation that owns controlling interest in a railroad.~~

23 **Section 2.** Section 60-11-111, MCA, is amended to read:

24 "60-11-111. Identification and acquisition of railroad
25 rights-of-way. (1) Identification of those railroad lines

1 proposed for abandonment in the state of Montana that may
2 have potential for local transportation service or future
3 use as transportation corridors is necessary to determine
4 the feasibility of acquisition by the state and to allow the
5 state to negotiate for acquisition of those railroad lines
6 or easements therein.

7 (2) The department of commerce:

8 (a) shall identify railroad rights-of-way in this state
9 that may be abandoned and research the feasibility of
10 acquisition by the state of Montana of those rights-of-way
11 that may be abandoned;

12 (b) shall report periodically to the legislative
13 finance committee, created in 5-12-201, on the progress of
14 the duties imposed upon it pursuant to subsection (2)(a);
15 and

16 (c) may negotiate for and acquire easements in the
17 rights-of-way or the railroad rights-of-way and attendant
18 facilities identified pursuant to subsection (2)(a) and:

19 (i) hold all such acquired lands in trust for
20 transportation purposes; and

21 (ii) upon creation of an appropriate local authority,
22 other than an agency of state government, shall transfer to
23 such local authority all attendant facilities and all rights
24 and responsibility to operate and maintain transportation
25 services over the lands acquired in subsection (2)(c); AND

1 ~~{3}--The--department--of--commerce--may--contract--with--a~~
 2 ~~private--person--or--organization--to--complete--its~~
 3 ~~responsibilities--under--subsection--{2};~~

4 (D) SHALL COOPERATE WITH AND ASSIST PERSONS
 5 REPRESENTING RECREATIONAL, TRANSPORTATION, AND UTILITY
 6 INTERESTS IN ACQUIRING OWNERSHIP OR EASEMENT OF ABANDONED
 7 RAILBEDS.

8 ~~{3}{4}(3)~~ Abandoned rights-of-way acquired and held in
 9 trust pursuant to subsection (2)(c)(i) must be administered
 10 by the department of state lands as prescribed in Title 77,
 11 until such time as the land is needed for transportation
 12 purposes."

13 NEW SECTION. Section 3. First right to easement. {1}
 14 Except as provided in subsection {4}, a railroad may not
 15 sell or offer for sale an interest in a railbed or land
 16 adjacent to a railbed when the sale of the adjacent land
 17 would prevent the public's right to use the railbed for a
 18 right-of-way unless it first extends a right of refusal of
 19 an easement for right-of-way to those persons or entities
 20 interested in obtaining an easement over the railbed for
 21 public recreational use.

22 {2}--A--railroad--may--commission--a--public--recreational
 23 trail--user--to--conduct--an--investigation--and--prepare--a--report
 24 analyzing--the--feasibility--of--use--of--the--railbed--for--public
 25 recreational--uses--if--the--report--concludes--that--the--subject

1 parcel--is--not--suited--for--public--recreational--use--the
 2 proposed--sale--may--close--30--days--after--the--publication--of--the
 3 report.

4 {3}--A--railbed--with--an--easement--acquired--under--this
 5 section--is--considered--to--be--rail-banked.

6 {4}--Railbeds--acquired--by--a--railroad--by--an--easement--the
 7 terms--of--which--limit--the--use--of--the--railbed--exclusively--to
 8 railroad--purposes--must--first--be--offered--to--the--owners--of--the
 9 reversionary--estate.

10 NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF
 11 [THIS ACT] IS PASSED AND APPROVED AND HOUSE BILL NO. 233
 12 FAILS TO BE PASSED AND APPROVED, THEN THIS BILL IS VOID.

-End-

1 HOUSE BILL NO. 924
 2 INTRODUCED BY MEASURE, RANEY
 3 BY REQUEST OF THE HOUSE NATURAL
 4 RESOURCES COMMITTEE
 5
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 14 WHEREAS, the legislature recognizes that there is an
 15 ever-increasing demand for public recreational trails; and

16 WHEREAS, abandoned railbeds are uniquely suited for
 17 public recreational uses; and

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 19 public rights-of-way should be evaluated prior to their
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 21 DISCUSSIONS FOR NO LONGER THAN 30 DAYS, AND THE RAILROAD,
 22 UNDER THESE CIRCUMSTANCES, SHALL RESPOND TO ANY PROPOSAL SET
 23 FORTH BY AN INTERESTED PERSON OR THE DEPARTMENT.

24
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 NEW SECTION. Section 1. Definitions. As used in
2 [section 92], the following definitions apply:

3 {1}--"Public-recreational-trail-user"--means--a-local
4 government-or--an--incorporated--not-for-profit--corporation
5 that--has--as--its--stated--purpose--the-development,-use,-or
6 maintenance-of-public-recreational-trails;

7 {2}--"Public-recreational-use"--means--the--uses--provided
8 in-70-17-102(1),-(5),-and-(7);

9 {3}--"Rail-banked"--means--holding--an--easement--of
10 right-of-way--over--a--railbed--in--trust--for--use--as--a
11 recreational--trail-until-such-time-as-the-railbed-is-needed
12 for-transportation-purposes;

13 {4}{1} "Railbed" means the fee or lessor interest in
14 the land 8.5 feet to either side of the centerline of the
15 railroad track.

16 {2} "RECREATIONAL INTEREST" MEANS A LOCAL GOVERNMENT OR
17 A NOT-FOR-PROFIT CORPORATION THAT HAS AS ITS STATED PURPOSE
18 THE DEVELOPMENT, USE, OR MAINTENANCE OF PUBLIC RECREATIONAL
19 TRAILS.

20 {5}--"Railroad"--means--a--railroad--corporation--or--its
21 trustee--or--successor--in-interest--or--a--nonrailroad--holding
22 corporation--that--owns--controlling--interest--in--a--railroad;

23 **Section 2.** Section 60-11-111, MCA, is amended to read:

24 "60-11-111. Identification and acquisition of railroad
25 rights-of-way. (1) Identification of those railroad lines

1 proposed for abandonment in the state of Montana that may
2 have potential for local transportation service or future
3 use as transportation corridors is necessary to determine
4 the feasibility of acquisition by the state and to allow the
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12 (b) shall report periodically to the legislative
13 finance committee, created in 5-12-201, on the progress of
14 the duties imposed upon it pursuant to subsection (2)(a);

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16 (c) may negotiate for and acquire easements in the
17 rights-of-way or the railroad rights-of-way and attendant
18 facilities identified pursuant to subsection (2)(a) and:

19 (i) hold all such acquired lands in trust for
20 transportation purposes; and

21 (ii) upon creation of an appropriate local authority,
22 other than an agency of state government, shall transfer to
23 such local authority all attendant facilities and all rights
24 and responsibility to operate and maintain transportation
25 services over the lands acquired in subsection (2)(c); AND

1 ~~{3}--The--department--of--commerce--may--contract--with--a~~
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 7 RAILBEDS.

8 ~~{3}{4}(3)~~ Abandoned rights-of-way acquired and held in
 9 trust pursuant to subsection (2)(c)(i) must be administered
 10 by the department of state lands as prescribed in Title 77,
 11 until such time as the land is needed for transportation
 12 purposes."

13 ~~NEW-SECTION:--Section-3:--First-right-to--easement:--(1)~~
 14 ~~Except--as--provided--in--subsection--(4),--a--railroad--may--not~~
 15 ~~sell--or--offer--for--sale--an--interest--in--a--railbed--or--land~~
 16 ~~adjacent--to--a--railbed--when--the--sale--of--the--adjacent--land~~
 17 ~~would--prevent--the--public's--right--to--use--the--railbed--for--a~~
 18 ~~right--of--way--unless--it--first--extends--a--right--of--refusal--of~~
 19 ~~an--easement--for--right--of--way--to--those--persons--or--entities~~
 20 ~~interested--in--obtaining--an--easement--over--the--railbed--for~~
 21 ~~public--recreational--use:~~

22 ~~{2}--A--railroad--may--commission--a--public--recreational~~
 23 ~~trail--user--to--conduct--an--investigation--and--prepare--a--report~~
 24 ~~analyzing--the--feasibility--of--use--of--the--railbed--for--public~~
 25 ~~recreational--uses.--If--the--report--concludes--that--the--subject~~

1 ~~parcel--is--not--suited--for--public--recreational--use,--the~~
 2 ~~proposed--sale--may--close--30--days--after--the--publication--of--the~~
 3 ~~report:~~

4 ~~{3}--A--railbed--with--an--easement--acquired--under--this~~
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6 ~~{4}--Railbeds--acquired--by--a--railroad--by--an--easement--the~~
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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 924 (third reading copy -- blue), respectfully report that House Bill No. 924 be amended and as so amended be concurred in:

1. Title, line 10.

page 5, line 5

Following: "INTERESTS"

Insert: "and other interested persons, including adjacent landowners,"

2. Page 2, line 11.


Following: "STATE"

Insert: "and other interested persons, including adjacent landowners,"

3. Page 2, line 18.

Following: "INTEREST"

Insert: ", or from another interested person, including an adjacent landowner"

Signed 
Lawrence G. Stimatz, Chairman

M 4291
Amd. Coord.

SB 4-2-91 2:10
Sec. of Senate

SENATE
HB 924

1 HOUSE BILL NO. 924

2 INTRODUCED BY MEASURE, RANEY

3 BY REQUEST OF THE HOUSE NATURAL

4 RESOURCES COMMITTEE

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6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A FIRST-RIGHT
7 ~~OF REFUSAL FOR A RIGHT-OF-WAY-TO-PUBLIC--RECREATIONAL--TRAIL~~
8 ~~USERS-UPON-THE-SALE-OF-A-RAILBED~~ REQUIRING THE DEPARTMENT OF
9 COMMERCE TO ASSIST PERSONS REPRESENTING RECREATIONAL,
10 TRANSPORTATION, AND UTILITY INTERESTS AND OTHER INTERESTED
11 PERSONS, INCLUDING ADJACENT LANDOWNERS, IN ACQUIRING
12 OWNERSHIP OR EASEMENT OF ABANDONED RAILBEDS; AND AMENDING
13 SECTION 60-11-111, MCA."

14
15 WHEREAS, the legislature recognizes that there is an
16 ever-increasing demand for public recreational trails; and

17 WHEREAS, abandoned railbeds are uniquely suited for
18 public recreational uses; and

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1 STATEMENT OF INTENT

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14 IN ABANDONED RAILROAD CORRIDORS. UPON RECEIVING NOTIFICATION
15 FROM THE INTERSTATE COMMERCE COMMISSION OF AN IMPENDING
16 ABANDONMENT PROCEEDING FOR A RAILBED IN THE STATE, THE
17 DEPARTMENT SHALL, PURSUANT TO 60-11-111(2)(D), NOTIFY EACH
18 OF THE PERSONS ON THE LIST. UPON RECEIVING A REQUEST FROM AN
19 INTERESTED PERSON REPRESENTING A RECREATIONAL,
20 TRANSPORTATION, OR UTILITY INTEREST, OR FROM ANOTHER
21 INTERESTED PERSON, INCLUDING AN ADJACENT LANDOWNER, THE
22 DEPARTMENT SHALL ARRANGE FOR AND FACILITATE DISCUSSIONS
23 BETWEEN THE PERSON AND THE RAILROAD. THE DEPARTMENT SHALL
24 ASSIST WITH THESE DISCUSSIONS FOR NO LONGER THAN 30 DAYS,
25 AND THE RAILROAD, UNDER THESE CIRCUMSTANCES, SHALL RESPOND

1 TO ANY PROPOSAL SET FORTH BY AN INTERESTED PERSON OR THE
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24 {5}--"Railroad"--means--a--railroad--corporation--or--its
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1 ~~corporation-that-owns-controlling-interest-in-a-railroad-~~

2 **Section 2.** Section 60-11-111, MCA, is amended to read:

3 **"60-11-111. Identification and acquisition of railroad**
4 **rights-of-way.** (1) Identification of those railroad lines
5 proposed for abandonment in the state of Montana that may
6 have potential for local transportation service or future
7 use as transportation corridors is necessary to determine
8 the feasibility of acquisition by the state and to allow the
9 state to negotiate for acquisition of those railroad lines
10 or easements therein.

11 (2) The department of commerce:

12 (a) shall identify railroad rights-of-way in this state
13 that may be abandoned and research the feasibility of
14 acquisition by the state of Montana of those rights-of-way
15 that may be abandoned;

16 (b) shall report periodically to the legislative
17 finance committee, created in 5-12-201, on the progress of
18 the duties imposed upon it pursuant to subsection (2)(a);
19 and

20 (c) may negotiate for and acquire easements in the
21 rights-of-way or the railroad rights-of-way and attendant
22 facilities identified pursuant to subsection (2)(a) and:

23 (i) hold all such acquired lands in trust for
24 transportation purposes; and

25 (ii) upon creation of an appropriate local authority,

1 other than an agency of state government, shall transfer to
2 such local authority all attendant facilities and all rights
3 and responsibility to operate and maintain transportation
4 services over the lands acquired in subsection (2)(c); AND

5 ~~(3)--The--department--of--commerce--may--contract-with-a
6 private--person--or--organization--to--complete--its
7 responsibilities-under-subsection-(2);~~

8 (D) SHALL COOPERATE WITH AND ASSIST PERSONS
9 REPRESENTING RECREATIONAL, TRANSPORTATION, AND UTILITY
10 INTERESTS AND OTHER INTERESTED PERSONS, INCLUDING ADJACENT
11 LANDOWNERS, IN ACQUIRING OWNERSHIP OR EASEMENT OF ABANDONED
12 RAILBEDS.

13 ~~(3)(4)(3)~~ Abandoned rights-of-way acquired and held in
14 trust pursuant to subsection (2)(c)(i) must be administered
15 by the department of state lands as prescribed in Title 77,
16 until such time as the land is needed for transportation
17 purposes."

18 ~~NEW-SECTION--Section-3--First-right-to-easement--(1)~~
19 ~~Except-as-provided-in-subsection-(4),--a--railroad--may--not~~
20 ~~sell--or--offer--for--sale--an-interest-in-a-railbed-or-land~~
21 ~~adjacent-to-a-railbed-when-the-sale--of--the--adjacent--land~~
22 ~~would--prevent--the--public's-right-to-use-the-railbed-for-a~~
23 ~~right-of-way-unless-it-first-extends-a-right-of--refusal--of~~
24 ~~an-easement--for--right-of-way-to-those-persons-or-entities~~
25 ~~interested-in-obtaining-an-easement--over--the--railbed--for~~

1 public-recreational-use;

2 ~~(2)--A--railroad--may--commission--a-public-recreational~~
3 ~~trail-user-to-conduct-an-investigation-and-prepare-a--report~~
4 ~~analyzing--the--feasibility-of-use-of-the-railbed-for-public~~
5 ~~recreational-uses--If-the-report-concludes-that-the--subject~~
6 ~~parcel--is--not--suited--for--public--recreational-use,--the~~
7 ~~proposed-sale-may-close-30-days-after-the-publication-of-the~~
8 ~~report;~~

9 ~~(3)--A-railbed-with--an--easement--acquired--under--this~~
10 ~~section-is-considered-to-be-rail-banked;~~

11 ~~(4)--Railbeds--acquired-by-a-railroad-by-an-easement-the~~
12 ~~terms-of-which-limit-the-use-of-the-railbed--exclusively--to~~
13 ~~railroad-purposes-must-first-be-offered-to-the-owners-of-the~~
14 ~~reversionary-estate;~~

15 NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF
16 [THIS ACT] IS PASSED AND APPROVED AND HOUSE BILL NO. 233
17 FAILS TO BE PASSED AND APPROVED, THEN THIS BILL IS VOID.

-End-