

HOUSE BILL NO. 1428

Introduced by

Representatives Wrangham, Headland, Iverson, S. Kelsh

Senators Erbele, Taylor

1 A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code,
2 relating to the sale of railroad right of way.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 49-09-04.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-09-04.2. ~~Abandoned railroad~~ Railroad right of way - Sale - Priority of**
7 **purchasers.**

- 8 1. ~~When service is discontinued on any~~ If railroad right of way in the state ~~and the~~
9 ~~property~~ is offered for sale, lease, exchange, or other disposal by the railroad or an
10 affiliated entity, the property must first be offered to the following persons in the
11 order of priority as follows:
- 12 a. The present owner or operator-lessee of fixed assets located on the property;
 - 13 b. A person owning land contiguous to the right of way on opposite sides of the
14 right of way;
 - 15 c. A person presenting a reasonable plan for public recreational use of the
16 ~~abandoned~~ property which includes the continuation of current private and
17 public crossings; and
 - 18 d. The adjoining landowner if the adjoining land, ~~at the time of abandonment,~~ is
19 assessed for tax purposes as agricultural land.
- 20 2. The railroad company shall provide written notice to present owners and
21 operator-lessees of fixed assets located on the property and shall publish notice of
22 its intent to dispose of railroad right of way in two consecutive issues of the official
23 county newspaper in each county in which the property is located. A railroad
24 company is not required to give a priority party an option to purchase the property

- 1 unless the party provides a written statement of interest to purchase the property
2 within thirty days after final publication of notice of the railroad company's intent to
3 dispose of the property. The sale price of ~~abandoned~~ the railroad property must
4 be equitable.
- 5 3. ~~When abandoned~~ If railroad right of way is offered for wildlife programs or projects,
6 the proposed acquisitions must first be approved by the board of county
7 commissioners of the county or counties in which the right of way is located under
8 section 20.1-02-17.1 if offered to the state game and fish department or under
9 section 20.1-02-18.1 if offered to the United States department of the interior.
- 10 4. If a railroad complies with subsections 1 and 2 and five years have passed since
11 abandonment or since service was discontinued, the railroad may deed the right of
12 way to the county in which the right of way is located upon the acceptance of the
13 county.