

Fifty-eighth  
Legislative Assembly  
of North Dakota

REENGROSSED HOUSE BILL NO. 1403

Introduced by

Representatives Wrangham, Weisz

Senator Wardner

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 right of way - Sale.**

- 7 1. When service is discontinued on any railroad right of way in the state ~~and, the~~  
8 railroad shall reclaim the right of way unless the railroad sells or donates the  
9 property. If the property is offered for sale, lease, exchange, or other disposal by  
10 the railroad or an affiliated entity, the ~~property must first be offered for public~~  
11 ~~purposes~~ present owner or operator of the fixed assets located on the property  
12 must be given the first option to purchase, lease, exchange, or otherwise acquire  
13 the property described in the lease. Adjoining landowners must be given the next  
14 option to acquire adjoining railroad property. The sale price of abandoned railroad  
15 property cannot exceed comparable values of adjacent and similar property.
- 16 2. ~~If right of way property along abandoned rail lines is first offered for public~~  
17 ~~purposes and refused, the lessee operators of grain and potato warehouses~~  
18 ~~located on the property must be given the next option to purchase, lease,~~  
19 ~~exchange, or otherwise acquire the property described in their lease.~~ Adjoining  
20 agricultural landowners must thereafter be given the next option to acquire the  
21 property adjoining their land.
- 22 3. When abandoned railroad right of way is offered for wildlife programs or projects,  
23 the proposed acquisitions must first be approved by the board of county  
24 commissioners of the county or counties in which the right of way is located under

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- 1 section 20.1-02-17.1 if offered to the state game and fish department or under
- 2 section 20.1-02-18.1 if offered to the United States department of the interior.