



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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Drew H. Wrigley
ATTORNEY GENERAL

April 27, 2022

Sen. Tracy Potter
District 35
1320 North 2nd Street
Bismarck ND 58501

Dear Senator Potter,

I am responding to your letter of April 18, 2022, requesting an Opinion from this office regarding the ownership of the Historic 1883 Railroad Bridge over the Missouri River between Bismarck and Mandan.

N.D.C.C. § 54-12-01 authorizes the Attorney General to issue Opinions to state agencies and officials, including members of the legislative assembly. There are, however, some situations which are unsuited for an Attorney General Opinion, including when the question presented requires a factual determination.¹ Such matters are best reserved for another forum where the factual assessments can be weighed and rendered.

As you may be aware, my office previously advised the State Historical Society that the issue of the ownership of the rail bridge over the Missouri River is a matter to be resolved between the US Coast Guard, Burlington Northern Santa Fe, and the citizen group Friends of the Rail Bridge.

While cognizant of your position, and understanding the impulse to request an Attorney General Opinion, such an Opinion would be improper in this situation. Accordingly, I decline to provide an opinion regarding the ownership of the Historic 1883 Railroad Bridge.

On a personal note, I congratulate you on your recent appointment to the State Senate. Please feel free to stop by my office on your next visit to the Capitol.

Sincerely,

A handwritten signature in blue ink, appearing to read "Drew H. Wrigley".

Drew H. Wrigley
Attorney General

¹ See 1999-L-68, 2000-L-176, 2002-L-17.