

General Railroad Alert

Dear Sir or Madam

Over the last several years I have become involved with an issue that may be of concern to your group. If it is not now it potentially will become one in the future. The Alaska Railroad was created by the Act of Mar. 12, 1914. A 200-foot wide easement was created across federal lands for the purpose of "railroad telephone and telegraph". In 1982 the federal government transferred the railroad to the State of Alaska. Originally the federal government owned the entire state. But by 1982 some of this had been transferred into state or private ownership. Where this was done the patent contains a "reservation" for the ROW.

Since 1982 the Dept. of the Interior, BLM and the railroad have been in the process of effecting the transfer of assets including the ROW. And, they are changing the ROW from the limited 1914 easement into an "exclusive use" easement which is defined as one in which the railroad may exclude other users and fence it off. This is significant in that the use of the easement simply to cross is at the discretion of the railroad and is subject to charges. For example, windsurfers and ice climber in the Turnagain Arm area are required to obtain a permit and pay a fee. The same is done as to private property owners over whose property the easement passes. This is the Residential right of Way use Permit (RRUP). Soon it will also apply to businesses too.

<http://www.alaskarailroad.com/corporate/LandLeasing/LeasePolicy/tabid/405/Default.aspx>.

The changes in progress are detrimental to the best public interest and constitute overreaching by the government and the railroad which is owned by the government.

The Oceanview Community Council has passed a resolution in opposition to this change which adversely affects both public and private access and urges other persons and groups to do the same.

See: www.alaskarailroadeasement.info.

I would like the opportunity to discuss this matter with you at your convenience.

John Pletcher 345-3981/ 229-4698 Ocean View CC

Scan, and make copies

January 30, 2015

Dear Community Council President,

The Old Seward Oceanview Community Council (OSOVCC) is very concerned about Alaska Railroad Corporation (ARRC) policy and action being taken to alter the nature of the easement benefitting the railroad along the right-of-way since its authorization in 1914. The easement was established to allow construction and operation of a railroad and associated telephone and telegraph lines. When the federal government sold the railroad to the State in 1982, those same easement rights were transferred.

Now the ARRC is claiming to have "exclusive use" rights, to the exclusion of all other parties, including property owners with interest in the land underlying the easement. This action is affecting many persons and organizations, including municipalities, businesses, private property owners, and the general public. Thus, it should be of interest to you and all your constituents.

There is much history behind the Alaska Railroad, operated first by the federal government and then transferred to the State of Alaska in 1982. One of our Council members has devoted countless hours researching the history and status of the easement and the appropriateness of recent ARRC actions. The information he has gathered can be viewed at: www.alaskarailroadeasement.info It provides a basic information related issues under discussion and links to enable review of all relevant documents since 1914. *ARRC IS*

Our Community Council has passed a Resolution through the Municipality that states our concern and offers some means of resolution. We have urged other Community Councils and groups to do the same.

Our Council has been a friend of the AKRR since its inception and wishes it success in the transportation field, but an "exclusive use" rights on an easement is just too much for our members.

Our Resolution, passed in September 2014, is simple:

- 1) Support the transfer of the Alaska railroad track easement throughout its length under the 1982 Alaska Railroad Transfer Act for "railroad, telephone, and telegraph" purposes, as provided for in the Alaska Railroad Act of Mar. 12, 1914.
- 2) Prevent the Alaska railroad from taking any action to change the nature of the patent easement reservation made under the Alaska

Railroad Act of 1914, as that is reflected in various federal land patents along the length of the right-of-way.

3) Require the Alaska Railroad Corporation to cease requiring permits and charging fees for residential use of the easement by adjacent property owners if that use does not unreasonably interfere with railroad operations.

4) Recognize the 1982 view of Gov. Jay Hammond that the 1914-limited easement is the "standardized" railroad easement in Alaska and that it should be the type of easement used for existing and future track easements.

5) Confirm that the rights and duties of all parties involved in use of the easement should be determined by the general State of Alaska common law of easements rather than any federal law.

6) The reinstatement of the so-called right of "reversion" for the Eielson Spur line passed in the 2011 Legislative session should be made effective throughout the length of the easement in areas affecting private property interests.

We hope that our actions are seen as proactive for private property owners, as this will become an issue along the entire rail belt.

Please consider this matter as a state-wide issue coming from the grassroots of those affected by this ROW and the ARRC's exclusive use claim.

This is an issue for an historical ~~use~~ bldg in Talkeetna that the ARRC is now charging exorbitant fee for. too much for non-profit to maintain it

As our State Representative Craig Johnson stated, "It is just not right."

and Sen Leisl McGuire. They hope Craig Johnson will introduce legislation

Our Council awaits and invites all parties to join in demanding immediate resolution of this important issue.

Steve Beardsley
President, Old Seward Oceanview Community Council
13201 Reef Place
Anchorage, AK 99515
907-345-4764
beardsleysn@ak.net

Point

ARRC acts sometimes as a state entity and sometimes a private owner, ARRC is charging for uses like 2 lilac bushes & campers with ROW. "Safety Factor" is excuse for entry permits for things like