

From: Bob French
To: [Senate Finance Committee](#)
Subject: Please maintain Alaskan's property rights language in HB119.
Date: Friday, May 11, 2018 2:38:09 PM

I am writing to urge you to support the inclusion of language from SB86, which has been included in HB119. I support that language, which protects Alaskan's property rights.

The letter from Congressman Young said it best (emphasis added): "There is no way a bill **quietly annexing private property rights**, especially without any notice or compensation, would have passed Congress in 1982. You only have to read the plain language of ARTA to know that - the transfer of "rail properties of the Alaska Railroad" over privately owned land only included the "Federal interest" in those lands. **If the federal government did not own it, it was not included in the transfer.** There is no canon of statutory construction, or even common sense reading, that could argue an unconstitutional taking of private property rights was the intent of Congress. "

The Alaska Railroad's current attempts to claim "fee simple ownership" of the land along the AKRR's right of way, when all they ever had was a surface easement, is just plain wrong, and Congressman Young was there when the transfer from Federal to State control was enacted in 1982. He further stated: "nowhere in ARTA did Congress authorize the transfer of privately owned property interests, nor could it do so in such a cavalier and vague manner as is being suggested."

I support SB86 and feel strongly that SB86's critical language which was added into HB119 is very important to clarify that it only applies to lands that the AKRR lawfully owns, and not the private land under the surface easement along the right-of-way.

Arguments by the AKRR about safety is just a smoke screen. They will still have full rights to ensure safety, but the revised wording in SB86 and in HB119 will make sure that the AKRR does not unlawfully take property rights away from Alaskans like they are currently attempting to do.

I appreciate your continued support of Alaskan private property rights by supporting HJR38 and the revised language in HB119.

Thanks for your attention.
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