

Proposed Resolution 2014 #1 AKRR
Old Seward Ocean View Community Council
Presented Aug. 27, 2014
Edited Sept. 15, 2014 Published Sept. 16, 2014

TITLE: Resolution (1) supporting the ongoing efforts of the Old Seward/Ocean View Community Council (OSOVCC) and its members, opposing the Alaska Railroad Corporation (ARRC) attempt to change the nature of the railroad easement provided for in the Alaska Railroad Act of 1914 into an "exclusive use" easement, and (2) asserting that the rights and duties of all parties with respect to the easement should be governed by state law.

WHEREAS the OSOVCC represents concerned citizens and land owners who have been negatively impacted by the railroad's policies regarding use of the easement, and

WHEREAS a letter was generated and presented to the OSOVCC by a member at its August 2014 meeting, detailing the history of this impact to the community and property owners,

THEREFORE, BE IT RESOLVED:

That the OSOVCC urges the State of Alaska (Governor and Legislators), the Municipality of Anchorage (Mayor and Assembly Members), and the federal government (Congressional Delegation and the Bureau of Land Management) to take appropriate action to:

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 Eieleson Spur line passed in the 2011 Legislative session should be made effective throughout the length of the easement in areas affecting private property interests.

Voted on Date September 16 2014. There was no opposition to the Resolution. 12+ members attended.

President Steve Beardsley

