From: Rep. Andy Josephson
To: Thomas Atkinson
Subject: FW: HB 93
Date: Friday, August 11, 2017 10:24:16 AM

From: dick welsh [mailto:dick156@earthlink.net]
Sent: Monday, February 06, 2017 12:19 PM
To: Rep. Andy Josephson <Rep.Andy.Josephson@akleg.gov>
Subject: HB 93

Rep. Josephson, My name is Richard Welsh and I am the executive director of the National Association of Reversionary Property Owners (NARPO). We are writing to add support to HB93 which is before your committee. We represent property owners in all 50 states that own land adjacent to railroad rights of way. NARPO has testified to Congress and numerous state legislatures on the issue of reversionary rights to railroad rights of way and other utilities. More then 90% of railroad rights of way in the United States have been acquired by the railroads in easement form and as such are reversionary to the abutting property owners upon abandonment of railroad use.

Even before the abandonment of railroad use, the abutting property owners still have an ownership interest in the right of way/easement as long as the abutter's use does not interfere with railroad use. From NARPO's reading of the homestead patents along the Alaska Railroad, they are not different then the wording of the patents in the major U.S. Supreme Court case of Brandt v. U.S. from 2014, https://www.supremecourt.gov/opinions/13pdf/12-1173_nlio.pdf ,where the Court found that the Brandts' owned the underlying land of the railroad right of way traversing there homestead, not the U.S. government. In the Brandt case, the Brandt family received a patent for homestead use in the early 1900s. Because property owners who own the easements on the Alaska Railroad have a legal interest, they should be able to use the part of the right of way that does not impede railroad use, and this includes crossings so the property owners can access all of there property which in a lot of cases involve land on both side of the right of way.

I believe HB 93 if passed and signed by the Governor, will clarify what property rights the property owners abutting the Alaska Railroad actually have. If you have any questions concerning this, please contact me at 760-238-8420 which is on the Pacific time zone. Or my email: dick156@earthlink.net

See NARPO's web site at: http://home/earthlink.net/~dick156

Thank you for considering HB 93.

Richard Welsh, executive director--NARPO