From: Susan Brown
To: House Transportation
Subject: HB 136
Date: Monday, March 31, 2025 3:05:34 PM

To House Transportation Committee,

The AK Railroad's (ARR) contention that they have 'exclusive use' (EU) - (which the ARR has called 'fee-like'), as well as, the right at any time to fence property owners from using/accessing their own land, has been a crime, facilitated by the DOI and the State of AK, against property owners for decades. The term EU was 'created' and inserted into the ARR Transfer Act (ARTA) by individuals, on behalf of the ARR, to justify their, soon to be revenue producing, extortion of property owners and Utility Companies - and has NOTHING to do with the ARR Act of 1914 (1914 Act).

****If the intent of the 1914 Act was to create a 'fee like' boundary that could fence out the property owner and limit the grantee's access to their property, the federal patents would have been worded differently. The property descriptions would have stated (for example) "that portion of said aliquot part(s) to the west of the RR ROW and that portion of said aliquot part(s) to the east of the RR ROW." The property descriptions in the federal and state patents that include mention of the 1914 ROW would have been clear, that the grantees needed to be aware that their access to their property needed to account for a 'boundary' on the RR ROW, if the federal government or ARR (post 1982) decided to put a fence up. THIS IS NOT THE CASE!!! Because that was NOT the intent of the 1914 Act.

Every patent (state and federal that defines the 1914 ROW) has the same 1914 ROW description, as well as of plenty of legal precedent at the time it was created - in 1914 (not 1982). The 1914 ROW is just a ROW, that is similar to RR ROWs throughout the country that operate safely, and do not extort people for the use of their own property!

Shutting down the ARR's 'steal and extort business plan' is Long Overdue. It's time for the State of AK to stop enabling the ARR's harassment and extortion of the ROW's underlying property owners and the utility companies, that serve all Alaskans.

A weary ARR neighbor,
Sue Brown