



10/31/2024

Mr. Brian Lindamood, PE, SE
Vice President, Engineering & Chief Engineer
Alaska Railroad Corporation
VIA EMAIL: LindamoodB@akrr.com

Mr. Lindamood:

Marathon Pipe Line LLC (MPL) respectfully reiterates its objection to the alternative S2 project plans for the construction of the Fish Creek Trail through the Alaska Railroad Corporation (ARRC) right-of-way (ROW) from Northern Lights Boulevard to the Tony Knowles Coastal Trail. It is our belief that the S2 project will (1) unreasonably interfere with our property rights and permitted use of the area, (2) increase operational complexity and costs, and (3) create new safety risks for our employees and the public. Moreover, we believe that the S2 project conflicts with ARRC's technical and safety protocols.

We do not, however, object to the project as a whole and remain supportive of the alternative S3 project plans. The S3 project mitigates many of our concerns with S2 and best protects the safety of the public, MPL employees, and critical infrastructure.

PIPELINE OVERVIEW:

For decades, MPL (formerly Tesoro Alaska Pipeline Company) has operated the Tesoro Alaska Pipeline (TAPL), a ten-inch, seventy-mile pipeline that supplies both southcentral and interior Alaska with gasoline, diesel, and jet fuel. TAPL operates 7 days a week 365 days a year and is a critical artery for fuel delivery to the Ted Stevens Anchorage International Airport, the Don Young Port of Alaska, and our own North Pole terminal.

We are proud of the role we play in safely and reliably providing energy to Alaskan businesses and residents. As part of our focus on safety, MPL continuously monitors pipeline performance and other operational factors. Any anomaly detected is evaluated in accordance with MPL protocols and, if necessary, corrected. We note that any such maintenance activities may necessitate restricted access of adjoining areas of the proposed S2 project public trail for extended periods of time.

Like most pipelines, TAPL has multiple aboveground valve sites so that fuel flow can be quickly shut down. Today, all but one of the relevant TAPL valve sites are located in densely wooded areas not easily accessible by the public. The S2 project, however, contemplates the construction of a public trail that crosses TAPL and will bring the public in close proximity to valve site MLV9. The location of the trail raises several questions, including:

1. If a member of the public damages MPL assets, who will be responsible for replacement costs? If the person is also injured, who will be responsible for any resulting liabilities?



2. If the trail must be excavated as part of maintenance or repairs, who will be responsible for trail reconstruction costs, and compensation of required observers?
3. If maintenance or repairs require the closure of the trail, who will be responsible for providing alternative routes?

In short, have legitimate safety concerns regarding any new public accessibility to our above-ground valve sites. With increased traffic along TAPL, the S2 project significantly increases the threat of vandalism to MPL assets and risks public safety and extended shutdown of a pipeline which would gravely impact energy accessibility for the State of Alaska.

ADDITIONAL CONCERNS OVER ALTERNATIVE S2

MPL's property rights in the area are subject to the 200-foot ARRC ROW. While trails are allowed in the ROW under certain specifications, the S2 project does not meet these specifications. We note that the *Technical Standards for Roadway, Trail, and Utility Facilities in the ARRC Right-of-Way* (January 2014) states that a "...non-railroad Facility shall be physically located **as far away from the ARRC Track as possible...**" (emphasis added). *Alaska Railroad Business Facts* (June 17, 2024) further states that "ARRC can sometimes accommodate portions of a trail in the outer 30 feet of ROW if the trail is properly planned." Finally, the *Anchorage Metropolitan Area Transportation Solutions (AMATS) Trail Route Alternatives Development – Primary Criteria* provides that any trail should be developed with "Consistency with ARRC goals/allowances (ability to stay in outer 25' of ROW, mitigate trespass, safety)".

Safety—for trail users and ARRC employees and passengers—is the primary reason for these specifications. ARRC has explained that locating a public trail close to its railroad tracks increases the risk of injury to the public from snow spreading (which is oftentimes cleared more than 50 feet from the edge of railroad tracks) and loose strapping. In addition, we understand that the removal of large portions of foliage from the slope above the railroad tracks threatens its stability.

Finally, the ARRC ROW is important to Alaska's continued economic development. Should it become necessary for ARRC to expand their tracks through this area, the distance between the public trail and the tracks will be reduced. Placing the public trail as far away from the centerline, such as what is proposed in the S3 option, allows ARRC more flexibility to grow its operations in the future to meet the needs of the citizens of Alaska.

PREFERRED ALTERNATIVE

While we understand there may be additional costs associated with the S3 project, public safety and the public benefit brought by TAPL must be considered paramount. By locating the trail along the eastern side of ARRC's tracks, as the S3 project contemplates, the public is better protected by a large existing berm separating the tracks from trail users. We believe that the S2 project creates too many risks to be justifiable and will unreasonably interfere with our permitted use of the area.



Thank you for your consideration of our concerns. In our view, the current proposed project will unreasonably interfere with our property rights and permitted use of the area and increase operational complexity and costs. Hopefully, we can all agree it is in the interest of all parties to ensure risks to people and property are minimized. For these reasons, we urge the project team to reconsider its preference for the S2 project.

Regards,

Richard Mousley, Senior Right of Way Specialist
Marathon Pipeline LLC

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