

Mark Fix

6-9-15

6-8 pm

Tongue River Railroad DEIS 2

I am Mark Fix and I am a rancher and irrigator on the Tongue River about 20 miles SW of Miles City. My Ranch would be crossed by two of the proposals in the DEIS and four of the alternatives.

The DEIS does not address how the rail line will affect flooding in Miles City. Miles City is working on an extensive rebuild of the dike protecting Miles City. Will the railroad grade force water from the Tongue towards the dike and cause it to fail? If the dike needs to be modified, will the cost be paid by the Tongue River Railroad or will the taxpayers of Miles City and Custer County have to pay for the improvement? In Montana, the preferred corridor for a railroad is by an easement. The DEIS assumes that the right of way will be by fee title. I would prefer an easement because then I would be paid for each easement. The DEIS says that a power line will be built along the railroad grade. We should be paid for that easement. The DEIS says that communications towers will be installed. Again, the landowner should be paid for that easement. If a fiber optic line or a pipeline is planned along the route the landowner should also be compensated for that.

We are in a different age from the time when railroads were given extensive parcels of land to build the railroad. The preferred method now is a term called wheelage. The landowner should be paid for the ongoing intrusion on his property. Something similar to 10 cents a ton a mile for the traffic across their land may be suitable. The agreement should be subject to inflation and should be adjusted upward over time.

I have been very happy the last few years because the cloud of a permit from the Surface Transportation Board has been lifted from my property. Ever since I bought the ranch in 1991 there has been a permit allowing the TRR to build on my property. There is no approved railroad across my land now and I would like to keep it that way. I have not had any land men coming to my place trying to buy the land for a right of way and threatening me with the fact that they have eminent domain and can condemn my land if they have to. That happened several times after I bought the ranch in 1991. If it takes another 10 or 20 years to complete the final EIS that would be fine with me. The DEIS is so big, I think it may take about that long to read it all.

The DEIS is very confusing when it comes to analyzing the different routes. It appears that a black box model has been created and data has been put in and results came out. It is hard to understand how this model works and what parameters were put into it. I doubt that anyone that programmed the model obtained any guidance from a farmer or rancher. I doubt that the results will protect the farmers and ranchers.

The DEIS only looks at problems within the right of way. Many of our operations nearby may be affected by the rail line. Many of the things we do from day to day to run the ranch will be altered. We may or may not be able to modify our operation to work around the railroad. Places that we built our homes, our corals, our fences were to make the land work best the way it is. Throwing a rail line in the middle of our ranches will forever alter our operations and the peace and tranquility that we enjoy in Eastern Montana. I urge you to approve the no action alternative. There is no public need and necessity for the railroad.

access for fire and spraying for weeds along the rail line. If a road is built along the track, will the costs be paid for by the TRR or by the taxpayers.