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House of Representatives, April 15, 2025

**Resolve, Directing the Department of Transportation to Solicit
Proposals for the Utilization of Unused State-owned Railroad Lines**

Received by the Clerk of the House on April 11, 2025. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GOLEK of Harpswell.
Cosponsored by Representatives: BOYER of Poland, EATON of Deer Isle, HYMES of Waldo, MONTELL of Gardiner, SARGENT of York, SHAGOURY of Hallowell, Senators: CURRY of Waldo, LIBBY of Cumberland.

1 **Sec. 1. Definitions. Resolved:** That, for the purposes of this resolve, the following
2 terms have the following meanings.

3 1. "Department" means the Department of Transportation.

4 2. "Proposal" means a formal submission in response to a request for proposals issued
5 by the department.

6 3. "Request for proposals" means a formal solicitation issued by the department
7 inviting proposals from interested parties to utilize unused railroad lines in accordance with
8 the objectives of this resolve.

9 4. "Unused railroad lines" means railroad infrastructure owned by the State, including
10 rights-of-way, tracks, track appurtenances, ties, bridges and other associated structures, that
11 is not currently in active use for freight or passenger rail operations.

12 5. "Use agreement" means a binding agreement between the department and a selected
13 proposer outlining the terms and conditions for activities on the unused railroad line.

14 **Sec. 2. Department responsibilities. Resolved:** That the department shall:

15 1. Develop and issue a request for proposals for each unused railroad line no later than
16 180 days after the effective date of this resolve;

17 2. Evaluate proposals based on criteria outlined in the requests for proposals and select
18 proposals that best meet the objectives of this resolve and the State Railroad Preservation
19 and Assistance Act and the laws governing railroad lines in the Maine Revised Statutes,
20 Title 23, chapter 615;

21 3. Allow proposals to include traditional rail services as well as innovative uses for
22 recreational or commercial activities, as long as they do not preclude the preservation of
23 rights-of-way for future freight or passenger rail purposes in accordance with the State
24 Railroad Preservation and Assistance Act and the laws governing railroad lines in Title 23,
25 chapter 615; and

26 4. Ensure that all proposals and use agreements comply with state and local laws, rules,
27 ordinances and regulations, including applicable environmental and safety requirements.

28 **Sec. 3. Request for proposals process and criteria. Resolved:** That:

29 1. Each request for proposals must include:

30 A. A description of the unused railroad line and its current condition;

31 B. Guidelines for proposal submission, including deadlines, evaluation criteria and
32 other relevant requirements; and

33 C. An invitation for proposals that may include, but are not limited to, freight or
34 passenger rail services, railbike tours, speeder excursions that use small railway motor
35 cars and other creative recreational or commercial applications that align with the
36 State's economic and environmental goals;

37 2. Proposals must be evaluated based on criteria that may include:

38 A. Financial feasibility and potential economic benefits to the State;

39 B. Consistency with environmental and community development objectives; and

1 C. A proposer's qualifications and ability to execute the proposed project; and

2 3. The department shall submit a report to the joint standing committee of the
3 Legislature having jurisdiction over transportation matters detailing the results of the
4 request for proposals process within 90 days after the submission deadline.

5 **Sec. 4. Use agreements and negotiations. Resolved:** That the department shall
6 enter into negotiations with the proposer whose proposal is selected for each unused
7 railroad line to finalize a use agreement outlining the terms and conditions of the proposed
8 activities on that specific railroad line.

9 1. The negotiations must include, but are not limited to, provisions addressing track
10 rehabilitation and maintenance responsibilities, safety requirements, insurance,
11 environmental compliance and financial arrangements.

12 2. The department shall finalize and execute a use agreement no later than 90 days after
13 selecting a proposal for each unused railroad line.

14 3. The use agreement becomes effective on the date specified in the agreement,
15 ensuring that all terms are met and conditions are established for the timely commencement
16 of operations or activities on each unused railroad line.

17 **Sec. 5. Proposal acceptance and coexisting uses. Resolved:** That the
18 department may accept multiple proposals for a single unused railroad line if the proposals
19 address different sections of the line or can coexist in a mutually agreeable manner. Each
20 accepted proposal may operate under its own use agreement with terms that do not conflict
21 with other agreements. If a request for proposals with respect to an unused railroad line
22 does not receive a proposal determined suitable by the department, the department may
23 retain control of the unused railroad line and continue to seek alternative proposals through
24 subsequent requests for proposals.

25 **Sec. 6. Rule-making authority. Resolved:** That the department may adopt rules
26 to implement the provisions of this resolve. Rules adopted under this section are routine
27 technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

28 **Sec. 7. Compliance with local policies and regulations. Resolved:** That
29 proposals for the use of any unused railroad line must comply with applicable local and
30 regional policies, including but not limited to Portland Water District regulations for
31 portions of railroad lines that traverse protected areas. The department shall include these
32 requirements in the requests for proposals to ensure adherence to local environmental and
33 safety standards.

34 SUMMARY

35 This resolve requires the Department of Transportation to develop and issue requests
36 for proposals for each unused railroad line owned by the State no later than 180 days after
37 the effective date of this resolve. The department must evaluate proposals based on criteria
38 outlined in the requests for proposals, which may include financial feasibility and potential
39 economic benefits to the State, consistency with environmental and community
40 development objectives and a proposer's qualifications and ability to execute the proposed
41 project. The department must allow proposals to include traditional rail services as well as
42 innovative uses for recreational or commercial activities as long as they do not preclude
43 the preservation of rights-of-way for future freight or passenger rail purposes in accordance

1 with the State Railroad Preservation and Assistance Act. The department must submit a
2 report to the joint standing committee of the Legislature having jurisdiction over
3 transportation matters detailing the results of the request for proposals process within 90
4 days after the submission deadline.