

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 46 - L.D. 29

Resolve, to Require the Department of Transportation to Implement the Recommendations of the Lower Road Rail Use Advisory Council and the Calais Branch Rail Use Advisory Council

Preamble. **Whereas**, the State Railroad Preservation and Assistance Act requires the Department of Transportation to seek legislative approval for any conversion of a state-owned rail corridor in which the department controls the right-of-way to a nonrail recreational or nonrecreational transportation use; and

Whereas, Public Law 2021, chapter 239 enacted the Maine Revised Statutes, Title 23, section 75, which gives the Commissioner of Transportation the authority to establish a rail corridor use advisory council upon petition of one or more governmental entities; and

Whereas, the Department of Transportation received letters of support from communities along the section of the state-owned rail corridor known as the Lower Road from Rockland Junction in the Town of Brunswick to the City of Augusta requesting the formation of a rail corridor use advisory council; and

Whereas, the Lower Road Rail Use Advisory Council convened and met for 9 months in late 2022 and 2023; and

Whereas, 11 of the 14 members of the Lower Road Rail Use Advisory Council voted to recommend the interim conversion of 33.5 miles of existing railroad track to a stone dust or paved bicycle and pedestrian trail; and

Whereas, the Department of Transportation received letters of support from communities along the section of the state-owned rail corridor known as the Calais Branch requesting the formation of a rail corridor use advisory council; and

Whereas, the Calais Branch Rail Use Advisory Council convened and met over a period of 8 months in 2024; and

Whereas, 10 of the 11 Calais Branch Rail Use Advisory Council members, with one member abstaining, voted to recommend the interim conversion of the existing railroad track to a multi-use trail; and

Whereas, the State Railroad Preservation and Assistance Act further requires that, once the Commissioner of Transportation receives a report from a rail corridor use advisory council that includes a recommendation of track removal or other change for interim nonrail use and the commissioner concurs with that recommendation, the commissioner seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to the track removal or other change for interim nonrail use; and

Whereas, any track removal or other change for nonrail use is considered interim in nature and rail corridors are to be preserved for future rail use as provided under the State Railroad Preservation and Assistance Act; now, therefore, be it

Sec. 1. Trail construction on Lower Road. Resolved: That, based on the majority recommendation of the Lower Road Rail Use Advisory Council and pursuant to the Maine Revised Statutes, Title 23, section 7107, the Department of Transportation shall, subject to available funding resources, permitting and municipal agreements, remove state-owned inactive existing railroad track along the section known as the Lower Road between the Town of Brunswick and the City of Gardiner to the existing Kennebec River Rail Trail, and a portion of the rail line in the City of Hallowell, and replace the track with an interim bicycle and pedestrian trail surfaced with pavement or stone dust on the existing rail bed.

Sec. 2. Calais Branch rail trail recommendation. Resolved: That, consistent with the majority recommendation of the Calais Branch Rail Use Advisory Council and pursuant to the Maine Revised Statutes, Title 23, section 7107, the Department of Transportation shall remove 12.26 miles of state-owned inactive existing railroad track along the section known as the Calais Branch from the Route 214 intersection in Ayers Junction in the Town of Pembroke to Route 1 in the City of Calais and replace the track with a multi-use trail on the existing rail bed. The completed multi-use trail is interim in nature, and the project to create the multi-use trail is subject to available funding resources, permitting and municipal agreements.