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Date: (Filing No. H-)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1514, L.D. 2124, Bill, “An Act To Create the Rail Corridor Use Advisory Council Process”

Amend the bill in section 1 in §75 by striking out all of subsection 1 (page 1, lines 4 to 14 in L.D.) and inserting the following:

'1. Purpose. Upon petition by one or more governmental entities that represent communities along a state-owned rail corridor in which the Department of Transportation controls the right-of-way requesting the department to review a nonrail recreational and nonrecreational transportation use of that rail corridor, the Commissioner of Transportation, for each petition received, shall notify the joint standing committee of the Legislature having jurisdiction over transportation matters and may establish a rail corridor use advisory council, referred to in this section as "a council," to facilitate discussion, gather information and provide advice to the commissioner regarding future use of the rail corridor identified in the petition. The council shall review and make recommendations on the likelihood, benefits and costs of potential uses of the rail corridor, including, but not limited to, rail use, trail use or bikeways, as long as any nonrail use is considered by the council to be interim in nature and all such rail corridors are preserved for future rail use as provided in chapter 615.'

Amend the bill in section 1 in §75 by striking out all of subsection 2 (page 1, lines 15 to 31 in L.D.) and inserting the following:

'2. Membership. The Commissioner of Transportation shall invite at least 9 and no more than 15 persons to serve on a council. Membership may include:

- A. The Commissioner of Transportation or the commissioner's designee;
- B. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;
- C. The Commissioner of Economic and Community Development or the commissioner's designee;
- D. The Commissioner of Health and Human Services or the commissioner's designee;

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- 1 E. One or more members representing other state agencies;
- 2 F. One member representing a statewide or regional tourism organization;
- 3 G. One member representing a chamber of commerce or other regional or local
- 4 economic development entity of the geographic area containing the rail corridor;
- 5 H. One member representing an organization advocating for rail use or preservation;
- 6 I. One member representing an organization advocating for recreational trail use or
- 7 advocating for bicyclist or pedestrian interests; and
- 8 J. One or more municipal officials or staff from municipalities located on the rail
- 9 corridor.'

10 Amend the bill by striking out all of section 2 and inserting the following:

11 '**Sec. 2. 23 MRSA §7107**, as enacted by PL 2003, c. 498, §4, is amended to read:

12 **§7107. Dismantling of state-owned track or change for other nonrail use**

13 Except as provided in this section, the Department of Transportation may not
14 dismantle or change state-owned track or contract with a state agency or private entity for
15 the dismantling of state-owned track or making other changes to that track for a nonrail
16 use. When the department, in consultation with a regional economic planning entity and
17 a regional transportation advisory committee established in accordance with rules adopted
18 under section 73, subsection 4, determines that removal of a specific length of rail owned
19 by the State will not have a negative impact on a region or on future economic
20 opportunities for that region, the Commissioner of Transportation shall seek review by
21 the joint standing committee of the Legislature having jurisdiction over transportation
22 matters prior to removal.

23 The department may not convert a state-owned rail corridor in which the department
24 controls the right-of-way to a nonrail recreational and nonrecreational transportation use
25 without following the rail corridor use advisory council process established under section
26 75 and without legislative approval. If the Commissioner of Transportation receives a
27 report from a rail corridor use advisory council established under section 75 that includes
28 a recommendation of track removal or other change for nonrail use and the commissioner
29 concurs with that recommendation, the commissioner shall seek legislative approval of
30 the recommendation by submitting proposed legislation to the joint standing committee
31 of the Legislature having jurisdiction over transportation matters prior to removal or other
32 change for the proposed nonrail use. Legislation submitted under this section must
33 include language stating that any track removal or other change for nonrail use is
34 considered interim in nature and that the rail corridor will be preserved for future rail use
35 as provided under this chapter.'

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
37 section number to read consecutively.

38 **SUMMARY**

39 This amendment makes the following changes to the bill:

- 1 1. It distinguishes the rail corridor use advisory council process from the rail
2 preservation act process;
- 3 2. It specifies that the rail corridor use advisory council process only applies to state-
4 owned track where the Department of Transportation controls the right-of-way and the
5 proposed change is for recreational and nonrecreational transportation use;
- 6 3. It requires the Commissioner of Transportation to notify the joint standing
7 committee of the Legislature having jurisdiction over transportation matters upon receipt
8 of a petition requesting review of nonrail use for state-owned track;
- 9 4. It permits a rail corridor use advisory council to include the Commissioner of
10 Health and Human Services as a member;
- 11 5. It changes the provision in the bill that a rail corridor use advisory council include
12 one member representing an organization advocating for recreational trail use and one
13 member advocating for bicyclist or pedestrian needs to require instead that a rail corridor
14 use advisory council include one member representing either an organization advocating
15 for recreational trail use or an organization advocating for bicyclist or pedestrian
16 interests; and
- 17 6. It requires legislative approval before the department may convert state-owned
18 track to a nonrail recreational and nonrecreational transportation use.