

STATE OF MAINE

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

—
S.P. 47 - L.D. 30

**Resolve, to Direct the Department of Transportation to Implement the
Recommendations of the Portland to Auburn 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 all communities along the section of the state-owned rail corridor known as the Berlin Subdivision from the City of Portland to the town line between the City of Auburn and the Town of New Gloucester requesting the formation of a rail corridor use advisory council; and

Whereas, the Portland to Auburn Rail Use Advisory Council convened and met for 9 months in 2022 and early 2023; and

Whereas, the Portland to Auburn Rail Use Advisory Council voted to recommend the interim conversion of the existing railroad track to a gravel, stone dust or paved bicycle and pedestrian 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 Berlin Subdivision. Resolved: That, based on the majority recommendation of the Portland to Auburn 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 Berlin Subdivision between the City of Portland and the City of Auburn, from a point north of the swing bridge at Back Cove in Portland at or near mile marker 1.7 to mile marker 26.5 in Auburn, and replace the track with an interim bicycle and pedestrian trail surfaced with pavement or gravel or stone dust on the existing rail bed.