



3/27/2023

1 | Page

To: Maine Legislature Transportation Committee

From: Maine Rail Transit Coalition
Tony Donovan, Director

Date: March 27, 2023

Re: Neither For nor Against LD 259 An Act Making Unified Allocations from the Highway Fund and Other Funds

Senator Chipman, Representative Williams, and members of the Transportation Committee,

My name is Tony Donovan, I am a Portland resident and founding Member of the Maine Rail Transit Coalition (MRTC). The Maine Rail Transit Coalition (MRTC) is an advocacy group engaged for the purpose of expanding passenger rail services as per the 1995 Maine State "Passenger Rail Service Act," that established the Maine State rail authority NNEPRA "... to take all actions that are reasonably necessary to initiate, establish or reinstate regularly scheduled passenger rail service between points within this State and points within and outside this State."

The MRTC is here to speak **Neither For nor Against LD 259 An Act Making Unified Allocations from the Highway Fund and Other Funds, etc.**

Our understanding is the Budget documents provided with this bill are based on the 2023 MeDOT 3-Year workplan. I reference some of these expenditures as they reflect much of what this budget is doing.

Our primary concern is the MeDOT workplan includes a significant amount of money budgeted for trails, and conversion of railroads to recreational trail - \$8,000,000 in 2023 and over \$11,000,000 in 2024, yet there is little to no funding allocated to expansion of passenger train services on the State-owned railroads even though these state transportation assets have been subject to much demand for service over the past decades. Those of us presenting proposals for expanding passenger trains to places other than the coastal communities have been told every budget season that there are no funds available for rail. This budget appears to continue that trend.

Near the end of the last legislative session, when communications with this body and the MeDOT were limited by the requirements due to COVID of only zoom public meetings, there was a MeDOT bill passed establishing a new category of MeDOT funding as referenced in this budget document as "**The first-ever Maine State Active Transportation Plan**" (ATP). According to the 2023 Maine State Rail Plan, Active Transportation includes "assessing state-owned rail corridors for potential conversion to interim trail use."

We are all very much aware that "interim" trail means removal of the track infrastructure.

3/27/2023

2 | Page



What for example, under Active Transportation, is a Bike/Ped "Carbon Reduction Program" budgeted at **Six Million dollars**? There appears to be an extraordinary amount of funding for Active Transportation and conversion of railroads to trails.

The MRTC continues to support operational funding contributions to the Downeaster service and in fact takes some credit for submitting and passing the bill that allocates a percentage of sales tax on rental cars to fund the State share of this investment.

The two-year pilot program for passenger trains on the Rockland branch is **100% supported** by the MRTC with the caveat that all the state-owned railroads should be considered for this same type of service, instead of budgeting for ripping up state-owned tracks.

The Budget for our state-owned rail lines appear to be low at \$1.4 million. (I believe we own over 400 miles) There are numerous places where bridges are damaged, or have been removed, and the overall condition of the tracks gives some folks the impression that the track should be torn up for trails.

In 2023, the sale of the Pan Am Mainline railroad to CSX included two federal grants for \$78,000,000 of improvements to the mainline which the state DOT accepted as sponsor due to some technicality in the ownership change. Nice of us. However, there has been and continues to be significant demand for passenger rail service on this Mainline corridor. **Why, as we have done for the same PanAm railway route to Boston, have we not considered seeking additional FTA funding that would improve the track to passenger service conditions, benefiting the private railroad owner/operator and the citizens of Maine who want Amtrak on the same route?**

The \$1,900,000 financial commitment to the SLA poses the same question. **Why not ask the SLA that, in return for Maine tax dollars invested in their railroad, can we discuss opening the route for passenger train service to Montreal?**

The message here is, one – the MeDOT Budget does not consider the impacts of transportation on the Climate. In fact, there is no reference to Climate action in the work plan, the State Rail Plan or this budget. None. The other is that as passenger rail technology improves and costs come down, the Maine Department of Transportation is not preparing for a future leveraging these critical and valuable state transportation assets. In fact, they are budgeting to destroy them.

I trust this budget is flexible enough to be changed when this legislature directs the MeDOT to act and invest in transportation projects that they may have overlooked in their planning processes.

Anthony J. Donovan, Director
Maine Rail Transit Coalition
84 Middle St. Portland, Me. 04101
(207) 329-6732 Mobile
Mailto: MElikesRail@gmail.com



3/27/2023

3 | Page

One other question we would like a clear explanation of. The MeDOT budget references revenue bonds. There are two types, GARFVEE and TransCap Trust Fund revenue bonds. The Governor's budget references \$400,000,000 in revenue bonds for leveraging \$1 billion in federal infrastructure funding. It is our understanding that \$200 million will be in revenue bonds paid through the general fund and \$200 million in revenue bonds paid through the MeDOT budget, allowing for a match for the federal funding of \$1 billion for a total MeDOT budget of \$1.4 billion.

What is the source of the DOT funding of the revenue bonds and are those bonds restricted to only roads and highways or can they be used for investments in passenger rail, restoration of state-owned railroads and studies to determine a regional vision for use of these railroads?

Knowing the Federal Bipartisan Infrastructure Law (BIL) strongly supports investment in rail and alternative transportation, the question is has the MeDOT allocated, or can this budget be flexible enough to allocate funding of Policy, Planning and Research Railroad – General Feasibility Studies of proposals to use the State-owned railroads for passenger trains?

We have identified specific line items in the MeDOT 3-year work plan which we believe need clarification, including sources and uses, and explanation for why DOT rail plan has more reference to funding rails to trails than for evaluating the state railroad corridor transportation assets for the uses of rail as they were intended on acquisition with state tax dollars. Those items follow.

Line Items in question

2023	Development of a Statewide Active Transportation Plan	\$245,000
018469.10	2023 Portland Bicycle/Pedestrian Union Branch Trail Connector	\$250,000
019426.00	2023 Scarborough, South Portland New Construction Eastern Trail	\$1,860,000
025975.00	2023 Public advisory process for future use of the Calais Branch	\$50,000
019426.10	2023 Eastern Trail bicycle and pedestrian connection.	\$4,770,000
025821.00	2023 Windham Bicycle/Pedestrian Safety Improvements	\$547,000
026858.00	2023 preliminary engineering Mountain Division Rail/trail	\$150,000
024759.00	2023 Public advisory process for Lower Road Branch Railroad -	<u>\$135,000</u>
2023		<u>\$ 8,000,000</u>
005692.24	2024 Statewide Communication & Outreach Active transportation	\$775,000
018469.00	2024/25 Portland Bicycle/Pedestrian Trail Union Branch Trail	\$3,080,000
027168.00	2024/25 Removal of 6 old railroad crossings the DOC Rail Trail	\$150,000



3/27/2023

4 | Page

018516.24	2024	oversight of the Down East Sunrise Trail.	\$50,000
013344.10	2024/25	Gardiner New Construction Cobbossee Stream Rail/Trail	\$1,040,000
026812.24	2024	Carbon Reduction Program associated trail	<u>\$6,000,000</u>
2024			\$ 11,095,000

In 2023, the sale of the Pan Am Mainline railroad to CSX included two grants for improvements to the mainline that the state accepted as sponsor due to some technicality in the ownership change. Nice of us. However, there has been and continues to be significant demand for passenger rail service on this Mainline corridor. **Why, as we have done for the same PanAm railway route to Boston, have we not considered seeking additional FTA funding that would improve the track to passenger service conditions, benefiting the private railroad owner/operator and the citizens of Maine who want Amtrak on the same route?**

026017.00	2023	Pan Am Rail Waterville Rail Line/Track Rehabilitation	\$42,500,000
024097.00	2023	Pan Am RR Mainline from Yarmouth to Waterville	<u>\$35,500,000</u>
In 2023			\$ 78,000,000

The financial commitment to the SLA poses the same question. **Why not ask the SLA that, in return for Maine tax dollars invested in their railroad, can we discuss opening the route for passenger train service to Montreal?**

026910.00	2023	SLA Tri-State Regional Rail Upgrade	\$1,900,000
-----------	-------------	-------------------------------------	--------------------

The MRTC continues to support.

- operational funding contributions to the Downeaster service and in fact takes some credit for submitting and passing the bill that allocates a percentage of sales tax on rental cars to fund this investment.
- The two-year pilot program for passenger trains on the Rockland branch is 100% supported by the MRTC with the caveat that all the state-owned railroads should be considered for this same type of service. (Rather than ripping up the track for trails).
- The state expenditures on the state-owned rail lines appear to be low. There are numerous places where bridges are damaged, or removed, and the overall condition gives some folks the impression that the track should be torn up for trails.

022046.24	2024	Northern New England Passenger Rail Authority operating	\$17,700,000
026994.00	2024	Two-year pilot passenger rail service Rockland Branch.	\$3,000,000
018599.24	2024	Operational improvements to state-owned rail lines	\$1,410,000
020828.24	2024	Statewide Rail Line/Track	<u>\$1,500,000</u>
In 2024			\$23,610,000

We continue to support investments in Maine freight railroads.

027628.00	2024/25	Montreal, Maine & Atlantic Freight Railroad Value:	\$56.8M \$11,400,000
-----------	----------------	--	-----------------------------