



# HOUSE OF REPRESENTATIVES

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Good afternoon Senator Chipman, Representative Williams, and members of the Transportation Committee. I am Art Bell, and I represent House District #103 in Yarmouth. I come before you today to introduce LD 209, **“An Act to Authorize an Interim Use Trail on the Berlin Subdivision Rail Corridor”**.

I have attached to my testimony the proposed Amendment to replace the concept draft originally submitted for LD 209. As you can see, the Amendment exactly parallels the language of the bill you will be considering later today for the Mountain Division Trail ... LD 404.

As we have seen across America, there has been a craving for local community that has led to a reawakening for outdoor recreation, in particular bike and pedestrian trail usage. I am thrilled that Maine DOT has recently published its first “Active Transportation” plan, which will maintain, improve and expand safe active transportation statewide. As the MaineDOT AT plan states: “implementing this plan will improve pedestrian and bike safety, expand mobility, support economic development, reduce greenhouse gas emissions, and enhance community vibrancy, quality of life and public health for Maine.”

Maine, just like the rest of our country, has miles of abandoned rail corridors. Legislation passed in the 130<sup>th</sup> directed the DOT to establish a Rail Use Advisory Council to facilitate discussion, gather information and provide advice to the Commissioner regarding future use. These recommendations include benefits & costs of potential uses of the rail corridors, including both rail & trail uses, with the understanding that any non-rail use would be considered interim in nature, as outlined in the Maine Rail Preservation Act.

To date, two rail corridors have completed the RUAC process. LD 404 will be addressing the results of the Mountain Division rail corridor, and this bill LD 209 is focused on the Berlin Subdivision rail corridor.

Public engagement was an important part of the Berlin Subdivision Rail Corridor Study process. Comments were solicited in a variety of channels between April 2022 and January 2023, including five virtual RUAC meetings, three in-person RUAC meetings, one public meeting and through email comments, via direct email to MaineDOT and submissions through the MaineDOT website.

Over 700 public comments were received in an eight-month period from May 2022 through December 14, 2022. Approximately 86% of the public comments received indicated support for a trail. This included comments specifying desire for “trail until rail” and/or support for the development of the Casco Bay Trail Loop and connection with the Eastern Trail.

Development of the Berlin Subdivision Rail corridor to trail usage was cited as having:

- A strong baseline of potential trail users based upon socio-economic metrics, area population density, and demand for walking & biking facilities;
- Potential for increased consumer activity by trail users could lead to \$3.5 to \$5.3 million annual spending;
- Presence of a recreation trail has the potential to show a positive fiscal impact to residential property values along the corridor; and
- Offering expanded recreational facilities will encourage more active lifestyles that can lead to reduced health care costs.

The majority of Rail Use Advisory Council members recommended ***Interim Trail until Rail*** (multi-use trail using the existing rail bed). This alternative includes removal of the existing tracks and ties and developing a multi-use trail on the former track bed. ***My community of Yarmouth is very excited for this trail to be realized, as our communities along the corridor from Portland to Auburn.***

***I believe this is an ideal public policy initiative.*** Re-envisioning abandoned State-owned assets and returning them to public use, while also encouraging healthy recreation and economic spending. A robust Active Transportation trail system statewide will support the Maine Climate Action Plan and the 2020-29 Maine Economic Development Strategy and enhance the vibrancy of Maine’s cities, quintessential villages, and rural areas.

I urge you to support LD 209 and help realize MaineDOT’s Active Transportation Plan.

## Draft Updates to LD 209

### Resolve, to Direct the Department of Transportation to Implement the Recommendation 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** the Portland to Auburn Rail Use Advisory Council was formed in April 2022 pursuant to Maine Revised Statutes, Title 23, section 75, to review the section of the St. Lawrence and Atlantic rail corridor from mile post 0.0 in Portland to mile post 26.5 in Auburn, referred to as the Berlin Subdivision Rail Corridor, for potential nonrail use; and

**Whereas**, the Portland to Auburn Rail Use Advisory council convened and met for nine months from April 2022 through January 2023; and

**Whereas**, of the 13 members of the Portland to Auburn Rail Use Advisory Council to cast a vote, a majority of members voted to recommend the conversion of 26.5 miles of the inactive Berlin Subdivision Rail Corridor to an interim bicycle and pedestrian trail; and

**Whereas**, any conversion to 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:

Section 1. Trail construction on Berlin Subdivision Rail Corridor. **Resolved:** That, based on the recommendation of the Portland to Auburn Rail use Advisory Council, the Department of Transportation may permit the conversion of 26.5 miles of the Berlin Subdivision Rail Corridor to an interim bicycle and pedestrian trail.

#### **SUMMARY**

This resolve allows the Department of Transportation to permit an interim bicycle and pedestrian trail on 26.5 miles of the inactive Berlin Subdivision Rail Corridor, while preserving the corridor for future rail use.