



# TrainRiders NORTHEAST

*Changing the way the Northeast travels*

*Founded in 1989*

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April 1, 2025

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Senator Tim Nangle, Senate Chair  
Representative Lydia Crafts, House Chair  
Joint Standing Committee on Transportation  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

Re: Testimony of TrainRiders Northeast in Opposition to Passage of Section 7 of LD 154, An Act to Amend the Transportation Laws

Dear Senator Nangle and Representative Crafts:

I am the President of TrainRiders Northeast. TrainRiders is the grass roots citizens' organization that was the driving force behind the initiation of the Downeaster passenger rail service between Brunswick and Boston and which continues to strongly support that service to this day. It also supports improvements and expansion of passenger rail service in Maine and throughout the Northeast, where such expansion is rationally justifiable given current and projected economic and social conditions.

TrainRiders Northeast opposes the passage of Section 7, of strongly supports the passage of LD 154., at least in its current form, and takes no position on the remaining parts of that bill. Section 7 removes a requirement for the Maine Department of Transportation (MDOT) to consult with a "regional economic planning entity" before making a determination that the removal of rail from a state-owned rail line, or a change in the use of that line to nonrail purposes, will not have a negative impact on a region or on the future economic opportunities for that region. The proposed change would still require that MDOT make that determination after consulting with a regional transportation advisory committee. The reasons for TrainRiders' opposition to this change include the following:

1. In 2001, at a time when the Bangor and Aroostook Railroad had entered into bankruptcy proceedings, the Maine Legislature adopted Resolves 2001, ch. 120 to establish and fund a task force on rail transportation. That task force included members of this Committee, the Appropriations Committee, and the Business and Economic Development Committee. It also included representatives of the Maine Port Authority, the Northern New England Passenger Rail Authority (NNEPRA), and other interested parties. In November 2002, the task force issued its final report

(the "Report") which included 17 recommendations. Among those were the following: (1) MDOT should continue to acquire abandoned rail right of way to preserve rail corridors; and (2) the State should leave the rail intact on any state-owned branch, provided, however, that rail could be removed when MDOT "in consultation with the Regional Transportation Advisory Committee and regional economic planning entity" determines that removal could occur without a negative impact upon a region of on future economic opportunities for that region. See Report at i, 15. Page 15 of the Report stated that, in particular, MDOT should suspend its plan to remove rail on a portion of the Calais Branch, stating that:

With removal of the rail, recreational use by hikers, bicyclists, snowmobilers and ATV riders is likely to increase whether or not the segment is actively managed for recreation. A sense of ownership is likely to develop among the recreational users. This can create conflict and a significant obstacle to reactivating a rail line.

Once tracks are removed, it is likely that future opportunities for rail-based or rail supported business are gone. Preserving rail corridors should include retaining existing rail.

(Report available at [https://ldc.mainelegislature.org/Open/Rpts/he2771\\_m2m32\\_2002.PDF](https://ldc.mainelegislature.org/Open/Rpts/he2771_m2m32_2002.PDF)).

2. This anticipated result puts a heavy burden on removal proponents to show that removal will not have a negative impact on those regions that any future rail service could serve on that line. Accordingly, the task force recommended that MDOT needed to closely examine the economic as well as the transportation consequences of any such removal. This recommendation was then adopted by the Legislature and remains part of 23 M.R.S.A. 7107. See P.L. 2003, c. 498, § 4 (An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency).

3. LD 154's proposal to remove the requirement that MDOT consult with a regional economic planning entity before concluding that rail should be removed from a state-owned line eliminates review of a proposed removal by an entity that deals with the economics of a particular region along the line. The Report found that DECD had concluded that the then-current level of rail service in Maine did not appear to be causing the material loss of business development opportunities merely because local and regional economic development organizations reported that they had not received significant requests for information related to rail availability. The Report did not consider this to be sufficient and concluded that a "connection must be made to facilitate communications between transportation planners [specifically including RTAC's] and economic development specialists." Report at 22-23. Complete elimination of the requirement that MDOT consult with a regional economic planning entity not only undermines the recommendations of the Report as adopted by the Legislature but reinstates the very disconnect criticized by the task force in that Report, resulting in potential loss of economic development opportunities through the incomplete study of the consequences of rail removal.

4. While it is true that studies by contractors hired by MDOT to support the RUAC process purport to deal with the economic results of rail removal, in reality, they fall far short of doing so. The scope of these studies has been very limited, excluding exploration of many benefits of rail use. Additionally, MDOT has never made any effort to determine whether a railroad was interested in running service on any state-owned line. Instead, MDOT concluded that no such interest existed because no party had approached it asking to operate on those lines before the initiation of the RUAC process. This practice is analogous to the DECD conclusions described in the Report. Similarly, MDOT has made no effort to determine what properties along a state-owned line would be available for freight rail use or what businesses now on the line might desire to use this service if it were available. At least some such studies have ignored the potential increase in property values resulting from the reactivation of a rail line that MDOT now seeks to tear up. This emphasizes the need for MDOT to consult with a regional entity involved with economic planning before determining that the removal of rail from a state-owned line is appropriate and will not result in a negative economic impact on that region.

5. The bill summary states that the reference to a “regional economic planning entity” constitutes the removal of “an outdated reference in the State Railroad Preservation and Assistance Act.” While it is true that this particular phrase is not used in any other Maine statute, other organizations bearing different statutory names (such as regional “economic development” entities) do exist and could appropriately judge the economic impact of rail removal on a region. Therefore, any change here should substitute the proper title for such existing entities for the current phrase, not just the elimination of the requirement for consultation with an appropriate regional agency.


6. Finally, now and even after amendment, § 7107 will continue to require MDOT, after proper consultation, to make a determination that “removal of a specific length of rail owned by the State will not have a negative impact on a region or on future economic opportunities for that region.” MDOT has never issued such a determination for any of the RUAC-studied lines. Instead, MDOT has pointed to the studies and recommendations issued by each RUAC to satisfy this requirement. Those studies and recommendations are those of the RUACs, not of MDOT. Furthermore, no such conclusion has been stated in any of those studies or recommendations. Finally, although representatives of such a regional economic planning entity and an RTAC may have served on each RUAC, there has been no showing that MDOT was ever “in consultation” with that entity or RTAC with respect to any such determination or that their RUAC representatives were authorized to act on behalf of that entity or RTAC about that determination. Until such a determination has been made, and MDOT returns to this Committee, no rail can be removed from any state-owned line.

For all of these reasons, as well as others, this Committee should vote out § 7 of LD 154 as “Ought to Pass” unless the bill is amended to substitute a different name for the regional economic entity with which MDOT must consult.

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TrainRiders appreciates this opportunity to provide the Committee with its comments on LD 154 and stands ready to assist the Committee in its consideration of that bill.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Bruce Sleeper", with a stylized flourish at the end.

F. Bruce Sleeper, President  
TrainRiders Northeast  
[fbsleeper@trainridersne.org](mailto:fbsleeper@trainridersne.org)