

April, 2025

From: Paddy Barber Hiram

Opposed to LD 154 An Act to Amend the Transportation Laws

Chairman Nangle, Chairwoman Crafts and Transportation
Committee members.

I am Paddy Barber from Hiram and I speak in opposition
to specific parts of LD 154 An Act to Amend the Transporta-
tion Laws

I refer you to Section 7 of LD 154

Sec. 7. 23 MRSA §7107, first ¶, as amended by PL 2021, c. 239, §3, is further amended to read:

Except as provided in this section, the Department of Transportation may not dismantle or change state-owned track for a nonrail use or contract with a state agency or private entity for the dismantling or changing of state-owned track for a nonrail use. When the department, in consultation with a regional economic planning entity and a regional transportation advisory committee established in accordance with rules adopted under section 73, subsection 4, determines 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, the Commissioner of Transportation shall seek review by the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal.

The bill also removes an outdated reference in the State Railroad Preservation and Assistance Act.

Statute 7107 Dismantling of State-owned track or other
non-rail use clearly has 2 paragraphs.

The first is in compliance with section 73 subsection 4 and
refers to non-rail use. This non-rail use could be
any non-rail use such as, for example, removing a section of
track to place a land fill there.

§7107. Dismantling of state-owned track or other nonrail use

Except as provided in this section, the Department of Transportation may not dismantle or change state-owned track for a nonrail use or contract with a state agency or private entity for the dismantling or changing of state-owned track for a nonrail use. When the department, in consultation with a regional economic planning entity and a regional transportation advisory committee established in accordance with rules adopted under section 73, subsection 4, determines 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, the Commissioner of Transportation shall seek review by the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal. [PL 2021, c. 239, §3 (AMD).]

The second paragraph is in compliance with section 75 which references "nonrail recreational or nonrecreational transportation use"

My example of track removal for a landfill is neither recreational nor transportation use

The Department of Transportation may not convert a state-owned rail corridor in which the department controls the right-of-way to a nonrail recreational or nonrecreational transportation use without following the rail corridor use advisory council process established under section 75 and without legislative approval. If the Commissioner of Transportation receives a report from a rail corridor use advisory council established under section 75 that includes a recommendation of track removal or other change for nonrail use and the commissioner concurs with that recommendation, the commissioner shall seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to track removal or the other change for nonrail use. Legislation submitted under this section must include language stating that any track removal or other change for nonrail use is considered interim in nature and that the rail corridor will be preserved for future rail use as provided under this chapter. [PL 2021, c. 239, §3 (NEW).]

SECTION HISTORY

PL 2003, c. 498, §4 (NEW). PL 2021, c. 239, §3 (AMD).

These two paragraphs clearly address two separate possible situations when track removal might be proposed.

Striking words from this statute without an analysis of how it would affect the intent of this law would be premature and unwarranted.

In addition, I fail to see how any reference to regional economic planning entities in transportation policy is outdated. I would think includes economic parameters

in any discussion of spending our taxpayer dollars, is
even more relevant to our current financial budget
situation.

Finally, removal of regional economic planning enables from
transportation policy

§73. Transportation policy

1. Short title. This section may be known and cited as the "Sensible Transportation Policy Act."
[IB 1991, c. 1, §1 (NEW).]

2. Purposes and findings. The people of the State find that decisions regarding the State's
transportation network are vital to the well-being of Maine citizens, to the economic health of the State
and to the quality of life that the citizens treasure and seek to protect.

as well as the State Railroad Preservation Act

CHAPTER 615

STATE RAILROAD PRESERVATION ACT

SUBCHAPTER 1

RAILROAD PRESERVATION, ASSISTANCE AND ACQUISITION

§7101. Short title

This subchapter shall be known and may be cited as the "State Railroad Preservation and Assistance
Act." [PL 1989, c. 398, §7 (RPR).]

SECTION HISTORY

PL 1987, c. 792, §2 (NEW). PL 1987, c. 794, §1 (NEW). PL 1989, c. 398, §7 (RPR).

§7102. Findings of fact

The Legislature makes a finding of fact that a viable and efficient rail transportation system is
necessary to the economic well-being of the State. [PL 1989, c. 398, §7 (RPR).]

The Legislature makes a further finding of fact that the State must take active steps to protect and
promote rail transportation in order to further the general welfare. [PL 1989, c. 398, §7 (RPR).]

SECTION HISTORY

PL 1987, c. 794, §1 (NEW). PL 1989, c. 398, §7 (RPR).

Weakens both statutes and undermines the intent
of each, especially as they relate to §7107 Dismantling

of state owned track or other non-rail use.

(4)

Therefore I oppose section 7 of LD 154.

Thank you,

I would be happy to answer any questions.