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Maine Rail Transit Coalition
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To: Maine Legislature Transportation Committee
From: Tony Donovan, Director
Maine Rail Transit Coalition
Date: April 14, 2021
Re: LD 1133: An Act To Amend the Transportation Laws. OUGHT NOT TO PASS

Senator Diamond, Representative Martin, and members of the Transportation Committee, my name is Tony Donovan, and I am a Founding Member of the Maine Rail Transit Coalition (MRTC). MRTC, along with the Maine Rail Group and Rail Users Network, is a leading advocacy group for the restoration of passenger train services in the region, to take advantage of the existing railroad corridors assets found in every part of the State.

I submit this testimony in **Opposition of LD 1133.**
"An Act To Amend the Transportation Laws ".

Reference: STATE RAILROAD PRESERVATION ACT §7151.

Legislative findings; declaration of policy

1. Legislative findings. The Legislature finds that safe, efficient, and reliable rail service is essential to the economy of the State, the economic livelihood of industries located in the State, conservation and protection of the environment and the quality of life of the citizens of the State. The Legislature further finds that safe and efficient railroad service is essential to the State's public safety and the continued health and well-being of its citizens,

I extend my appreciation to MeDOT Commissioner Van Note and his deputy commissioner for accepting my request for the meeting last week to discuss bills introduced in this session for the purpose of evaluating the Maine-owned railroads for restoration to railroad use. Although this particular bill LD 1133 was not brought to our attention at the time, it was evident and disappointing to hear the department make clear its lack of support for expansion of passenger train service and more disturbing, the department's support for what they referred to as Active Transportation use of the corridor.

For the uninitiated, "Active Transportation" is the national rails to trails code term for conversion to recreational use of railway corridors.

The MeDOT support for trail use, and lack of support for passenger train use is evident in the 3-Year workplan in which funding is allocated for rail to trail conversion in Portland (\$270,000) and an advisory committee for a trail in Richmond (\$27,000), yet no funding (\$0000) for the continuation of the Lewiston Passenger Rail plan - even though a bill passed last session directed them to do so.

While every other state in New England is moving forward in planning and policy development for passenger train services, preparing for the upcoming national infrastructure funding bill, and considering rail as an alternative to automobiles to address impacts on the Climate, MeDOT tells us that the Biden plan may not pass, and they are therefore we should not be planning for it.



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While the PanAm Mainline, recipient of hundreds of millions of dollars of Maine support, goes up for sale, and other states impacted by the sale voice their objections to the CSX takeover, Maine having multiple contracts between the parties at stake, does nothing. In public anyway. No consideration was given to Maine buying any of the rail even though PanAm holds title to key sections of railroads they sold to Maine. In our opinion this is a serious oversight on the part of the State and conflicts with the States Railroad Preservation Act.

Instead we must deal with plans to convert these critical transportation corridors to recreational parklands. At a time when it is critical as noted in the Governors Climate Council report that Maine address the impacts of the transportation sector on the Climate,.

Regarding LD 1133 there are several problems. The most obvious is the **radical change to existing state law**, proposed without legislative directive, at the behest of a special interest's trails organization backed by a national organization. There was no public process in devising these changes, beyond that of listening to Recreational Trails interests. Instead, we have before us a radical change to established Maine law designed to protect these valuable transportation infrastructure corridors, buried in a bill behind road classifications.

The changes themselves make no sense. The department provides a list of State agencies, some of which have led past efforts to convert railroads to recreational trails, others with no interest or expertise in transportation. These advisory committee appointees, allowed to be selected by the department, are designed to stack the committees with recreational interests, while the only reference to rail interests is one single "advocate" - equal in standing to the Bike advocate. No place is provided for railroad expertise and, that the Maine state Passenger Rail Authority is not included, speaks volumes to the intent behind this Bill.

This bill is clearly designed to meet the demands of the Rails to Trails constituency. This is no time to allow this behind-the-scenes activity to jeopardize, or in any way take over these valuable state transportation assets.

Simply put, LD 1133 is poor timing. Changing the State Railroad Preservation Act to accommodate the interests of non-rail users in creating an additional review process at this time, is contrary to the Purpose of the Act.

While the MeDOT feels itself under pressure by non-rail use advocates, the fact remains that Rail-Use advocates have advanced planning in the current 2021 130th Legislative year for as many as four (4) railroad uses for State-owned railways critical to the economic well-being of the state. These plans go back decades and have been supported by the Legislature, the Governor's office and MeDOT as evidenced by multiple, costly studies. This is not the time to take measures that would impede the progress of leveraging these valuable Maine Transportation assets.

Two Bills introduced this session, passenger rail to Lewiston (LD 991) and evaluation of the 100 mile corridor to Bangor (LD 227) seek to take active steps by the State to protect and promote rail transportation to further the general welfare of the public.

MeDOT is offering a solution to a problem that has not been defined. Oversight of Maine railroads falls under the purview of the Joint Standing Committee on Transportation of the Maine Legislature, with jurisdiction over the Department. The Legislature, not MeDOT, and certainly not non-transportation interest groups should be making these policy decisions.

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There is a better alternative. We support a bill introduced by Senator Rick Bennett of Oxford, to strengthen the State Passenger Rail Authority to better meet current statewide demands for more and better passenger train service, and to oversee these critical Maine Transportation Infrastructure Assets. The State Rail Authority is a much better place for advisory oversight of the state's rail corridors.

Before considering requests for non-rail use of Maine Railroads, and changing the original intent of the state law in acquiring these corridors, the feasibility of the corridors for rail use must be determined.

The 130th session bills in support of rail are designed to provide the State, and public interests, information they need, after which, if MeDOT and this legislature still find it important to the public good, they may then look to an advisory report on non-rail uses.

We recommend LD 1133 be amended to delete Section 2 and Section 4 referencing changes to current STATE RAILROAD PRESERVATION ACT law and that the State continue to act to protect and promote rail transportation.

For these reasons we respectfully request this Committee to table, or carry over the next Legislative Session non-rail use policy, to provide time for the Transportation Committee to fully evaluate the impacts of this significant change to Maine law.

Upon completion of the analysis supported by the Lewiston (LD 991) and Bangor (LD 227) rail bills, and other legislative directives, the Legislature might then establish an advisory committee whose purpose shall be to investigate the potential uses of the state-owned railway corridors and report back to the Legislature as to whether the laws should be amended to provide a process for non-rail use of these critical transportation corridors.

Vote LD 1133 Ought Not To Pass

Thank you. If you need additional information, please email us at MeLikesRail@Gmail.com, or visit our website WWW.MaineTrain.ORG.

I am available to answer any questions.

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Train Time

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