

Date: April 15, 2021

Re: Maine DOT's Bill - LD1133 -An Act to Amend the Transportation  
Laws

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Dear Senator William Diamond and Representative Danny Martin and other  
Members of the Committee.

My name is Richard Rudolph. I am a Portland resident who is a Director of the Maine Rail Group and Chairman of a national organizational, the Rail Users' Network which provides a voice for Long Distance, Regional/Commuter, and Transit Rail Passengers, rail advocates, and official rail advisory committees. My background includes serving as the Chair of the Community Planning Center at the University of Massachusetts in Boston where I taught courses on community planning, climate change, needs assessment, sustainable development and other related topics. I have also served as the chair of Amtrak's Customer Advisory Committee at the national level.

I am here today to urge you to vote Ought Not to Pass LD 1133, an act to amend the State Transportation Laws. Sections Two and Four of this proposed bill undermine the original intention of your predecessors who had the wisdom to provide state funds to purchase what are now state owned rail lines before they were abandoned by Guildford Industries in the late 1980's and early 1990's. They recognized the value of preserving these lines for possible future rail passenger routes and invested \$17,582,400 to acquire these properties.

The bill before you now is designed to turn over these preserved rail lines to special interest trail organizations backed by the National Rails to Trails Conservancy for recreational use. MeDOT's bill is a rewrite of a bill which the Merry Meeting Bicycle Coalition submitted to the Maine State legislature in 2020. Both bills allow the MDOT Commissioner the ability to appoint 9-15 persons on a Council which membership "may" include various types of parties. If passed, this would give the Commissioner discretion as who to appoint to this council and will lead to a stacked deck in favor of converting inactive state-owned rail corridors for recreational trail use. Once converted, they will be politically unlikely ever to be returned to rail use. While states are required to update their rail plans every 4 years, MeDOT has failed to meet this obligation. The latest plan was adopted in 2014. Instead, the Commissioner has included \$27,000 in his latest three - year

work plan to cover the cost of convening a council to determine the fate of the state-owned Augusta- Brunswick rail corridor.

This bill also flies in the face of City Council members in Augusta, Waterville and Bangor and elsewhere who have passed resolutions calling for a study to determine whether it is feasible to restore passenger service on the “Lower Road” from Brunswick to Augusta and beyond to Waterville and Bangor. It is also an insult to those legislators who have submitted bills to the Maine State Legislature regarding taking the first step to restore passenger rail to Central Maine and to conduct a feasibility analysis as the second step towards restoring passenger service to Lewiston/Auburn.

It is our belief that a feasibility study must be completed before any state rail line can be converted for recreational use. The study should be conducted by professional experts who would not only determine ridership potential, but also the possible long-term economic impacts.

The Downeaster’s track record is an outstanding example of the success of restoring passenger rail service. As Senator Susan Collins has pointed out, the existing Downeaster passenger rail service before Covid 19 “is an economic engine for Maine, providing good jobs, supporting Maine Vendors of goods and services and strengthens Maine’s tourist industry.” The Downeaster had 574,404 passengers before Covid setting a new record which enhanced the mobility of our citizens and supported economic growth for Maine Businesses.

Given this history, turning any of the state-owned railroad corridors into bicycle paths without first having professional studies done to determine potential ridership as well as economic benefits would be a huge mistake. The benefits could address a number of issues that are not being currently addressed such as need for greater mobility options for the young and old and tourists who do not want the hassle of driving to see tourist attractions in the state. Restoration of train service would also promote greater economic development in the towns and cities that would be served by reopening of an unused rail line. It would also promote transit - oriented development which would attract millennials and families who want to live in a city or more rural area, but no longer can afford housing in Portland, Maine. Finally, there is a need to drastically reduce or even eliminate carbon emissions to avert catastrophic levels of climate change. The Governor’s Climate Council for some unknown reason is promoting a future based solely on Mainers purchasing electric cars and providing charging station on major state

highways, this policy is unrealistic regarding both the young and older residents in Maine who cannot afford to purchase an electric car nor desire to own one. Given the emerging non carbon technology for hydrogen/battery powered passenger rail vehicles that give advantages of electrification to non-electrified railroad lines, it is unwise to relinquish these corridors for future rail use.

To summarize:

- The MeDOT is asking the Legislature to change the State Railroad Preservation Act that has protected these lines for rail that are now threatened by trail interest groups. We're aware of no state or national evidence that any "trail until rail" corridors once converted to trail have been returned to passenger rail use. Once converted, we believe it would be politically impossible to recover them for rail here in Maine.
- Four state-wide initiatives pertaining to rail corridors now await Transportation Committee consideration. The Biden administration proposes massive national rail investment. What's the rush to convert these corridors to recreational trails?
- The advisory committee proposed by LD 1133 is one-sided and heavily weighted toward trail-oriented membership.
- We do not oppose trails per se, and welcome trails with rails in or parallel to corridor segments where Amtrak specifications for separation and safety can be met without incremental costs or operational constraints to railroad operations.

We respectfully ask that LD 1133 be voted Ought Not to Pass, or at least amended to remove references to conversion of rail corridors to trails.

Thank you for your time. I am available to answer any questions.

