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May 18, 2021

VIA ONLINE FILING <https://www.mainelegislature.org/testimony/>
Senator William Diamond, Co-Chair
Representative Danny Martin, Co-Chair
Joint Standing Committee on Transportation
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Re: LD 1370, "An Act To Establish Trail until Rail Corridors"

Dear Senator Diamond and Representative Martin:

TrainRiders Northeast is a grass roots citizens' organization with hundreds of members from Maine, New England, and elsewhere. Since 1989, TrainRiders has been educating public officials and the public at large about the benefits of passenger rail service in Maine and throughout the Northeast. TrainRiders has worked, and continues to work, closely with the Maine Department of Transportation ("MDOT"), the Northern New England Passenger Rail Authority Rail Authority, Amtrak, and many others to ensure that these benefits are communicated to all. TrainRiders was the driving force behind the initiation of the Downeaster service and continues to strongly support it to this day.

TrainRiders strongly opposes the passage of LD 1370. Superficially, that bill might be seen as an effort to protect state owned real corridors by allowing them to be used for trail purposes until it is in the public interest to return them to rail use. This concept of "rail banking" is one which has played out on the national scene under the aegis of federal law which provides for similar conversions throughout the country. The national experience with rail banking is that it almost never results in reconversion of a line into rail use. In some instances, this is the natural consequence of the line's location, or market forces have resulted in no further need for rail service. In many other cases, however, the removal of the rail and ballast from the line makes it cost prohibitive to renew rail service even where it might otherwise be feasible and advantageous, and, in fact, throughout the United States it is likely that less than 100 miles of rail banked rail lines have been reconverted to such use. It is often far too easy to look only at the current lack of use of a line to make a decision to convert it to another transportation mode without also looking forward to possible future transportation needs within the rail corridor. Once conversion occurs, it often becomes far too expensive to rebuild the rail line even where future needs would otherwise justify that action.

May 18, 2021

Passage of LD 1370 cannot, therefore, be considered to be a means to preserve lines for future rail purposes, but, instead must be seen as what it actually is: the death of rail lines. This bill would do this along lines, such as the Lower Road between Brunswick and Augusta, the Mountain Division Line from Standish to Fryeburg, and the St. Lawrence and Atlantic line between Portland and Auburn, which have all supported proposals for passenger and/or freight use in the recent past and may, without removal of track and ballast, do so in the future. Furthermore, the bill would allow conversion of these lines to trail use without consideration of future transportation needs, but only the cost and feasibility of that conversion. Make no mistake, this bill is not one to preserve rail lines; it is one to end the practical possibility of future rail use on those lines.

Additionally, all purchases of rail lines by the State of Maine have been paid for by the issuance of bonds approved by Maine voters. In many instances, the bond proposal was presented to the public as one for the preservation of the line for rail purposes. Most particularly, the 1990 ballot for approval of a bond issue to fund the purchase of the line between Brunswick and Augusta asked "do you favor a \$4,500,000 bond issue for the acquisition of certain rail lines, rail trackage rights or easements or ancillary rights and interests for the establishment, preservation and operation of rail service in Maine?" See [https://ballotpedia.org/Maine_Rail_Lines,_Trackage_Rights_and_Easements_Rights,_Question_No._2_\(1990\)](https://ballotpedia.org/Maine_Rail_Lines,_Trackage_Rights_and_Easements_Rights,_Question_No._2_(1990)).

Finally, passage of this bill would represent a major change in State policy. Maine law currently provides that "[A] viable and efficient rail transportation system is necessary to the economic well-being of the State" and the State of Maine "must take active steps to protect and promote rail transportation in order to further the general welfare." 23 M.R.S.A. § 7102. The State has not only purchased rail lines, but has also continued to support private freight lines in Maine and to invest in the Downeaster passenger rail service, a service that, in the last full pre-COVID year, transported 574,404 passengers. Passage of LD 1370 would reverse this support by, in effect, permanently ending the possibility of rail service on, to begin with, the only rail line between Brunswick and Maine's capital city, the only rail line between Portland, Fryberg, the North Conway region, and beyond, and the State owned line between Portland and Lewiston-Auburn, with additional rail use terminations on other lines possible in the future.

TrainRiders strongly and emphatically requests that this Committee report LD 1370 out as "Ought Not to Pass". We appreciate this opportunity to express our views on this bill, and, as always, we are available as a resource to assist this Committee with passenger rail issues.

Sincerely,

Wayne E. Davis
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Wayne E. Davis, Chairman
TrainRiders Northeast