



To: Maine Legislature Transportation Committee

From: Tony Donovan, Director
Maine Rail Transit Coalition

Date: May 17, 2021

**Re: L.D. 1370 Bill "An Act To Establish Trail until Rail Corridors
OUGHT NOT TO PASS"**

Chair Men, 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 ACQUIRED BY THE STATE OF MAINE FOR THE PURPOSE OF RESTORING PASSENGER AND FREIGHT RAIL SERVICES & found in every part of the State.

I submit this testimony in **Opposition of LD 1370.**
"An Act to Establish Trail until Rail Corridors "

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,

Along with colleagues from across the state I have been involved in the Maine State Legislature for about 30 years in the passing of state laws and resolutions to advance the expansion of passenger train services in Maine. This includes laws that provide protections and funding sources for state-owned railroads.

I share with you the following responses to a recent email correspondence from the founder of the Maine Trails Coalition, Dick Woodbury supporting non-rail uses of Maine railroad transportation infrastructure.

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MRTC REPLY: The Calais Branch is specifically noted in the STATE RAILROAD PRESERVATION ACT and was the first conversion of State-owned railroad infrastructure to recreational trails allowed. The Department of Transportation "reserves the right to terminate at any time the use of the Calais Branch rail corridor for recreational purposes and to use the Calais Branch rail corridor for railroad purposes". The law specifically provides for preservation for rail. However, 88 miles of track and ties between the port of Eastport and Washington Crossing in Ellsworth (Acadia National Park) were physically removed.



Removal of tracks results in two things. One is that restoration of rail now requires a full federal environmental impact statement, at great cost. The other is that this rail now joins the inventory of the 22,000 miles of rail to trail conversion in the U.S. of which about 100 miles, or less than .05% have been converted back for rail. Once a railroad is converted to a recreational trail it never is returned to its original use. Never.

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DW: I strongly support the repurposing of the 35-mile western portion of the Mountain Division rail corridor from Standish to Fryeburg as a multi-use trail; combined with a rail-with-trail facility on the 16-mile eastern portion of the corridor from Portland to Standish.

MRTC REPLY: There is a bill in the legislature (LD 672) to achieve this wish. With some modifications it could work. Consider.

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(b) Planning the transportation uses, design and economic impact of the Mountain Division should be subject to planning and policy development for the whole corridor. Segmenting this critical transportation corridor negatively impacts the potential to attract private investment and federal funding for any use.

(c) Regarding the 16 miles from Portland to Standish, neither LD 672 nor Woodbury speaks to the Rail in the "rail-with-trail" on the 16 miles between Portland and Standish. Supporting rail must include support for trains. The regional MPO (PACTS) identified this congested commuter corridor as a priority in its recent Transit Tomorrow report. A private developer building in Westbrook, located on the railroad funded a report with the state to operate commuter trains on at least the 4 miles section of the corridor owned by the mainline freight operator PanAm.

The MRTC strongly supports the commuter train service proposed by state rail authority NNEPRA. Planners must take into consideration that the 1st four miles owned by PanAm are currently for sale – something we find disappointing in MeDOT lack of involvement in. We further strongly support that the commuter train service operate on the full 16 miles Portland to Standish, with station stops in Portland, Rock Row and Downtown Westbrook, Windham, and Standish. We support a shared trail use of this corridor, but we do not support a "trails until Rail" plan. As referenced above, if Trails are built in the corridor, it will never be used for rail. The State is proposing a (\$50 million) relocation of the Portland train station to the Mainline. This planning should consider a comprehensive look at how the Mountain Division could connect to a mainline Portland Station, offering cross platform connections for travel west. We strongly support the whole corridor be one comprehensive Portland Transportation Center development. This is an opportunity the State cannot afford to waste.



DW: I strongly support the repurposing of the Lower Road rail corridor from Brunswick to Gardiner and Augusta as a multi-use trail, and not as a passenger rail line.

MRTC REPLY: The Maine State Legislature is currently considering a bill, LD 227 To Conduct a Feasibility Study for Extending Passenger Rail Service from Brunswick through Augusta, and Waterville to Bangor. This bill is intended to provide the MeDOT, the Maine Legislature, state and local planners, and investors with information on the 100-mile corridor extending from the terminus of the Amtrak coastal passenger train service at Brunswick to the Central Maine cities of Augusta, Waterville, and Bangor. The 55 miles between downtown Brunswick and a point downtown in the state capital of Augusta is owned by the State, referenced here correctly as the "Lower Roads". Mr. Woodbury decision/opinion is both pre-mature and ill-informed. The MRTC supports an economic evaluation of this corridor, not a decision based on non-rail users advocating for "repurposing" of this critical transportation infrastructure.

DW: I strongly support the repurposing of the St. Lawrence and Atlantic corridor between Portland and Auburn as a multi-use trail, not as a commuter train service.

MRTC REPLY: The Maine State Legislature is currently considering a bill, LD 991 To complete a feasibility analysis in accordance with the United States Department of Transportation, Federal Transit Administration " federal funding program requirements to implement passenger rail service from the Portland Ocean Gateway Pier to downtown Lewiston. This act is intended to provide all parties in the decision-making with objective information, including the economics of the uses. The State of Maine-owned St. Lawrence and Atlantic Railroad (SLR) infrastructure extends from the Old Port section of downtown Portland, 30 miles to Auburn Maine. In addition to two locations in Portland, the Feasibility Analysis will consider train stations at each of the commuter towns of Falmouth, Yarmouth, Cumberland, Pineland/Pownal/New Gloucester and at Danville Junction on the Mainline in Auburn 6 miles from a downtown Lewiston train station. This route has been the subject of over \$3 million in public funding for evaluating and design of commuter train service. Again, Mr. Woodbury's statement is both premature and ill-informed, but also most inequitable. Restoration of passenger train service on this corridor will provide a form of transportation to those who cannot drive, cannot afford to drive, or choose not to drive, and certainly for the vast amount of the population that cannot ride a bike along this distance. Connecting these town urban centers by train offers connectivity to affordable housing, good jobs, access to health care and recreation and it will significantly reduce the impacts of automobile congestion and pollution along the corridor. This strongly opinionated statement by Mr. Woodbury is, in our opinion, a self-serving choice which should not be taken seriously by transportation planners and policymakers in the state of Maine.



DW: I strongly support Rep. Bell's bill, LD 1370, which would authorize trail-until-rail use on some of Maine's state-owned rail corridors that are no longer used by trains, including those mentioned above.

MRTC REPLY: The issue with this bill and the definition of railroads as no longer used by trains, is not the definition of federally recognized railroad transportation corridors as defined by the Surface Transportation Board. As in the railroads mentioned above, with few exceptions (Union Branch/Bayside trail) the railroads are common carriers with a legal obligation to serve customers on reasonable request. Legally, MeDOT cannot extinguish its common carrier duties without obtaining permission from the STB. This is the federal legal reason for opposing Mr. Woodworks statement.

Then there is the common-sense reason in that the railroad corridors identified in LD 1370 "Trail until rail corridor designations" are all railways that are in the planning stages for restoration of rail - passenger, freight, and long-distance train services. The trail until rail will need to wait for "Rail until Trail", as "Until" is now, or more likely begun a few years ago.

The problem we face is the Maine Department of Transportation not communicating that fact to the trails advocates in the meetings that have taken place in public, and probably in private. In fact, that the Maine DOT is not acting to preserve and restore these railroads for their highest and best use, could be considered a violation of the MeDOT duties under the State Railroad Preservation Act. The failures of the DOT, and state rail authority NNEPRA to support these railroads has led us to the situation we now face with uninformed, well-intentioned people like Mr. Woodbury, making claims of their own on these valuable state assets.

DW: I'm totally open to restoring commuter rail service, or extended Amtrak service from Portland to Lewiston-Auburn, Waterville, and Bangor on the still-active Pan Am/CSX line.

MRTC REPLY: Once again Mr. Woodbury expresses his opinion, in a manner that indicates a lack of knowledge of transportation, at least that of the current state of railroad transportation in Maine. The freight mainline owned by PanAm Railways is the most heavily used freight operations in the state.

Current agreements that provide for the state to lease the use of this line for the Amtrak Downeaster passenger trains limit the number of trips, the speed of the trips and the potential for adding new services. In addition, the costs of reconstructing this privately-owned railway benefits the private owners to the tune of \$100s of millions of dollars, evident in the current sale offering of this private railroad at a price near a billion dollars.

The MRTC does not consider this good planning, policy, or economics when we, the taxpayers of the state of Maine own railroads which can meet some of the same transportation objectives, putting the money in our own assets, while opening routes that will not be limited by the freight operations. Decisions made to repurpose railroad infrastructure must consider the value of these critical assets, both in terms of economic and environmental impacts.



DW: I was disappointed in the Committee discussion yesterday, which seemed unreceptive to a Committee-sanctioned process for determining which rail corridors would be prioritized for train service restoration, and which for trail-until-rail use. I hope you will reconsider your position on this issue, as the demand for trail use these days is overwhelming.

MRTC REPLY: I trust the previous comments address the disappointment Mr. Woodbury has in the Transportation Committee discussion. That the public testimony opposed to the "process" was 15 to 1 should be more of a disappointment to him. And to be clear, it was an "MeDOT-sanctioned process", that in our opinion reflects the lack of commitment by the MeDOT to railroads in Maine. That the Department of Transportation is putting forth, or as reflected in their 3-year budget these non-rail trail uses is both disappointing and disturbing. I applaud those who want to satisfy the demand for trail use, it is one of the reasons I live in this wonderful State of Maine with its boundless access to wooded trails and hiking. Just not on railroad corridors engineered to provide the most efficient transportation system in the history of the world.

Vote LD 1370 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

Tony Donovan
Portland

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