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To: Maine Legislature Transportation Committee
From: Maine Rail Transit Coalition
Tony Donovan, Director
Date: May 17, 2023
Re: **LD 209 to Implement the Recommendations of the Mountain Division Rail Use Advisory Council– OUGHT NOT TO PASS**

Senator Chipman, Representative Williams, and members of the Transportation Committee,

My name is Tony Donovan. I live in Portland, and I was a member of the Berlin Rail Use Advisory Council. This RUAC was a case study in good intention gone bad. While the MeDOT thought they had come up with a system of determining the highest and best use of the state-owned railway corridors, what actually happened was a process hijacked by a special interest group with significant national funding and organizational skills.

I could list the many problems with this process, beginning with a legislative act that allowed trail advocates to dominate the council, while allowing only 2 rail interests. Then a consulting firm hired by the state was seriously compromised in that they also worked for the Eastern Trails, designing trails. This same consulting firm had completed a rail to trails plan for PACTS and this same firm was hired by MeDOT too, among other items in their scope of services is to consider conversion of the state railroads to trails.

The information provided by the consulting team was not just weighted in favor of rails, but it was basically a rehash of work already done by trails groups, using economic impacts figures that were vetted against themselves. This was true of all their data collection, including referring to their own previous studies that said among other things that these corridors cannot be used for train service.

It was a mess. When questioned on their data, the responses often came from MeDOT, responses that did not correct mistakes, or answer questions. When asked how a trail use can generate more spending by a user than a rail, they did not even bother to answer. This process was all about trails.

As you are experiencing right now, this national organization is well versed in organizing support, and lots of emails. Usually based on incomplete or incorrect information, and always getting as many people to support their position as possible, providing the email bullets that were repeated over and over again in the comments.



The most egregious of the issues in the Berlin RUAVC Final report is the claim that the vote of seven (7) of fifteen (15) members is considered a majority. Seven (7) IS NOT a Majority.

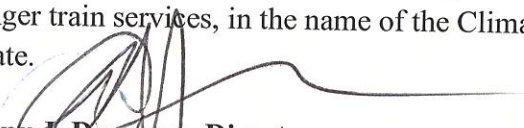
Two (2) members of the council abstained, because the information and process were too confusing to make a decision for their towns. Five of the RUAC Members, including representatives of the Cities at either end of the corridor voted, in a compromise with the trails folks for a Rail with Trail Recommendation. The only rail operator on the Council voted to leave the rail no trail.

Those who voted to remove the railroad infrastructure for a recreational trail included the Maine Trails Alliance, the Bicycle Coalition of Maine and the regional transportation authority PACTS, an organization that had already commissioned a rail to trail study – by this same consultant. The two towns that voted to remove the rail for a trail were both less than 12 miles from the City of Portland, a distance identified as how far is convenient for biking. Nothing was going to change their minds and they were not about to compromise.

NO. No, do not allow the state department of transportation to accept the recommendation of this special interest minority vote from a RUAC process which was a failure.

NO. LD 209 must be voted "OUGHT NOT TO PASS"

Meantime, the Maine Department of Transportation should act to restore these railroads for passenger train services, in the name of the Climate and in the name of the future generations of this state.


Anthony J. Donovan, Director
Maine Rail Transit Coalition
84 Middle St. Portland, Me. 04101
(207) 329-6732 Mobile
Mailto: MElikesRail@Gmail.com

Train Time

Berlin Subdivision/SLA: Portland to Auburn Rail Use Advisory Council: UPDATE

Portland Sustainability & Transportation Committee

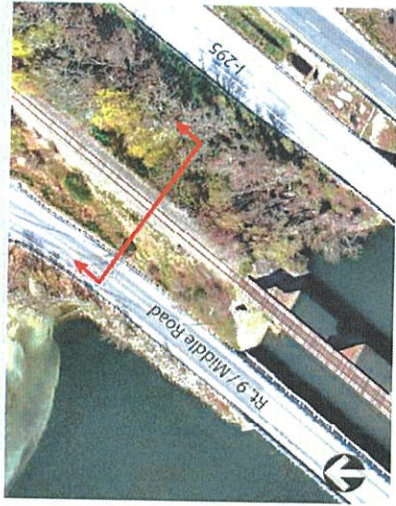


March 08, 2023

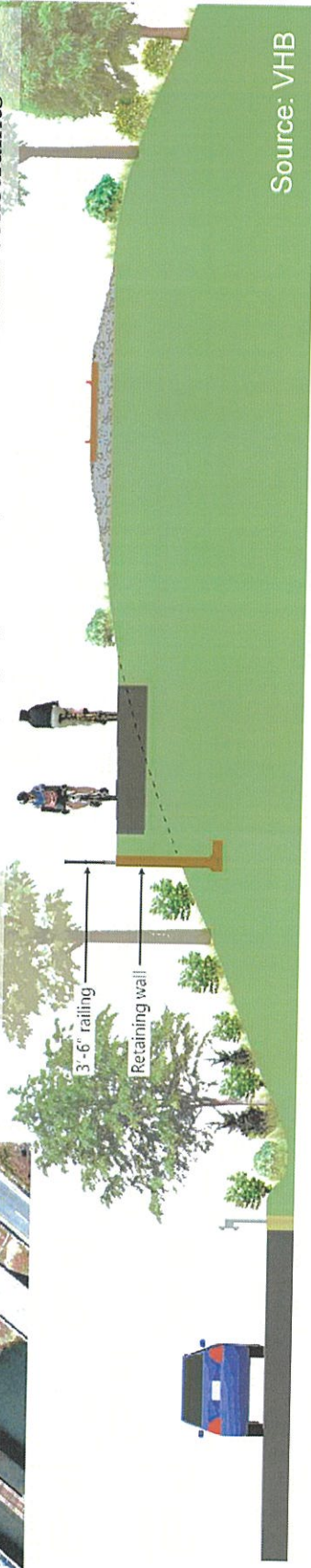
Source: rtc-submitted photo to traillink.com

Staff Recommendation (if action desired)

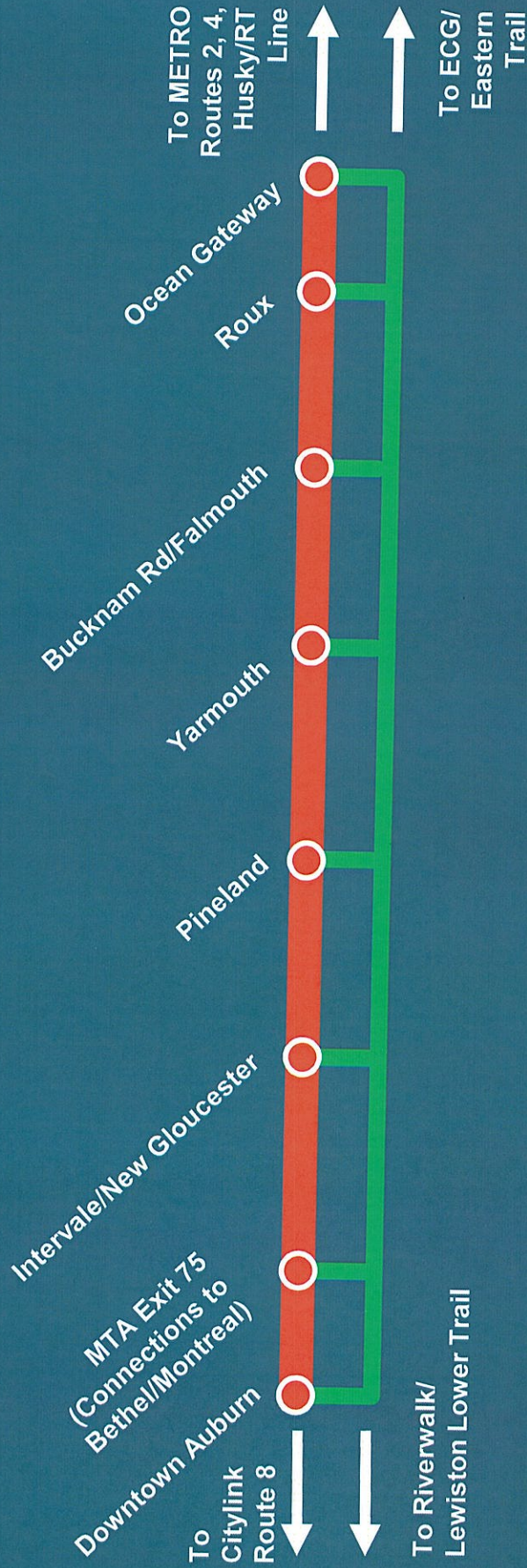
Rail with Trail (Co-Location Option)



- Also recommend MaineDOT complete transit alternatives analysis for corridor (i.e. light rail, BRT, something else), terminating at Ocean Gateway
- Followed by design for transit and co-located trail uses
- Scope of design work to include abutters, stakeholders (i.e. Roux, etc.) to evaluate on and off-corridor segments for the trail, depending upon geographic and/or environmental constraints



Thank You!



(Potential 'Grand Trunk Greenway/Transitway')

PACTS Rail with Trail Study

PACTS/GPCOG: Rail with Trail

- 2017 Study
- Examined Rail with Trail from Portland to Yarmouth
- Reviewed other facilities around the U.S.
- Examined alternative trail segments
- Included stakeholders active in RUAC study
- Most residents supported trail with rail
- Should connect to the Portland Peninsula
- Cited in RUAC Report – does not specify why outcomes from that report not clearly followed up on

RAIL WITH TRAIL

Preliminary Feasibility Assessment of Building an Active Transportation Corridor from Portland to Yarmouth

December 2017

PACTS

GPCOG
GREATER PORTLAND
COUNCIL OF GOVERNMENTS

RUAC Member Vote Tally, 12/22/22

Interim Trail Until Rail: 7 Votes

(i.e. Track Removal)

- Dick Woodbury, Casco Bay Trail Alliance
- Angela King, Advocacy Manager, Bicycle Coalition of Maine
- Amy Kuhn for Hope Cahan, Town Councilor, Falmouth
- Diane Barnes, Town Manager, North Yarmouth
- Christopher Chop, Transportation Director, Greater Portland Council of Governments (GPCOG)
- Scott Laflamme, Director of Economic Development, Yarmouth
- Nate Wildes, Executive Director, Live + Work in Maine

Rail with Trail: 5 Votes

(i.e. Trail Next to Track)

- Jonathan P. LaBonté, Transportation Systems Analyst, Auburn
- Tony Donovan, Maine Rail Transit Coalition
- Bill Shane, Chair, Town Manager, Cumberland
- Brian Harris, General Manager, Maine Yacht Center
- Jeremiah Bartlett, Transportation Systems Engineer, Portland

RUAC Member Vote Tally, 12/22/22 (cont.)

Rail Only: 1 Vote

(i.e. No Trail)

- Charles Hunter, AVP Government Affairs, G&W
(Genessee & Wyoming) RR Services, Inc.

Abstain from Voting: 2 Votes

(i.e. No Position)

- Natalie Thomsen, Town Planning,
New Gloucester
- Becky Taylor-Chase, Town Administrator,
Pownal

Potential Passenger Transit on SLA



Source: NNEPRA

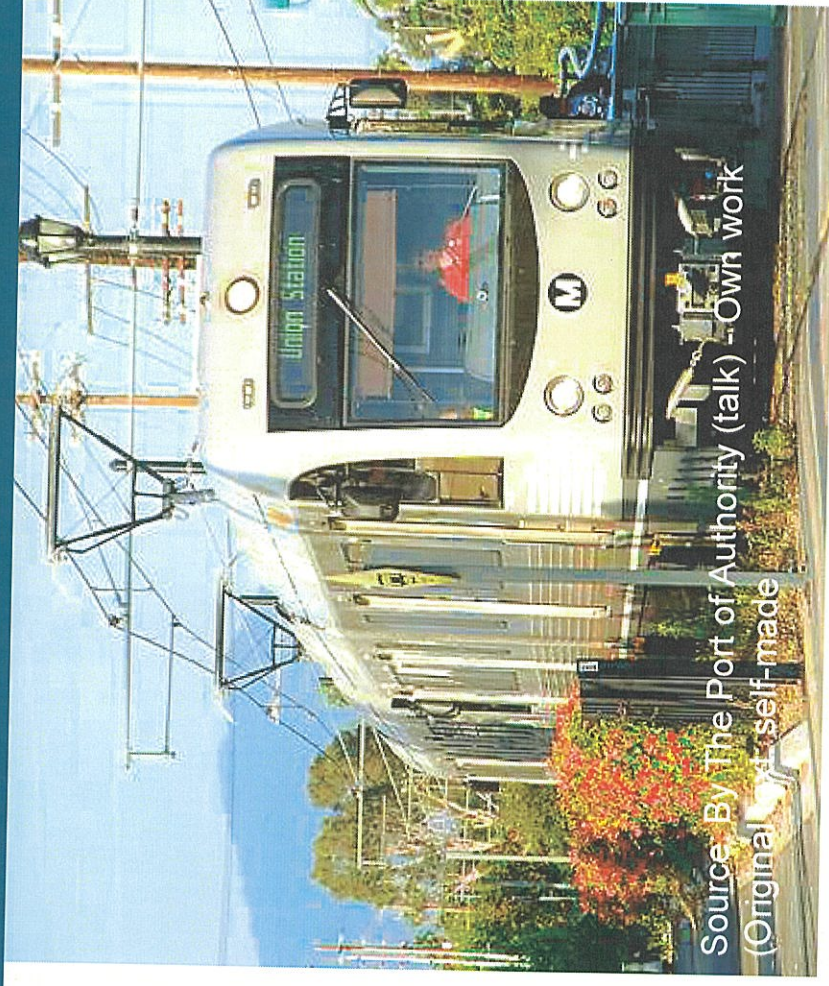
Option Considered by RUAC Study

- Amtrak Intercity Rail - Style Train
- Considered Heavy Rail
- Generally requires upgrades to Tracks, Ties, and Ballasts
- Designed for Intercity Service, with service usually 2 or more hours apart
- Option already ruled out by staff and Mayoral testimony

Potential Transit Options on SLA

Light Rail Vehicles

- Requires less heavy rolling stock
- Frequent service with shorter headways than heavy intercity rail
- More frequent service intended for commuting as opposed to long-distance travel
- Generally requires external power feed (generally overhead)



Potential Transit Options on SLA



Source: Siemens Desiro in San Diego, source, Loco Steve

Multiple Unit Trains

- Self-powered train – does not require engine unit
- Can be:
 - Diesel Multiple Unit (DMU)
 - Battery Multiple Unit (BMU)
- DMU's in use in locations around the world, including US
- United States does not appear to currently have active BMU systems
- Does not require external power feed

MIDCOAST RAILSERVICE, INC.

c/o Finger Lakes Railway Corp.

P.O. Box 1099

Geneva, New York 14456

mikesmith@fingerlakesrail.com

December 16, 2022

Mr. Nathan Moulton
Director, Rail Program
Maine Department of Transportation
24 Child Street
Augusta, ME 04333
Via Email: nathan.moulton@maine.gov

Re: Portland to Auburn Rail Line - Trail

Dear Nate:

Maine's Railway network needs to remain in place. We hope an anticipated update of the State Rail Plan recognizes that this is not the time for dramatic further change following recently revised operational responsibility for the remaining infrastructure.

The reality is that Maine's serving rail carriers essentially have been playing defense since the advent of the Interstate Highway System a half-century ago. Their ongoing challenge is overcoming an embedded "think truck" mentality perpetuated by declining rail-service dependability. Our Midcoast Railservice (MCRI) mission is aggressive – to develop rate and service parameters that divert heavy bulk traffic like cement, coal, propane, steel, stone, lumber, pipe, scrap and waste from road to rail. Current economic circumstances afford timely opportunity to do so, taking advantage of the railroads' superior manpower productivity, fuel efficiency, and safety considerations. Moreover, major industrial development projects like Louisiana Pacific's Millinocket expansion and American Steel & Aluminum's West Bath distribution center are rail-dependent keys to critically needed economic diversification.

There is no crystal ball that can provide an accurate prediction as to where Maine's railway business will be, or the required infrastructure to support that business, in the future.

CSX is a new owner and operator in the State, and they will need time to digest their purchase, plan future investments, and develop a longer-term, growth-oriented marketing and operating strategy to justify a major investment. New short-line operator MCRI similarly is early in the process of ascertaining prospects for revitalizing a nearly dormant property. Canadian Pacific (CPR) is a new "returnee" to the State, and it is clear that CPR's plans include working with its developing network of short line connections and investments in its infrastructure, i.e., the Port of Searsport.

On the passenger side, interest is growing in extending NNEPRA's Brunswick trains along the Lower Road to Augusta and Bangor. It is the logical route.

Then there is the question of where Portland's Amtrak station should be located: On the former MEC mainline or on the waterfront? If it is on the waterfront, the currently dormant SLA route is a viable alternative to access Brunswick and the Lower Road.

The railway system in Maine is a "network." Every time track is lifted, the future capability of the remaining network is diminished. For example, MCRI is examining a cement terminal for the Portland metro area in support of Dragon's Thomaston cement mill (and its 150 direct jobs). It could be located either on CSX or the SLA at Deering. MCRI (and Dragon) need the flexibility that a complete railway network can provide.

Finally, we must be realistic about the promised return of rail service to a right-of-way once the rails are lifted. At best, with a mixture of new and relay ties and rail, the cost would be \$2-million per mile, not including grade crossing installations. Further, there is nothing like the opposition mounted by homeowners who subsequently built along the former rail line. Once gone, the railway is gone forever. So much for maintaining the "network."

Maine's railways, for a potentially viable future, require the "network" left in place pending the outcome of a reversing trend of initiatives in progress.

Regards,



Michael V. Smith
President

STATEMENT OF F. BRUCE SLEEPER, ESQUIRE
LEGAL COUNSEL TO TRAINRIDERS NORTHEAST
REGARDING RAIL AND TRAIL USE OF THE BERLIN SUBDIVISION BETWEEN
PORTLAND, MAINE AND AUBURN, MAINE
12/21/2022

TrainRiders Northeast is a tax exempt, grass roots, citizens' organization whose purpose is to educate public officials, as well as the public at large, as to the benefits of passenger rail travel in the Northeast. I have been volunteer legal counsel to TrainRiders since shortly after its creation in 1989. TrainRiders was the primary advocacy voice for the return of passenger rail to Maine, which, in 2001, resulted in the commencement of Amtrak's Downeaster service between Portland and Boston. In 1990, I wrote the original version of the "Passenger Rail Service Act" and a political action committee formed by TrainRiders then gathered the signatures of approximately 90,000 registered Maine voters petitioning the Maine Legislature to adopt that Act, which required the Maine Department of Transportation ("MDOT") to spend at least \$40 million to return passenger rail service to Maine. In 1991, that is exactly what the Legislature did, with the Act becoming the first citizen initiated bill to ever be adopted by the Maine Legislature without advance voter approval. In 1995, I helped write legislation that amended that Act to create the Northern New England Passenger Rail Authority ("NNEPRA"). Later in that same year, then-Governor King appointed me to NNEPRA's first board of directors, where I served until 2000. Starting on January 1, 2023, I will succeed to the presidency of TrainRiders upon my retirement from most legal practice.

TrainRiders was also instrumental in obtaining the expansion of the Downeaster service north from Portland, to Freeport and Brunswick in 2012. Currently, it provides volunteer hosts at some of the Downeaster station stops, and now awaits the return of the on board Downeaster host service it provided from its inaugural run in 2001 through the onset of COVID in 2020. TrainRiders continues to work with various parties, both public and private, in supporting the Downeaster service, as well as in further developing passenger rail service in Maine and elsewhere in the Northeast.

The rail line between Portland and Auburn formerly owned by the St. Lawrence and Atlantic Railroad (the "SLR Line") and now by the State of Maine must be preserved in a manner that will realistically permit future rail use of that line when and if that otherwise is desirable. The removal of track and ballast from that line will not achieve that result and, so, any such removal to permit trail use of the line should not occur. TrainRiders would support properly constructed and spaced rail with trail use of the line, as well as its preservation solely for rail use.

The reasons for this are many:

1. Whether the State funded its purchase of the SLR Line in whole or in part by the proceeds of bonds sales by the State or by using other funding sources is not clear to TrainRiders. Maine voters, however, would have had to approve any such bond, and it appears that in each instance where approval was obtained for bond funding of a State purchase of a rail line purchase the question presented to voters stated that the bond funds would be used to promote rail, and not trail, use of the line. Any General Fund money used to help purchase the SLR Line would have been a line item in a budget bill approved by the Maine Legislature, and this line item would have indicated that these funds were to be used for rail, and not trail purposes. Therefore, the effective ability of the SLR Line to continue to be used for rail purposes is a basic premise of that funding and that purchase, and any deviation from this would constitute a failure to keep faith to those voters or the Maine Legislature.

2. The Maine Legislature has determined that “a viable and efficient rail transportation system is necessary to the economic well-being of the State” and that “the State must take active steps to protect and promote rail transportation in order to further the general welfare”. 23 M.R.S. § 7102. Consistent with these findings, the legislation authorizing the creation of this Advisory Council explicitly states that any non-rail use of the SLR Line must be interim in nature and preserve the corridor for future rail use as provided for in 23 M.R.S. § 7107. See 23 M.R.S. § 75(1). At the very least, this puts a heavy burden on those who advocate for the removal of rail, ballast and other infrastructure from a State-owned rail corridor to unquestionably demonstrate that this removal will not interfere with future rail use of the line.

3. Proponents for removal of the rail, ballast, signals, and other infrastructure on the SLR Line to make way for its use as a trail now quickly agree that the trail can be removed and replaced by new rail, ballast, signals, and related items for future rail use of that Line. This, however, ignores reality. For many years, federal law has provided a mechanism for rail banking in which rail ballast and other infrastructure is removed from a rail line and replaced by a trail, with the same legal requirement that it be held in readiness for trail removal if that becomes necessary for future rail use. Although thousands of miles of rail line have been banked under this program, probably less than 100 miles has ever again been reconverted to rail use. Instead, such reconversion simply becomes too expensive after the removal of rail, ballast, and other infrastructure, and this has sometimes made renewed rail use too costly to pursue even though it would otherwise have been economically or socially justified. Additionally, despite the legal right for renewal of rail activities on a rail banked lien, in some instances the outcry from trail users, NIMBY’s, and others has made reconversion politically impossible even where economics and social need might otherwise favor it. **This Council should be clear on this point: removal of rail infrastructure from the SLR Line will, as a practical matter, mean that it will never again be used as a rail line.** Therefore, unless trail only proponents can clearly and unequivocally prove that rail use of the SLR Line will never be needed can this Council, consistent with the mandates of 23 M.R.S. §§ 71(1), 7102, and 7107, approve a trail only

option here, and, indeed, this Council can only approve a rail with trail option if the trail will not interfere with possible future rail use of the Line.

4. The December 2022 final draft of the Berlin Subdivision Rail Corridor Study (the “Draft Study”) prepared for this Council includes several deficiencies that make it an unreliable guide to any decision that this Council might make here, including the following:

- a. Appendix B to the Draft Study includes an analysis of the economic impact of trail users on the SLR Line by assuming that about 23% of those users would be non-local and that these non-local users would spend an average of \$118 for food, lodging, and equipment each day that they use the trail, resulting in spending of \$3.5-\$5.3 million annually by those users for trail related activities. See App. B at 6. That same study, however, includes only what rail passengers might spend on the train itself, resulting in spending of \$114,000 to \$130,000 annually. See App. B at 17-18, 38-39. Apparently, trail users get to eat, sleep and buy things whether or not they are on a trail, while rail passengers only do those things when on board their trains. Even if those passengers may primarily be commuters who would travel to the same destination by other means if passenger rail service was not available, still, it would only take 10 non-commuter passengers a day who spend \$100 for one day at their destination to add \$365,000 in localized spending annually to the figures used in the study. Rail passengers may also be more likely than trail users to spend multiple days at their destinations increasing the rail passenger spending benefit even more as compared to trail use.
- b. The same discrepancy between spending by trailer users and rail passengers also results in an understatement of other direct, indirect, and induced economic impacts of passenger rail use, since those impacts are estimated based upon the spending by rail passengers solely while they are on the train, while those of trail users is calculated using estimated spending occurring while they are at or anywhere near the trail. See App. B at 17-18, 39-40.
- c. The analysis also projects that, as a result of passenger rail service, only 37-58 new housing units would be developed around the proposed station site in Auburn, 17-26 units at Pineland, and 85-172 units at Yarmouth. This compares to over 400 units developed close to the Brunswick station, several hundred in Saco, 250 in Dover, New Hampshire, 100 in Durham, and 100 in Exeter after the initiation of the Downeaster service. Those numbers do not include a 60 unit residential apartment building that has been approved, or an additional

40-50 units for which a proposal is now being planned, both of which will involve construction within a few hundred feet of the Freeport station. Furthermore, the 2018 Lewiston-Auburn Passenger Rail Service Plan Transit Propensity Report (the "Propensity Report") prepared for NNEPRA and the Maine Department of Transportation ("MDOT") surveyed other studies, at least one of which concluded that by 2030 the extension of the Downeaster service north from Portland, through Freeport to Brunswick, with seasonal service to Rockland, would result in the construction or rehabilitation of over 42,000 housing units. See Propensity Study at 83-84. Although many of the Downeaster stations support local populations that substantially exceed those at some of the historic station stops along the SLR Line, these numbers still give a strong indication that the Draft Report has undercounted the number of new housing units that should be anticipated as a result of passenger rail service on the SLR Line.

- d. The Draft Study indicates that it will cost \$274 million to upgrade the tracks between Portland and Auburn for passenger rail service. See Draft Report at 22, App. A. A substantial portion of that (perhaps as much as \$60 million), however, would be for the cost of positive train control along the SLR Line, something that is only required if and when there are more than 6 passenger rail round trips per day utilizing that corridor. See Draft Report at 21. See also App. A at 3, 4, item 8 (Communications & Signal System Improvements).

5. As noted above, TrainRiders can support rail with trail usage of the SLR Line, but only if the trail is properly constructed and properly separated from the rail line. This separation must include fencing between the rail and the trail, as well as elimination of trail crossings over the rail line except at fully signalized, protected, and, preferably, already existing, public rail crossings. The Draft Study assumes a minimum 15-foot offset from the edge of the trail to the centerline of the tracks. See Draft Study at 26. Since a standard gauge rail line has a distance of 28.25 inches from its centerline to the inside edge of each rail, this would result in a distance of about 12 feet 7.75 inches between the inside edge of the rail nearest to the train and the edge of the trail itself. Rail cars and locomotives hang over the edge of each rail, with that overhang potentially increasing with any lateral movement of that equipment when traveling along the Line. This might decrease the offset of the trail from the side of a passing rail car or locomotive to 11.5 feet or so.

The primary concern with any such separation is the safety of trail users who would be walking along an active rail line. A second concern is to ensure that construction, maintenance and use of the trail does not undercut support for rails, ties and ballast. Finally, the trail must be far enough away from the rail to permit the use, construction, and maintenance of that line. Rail with trail separation requirements vary widely. Several

private railroads have their own guidelines for the separation required between a trail and their rail lines. CSX, for example, requires a 50-foot separation, which is not uncommon for private railroads. See Public Project Information: For Construction and Improvement Projects that May Involve the Railroad at 38 (CSX Transportation, Rev. April 2022), available at <https://www.csx.com/index.cfm/library/files/about-us/property/public-project-manual/>. Several Class I railroads, such as CSX, Norfolk Southern, and the BNSF Railway and Union Pacific Railroad, do not permit any trails to run parallel to their rail lines within the railroad right of way. See Rails With Trails, Best Practices and Lessons Learned at 16 (Federal Railroad Administration, Federal Highway Administration, March 2020) (“Best Practices”), available at https://railroads.dot.gov/sites/fra.dot.gov/files/2020-04/RWT_Report_Final_031620_0.pdf. Some smaller railroads require a separation of 20-50 feet between a trail and an active rail line. Id. at 17. The State of Vermont requires a separation of 11 feet between the outside rail and the edge of a trail for low density/low speed branch lines, increasing to 25 feet or more for high density/high speed lines. See Vermont Pedestrian and Bicycle Facility Planning and Design Manual (Vermont Agency of Transportation, December 2002) at 6-12, 6-13, available at <https://vtrans.vermont.gov/sites/aot/files/highway/documents/publications/PedestrianandBicycleFacilityDesignManual.pdf>. New Hampshire requires a 20-foot separation distance. See Trail with Rail Design Standards (New Hampshire Department of Transportation Bureau of Rail & Transit. January 2013), available at <https://www.nh.gov/dot/programs/bikeped/documents/NHDOTTrailwithRailStandards.pdf>.

Although the desired separation distance between an active rail line and a trail varies depending upon many factors, one thing is certain: almost all rails with trails (87% nationally, and 96% of those that have opened since 2000) have some sort of barrier between the rail and the trail. See Best Practices at 51. Although some barriers consist of vegetation, berms, or ditches, only a fence between the rail and the trail can provide the type of minimally acceptable protection that can prevent trail users from become witting or unwitting trespassers on an active rail line with all of the dangers that this presents.

Other design constraints are also required for the safety of trail users. This might include, for example, proper lighting, signage, and additional physical protections for those users. What might be required for a particular line must be developed as the trail is surveyed and designed.

6. Finally, this is not the time to consider ripping up the rails along the SLR Line or even rails with trails on that corridor. First, the Legislature has also directed MDOT to prepare a separate study of the potential for passenger rail use along this same Line. That study will not be completed until sometime next year at the earliest and its findings will have a substantial impact upon what should happen on the SLR Line. Second, COVID has changed transportation needs and desires. At least some part of the information and projections upon which the Draft Study is based depend upon Downeaster ridership figures

from September 2021 through August 2022. While the Downeaster is currently at about the same ridership level as it had in 2019, because of COVID, such was not the case during a large part of the period from which these figures were taken. Moreover, experience is showing that the demographics of post-COVID rail passengers differ from pre-COVID ridership, with riders now being younger and including somewhat fewer commuters than prior to the pandemic. How this will impact future ridership trends is now unknown, so giving any decision about the SLR Line the gift of time would enable all interested parties to make far a better decision than is now possible.

TrainRiders appreciates this opportunity to comment on the future of the SLR Line and would be more than happy to do whatever the Council might wish in order to help this process proceed in a knowledgeable and informed manner.

From: Communications.MaineDOT@maine.gov
To: [Howard, Nathan](#)
Subject: Portland to Auburn Rail Use Advisory Council Comments
Date: Monday, December 5, 2022 10:41:35 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following message was submitted from your MaineDOT website contact form .

Date: Monday, 05-Dec-2022 22:32:15 EST
Name: Joseph Kumiszczka
Organization(if applicable):
Phone:
Email: joe@kumiszczka.com

Topic:

Comments:

My name is Joe Kumiszczka I am a resident of Cumberland and an abutter to the proposed trail. I state my opposition to this proposal as a supporter of rail and economic development and as an abutter to the trail. Whether a trail or trail/rail line is considered; motorized vehicles must not be allowed.

The highest and best use of the corridor is for rail travel. Use for non-rail activities is not in the public's interest. The town of Cumberland would receive no economic benefit from this trail as there are no public access points to the area. The only impact to Cumberland residents would be negative and a hardship to abutters. Current parking for Cumberland's existing trails have been targeted by vandals and auto break-ins are frequently being reported. The fact that parking areas are needed for walking/biking trails is a bit odd to begin with. I do not believe that this proposed trail would be used for commuting; the plan itself identifies that peak use would be in October and May; it would not meet the infrastructure needs to be a permanent solution for commuters. A rail corridor is really the only option, rail can run 12 months per year and parking areas for rail stations are very secure. Rail will bring economic benefit. It would be poor public policy and a waste of current and future public funds to pay for a trail instead of supporting an expansion of rail.

- Maine has a housing crisis that requires immediate attention and action. We need more public transit options and routes to other areas of the region to help alleviate Portland's severe housing shortage.
- While Cumberland isn't poised to have a rail station, stops in other communities can generate new economic activity to reduce residential property taxes and create new jobs. Cumberland would be better served economically if the trail would be connected to Route 1 or Route 88 at Johnson Road in Falmouth and Tuttle Road in Cumberland.
- Rail is the most equitable option; trail use is intended for a small percentage of the population. Rail would be used by a wider population base and would be an excellent option for Maine's aging demographic.
- Rail offers the best environmental option to connect suburban and metropolitan areas in the region.
- Investing in existing rail lines is the most cost effective way to reduce vehicle miles driven and emissions. Rail can succeed in removing vehicles from the roads.
- The demolition of Union Station is the perfect example of what happens when rail is underestimated. We can't afford to remove this rail line and repeat that mistake.
- Our area does not lack recreational opportunities we do suffer from a lack of transportation alternatives.

I've lived on Middle Road for 37 years and I already feel like I live on a bike trail. Beverage bottles, chocolate bar wrappers, and other debris are disposed of on the side of the road requiring constant attention. I have witnessed bike riders relieving themselves on our property. The current users are not what I would call environmentally conscious, and this seems to be supported in surveys of bike/hike trails.

The current Advisory Council is comprised of bureaucrats and partial non-profits. There is not one citizen resident on the committee. Aside from Shirley Storey-King, a Cumberland town councilor and abutter who is not on the committee, I have heard no information from this group about the project. Abutters I have talked to in Falmouth are

even less aware than I of this project. The fact that this group has appeared to take the position of keeping abutters out-of-the-loop makes me believe that much is being hidden from the community. From what I have seen from other similar rail/trail groups they have been counseled to establish direct communication with abutters, but most often fail to do so. I do not believe that this council has an impartial view of this project.

There are many flaws in published reports and studies regarding the benefits of trails like this proposed trail. Most of the reports are single-source templated and neglect to report on the longer term effects of trails.

The Lynfield Rail Trail has taken a strange look at measuring how trails are related to property values. They are quick to mention the increase of property values along trails. Unfortunately the increase seems to only apply to trails with scenic spaces. The boast is that scenic trails can have properties assessed by local governments at a higher level thus increasing property tax revenues. They discount out-of-hand any surveys done of abutters at other trail projects; they claim the abutters' surveys offer no details and call the surveys biased.

The Seattle Times has reported extensively about the Burke-Gilman Trail (which was used by the Lynfield Rail Trail to promote their line). Some of the findings:

- Values of the properties bordering the Burke-Gilman trail only increased 26 percent between 1978 and 1988, while the average properties in King County went up 325 percent. Between 1988 and 1997, the properties bordering the Burke-Gilman Trail only increased 99 percent while the average assessment increased on other properties in the region by 140 percent.
- The slower growth of assessed property value along the Burke-Gilman Trail has cost the city and county taxpayers these past 20 years \$50 million a year in assessed value. This information directly contradicts the report from the Lynfield Rail Trail boosters.
- The Seattle Police Department (SPD) testified "There are higher rates of theft and vandalism along the Burke-Gilman Trail." Sgt. Hume (SPD) also testified at the hearing that the area along the Burke-Gilman Trail experienced a higher crime rate than other comparable neighborhoods.
- In 1991, King County and Seattle had to institute 24-hour police bicycle patrols along the Burke-Gilman Trail
- A quick search of The Seattle Times reports multiple murders and attempted murders along the trail, numerous sexual exposure incidents, multiple rapes, body-dumping cases, numerous violent thefts, vandalism, and scrapes between property owners and bikers.

Other trails referenced in similar studies show glowing reports after the initial development but crime and unauthorized uses have become more prevalent. Surveys done of residents in towns with existing trails distort the results as they combine data from abutters and users. The surveys typically do not give the number of responses from abutters. One example done by americantrails.org indicates a survey of about 1600 responses in Schenectady, New York. The real, unreported, numbers show that more than two-thirds of abutters complained about: lack of privacy, litter, illegal motorized vehicles, disruptive noise, loitering, trespassing, unleashed pets, discourteous users, vandalism, burglary, and harassment. The truth of the report is obscured by the unethical manner of comingling user and abutter data. Many reports also claim "The number of respondents and response rate are unclear." It is apparent that most all surveys and reports are biased by trail advocates, and partisan paid consultants in favor of building recreational trails which benefit few.

Motorized vehicles are regular visitors on trails that outlaw them. Homeless encampments are new features, and more frequent physical assaults are reported on existing trails. Negative reports seem to be suppressed by communities that promote the trails as beneficial. Local governments and "Friends of Trails" groups gloss over any bad press coverage. Police coverage on the trail will be non-existent; local municipalities lack the staffing.

The Advisory Council needs to realize that family safety, privacy, and property values are valid and critical issues regarding the proposed trail. Please perform the due diligence to uncover the facts regarding extensive trail lines.

I reiterate my opening statement that the highest and best use of the corridor is for rail travel. Non-rail use is not in the public's interest.

If required, please respond as soon as possible.

Tony Donovan
Maine Rail Transit Coalition
LD 209

Included with testimony are comments submitted to Berlin RUAC
To: Maine Legislature Transportation Committee
From: Maine Rail Transit Coalition
Tony Donovan, Director
Date: May 17, 2023
Re: LD 209 to Implement the Recommendations of the Mountain Division Rail Use
Advisory Council – OUGHT NOT TO PASS
Senator Chipman, Representative Williams, and members of the Transportation
Committee,

My name is Tony Donovan. I live in Portland, and I was a member of the Berlin Rail Use Advisory Council. This RUAC was a case study in good intention gone bad. While the MeDOT thought they had come up with a system of determining the highest and best use of the state-owned railway corridors, what actually happened was a process hijacked by a special interest group with significant national funding and organizational skills.

I could list the many problems with this process, beginning with a legislative act that allowed trail advocates to dominate the council, while allowing only 2 rail interests. Then a consulting firm hired by the state was seriously compromised in that they also worked for the Eastern Trails, designing trails. This same consulting firm had completed a rail to trails plan for PACTS and this same firm was hired by MeDOT too, among other items in their scope of services is to consider conversion of the state railroads to trails.

The information provided by the consulting team was not just weighted in favor of rails, but it was basically a rehash of work already done by trails groups, using economic impacts figures that were vetted against themselves. This was true of all their data collection, including referring to their own previous studies that said among other things that these corridors cannot be used for train service.

It was a mess. When questioned on their data, the responses often came from MeDOT, responses that did not correct mistakes, or answer questions. When asked how a trail use can generate more spending by a user than a rail, they did not even bother to answer. This process was all about trails.

As you are experiencing right now, this national organization is well versed in organizing support, and lots of emails. Usually based on incomplete or incorrect information, and always getting as many people to support their position as possible, providing the email bullets that were repeated over and over again in the comments.

The most egregious of the issues in the Berlin RUAC Final report is the claim that the vote of seven (7) of fifteen (15) members is considered a majority. Seven (7) IS NOT a Majority.

Two (2) members of the council abstained, because the information and process were too confusing to make a decision for their towns. Five of the RUAC Members, including representatives of the Cities at either end of the corridor voted, in a compromise with the trails folks for a Rail with Trail Recommendation. The only rail operator on the Council voted to leave the rail no trail.

Those who voted to remove the railroad infrastructure for a recreational trail included the Maine Trails Alliance, the Bicycle Coalition of Maine and the regional transportation authority PACTS, an organization that had already commissioned a rail to trail study – by this same consultant. The two towns that voted to remove the rail for a trail were both less than 12 miles from the City of Portland, a distance identified as how far is convenient for biking. Nothing was going to change their minds and they were not about to compromise.

NO. No, do not allow the state department of transportation to accept the recommendation of this special interest minority vote from a RUAC process which was a failure.

NO. LD 209 must be voted "OUGHT NOT TO PASS"

Meantime, the Maine Department of Transportation should act to restore these railroads for passenger train services, in the name of the Climate and in the name of the future generations of this state.

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Anthony J. Donovan, Director
Maine Rail Transit Coalition
84 Middle St. Portland, Me. 04101
(207) 329-6732 Mobile
Mailto: MElikesRail@Gmail.com

Train Time