



5/17/2023

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To: Maine Legislature Transportation Committee
From: Maine Rail Transit Coalition
Tony Donovan, Director
Date: May 17, 2023
Re: **LD 404 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. I graduated from the University of Maine school of business and the Muskie school with an advanced degree in land use planning. I am a certified economic developer - an affiliation received after a research report on the intersection of train transportation and the economy. I am a commercial realtor with some success at site location of development at train stations.

I am a walker. I walk 3 to 4 miles around Portland almost daily. I just received a certificate from the AARP walking college. I served on the Board of Directors of Portland Trails. I was working as a planner in the 1990s helping the fledgling BCM be founded. I own six bikes. I am a lifelong environmentalist, having served 12 years in leadership of the Me chapter of the Sierra Club. I like trails, walking and biking. But I really like transportation systems that meet the needs of everyone. ME LIKES RAIL.

More relevant to this discussion is my lifetime use of transit, and my 6 years serving on the board of directors of the Casco Bay Island Transit District a quasi-municipal transportation service owned and operated by the users, and my expertise on railroads.

I have been involved with federal transit administration capital infrastructure grant programming and have a very good knowledge of the processes required for these grants. I know railroads. I have read and probably participated to the extent allowed, in every rail infrastructure and operating plan since 1994. I will suggest, I stand equally knowledgeable with the MeDOT staff in rail, trains, infrastructure, and the national and Maine railroad.

I know federal railroad terminology. For example, the state of Maine-owned railroad corridors **are not inactive**, a term liberally used to seek conversion of the railroads. The only inactivity with these railroads is the State DOT not actively seeking if they can be used.

A railroad is either Active or Abandoned. Abandonment means a lengthy and public federal process. No process has ever been initiated for abandonment (as was done for the Bayside trail).

The Mt Division is **Active** not just because of the active Amtrak passenger service and CSX freight operator use on this corridor, it is Active because it has not been abandoned. No process for abandonment has been undertaken.



I also know that "**interim**" is **not a term applicable to railroad corridor uses**. It is a convenient term for those who know that removing track is a violation of state and federal legal protections of Active Railroads, and a cover for the act of destruction of the railroad. It is a FACT that once a railroad goes to trail it never goes back. This cannot be denied. Rails to Trails legislation appears to be in denial over this.

LD 404 states, in no uncertain terms; "...remove 31 miles of state-owned ***inactive*** existing railroad track in the Town of Standish and the Town of Fryeburg and replace the track with an ***interim*** 10-foot-wide bicycle and pedestrian trail, surfaced with either pavement or stone dust on the existing rail bed."

NOT INACTIVE. NOT INTERIM

Removal of any railroad infrastructure, without applying for abandonment of the railroad violates state and federal laws. This Committee might wish to seek clarification on this with the Federal Surface Transportation Board.

The Railroads in Maine are part of a system, the National "General Railway System " (GRS) which Includes the Mt. Division and all those Railroads owned by Maine state taxpayers targeted by the Rails to Trails Conservancy. Both here in Maine these rail corridors are part of the national and international General Railroad System.

Removing them from the system, segment by segment, corridor by corridor is not good transportation or economic policy. It certainly is not good planning for dealing with the certainties of transportation impacts on the Climate. And it is probably in violation of law.

This Rail Use Advisory Council (RUAC) for the Mt. Division corridor was absolutely skewed towards trails, from the very first introduced, to the makeup of a RUAC majority of individuals serving on trails groups, with one individual knowledgeable about rail of a committee of 12. Those other members had a clear conflict and there was no doubt how they would vote for a use. Passenger and Freight Use, although shared by the consultant as feasible, was ignored. There was and still is serious disinformation coming from Trails advocates used to garner support from communities along the corridor support. These studies are misleading, incomplete, and directed toward a conclusion that was determined in advance: that the best use is converting to trails.

LD 404 seeks to rip up the railroad infrastructure based on a skewed vote by a group of special interest individuals with no knowledge or interest in railroad transportation.

Non-rail recreational uses can be compatible with a train operation. Left out of this RUAC was any plan, or vision for use of these railroads for their intended purpose – train transportation.

It is our position that, rather than the flimsy excuse that train service is never coming, we propose the state of Maine conduct a vision process of train use of these corridors.



A process that addresses all the unanswered questions and confusing answers. A vision plan is for us to have a clear understanding of the asset. To provide an objective yet detailed review of the design for train uses so informed decisions can be made.

So what is the next step for determining the Uses for this corridors? Remove the tracks for a trail plan that is rushing past all the work done or could be done with these corridors? A proposal if implemented will certainly create timely and costly legal actions?

Or do we step back and make certain we are not making a fatal mistake? Do we invest in an analysis of the Railway as a holistic fixed guideway transportation system and determine how it connects to the greater system and the individual communities served and with what impacts?

LD 404 must not pass. We must not allow one single foot of the Maine railway system to be removed without a statement of abandonment and the public process that goes with it.

The Mt Division RUAC, like the other RUACs, are not open and objective public processes. They are based on a conclusion drawn without adequate data that concludes, as it began with "these corridors were not profitable when we bought them. They are not profitable now and they will not be profitable in the future.

But as we all know, no transportation system is profitable. But the potential for freight, passenger, and excursion use of this and all the corridors must not be eliminated for a use that also shows no indication of profitability.

All the debate, and conflict over the use of the Maine rr corridors can best be addressed by a consideration 1st of the design envisioned for use of the railroads for Passenger train services.

To quote MeDOT Passenger and freight Transportation Planner Nate Moulton in 2016:

"Our goal is to put these lines back in service," Moulton said. "We need to be able to see data and information that backs up the vision. "

Do not rip up these tracks.

Vote LD 404 OUGHT NOT TO PASS

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Anthony J. Donovan, Director
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Train Time

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Maine Rail Transit Coalition
LD 404

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