

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 982

H. P. 809

House of Representatives, March 7, 1975

Referred to Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hennessey of West Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Lease or Acquisition of Certain Railroad Lines by
the Department of Transportation.

Be it enacted by the People of the State of Maine, as follows:

23 MRSA § 4207 is enacted to read:

§ 4207. Railroads; lease or acquisition of certain railroad lines by the
Department of Transportation

1. Term "railroad line." Unless otherwise defined in this section, the term "railroad line or lines" shall be construed to mean the right-of-way, track, track equipment, ties, bridges, station houses and other pertinent structures.

2. Temporary lease and contracts for continuation of service on certain railroad lines. The Department of Transportation may enter into a contract with a railroad, and its duly constituted officers, trustees or owners for the temporary lease of railroad lines or any part thereof, located in the State of Maine, owned or otherwise lawfully controlled by said railroad for which abandonment has been authorized by a duly constituted authority, state or federal, when in the judgment of the Department of Transportation the preservation of said railroad line or lines is necessary to protect the public interest. When, in the judgment of the Department of Transportation, the economic well-being of the State of Maine or a significant portion thereof will be impaired by the discontinuance of rail service over the railroad line or lines that have been authorized for abandonment, the Department of Transportation may contract for the continued operation of rail service over said line or lines on a temporary basis, under rules and regulations to be prescribed by the

department, after notice and hearing at which interested parties have an opportunity to express their views. The leases authorized herein may be made to cover the right-of-way only or may cover the line intact, including the track, track equipment, ties, bridges, station houses and other necessary structures. Contracts for continuation of rail service may be made to include the lease of the line and may provide for service on less than a daily basis. The department shall report to the next session of the Legislature with a recommendation for disposition of the leased or subsidized lines.

3. Acquisition of certain railroad lines. The Department of Transportation is authorized to acquire and hold for the State railroad lines or any part thereof located in the State of Maine, when in the judgment of the department the acquisition of such railroad lines is necessary to protect the public interest. The Department of Transportation may acquire the right-of-way only of such railroad line or lines, which it shall hold and manage for future transportation use or it may acquire the railroad line intact including track, track equipment, ties, bridges, station houses and other necessary structures.

4. Cooperation, acceptance and use of federal, state, local or private funds. The Department of Transportation is authorized and empowered to accept, for the State of Maine, federal funds that may be apportioned under the "Regional Rail Reorganization Act of 1973," 87 Stat. 985, as amended and supplemented, state funds and such municipal funds and private funds as may be available; to act for the State, in conjunction with the representatives of the Federal Government, municipal governments and private groups having a direct interest, in all matters relating to the acquisition or lease of railroad line or lines in the State of Maine and contracts for rail service continuation over railroad lines as provided in this section.

STATEMENT OF FACT

The "Regional Rail Reorganization Act of 1973" provides, among other things, for assistance to state, local and regional transportation authorities for the improvement and modernization of rail properties in the northeast, and preservation of service on certain marginal rail lines that might otherwise be abandoned.

It does not appear at this time that the State of Maine will lose extensive mileage as a result of the federal reorganization of the railroad system in the northeast. There are presently pending before the Interstate Commerce Commission 3 petitions to abandon rail line segments or branch lines in Maine. Some of these lines, as well as rail line modernization projects, may be eligible for assistance under this bill.

The purpose of this bill is to provide the statutory authority for the Department of Transportation to act to preserve essential rail service and to receive and coordinate federal, state, municipal and private funds that may be available for that purpose. The bill will also allow the department to become the recipient of a railroad line or right-of-way that is abandoned, in order to assure the availability of the transportation corridor for future transportation uses.