

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

---

ONE HUNDRED AND THIRTEENTH LEGISLATURE

---

Legislative Document

NO. 2399

---

H.P. 1750                      House of Representatives, March 1, 1988  
Reported by Representative CARTER for the Legislative  
Task Force on Railroads pursuant to Public Law 1987, Chapter 5.  
Reference to the Committee on Transportation suggested  
and printing ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

---

1                      AN ACT to Revise the Laws Concerning Cost  
2                      Sharing for Maintenance of Railroad Grade and  
3                      Highway Bridge Crossings.  
4

---

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

7                      23 MRSA §2930, as amended by PL 1985, c. 813,

1    \$1, is repealed and the following enacted in its place:

2    \$2930. Partial reimbursement of cost

3       The State, by or through the Department of  
4    Transportation, may reimburse railroad corporations  
5    for up to 50% of their annual cost of maintaining  
6    public at-grade railroad crossings and crossing  
7    protection devices. These crossing protection devices  
8    shall include signals, gates, crossbucks and grade  
9    separation bridges carrying highways over railroad  
10   lines. The actual reimbursement shall be calculated  
11   for each railroad based on the following formula.  
12   "Cost" shall include all reimbursable costs incurred  
13   by the railroad, as determined by the commissioner,  
14   less any payments made to the railroad by any other  
15   entities.

16       For the purpose of this section, public at-grade  
17   crossings shall be those crossings determined by the  
18   Commissioner of Transportation to be public  
19   crossings. Public crossings shall not include  
20   crossings on rail lines abandoned, embargoed or listed  
21   by the railroad corporation in Category I, Category II  
22   or Category III, as defined by the United States  
23   Interstate Commerce Commission, on the railroad  
24   corporation's most recent system diagram map filed  
25   with the United States Interstate Commerce Commission.

26       The State may provide annually each railroad  
27   corporation with a reimbursement payment. For  
28   at-grade crossings, the payment shall be determined  
29   based on each railroad corporation's verified average  
30   cost for crossing maintenance multiplied by the number  
31   of eligible crossings, with a maximum payment of  
32   \$1,500 per crossing. For grade separation bridges,  
33   the payment shall be determined based on each railroad  
34   corporation's verified average maintenance cost for  
35   grade separation bridges multiplied by the number of  
36   eligible structures, with a maximum payment of \$2,500  
37   per structure.

38       Payment to any railroad corporation may be made  
39   contingent upon the railroad corporation performing  
40   specified maintenance on specific crossings or grade  
41   separation bridges when, in the judgment of the

1 commissioner, the public welfare or safety requires  
2 that the maintenance be performed. If the railroad  
3 corporation fails to perform the required maintenance,  
4 the department may contract with others for the work  
5 or perform the work itself. In either case,  
6 reimbursement of the actual costs shall be made to the  
7 entity performing the maintenance or causing the  
8 maintenance to be performed. The reimbursement  
9 payment to each railroad corporation shall be adjusted  
10 to reflect the costs of any maintenance performed by  
11 others on lines for which the railroad corporation is  
12 responsible under this provision. The adjustment  
13 shall also reflect an amount to cover the department's  
14 administrative costs for arranging the maintenance to  
15 be performed.

16 Each railroad corporation which seeks  
17 reimbursement under this section must report annually  
18 its actual maintenance costs for the previous calendar  
19 year which shall be used to calculate the  
20 reimbursement. The department shall establish  
21 guidelines to determine allowable maintenance costs.

22 This annual report shall describe its maintenance  
23 program for public grade crossings and highway over  
24 railroad grade separation bridges. The report shall  
25 include the total actual costs incurred, total  
26 quantities of materials used and work hours expended  
27 for the previous year. The department may audit  
28 records and supporting documentation relating to costs  
29 incurred by railroad corporations.

30 The commissioner shall develop guidelines to  
31 require that any railroad corporation, prior to  
32 receiving a reimbursement for the maintenance of the  
33 line on which an eligible crossing is located shall  
34 file an annual plan by December 1st of each calendar  
35 year. The plan shall describe the condition of the  
36 line, the maintenance to be performed in the year for  
37 which reimbursement is sought, the speed at which  
38 trains will be allowed to operate over that line, the  
39 posted vehicle load limit on grade separation bridges  
40 and any other information required by the  
41 commissioner. The commissioner may also require as a  
42 condition of reimbursement that certain noncrossing

1 maintenance or repairs be performed on the line or  
2 that the line be maintained to allow trains to operate  
3 at a certain speed, that vehicle load limits on grade  
4 separation bridges be maintained or that other  
5 measures affecting the safety and maintenance of the  
6 track be taken by the railroad corporation.

7 STATEMENT OF FACT

8 This bill changes the state cost-sharing program  
9 for maintenance of railroad crossings in 3 ways.  
10 First, it changes the basis of reimbursement to  
11 reflect a railroad company's actual costs up to a  
12 specific dollar amount. Second, it allows the  
13 department to make reimbursement contingent on  
14 railroad compliance with specific requests of the  
15 department necessary for the preservation of public  
16 safety and welfare. Third, it allows the department  
17 to contract with entities other than railroad  
18 companies to assure that necessary crossing  
19 maintenance is done.

20

4758020288