

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

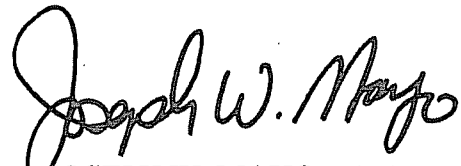
No. 1249

H.P. 926

House of Representatives, April 13, 1993

**An Act to Change Public Hearing Requirements for Certain Railroad
Grade Crossing Projects.**

Submitted by the Department of Transportation pursuant to Joint Rule 24.
Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative STROUT of Corinth.
Cosponsored by Senator PARADIS of Aroostook.

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

Sec. 1. 23 MRSA §7221, as enacted by PL 1989, c. 398, §8, is amended to read:

§7221. Automatic signals; expense; definition

The department may require each steam railroad company operating within this State to install, operate and maintain an automatic signal, gates or other protective device or to require a ~~flagman~~ flagger to be stationed at any highway crossing within this State where, after reasonable notice and hearing, the department decides that public safety requires a signal, gates or other protective device or ~~flagman~~ flagger as a proper measure of protection. Notice and hearing are not required for automatic grade crossing protection funded and installed under the federal program. The expense of installing, operating and maintaining any signal, gates or other protective device or of providing the ~~flagman~~ flagger must be borne by the corporation operating the railroad passing over the crossing to be protected, except that at crossings located on state and state aid highways the expense of installing the signal, gates or other protective device shall must be apportioned between the corporation and the State in proportions as the department determines. Wherever the term "signal" or "automatic signal" is used in this chapter, it shall ~~be~~ is construed to be an appliance which ~~that~~ gives warning of the approach of a train and which ~~that~~ is either audible and visible by day and by night, or audible or visible as may ~~be~~ determined by the department. ~~This section shall not apply to railroads of less than standard gauge, nor to the Knox Railroad Company, formerly called Georges Valley Railroad Company.~~

STATEMENT OF FACT

This bill eliminates the requirement for a notice and public hearing for the Railroad Highway Grade Crossing Improvement Program under the federal program. The Railroad Highway Grade Crossing Improvement Program pertains to crossings that are under public control. As part of the Railroad Highway Grade Crossing Improvement Program, agreements must be signed by the State, the railroad and the municipality before the safety improvements may begin. Therefore, a public hearing is redundant. If the hearings are not required, approximately \$1,800 per hearing is saved. Public hearings would still be conducted for railroad crossing safety actions asked for by citizen or town petition.

This bill also deletes some antiquated language.