

MAINE STATE LEGISLATURE

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108

L.D. 2199

2 Date: 4-2-08

(Filing No. S-549)

3 **TRANSPORTATION**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **123RD LEGISLATURE**

8 **FIRST SPECIAL SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 847, L.D. 2199, Bill, "An Act To
10 Ensure Landowner Access to Land That Is Intersected by a Railroad"

11 Amend the bill by striking out the title and substituting the following:

12 **'An Act To Establish a Railroad Crossing Information Council'**

13 Amend the bill by striking out everything after the enacting clause and before the
14 summary and inserting the following:

15 'Sec. 1. 5 MRSA §12004-I, sub-§92 is enacted to read:

16 92.

17 Public Advocate Railroad Crossing Not Authorized 35-A MRSA §1712
18 Information Council

19 **Sec. 2. 35-A MRSA §1712** is enacted to read:

20 **§1712. Railroad Crossing Information Council**

21 **1. Establishment.** The Railroad Crossing Information Council, as established by
22 Title 5, section 12004-I, subsection 92 and referred to in this section as "the council," is
23 created to serve as a repository of information concerning the establishment or
24 maintenance of private railroad crossings, and to provide information and assistance to
25 persons regarding private crossings of railroads.

26 **2. Members.** The council is composed of:

27 A. The Public Advocate; and

28 B. Four members appointed by the Governor to serve 3-year terms that expire
29 December 31st:

30 (1) One member who is a representative of the railroad industry;

1 (2) One member who is a representative of the insurance industry;

2 (3) One member who is a representative of the real estate industry; and

3 (4) One member who is a resident of this State and who is not and has never been
4 employed in the railroad industry.

5 Members under paragraph B may be reappointed for subsequent terms. A vacancy must
6 be filled for the remainder of the unexpired term in the same manner as an original
7 appointment.

8 3. Chair. The Public Advocate is chair of the council.

9 **4. Duties.** The council shall gather and compile information regarding the process of
10 and standards associated with establishing private railroad crossings, including but not
11 limited to costs associated with installation, maintenance and insurance of private railroad
12 crossings and contract terms. The council may provide advice and assistance to persons
13 who request information on how to establish a private railroad crossing. The council may
14 facilitate or mediate private railroad crossing disputes with the consent of the concerned
15 parties. The council may take any other appropriate actions consistent with the purposes
16 of this section.

17 **5. Staffing and expenses.** The Public Advocate shall provide reasonable staff
18 support as requested by the council. Members of the council are not entitled to
19 compensation as provided in Title 5, section 12004-I.'

20 SUMMARY

21 This amendment replaces the bill. The amendment establishes a Railroad Crossing
22 Information Council to serve as a repository of information for any member of the public
23 who would like to establish a private crossing of a railroad. The Public Advocate serves
24 as chair of the council and coordinates efforts of the council.



Approved: 03/31/08 *mac*

123rd MAINE LEGISLATURE

LD 2199

LR 3479(02)

An Act To Ensure Landowner Access to Land That Is Intersected by a Railroad

Fiscal Note for Bill as Amended by Committee Amendment "A "

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$8,000	\$8,000	\$8,000
Appropriations/Allocations				
General Fund	\$0	\$8,000	\$8,000	\$8,000

Fiscal Detail and Notes

This legislation includes a General Fund appropriation of \$8,000 annually beginning in fiscal year 2008-09 to the Office of the Public Advocate within the Executive Department to provide funds for personnel costs and contractual services for a professional mediator.