

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1638

H.P. 1166

House of Representatives, December 23, 2009

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### **An Act To Impose Service Requirements on Railroads That Receive Funds from the Department of Transportation**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FITTS of Pittsfield.  
Cosponsored by Senator GERZOFSKY of Cumberland and  
Representatives: BROWNE of Vassalboro, CAREY of Lewiston, MacDONALD of Boothbay,  
MAZUREK of Rockland, ROTUNDO of Lewiston, THOMAS of Ripley, Senator: DAMON of  
Hancock.

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

2 **Sec. 1. 23 MRSA §5145** is enacted to read:

3 **§5145. Service agreement**

4 **1. Service agreement required.** A railroad company that accepts funds, except  
5 funds for grade crossings, from the Department of Transportation, including, but not  
6 limited to, state bond funds, industrial rail access program funds or federal funds  
7 administered by the department, shall sign a service agreement with the department.

8 **2. Service standard.** A service agreement signed pursuant to subsection 1 must  
9 contain a provision that requires the railroad company to meet a service standard that  
10 requires the railroad company to move any loaded car released to the railroad company  
11 by a shipper within the State within 48 hours of the time of release to the point of  
12 interchange with the next railroad company to handle the car. A service agreement must  
13 contain a provision that requires the railroad company to meet this service standard for  
14 85% or more of the cars over a 12-month period.

15 **3. Railroad company to provide record to department.** A railroad company that  
16 signs a service agreement pursuant to subsection 1 shall provide to the Department of  
17 Transportation annually a record generated by its car-tracking system to show its  
18 adherence to the requirements described in subsection 2. If a railroad company fails to  
19 meet these requirements, the railroad company shall pay the department \$50 per late car.

20 The department and the railroad company shall reach an agreement regarding, and state in  
21 the service agreement, the number of years for which the railroad company is required to  
22 provide the record described in this subsection.

23 **SUMMARY**

24 This bill requires that a railroad company that receives funds from the State meet and  
25 demonstrate compliance with certain service requirements or pay a penalty.