

MAINE STATE LEGISLATURE

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SECOND NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 591

House of Representatives, March 21, 1913.

Reported by Mr. Trimble from Committee on Railroads and Expresses and ordered printed under joint rules. 500 extra copies.

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT for the abolishment of Grade Crossings of Railroads.

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

Section 1. The selectmen of a town in which a public way
2 crosses or is crossed by a railroad may file a petition in writ-
3 ing with the board of railroad commissioners alleging that
4 public safety requires an abolishment of or an alteration in
5 such crossing, or its approaches; or a change in the method
6 of crossing a public way; or the closing of a crossing and
7 the substitution of another therefor, not at grade; or the
8 removal of obstructions to the sight at such crossing, and
9 praying that the same may be ordered; whereupon said com-

10 missioners shall appoint a time and place for a hearing
11 thereon after notice of not less than ten days to the peti-
12 tioners, the corporation, the municipality in which such
13 crossing is situated, the owners or occupants of the land
14 adjoining such crossing or adjoining that part of the
14a way to be changed in grade, and to the attorney gen-
15 eral of the state, whose duty it shall be by himself
16 or through the county attorney of the county where-
17 in the crossing is located, to represent the interests of
18 the state at such hearing. And after such notice and hear-
19 ing said commissioners shall determine what abolishment,
20 alteration, change or removal, if any shall be made for public
21 safety and by whom such abolishment, alteration, change or
22 removal shall be made. And to facilitate such abolishments,
23 alterations, changes or removals, highways and other ways
24 may be raised or lowered or the courses of the same may be
25 altered to permit a railroad to pass at the side thereof. For
26 the aforesaid purposes land may be taken and damages
27 awarded as provided for laying out highways and other
28 ways. The commissioners shall determine and fix the dam-
29 ages sustained by any person whose land is taken and the
30 special damages which the owner of land adjoining the
31 public way may sustain by reason of any change in the
32 grade of such way. Said commissioners shall apportion
33 such expenses and damages between the state, the town in
34 which the crossing is located, and the corporation owning
35 or operating the railroad which crosses such public way, and
36 shall order twenty-five per cent thereof, to be paid by the

37 state, and ten per cent thereof to be paid by the town in
38 which such crossing is located, and the remainder thereof
39 shall be paid by the corporation owning or operating the
40 railroad. While the use of any way is obstructed in carry-
41 ing out the foregoing provisions of this section, such tem-
42 porary way shall be provided by the corporation as the com-
43 missioners may order; provided, however, that the com-
44 missioners shall not make any order upon any petition filed
45 under the provisions of this act until they are satisfied, by
46 investigation or otherwise, that the financial condition of the
47 corporation owning or operating the railroad in question
48 will enable said corporation to comply with such order, and
49 that the probable benefit to the public will warrant said order
50 and the probable expense resulting therefrom, and that said
51 order can be complied with without exceeding the state ap-
52 propriation available therefor.

Sect. 2. Whenever the railroad commissioners, upon an
2 application or petition brought under the provisions of sec-
3 tion one of this act find that a public way crosses or is
4 crossed by tracks of more than one railroad and the tracks
5 of such railroads are so near together that public conven-
6 ience requires the work of abolishment, alteration, change
7 or removal to be done under and in compliance with one
8 order, they shall give notice to all the corporations operating
9 such railroads to appear before them and be heard upon the
10 application; and after such notice and hearing said commis-
11 sioners shall determine what abolishment, alteration, change

12 or removal, if any, of said crossing, shall be made and shall
13 determine by whom such work shall be done and shall ap-
14 portion the percentage of expense to be borne by the rail-
15 road corporations as hereinbefore provided between such
16 corporations in such manner as said commissioners shall
17 deem just and proper.

Sect. 3. The order of the railroad commissioners relating
2 to any matter upon which they may act under the authority
3 of the preceding sections of this act shall be communicated
4 in writing to the petitioners and to all persons to whom
5 notice of the hearing on such petition was given; and any
6 person aggrieved by such order, who was a party to such
7 proceedings, may appeal from such order to the supreme
8 judicial court within and for the county in which such way
9 or crossing is located in the manner now provided by law
10 for appeals from the findings of the railroad commissioners.
11 Any person aggrieved by the decision or judgment of the
12 railroad commissioners in relation to damages for land taken
13 for the purposes of this act may appeal from said decision
14 in the manner provided for in section thirty-six of said chap-
15 ter fifty-one of the Revised Statutes of Maine.

Sect. 4. The amount to be paid under the provisions of
2 the preceding sections by the state in any one year shall not
3 exceed fifteen thousand dollars, and said sum, or such por-
4 tion thereof as may be required, shall be expended from
5 the annual railroad tax.

Sect. 5. This act shall not apply to railroads of less than

2 standard guage or to street railroads, excepting, however,
3 that in all cases where a street railroad has a right of way
4 in a public way crossing a railroad the commission shall ap-
5 portion to such street railroad an equitable share of the
6 damages and expenses of alteration which shall be paid by
7 said street railroad, and the balance of such expenses and
8 damages shall be apportioned as provided in section one of
9 this act; and in all cases where a street railroad acquires the
10 right to lay its tracks over a crossing which has been altered
11 under the provisions of this act, the railroad commissioners
12 shall fix the amount which such railroad shall pay to the
13 state before it shall exercise its right to lay its tracks over
14 such crossing; and in either case the commissioners shall
15 make such order for the apportionment of the expense of
16 future maintenance of such crossing as they shall deem
17 equitable.

Sect. 6. All acts and parts of acts inconsistent with this
2 act are hereby repealed, and this act shall take effect January
3 1st, 1914.