

129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2124

H.P. 1514

House of Representatives, February 27, 2020

An Act To Create the Rail Corridor Use Advisory Council Process

Reference to the Committee on Transportation suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative McLEAN of Gorham. (GOVERNOR'S BILL)

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

Sec. 1. 23 MRSA §75 is enacted to read:

§75. Rail corridor use advisory councils

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- 1. Purpose. Upon petition by one or more governmental entities that represent communities along a state-owned rail corridor requesting the Department of Transportation to review a nonrail use of that rail corridor, the Commissioner of Transportation for each petition received may establish a rail corridor use advisory council, referred to in this section as "a council," to facilitate discussion, gather information and provide advice to the commissioner regarding future use of the rail corridor identified in the petition. The council shall review and make recommendations on the likelihood, benefits and costs of potential uses of the rail corridor, including, but not limited to, rail use, trail use or bikeways, as long as any nonrail use is considered by the council to be interim in nature and all such rail corridors are preserved for future rail use as provided in chapter 615.
- **2. Membership.** The Commissioner of Transportation shall invite at least 9 and no more than 15 persons to serve on a council. Membership may include:
- A. The Commissioner of Transportation or the commissioner's designee;
 - B. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;
- 20 <u>C. The Commissioner of Economic and Community Development or the</u> 21 <u>commissioner's designee;</u>
- D. One or more members representing other state agencies;
 - E. One member representing a statewide or regional tourism organization;
- F. One member representing a chamber of commerce or other regional or local economic development entity of the geographic area containing the rail corridor;
- G. One member representing an organization advocating for rail use or preservation;
 - H. One member representing an organization advocating for recreational trail use;
 - I. One or more municipal officials or staff from municipalities located on the rail corridor; and
- J. One member representing an organization advocating for bicyclist or pedestrian needs.
- 32 3. Meetings; chair. The Commissioner of Transportation shall designate a chair of
 a council. The Department of Transportation shall provide staff support to the council.
 The council may adopt bylaws and other policies to effectively govern its proceedings.
 The council shall meet at the call of the chair and shall hold a minimum of one public hearing located in the geographic area along the rail corridor for which the council was formed.

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4. Report. Within 9 months of convening its first meeting, a council shall submit a report to the Department of Transportation on its findings and recommendations regarding the use of the rail corridor, including majority and minority reports if necessary. Upon conclusion of the council's work, the Commissioner of Transportation shall disband that council.

Sec. 2. 23 MRSA §7107, as enacted by PL 2003, c. 498, §4, is amended to read:

§7107. Dismantling of state-owned track or other nonrail use

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Except as provided in this section, the Department of Transportation may not dismantle or change state-owned track or contract with a state agency or private entity for the dismantling of state-owned track or making other changes to that track for a nonrail use. When the department, in consultation with a regional economic planning entity and a regional transportation advisory committee established in accordance with rules adopted under section 73, subsection 4, determines that removal of a specific length of rail owned by the State will not have a negative impact on a region or on future economic opportunities for that region. If the Commissioner of Transportation receives a report from a rail corridor use advisory council established under section 75 that includes a recommendation of track removal or another change to a nonrail use and the commissioner concurs with that recommendation, the commissioner shall seek review by legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal or the other change to a nonrail use. Legislation submitted under this section must include language stating that any track removal or other nonrail use is considered interim in nature and that the rail corridor will be preserved for future rail use as provided under this chapter.

25 SUMMARY

This bill authorizes the Commissioner of Transportation to convene a rail corridor use advisory council to advise and make recommendations each time one or more governmental entities that represent communities along a state-owned rail corridor request the Department of Transportation to review a nonrail use of that rail corridor, as long as any nonrail use is considered to be interim in nature and that all such rail corridors are preserved for future rail use. Upon receiving a report from a rail corridor use advisory council that recommends track removal or another change to nonrail use of the rail corridor, the commissioner is required, if the commissioner concurs with the recommendation, to seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal or another change to a nonrail use.