

TRAINRIDERS NORTHEAST

Talking Points in Opposition to the Passage of

-LD 209, An Act to Authorize an Interim Use Trail on the Berlin Subdivision Rail Corridor

LD 404, Resolve, to Direct the Department of Transportation to Implement the Recommendations of the Mountain Division Rail Use Advisory Council

LD 1450, An Act to Fund the Recommendations of the Mountain Division Rail Use Advisory Council

5/13/2023

I. General

- A. TrainRiders does not oppose trails; TrainRiders only opposes removal of the rails from these lines and their replacement by trails. TrainRiders encourages the construction and use of properly positioned and fenced trails beside rail lines
- B. As a legal matter, Maine law provides that any removal of rail from these lines will be “interim” in nature and that the lines will be “preserved for future rail use”. See 23 M.R.S. § 7107. **As a practical matter, however, removal of rail infrastructure from these lines will mean that those lines will never again be used for rail.** Experience across the US shows that reconversion of a line to rail use simply becomes too expensive after rail, ballast, and other infrastructure has been ripped away, even where rail use of the line would otherwise have been economically or socially justified. Tearing up rails destroys any future economic and environmental benefits that rail use of a line could otherwise provide. On the other hand, rail with trail allows for current and future trail use, with or without rail use, while at the same time preserving future rail use as an irreplaceable economic and social asset.
- C. The State explicitly purchased these lines to preserve them for rail use. Therefore, the effective ability of these lines to continue to be used for rail purposes was a basic premise of those purchases, and any deviation from this would constitute a failure to keep faith to Maine voters and the Maine Legislature.
- D. The Maine Legislature has determined that “a viable and efficient rail transportation system is necessary to the economic well-being of the State” and that “the State must take active steps to protect and promote rail transportation in order to further the general welfare”. 23 M.R.S. § 7102. The legislation authorizing the creation of Rail Use Advisory Councils states that any non-rail use of a State-owned rail line must be interim in nature and



preserve the corridor for future rail use as provided for in 23 M.R.S. § 75(1), 7107. At the very least, this puts a heavy burden on those who advocate for the removal of rail, ballast and other infrastructure from a State-owned rail corridor to unquestionably demonstrate that this removal will not interfere with future rail use of that line.

II. Shortcomings of RUAC Reports

- A. As required by statute, both the Mountain Division RUAC and the Berlin Subdivision RUAC produced reports; in both instances, these reports were substantially flawed.
- B. The RUAC reports do not provide any estimates for the value to the State of freight shipping along the line. At no point has a survey been conducted in either corridor as to what properties might be available for freight rail use or what businesses along the line might desire to use this service if it was available. Perhaps more importantly, no effort was made to determine how many businesses could be attracted to each corridor if they were improved for freight use. Conversely, no estimate was or could be made of the economic benefits that would be foregone such service were not to be available.
 1. Poland Spring has become a large user of rail to transport its water products and has a spring source in Fryeburg
- C. The RUAC reports assume that 23% of trail users would be nonlocal and would, on average, each spend about \$118 in the local economy around the trails. The reports include no additional local spending for rail passengers on the Berlin Subdivision and include only a minor amount of on-board spending while riders are actually onboard a train on the Mountain Division. This either assumes that: (a) rail passengers neither eat, drink, buy equipment, nor seek lodging when they reach their destinations; or (b) all rail passengers are already making the same trip that they would be making by train and are spending no more on these items than they now do. The former assumption is ludicrous and the latter is also unrealistic. Prior to COVID, 30-35% of riders on Amtrak Downeaster service between Brunswick and Boston were monthly pass holders, consisting mostly of commuters who might otherwise travel along the route even if no rail service were available. This percentage has decreased since that time, leaving 70-75% of the Downeaster riders as non-pass holders. In February 2005, MDOT published



a study entitled the Economic Benefits of Amtrak Downeaster Service (available at <https://www.maine.gov/mdot/planning/docs/portlandnorth/Amtrak%20Downeaster1a.pdf>). That study found that Downeaster riders who resided outside of Maine spent an average of \$237.41 in Maine for lodging, food, entertainment, and retail purchases on their trip.). Using these figures, if 20 out-of-state non-commuter rail passengers used either line each day, then they would collectively spend \$4,748 per day, or \$1,733,093 per year in Maine. Correcting for the 54.55% increase in the Consumer Price Index from 2005 through 2023 increases these figures to \$7,338 per day and \$2,678,495 per year. Twenty such riders a day is a minimal estimate, particularly for the Mountain Division which would be bound to include a fairly high rate of tourists. This type of benefit was ignored in the report of each RUAC.

- D. The RUAC reports include estimates for the health effects of trail use. No such analysis was performed for rail use, ignoring the reduction in air pollution and resulting health benefits that would result from replacement of travel by car with travel by train. Although trail use could also result in such a reduction, this would, especially for commuters, only be for short-range travel since commuting by trail over longer distances would simply not be a viable travel option for most people.
- E. The Mountain Division RUAC report discusses increases in property values, but then concludes that property values decrease near abandoned railway corridors. This, however, misses the point, since the report should include the property value increases that would result from an active rail line and that would be foregone if the rail on that line was to be torn up.
- F. The Berlin Subdivision RUAC report also projects that, as a result of passenger rail service, only 37-58 new housing units would be developed around a proposed station site in Auburn, 17-26 units at Pineland, and 85-172 units at Yarmouth. This compares to over 400 units developed close to the Brunswick station, several hundred in Saco, 250 in Dover, New Hampshire, 100 in Durham, and 100 in Exeter after the initiation of the Downeaster service. Those numbers do not include a 60 unit residential apartment building that has been approved, or an additional 40-50 units for which a proposal is now being planned, both of which will involve construction within a few hundred feet of the Freeport station. Furthermore, the 2018 Lewiston-Auburn Passenger Rail Service Plan Transit Propensity



Report (the “Propensity Report”) prepared for NNEPRA and the Maine Department of Transportation (“MDOT”) surveyed other studies, at least one of which concluded that by 2030 the extension of the Downeaster service north from Portland, through Freeport to Brunswick, with seasonal service to Rockland, would result in the construction or rehabilitation of over 42,000 housing units. Although many of the Downeaster stations support local populations that substantially exceed those at some of the historic station stops along the Berlin Subdivision, these numbers still give a strong indication that the report issued for that RUAC has undercounted the number of new housing units that should be anticipated as a result of passenger rail service on that Line.

- G. The report for the Berlin RUAC indicates that it will cost \$274 million to upgrade the tracks between Portland and Auburn for passenger rail service. A substantial portion of that (perhaps as much as \$60 million), however, would be for the cost of positive train control along the SLR Line, something that is only required if and when there are more than 6 passenger rail round trips per day utilizing that corridor.
- H. The Conway Scenic Railroad made an informal oral offer to run along the Mountain Division down to Portland if the State improved it a class 2 status. This offer was never formalized, but it was not even mentioned as a consideration in the report for that line.

III. Other Points

- A. Membership of the Mountain Division RUAC was severely unbalanced. The statute allowing for the creation of RUAC’s, 23 M.R.S. § 765(2) provides for one trail and one rail advocate to serve as members of each RUAC, along with, among others, representatives of various municipalities along the line. The Mountain Division RUAC includes David Kinsman, president of the Mountain Division Alliance as the designated trail advocate representative. Two other members of that RUAC, Terry Egan, representing Brownfield, and Dan Hester, representing Hiram, are also Mountain Division Alliance trustees. Katie Haley representing Fryeburg, is a community partner with the Alliance and Dwight Warrant, representing Baldwin, is a former “trailmaster” for the Baldwin Belt Burners, a snowmobile club. The following RUAC members also have trail backgrounds and, as far as can be determined, no rail related experience: (a) Carolann Ouellette, Director of the



Maine Office of Outdoor Tourism, who was previously the Executive Director of Maine Huts and Trails for 6 years; and (b) Douglas Beck is the online contact person for the Recreational Trails Program of the Maine Bureau of Parks and Lands, and is included in the online posting of the Maine Trails Coalition leadership team. The RUAC contains no members who represent possible shippers along the line or any railroads. More than half of the members of this RUAC are affiliated with trails. Although two members of the Maine Rail Group are listed as members of that RUAC, only one, Jack Sutton, actually participated and was the lone dissenting member of the RUAC voting against interim trail use and for rail with trail.

- B. Rail lines cannot be considered in isolation, and parts of such lines far less so. Their economic impact and operational requirements mandate study on a regional basis, since virtually all lines (including these two) connect to other rail. Neither report gave any consideration to the positive impact of retention of future rail service on either line beyond the area directly contiguous to that line.
- C. This is not the time to consider ripping up the rails along either of these lines, or even rails with trails on those corridors. First, the Legislature has also directed MDOT to prepare a separate study of the potential for passenger rail use along the Berlin Subdivision. That study will not be completed until sometime next year at the earliest and its findings will have a substantial impact upon what should happen on that line. Second, COVID has changed transportation needs and desires. How this will impact future ridership trends is now unknown, so giving any decision about these lines the gift of time would enable all interested parties to make far a better decision than is now possible.