

Resolve 1-21/22

Motion to amend to be the same as the Resolve approved by the Sustainability and Transportation Committee: 9-0 on 9/8/2021

Passage: 9-0 on 9/8/2021

Effective 9/18/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION REQUESTING THE ESTABLISHMENT OF A RAIL CORRIDOR USE
ADVISORY COUNCIL FOR THE CASCO BAY TRAIL AND THE ENFORCEMENT
OF THE 2018 AMENDED DISCONTINUANCE AGREEMENT FOR THE CASCO BAY
SLA CORRIDOR**

WHEREAS, the Casco Bay Trail refers to a 10-mile, disused rail corridor from Portland to Falmouth, Cumberland, and Yarmouth, currently known as the St Lawrence and Atlantic rail corridor (hereinafter “Casco Bay SLA Corridor”), that was acquired by the State of Maine in 2007 and 2010; and

WHEREAS, the Casco Bay Trail Alliance, formed in 2019, created a vision, and is leading the effort, to convert the Casco Bay SLA Corridor to a multi-purpose “trail-until-rail” to be included in an off-road bicycle and pedestrian trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

WHEREAS, the Casco Bay Trail is part of a broader Maine Trail Plan issued by the Maine Trails Coalition in 2020, which calls for the construction of multiple specific rail-trail projects over the next decade, each of which would connect with existing multi-use trail infrastructure; and

WHEREAS, long-distance multi-use trails are a key recommendation of a 2010 report “Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections” by the Maine Dept. of Transportation, State Planning Office, Dept. of Conservation, and Center for Disease Control and Prevention; and

WHEREAS, the possibility of a trail alongside the existing rail was explored in a 2017 GPCOG/PACTS study “Rail with Trail: Preliminary Feasibility Assessment of Building an Active Transportation Corridor from Portland to Yarmouth;” and

WHEREAS, the focus of the 2017 study was to add a future trail to the existing rail right-of-way so as to preserve the potential for future restoration of freight and/or passenger rail service to the currently inactive rail corridor; and

WHEREAS, the study included a well-attended regional public meeting that indicated a high level of community support for adding a trail to the rail corridor, but also some concerns; and

WHEREAS, the 2017 report recommended that a more detailed feasibility study be developed; and

WHEREAS, the Governor has recently signed into law LD 1133, allowing for the creation of Rail Corridor Advisory Councils to “facilitate discussion, gather information and provide advice to the commissioner regarding future use” of rail corridors owned by the State, and

WHEREAS, the SLA rail right-of-way was originally purchased by the Maine Department of Transportation for rail purposes; and

WHEREAS, a freight operator holds a freight railroad easement, but has discontinued freight service on the rail line, and

WHEREAS, the freight operator is subject to a contract with the Maine Department of Transportation (“the 2018 Amended Discontinuance Agreement”), stating that, unless freight rail service is resumed by November 1, 2021, the operator “shall . . . seek authority from the [Surface Transportation Board] to abandon the Railroad Line,” which, once granted, would terminate the freight railroad easement over the Railroad Line, and

WHEREAS, the Casco Bay SLA Corridor has been studied for possible conversion to passenger rail, but, according to a 2019 study commissioned by the Maine Department of Transportation (the Lewiston Auburn Passenger Rail Service Plan – Operating Plans and Corridor Assessments), converting the Casco Bay SLA Corridor to passenger rail would require transit through the East End with a new “Ocean Gateway Station,” and

WHEREAS, the above referenced 2019 study made a recommendation to “eliminate options that require an Ocean Gateway Station,” and

WHEREAS, the June 2021 Legislative Document 991, “Resolve, Directing the Department of Transportation to Conduct an Economic Evaluation Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area,” lists two options to be further studied, neither of which includes the Casco Bay SLA corridor south of Yarmouth, implying that the Casco Bay SLA corridor is currently no longer being studied for future passenger rail use; and

WHEREAS, it may be worthwhile for the City of Portland to express its interest to Maine DOT to explore the future use of the Casco Bay SLA Corridor as a multi-use trail.

NOW, THEREFORE, BE IT RESOLVED that the Portland City Council hereby petitions the Department of Transportation to:

1. accept the abandonment of the above-referenced freight easement;
2. to the extent the Department is considering any extension or amendment to the above-referenced freight easement, provide a notice-and-comment procedure to ensure that all voices are considered before granting a benefit at no cost to a single company; and
3. create a Rail Corridor Use Advisory Council to consider future use of the Casco Bay SLA Corridor as a multi-use “trail-until-rail.”