

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 10 FY 10/11
DATE April 13, 2010

AN ORDER TO CREATE THE AROOSTOOK RAIL ADVISORY TASK FORCE

WHEREAS, on February 25, 2010, the Montreal Maine and Atlantic Railway, Ltd. (the "MMA") filed with the Surface Transportation Board (the "STB") an Application for Abandonment of 233 miles of mainline track and subdivisions in northern Penobscot and Aroostook Counties (the "Abandonment"); and

WHEREAS, this action has the potential to cause catastrophic financial damage to the shippers and industries currently utilizing this rail service, to their employees, and to the economy of the entire State of Maine; and

WHEREAS, the Abandonment would eliminate energy-efficient, cost-effective transportation options, which would severely disadvantage Maine's competitive position in the global economy; and,

WHEREAS, effective coordination between local stakeholders and state government officials in responding to the proposed Abandonment is imperative;

NOW THEREFORE, I, John E. Baldacci, Governor of the State of Maine, do hereby order the establishment of the Aroostook Rail Advisory Task Force, the purposes and composition of which are set forth below.

Purpose and Duties

The Aroostook Rail Advisory Task Force, shall:

- Provide input to the State of Maine during the course of the STB Abandonment process to ensure that State interests are articulated and protected in a coordinated and effective manner; and,
- Advise the State of Maine in its efforts to evaluate, and, if feasible, structure and implement the acquisition of the real property and rail assets that are the subject of the Abandonment (the "Corridor"); and

- Ensure transparency in the acquisition process and in the issuance of a Request for Proposals to secure a Third Party Operator for rail service over the Corridor.

The State of Maine, working with the Aroostook Rail Advisory Task Force in connection with an acquisition, will ensure:

- That the State receives clear title to the land and track that make up the Corridor without assuming the financial obligations of the MMA;
- That the State receives a credit for previous state grants to be applied to the purchase price of the Corridor;
- That the purchase price is established by an independent analysis of the net liquidation value of the property right and assets to be acquired;
- That an assessment of current track conditions be performed and that appropriate applications be made for all available federal funding opportunities;
- That the State will seek cooperation and contributions from shippers utilizing the lines to sustain rail operations;
- That the acquisition will be conditioned upon the inclusion of permanent trackage rights from the MMA on the north and south ends of the acquired lines to allow access to the interconnections at St. Leonard Station, southeast of Madawaska, and Brownville Junction; and
- That the State will solicit and secure a third party operator through a competitive process and oversee operations to ensure improved standards of service over the Corridor with appropriate equipment to run the service efficiently and essential and ongoing investments in maintenance.

Membership and Support

The Task Force shall consist of thirteen members, seven of whom are appointed by and serve at the pleasure of the Governor. The Governor shall designate the Chair and Vice-Chair.

The Task Force Members appointed by the Governor shall include:

- The Commissioner of Transportation, or the Commissioner's designee;
- Three representatives of economic development or business associations in Aroostook County;
- Two representatives of businesses that use the rail line subject to abandonment, recommended by those businesses; and
- One representative of a statewide business organization.

The President of the Senate shall appoint two members of the Senate, one from each of the two major political parties, and the Speaker of the House shall appoint four members of the House of Representatives, two from each of the two major political parties. At least four of the members shall be from Aroostook County. Members appointed by the President and the Speaker serve at the pleasure of their appointing authority.

Maine's United States Senators and the Representative from the 2nd Congressional District, or their staff representatives, are invited to participate as ex officio, non-voting members of the Task Force.

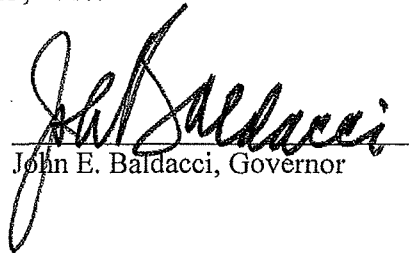
The Department of Transportation shall provide staff support to the Task Force, and may request assistance of other state agencies as needed.

Procedures

The Aroostook Rail Advisory Task Force shall meet at times and places called by the Chair. Members of the Task Force serve without compensation.

Effective Date

The effective date of this Executive Order is April 13, 2010.


John E. Baldacci, Governor