

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

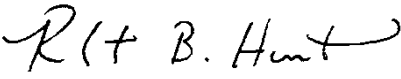
No. 2064

H.P. 1466

House of Representatives, January 23, 2020

An Act To Amend the Laws Governing Local Bridges

Submitted by the Department of Transportation pursuant to Joint Rule 203.
Reference to the Committee on Transportation suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.

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

2 **Sec. 1. 23 MRSA §563, sub-§1**, as enacted by PL 2001, c. 314, §2 and affected
3 by §4, is amended to read:

4 **1. Municipal-maintained structures.** For a structure for which a municipality has
5 maintenance responsibility, the department shall advise the municipality of its inspection
6 findings; and noted deficiencies and recommendations regarding posting or closure. ~~The~~
7 ~~municipality has sole responsibility and authority to determine whether a structure must~~
8 ~~be posted or closed, except that the department may close the structure in cases of~~
9 ~~emergency or when the department reasonably determines closure is necessary to protect~~
10 ~~the traveling public from imminent hazard. If the department becomes aware of~~
11 ~~deficiencies in a structure that could impact posting or closure decisions, the department~~
12 ~~shall promptly notify the municipality.~~ The department shall notify the municipality
13 when a structure requires a posting or closure, and the municipality shall carry out the
14 posting or closure. The department has the authority to post or close a structure to protect
15 the traveling public from an imminent hazard. The municipality is responsible for all
16 costs and expenses related to the posting and closure, including any needed notifications,
17 procedures, signing and barricades.

18 **Sec. 2. 23 MRSA §565, sub-§2**, as enacted by PL 2001, c. 314, §2 and affected
19 by §4, is amended to read:

20 **2. Low use or redundant bridges on town ways.** A municipality has maintenance
21 responsibility for all low use bridges on town ways and all redundant bridges on town
22 ways.

23 For the capital improvement of a low use bridge on a town way or a redundant bridge on
24 a town way located wholly within one municipality, the municipality shall pay 50% of
25 the cost or 1% of its property valuation, whichever is less. For a bridge located on a town
26 line, each municipality shall pay 25% of the cost of the capital improvement or 1% of its
27 property valuation, whichever is less, unless the municipalities and the department agree
28 otherwise. The department shall pay the remaining portion of the cost of the capital
29 improvement subject to available funds.

30 **Sec. 3. 23 MRSA §566, sub-§1**, as enacted by PL 2001, c. 314, §2 and affected
31 by §4, is amended to read:

32 **1. Changes to structures.** If a structure is improved in a manner that affects
33 whether it is defined as a minor span or a bridge, the responsibilities set forth in this
34 subchapter regarding the structure do not change unless the department determines that
35 there exists a reasonable engineering basis for the improvement and the department
36 approves the design plans and specifications of the improvement prior to the construction.
37 The design of the improvement to the structure must be in accordance with department
38 standards and sealed by a professional engineer licensed under Title 32, chapter 19 to
39 practice in this State. After construction, the department shall inspect the structure and, if
40 the structure is found to conform with the approved design, the department shall accept
41 responsibility for the structure. If the inspection reveals the structure was not improved
42 in accordance with the department-approved design, the municipality shall make any

1 necessary corrections to the structure required by the department so that responsibility for
2 the structure is accepted by the department.

3 **Sec. 4. 23 MRSA §566, sub-§2**, as enacted by PL 2001, c. 314, §2 and affected
4 by §4, is amended to read:

5 **2. New structures.** If a municipality constructs a new bridge on a town way, the
6 department shall assume the responsibilities set forth in the subchapter only if the
7 department determines that there is a reasonable engineering basis for the bridge, as
8 opposed to a minor span, and if the department approves the design and construction of
9 the bridge prior to the construction of the bridge. The bridge must be designed in
10 accordance with department standards and sealed by a professional engineer licensed
11 under Title 32, chapter 19 to practice in this State. If the inspection reveals the bridge
12 was not constructed in accordance with the department-approved design, the municipality
13 shall make any necessary corrections to the bridge required by the department so that
14 responsibility for the bridge is accepted by the department.

15 **Sec. 5. 23 MRSA §567**, as enacted by PL 2001, c. 314, §2 and affected by §4 and
16 c. 667, Pt. C, §§20 and 22, is amended to read:

17 **§567. Bridge capital improvement ~~priorities~~ list**

18 The department shall ~~biennially~~ annually prepare a list of bridges that are eligible for
19 capital improvement under this subchapter, ~~arranged in priority order using accepted~~
20 ~~bridge management principles and~~ as constrained by available funding. The department
21 is the final arbiter as to whether any bridge is placed on the list. The department shall
22 consult with municipalities regarding the manner of improving low use bridges on town
23 ways and redundant bridges on town ways.

24 **SUMMARY**

25 This bill requires the Department of Transportation to notify a municipality when a
26 bridge for which a municipality has maintenance responsibility requires a posting or
27 closure and requires the municipality to carry out the posting or closure. Current law
28 provides a municipality sole responsibility to determine whether such a bridge must be
29 posted or closed. The bill provides that the department's responsibility to pay a portion of
30 the cost of a capital improvement for a low use or redundant bridge on a town way is
31 subject to available funds. It provides that in order for the department to accept certain
32 responsibilities for an improved bridge or for a new bridge, the department must approve
33 the design of the improvements or construction before the improvements are made or the
34 bridge is constructed. The design of the improvements or construction must meet
35 standards set by the department and be sealed by a professional engineer. The
36 department must inspect the bridge after it is improved or constructed. The bill also
37 changes how often the department must prepare a list of bridges that are eligible for
38 capital improvement from biennially to annually and removes the requirement that this
39 list be arranged in priority order using accepted bridge management principles.