

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 348

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S. P. 136

In Senate, January 24, 1973

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Cianchette of Somerset.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Apportionment of Cost of Reconstruction of Railroad  
Grade Separation Structures on Nonfederal Aid-State Aid Highways.**

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

Sec. 1. R. S., T. 23, § 1103, amended. The last sentence of the first paragraph of section 1103 of Title 23 of the Revised Statutes, as amended by section 22 of chapter 593 of the public laws of 1971, is further amended to read as follows:

Towns may, upon petition of the selectmen of the town and approval of the department, use a portion or all of the state aid joint fund of the town toward the town's share of the cost of construction or reconstruction of bridges under the Bridge Act or for the town's share of the cost of reconstruction of railroad grade separation structures, on nonfederal aid-state aid highways, under section 3411.

Sec. 2. R. S., T. 23, § 3411, amended. Section 3411 of Title 23 of the Revised Statutes, as repealed and replaced by section 13 of chapter 593 of the public laws of 1971, is amended by inserting after the 2nd paragraph the following:

Notwithstanding the preceding paragraph, the cost of reconstruction of railroad grade separation structures carrying the highway over the railroad, including the alterations to the approaches to said structure, on nonfederal aid-state aid highways shall be apportioned as follows: 80% to the Department of Transportation, 10% to the railroad corporation and 10% to the municipality or the county having jurisdiction of the roads in any unorganized township in which said structure is located, provided that the Depart-

ment of Transportation may vary the aforesaid percentages of cost as it may deem proper after due consideration of the relative benefits to be derived from such reconstruction. The cost of reconstruction of railroad grade separation structures carrying the railroad over the highway, including the alterations to the approaches to said structure, on nonfederal aid-state aid highways shall be apportioned between the State, the railroad corporation and the municipality or the county having jurisdiction of the roads in any unorganized township in which said structure is located as the Department of Transportation may deem proper after due consideration of the relative benefits to be derived from such reconstruction or alteration.

**Sec. 3. R. S., T. 23, § 3414, amended.** The last sentence of section 3414 of Title 23 of the Revised Statutes is amended to read as follows:

No railroad corporation shall be required to expend, under sections 3411 to 3413, more than ~~\$110,000~~ \$150,000 during any period of 3 consecutive calendar years.

**Sec. 4. Allocation.** There is allocated from the income of the General Highway Fund the sum of \$500,000 for the fiscal year ending June 30, 1974 and the sum of \$500,000 for the fiscal year ending June 30, 1975 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
TRANSPORTATION, DEPARTMENT OF		
Reconstruction of railroad grade separation structures on nonfederal aid-state aid highways	\$500,000	\$500,000

#### FISCAL NOTE

The estimated cost to the General Highway Fund would amount to approximately \$500,000 per year.

#### STATEMENT OF FACT

The purpose of this bill is to allow the improvement of deficient railroad grade separation structures on nonfederal aid-state aid highways. This bill, also, allows towns to use a portion or all of the state-aid joint fund of the town toward the town's share of the cost of reconstruction of these structures.