

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1637

7
8 H.P. 1128

House of Representatives, May 30, 1985

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

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

EDWIN H. PERT, Clerk

Presented by Representative Theriault of Fort Kent.

12 Cosponsored by Representative McPherson of Eliot, Senator Shute of
Waldo and Senator Erwin of Oxford.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Adjust Bridge Capital and
19 Maintenance Responsibilities.
20

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

23 Sec. 1. 23 MRSA c. 9, sub-c. III, as amended, is
24 repealed.

25 Sec. 2. 23 MRSA c. 9, sub-c. IV, as amended, is
26 repealed.

27 Sec. 3. 23 MRSA c. 9, sub-c. V, first 2 lines
28 are repealed and the following enacted in their
29 place:

30 SUBCHAPTER V

31 BRIDGES OF HISTORIC SIGNIFICANCE

32 Sec. 4. 23 MRSA §601, as amended by PL 1971, c.
33 593, §22, is repealed.

1 Sec. 5. 23 MRSA §§602 and 603 are enacted to
2 read:

3 §602. Finding of fact

4 The Legislature finds that it is in the best in-
5 terest of the State that bridges with historic sig-
6 nificance be maintained or improved as necessary by
7 the State. These bridges are of historic importance
8 due to their unique construction combined with their
9 antiquity. Should it become necessary to bypass any
10 of these structures or to replace them with modern
11 structures, the Legislature further finds that the
12 provisions of subchapter I and subchapter VII shall
13 apply.

14 §603. Management

15 The State shall be responsible for the management
16 of and all costs for maintenance and rehabilitation
17 for the following historic bridges: Lovejoy Bridge,
18 Andover; Robyville Bridge, Corinth; Hemlock Bridge,
19 Fryeburg; Bennett Bridge, Lincoln Plantation;
20 Watson's Bridge, Littleton; Artist's Bridge, Newry;
21 Lowe's Bridge, Sangerville-Guilford; Babb's Bridge,
22 Windham-Corham; Wire Bridge, New Portland; Porter
23 Bridge, Porter-Parsonsfield; and Bailey Island
24 Bridge, Harpswell.

25 The commissioner shall, from time to time, make
26 recommendations to the Legislature relating to addi-
27 tions to or deletions from the list in this section.
28 The commissioner may establish such guidelines as may
29 be necessary and may make recommendations either on
30 his own initiative or upon petition by any party.

31 Sec. 6. 23 MRSA c. 9, sub-c. VI, as amended, is
32 repealed.

33 Sec. 7. 23 MRSA c. 9, sub-c. VII is enacted to
34 read:

35 SUBCHAPTER VII

36 LOCAL BRIDGES

37 §608. Findings of fact

1 The Legislature makes a finding of fact that
2 there are many bridges on town ways for which the
3 State has responsibility and many bridges on
4 state-aid highways for which towns have responsibili-
5 ty. The Legislature finds that it is in the best in-
6 terest of the State that responsibility for bridges
7 should coincide with the responsibility for adjacent
8 roadway.

9 The Legislature makes a further finding of fact
10 that bridge capital improvement programs, for which
11 the towns have a logical responsibility, should re-
12 fect the town's ability to pay, the relative use of
13 bridges and the protection of investment in bridges.

14 The Legislature makes a further finding of fact
15 that towns lack the technological capability to ade-
16 quately maintain major bridges. Towns should main-
17 tain all minor bridges and all unimproved major
18 bridges that exist on town roads. The State should
19 maintain all state bridges and all improved town ma-
20 ajor bridges having reasonable levels of traffic.

21 §608-A. Definitions

22 As used in this subchapter, unless otherwise in-
23 dicated, the following terms have the following mean-
24 ings.

25 1. Bridge. "Bridge" means a structure designed
26 to convey a public road or highway over a physical
27 barrier or obstacle such as other roads, highways,
28 railroads or water. "Bridge" shall be limited to
29 structures designed principally for the use of carry-
30 ing motor vehicles and must be larger than culverts.

31 2. Capital improvement. "Capital improvement"
32 means to create, add to or restore structural or
33 functional capacity. The actual work activities of
34 bridge capital improvement are often referred to as
35 construction, for a new bridge, replacement, of an
36 existing bridge, and rehabilitation, of an existing
37 bridge. Rehabilitation differs from maintenance in
38 that it makes comprehensive structural or functional
39 improvements that impact service ability for a rela-
40 tively long period of time, whereas similar mainte-
41 nance is restricted to noncomprehensive repairs to

1 individual members or isolated areas. Capital im-
2 provement shall include the cost of project develop-
3 ment, construction, inspection and related supervi-
4 sion and administration. Capital improvement also
5 includes the costs necessary for the removal or elim-
6 ination of unnecessary structures.

7 3. Culvert. A "culvert" means any structure
8 whose span is less than 10 feet. Multiple culverts
9 with a combined opening of less than 80 square feet
10 shall also be defined as culverts and those with a
11 combined opening of 80 square feet or greater shall
12 be defined as a bridge.

13 4. Local bridges. "Local bridges" means bridges
14 located on town ways or state-aid highways. Excluded
15 from this subchapter are railroad bridges, bridges
16 over the Maine Turnpike, the Interstate Highway Sys-
17 tem and bridges on federally designated highways.

18 5. Logarithm. "Logarithm" means common or base
19 ten.

20 6. Maintenance. "Maintenance" means the work
21 activity necessary to preserve the structure to its
22 existing structural or functional capacity and integ-
23 riety and to arrest deterioration of its components.
24 Maintenance is not intended to increase or fully re-
25 store structural or functional capacity. Maintenance
26 is performed to insure safety of the user or the
27 structure in response to vehicular accident damage,
28 flood damage, ice damage or unanticipated component
29 failure. More often maintenance is scheduled for
30 routine operations or to address limited deficiencies
31 found in periodic inspections.

32 7. Major bridge. A "major bridge" means any
33 bridge larger than a minor bridge.

34 8. Minor bridge. A "minor bridge" means any
35 bridge with combined spans of less than 25 feet, ex-
36 cept in the case of concrete T-beam bridges and steel
37 stringer bridges where structures with spans of less
38 than 20 feet shall be considered minor bridges.

39 9. Responsibility. "Responsibility" for capital
40 improvement or maintenance shall be determined based

1 upon the historic records relating to the original
2 construction of individual bridges maintained by the
3 department and upon the guidelines established by the
4 department in section 608-B. In the event that re-
5 sponsibility cannot be determined from records, or is
6 in dispute, responsibility shall be the same as the
7 responsibility for the adjacent roadway.

8 10. Span. "Span" means to distinguish among ma-
9 major bridges, minor bridges and culverts. "Span"
10 shall always be measured perpendicular to the center-
11 line of the bridge opening. For structures with sup-
12 ports, "span" means the greatest horizontal distance
13 between front faces of extreme abutments. For ring
14 structures, "span" means the greatest horizontal
15 opening. For arches, "span" means greatest horizontal
16 distance between springing lines.

17 When the proper capital improvement for a structure
18 is judged to be replacement, the "span" used to de-
19 termine town responsibility shall be that of the re-
20 placement structure.

21 11. Time of approval. "Time of approval" means
22 the date on which the town approves the preliminary
23 design and authorizes the improvement.

24 12. Town. "Town" means any unit of municipal
25 government, including, towns, cities, plantations and
26 unorganized townships. With the exception of the
27 Maine Turnpike Authority, departments or bureaus of
28 State Government and quasi-independent agencies or
29 boards who are responsible for bridges on public
30 highways shall be treated as towns and for the pur-
31 poses of determining cost sharing in section 609-B
32 the average town valuation in the State shall be
33 used.

34 13. Valuation. "Valuation" means valuation
35 based upon 100% of the current market value as certi-
36 fied and filed by the State Tax Assessor and in ef-
37 fect at the time of approval by the town.

38 §608-B. Transfer

39 On and after July 1, 1986, bridges determined to
40 be of satisfactory condition shall become the respon-

1 sibility of the unit of government that is responsi-
2 ble for the adjacent roadway, except for the excep-
3 tions is section 603. The State shall be responsible
4 for all bridges on state and state-aid highways and
5 towns shall be responsible for all such bridges on
6 town ways, except for bridges over the Maine Turnpike
7 and Interstate Highway System.

8 The guidelines for determining satisfactory con-
9 dition shall be determined by the department. Prior
10 to adoption of these guidelines, the department shall
11 offer an opportunity for a public hearing or hear-
12 ings.

13 The department shall inform each town or county
14 in writing of its determination regarding satisfacto-
15 ry condition of bridges. Within 30 days of receipt
16 of this notice, the town or county may petition the
17 department to hold a public hearing and after the
18 hearing the department shall issue its decision which
19 shall be final.

20 §608-C. Capital improvement candidates

21 On and after July 1, 1986, the department shall
22 biennially prepare lists of bridges eligible for im-
23 provement under this subchapter, arranged in priority
24 order. The department shall offer to the towns an
25 opportunity to improve bridges based inasmuch as is
26 practical on those lists. Any town, county or the
27 State may petition to the department, based on the
28 lists prepared under this section, to improve a
29 bridge under this subchapter.

30 §608-D. Preliminary engineering

31 The department shall make surveys and investiga-
32 tions it determines necessary for improving any
33 bridge under this subchapter and shall be the sole
34 arbiter as to whether and in what manner any bridge
35 shall be improved. The department shall conduct the
36 preliminary engineering necessary to estimate the
37 cost for the improvement.

38 §609. Approval to proceed

1 The department shall inform the town or county of
2 the estimated cost of the bridge improvement, includ-
3 ing the estimated share of the cost. The town may
4 either cancel the improvement request or issue ap-
5 proval to proceed. Approval to proceed shall be ac-
6 companied by initial funding. Town and county per-
7 centages of cost become fixed at this time. After
8 town officials are authorized to raise the local
9 share of the estimated cost of the bridge improve-
10 ment, the department shall proceed with the necessary
11 engineering and other work. The department shall se-
12 lect the appropriate construction procedure in ac-
13 cordance with standard procedures.

14 §609-A. County commissioners authorized to borrow

15 County commissioners are authorized to raise
16 funds by borrowing reasonable sums as may be neces-
17 sary to carry out his subchapter. Any loan entered
18 into by the county commissioners shall be a legal
19 debt of the county whose credit is pledged under this
20 law. All loans made by the county commissioners un-
21 der this law are excepted from the laws of the State
22 limiting the borrowing capacity of counties.

23 §609-B. Cost sharing

24 1. Cost. The cost of all capital improvements
25 for bridges on the state-aid system for which the
26 State is responsible shall be borne by the State.
27 The cost of all capital improvements for bridges on
28 the town-way system shall be borne jointly by the
29 State and the town and, at times, the county. The
30 cost of initial capital improvements for bridges on
31 the state-aid system for which the town is responsi-
32 ble and found to be not in satisfactory condition
33 shall be borne jointly by the State and the county.
34 The effect of federal funds shall be used to uniform-
35 ly reduce state and local cost.

36 2. Procedure to determine percentages paid by
37 towns. The following procedure shall be applied to
38 determine the percentages paid by the town or towns.

39 A. To provide county assistance for the more
40 significant bridges on the town-way system, the
41 town's share for bridge improvements as calcu-

1 lated for bridges on the town-way system shall be
2 based on 80% of the estimated cost of the im-
3 provement in those cases where all of the follow-
4 ing criteria are met:

5 (1) The bridge is a major bridge as defined
6 in this subchapter;

7 (2) Traffic on the bridge exceeds the medi-
8 an average traffic for bridges on townways;
9 and

10 (3) The tax rate caused by the capital im-
11 provement exceeds 10 mils.

12 B. The county in which the town is located shall
13 bear a fixed 20% of the cost of any bridge, but
14 not to exceed twice the towns share. In the
15 event that the bridge exists in 2 or more coun-
16 ties, each county's share shall be proportional
17 to its valuation.

18 C. The town percentage share of a capital im-
19 provement constructed under this subchapter shall
20 be determined by multiplying a factor that mea-
21 sures ability to pay by a factor that measures
22 relative use of the structure.

23 D. The factor that measures ability to pay shall
24 be:

<u>TAX RATE</u>	<u>TOWN ABILITY TO PAY FACTOR</u>
<u>1 1/4 mil or less</u>	<u>65%</u>
<u>2 1/2 mils</u>	<u>60%</u>
<u>3 3/4 mils</u>	<u>55%</u>
<u>5 mils</u>	<u>50%</u>
<u>7 1/2 mils</u>	<u>45%</u>
<u>10 mils</u>	<u>40%</u>
<u>15 mils</u>	<u>35%</u>

33 Provided that:

34 (1) For tax rates between those shown, the
35 town ability to pay factor shall be deter-
36 mined by linear proportion between adjacent
37 factors.

1 (2) Notwithstanding any other provisions of
2 law, the tax rate shall be determined based
3 upon the most recent valuation made by the
4 State Tax Assessor.

5 (3) In no case, may the town share exceed
6 1/2 of 1% of the town valuation.

7 E. The factor that measures relative use of a
8 structure shall be a traffic ratio. The traffic
9 ratio shall be logarithmic in nature. It shall
10 be constructed as the logarithm of the median annual
11 average daily traffic for all townway
12 bridges divided by the logarithm of the average
13 daily traffic on the bridge in question. The basic
14 town percentage shall then be determined as
15 the product of the ability to pay factor and the
16 relative use factor. In no case, may the town
17 share exceed 65% or 1/2% of 1% of the town valuation.
18 tion.

19 F. After the basic percentage in paragraph E is
20 determined, an adjustment may be made for special
21 circumstances. The town's portion shall be reduced
22 by 1% for every 2 town-way bridges over 5.
23 Bridges which cross the boundary line between 2
24 or more towns shall count as 1/2 bridge for each
25 town.

26 G. For those bridges on the state-aid system for
27 which the town is responsible, the county shall
28 pay the town's portion of any capital improvement
29 necessary to bring that structure to a satisfactory
30 condition. Adjustments for multiple bridges
31 and county assistance to towns shall not apply.
32 Upon completion of the initial improvement for
33 any bridge, the county shall be absolved of any
34 further responsibility for the capital improvement
35 of the bridge and any subsequent improvements
36 shall be the sole responsibility of the
37 State.

38 H. The effect of federal funds shall next be
39 used to reduce all county and town percentages.
40 The reduction factor shall be applied in proportion
41 to the availability of federal funds. The
42 reduction afforded may differ among program years

1 to reflect availability of federal funds and
2 needs, but otherwise the effect of the reduction
3 factor shall be applied uniformly to all
4 projects.

5 I. Each local percentage shall be rounded to the
6 nearest full percent, the minimum town share
7 shall be 1% of the cost of the project, but not
8 more than 1/2 of 1% of the town's valuation. In
9 those cases where county participation is re-
10 quired, the minimum county share shall be one
11 percent of the cost of the project.

12 §609-C. Payment of town and county costs

13 The portions of the cost payable by the town or
14 the county shall be due as follows: Twenty-five per-
15 centage at the time of approval by the town, 50% upon
16 the commencement of the improvement and the remainder
17 upon the substantial completion of the improvement as
18 certified by the department. The department shall
19 prepare the final bill within 6 months after the sub-
20 stantial completion of all work items.

21 In the event that the actual improvement cost ex-
22 ceeds the estimated cost, the town or county shall
23 not pay more than 110% of their estimated cost. The
24 foregoing notwithstanding, major change in scope of
25 the improvement after the time of approval will re-
26 quire that a new estimate and town share be deter-
27 mined.

28 In case any town neglects or refuses to pay into
29 the State Treasury its proportional part of the cost
30 of improvement which may be due and payable under
31 this subchapter or its proportional part of the ex-
32 cess cost of improvement above the estimated cost,
33 then the Treasurer of State shall, out of any funds
34 in the State Treasury due the town from the Local
35 Road Assistance Program, pay such proportional part
36 and deduct the amount so paid. In the event that the
37 proportional share due from the town exceeds the
38 funds available to the town under the Local Road As-
39 sistance Program, the Treasurer of State may proceed
40 with a civil action against the delinquent town to
41 recover any sum due the State, but these remedies
42 shall be in addition to, and not exclusive of, other

1 remedies afforded by law for the proper enforcement
2 of this subchapter.

3 §609-D. Bridges crossing boundary line; apportion-
4 ment of costs

5 When a bridge crosses the boundary line of the
6 State, the costs to be shared shall be that portion
7 of the cost determined to be the responsibility of
8 units of State Government.

9 When a town bridge to be improved is on a
10 townline, the valuation of the towns shall be com-
11 bined to determine the ability to pay factor. The
12 basic total town percentages shall be determined as
13 the product of that ability to pay factor and the use
14 factor. The resulting combined town percentage shall
15 then be apportioned to the individual towns based on
16 their individual valuations. The apportioned amounts
17 shall be restricted to 1/2 of 1% of the towns' valua-
18 tions and shall also be eligible for the reductions
19 in section 609-B.

20 When a bridge on the state-aid system crossing a
21 boundary line is to receive initial improvement, the
22 total basic county shares shall be determined using
23 the respective towns' valuation in this section. The
24 resulting combined percentages shall be apportioned
25 based on the respective county valuations.

26 §610. State not liable for damage

27 The State and the Department of Transportation
28 shall not be liable to any person, corporation or en-
29 tity for damages arising out of any activities per-
30 formed pursuant to this subchapter.

31 §610-A. Capital allocation

32 The department shall allocate total funds availa-
33 ble for bridge capital improvements among the catego-
34 ries of state bridges on the state and state-aid
35 highway systems, town bridges on the state-aid sys-
36 tem, state bridges on town ways and town bridges on
37 town ways. The allocation shall be reflected in the
38 department's biennial Capital Improvement Program,
39 and shall be determined on the basis of a formula

1 that considers at a minimum the condition, the use
2 and the protection of the investment associated with
3 each category of bridges. The relative weight of
4 each factor considered in the formula shall be estab-
5 lished by the department. Prior to the adoption of
6 this formula, the department shall offer an opportu-
7 nity for a public hearing or hearings.

8 In the event that there are insufficient applica-
9 tions to utilize funds allocated to any of these cat-
10 egories, the commissioner may direct that funds be
11 utilized for bridges in other categories.

12 §610-B. Priority of improvements

13 The department shall place bridge projects in
14 priority within each category of bridges in section
15 610-A. Within each category, priorities will be de-
16 termined by use of formulas which consider, at a min-
17 imum, inadequacy and use of each bridge. Inadequacy
18 shall be determined based upon the biennial inventory
19 and inspection of bridges as developed by the depart-
20 ment. Use shall be determined based upon traffic
21 surveys and estimates conducted by the department.
22 These formulas shall be established by the depart-
23 ment. Prior to the adoption of formulas, the depart-
24 ment shall offer an opportunity for public hearing or
25 hearings.

26 §610-C. Emergency improvements

27 In the event of an emergency, the commissioner
28 may initiate any bridge capital improvement under
29 this subchapter.

30 §610-D. Salvage

31 Such material as may be reasonably salvaged from
32 an existing bridge improved under this subchapter may
33 become the property of the current owner of the
34 bridge, provided that all such salvage shall be re-
35 quested prior to the issuance of the approval to pro-
36 ceed.

37 §610-E. Supervision

38 The department shall have supervision of all con-

1 struction work under this subchapter.

2 §610-F. Maintenance of structures

3 On and after July 1, 1986, maintenance responsi-
4 bility for bridges certified by the department as
5 having a satisfactory condition, as defined in sec-
6 tion 608-B, shall be the same as responsibility of
7 the adjacent roadway, except that the State shall be
8 responsible for the maintenance of all major bridges
9 in satisfactory condition on town ways with average
10 annual daily traffic of at least 25 vehicles. The
11 department shall determine the guidelines for estab-
12 lishing average annual daily traffic. Prior to the
13 adoption of the procedure, the department shall offer
14 an opportunity for a public hearing or hearings.

15 No general prescription may be made of the activ-
16 ities that are properly called maintenance for unusu-
17 al bridge types and locations. Special arrangements
18 for the state maintenance of qualifying town bridges
19 with unusual features will need to be made before the
20 State assumes maintenance responsibility. The de-
21 partment will develop such general guidelines as may
22 prove necessary to prescribe or limit bridge mainte-
23 nance activity, or both. Consultation with town rep-
24 resentatives shall be a part of the development of
25 guidelines.

26 Maintenance responsibility for bridges not certi-
27 fied as having a satisfactory condition shall not be
28 transferred, except that state maintained bridges on
29 town ways shall be transferred to the town when an
30 "offer to improve," as defined in section 608-C, has
31 been made by the department and the offer is not ac-
32 cepted by the town within 4 years.

33 §610-G. Local bridges on federal systems

34 Bridges that otherwise qualify for the provisions
35 of this subchapter but which are on federally desig-
36 nated highway systems shall be eligible for state
37 maintenance under the conditions of this subchapter
38 and, at the option of the town government, be eligi-
39 ble for the provisions for capital improvements, in-
40 cluding cost sharing, as an alternative to
41 federal-town financing.

1 Sec. 8. 29 MRSA §903, as amended by PL 1979, c.
2 397, §2, is further amended by adding after the first
3 paragraph a new paragraph to read:

4 Whenever necessary, the Department of Transporta-
5 tion shall take action to protect public safety and
6 public investment by posting bridges for which the
7 State is responsible. In addition, the Department
8 of Transportation shall provide information to the
9 officers of all municipal and county governments re-
10 garding the advisability of posting any bridges under
11 the control of these officers. For this purpose, the
12 department shall, where necessary, determine the ca-
13 capacity of any bridges and notify local officials
14 promptly of its findings. The department shall com-
15 plete this initial process by July 1, 1987, and shall
16 periodically repeat the process.

17 Sec. 9. 29 §1611, as amended by PL 1975, c. 257,
18 §3, is repealed and the following enacted in its
19 place:

20 §1611. Violations; bonds for permits

21 Whoever as owner, driver, operator or mover of
22 any vehicle or device mentioned in section 902, 1702,
23 1703, 1753 or 1754 violates any provision of these
24 sections or rules made or permits granted under au-
25 thority of these sections shall be liable for a fine.
26 For overheight and overwidth violations relating to
27 these sections, the minimum fine shall be \$100 and
28 the maximum fine shall be \$1,000. For the violation
29 of a posted weight limit on a bridge, the fine shall
30 be determined on the basis of the following table.

2 All fines levied under this section shall accrue
3 to the Highway Fund.

4 The owner, driver, operator or mover shall be re-
5 sponsible for all damage which the way or bridge may
6 sustain as a result of the violation of these sec-
7 tions and the amount may be recovered in a civil ac-
8 tion brought by the municipality, State or other cor-
9 poration that is owner of the damaged way or bridge.
10 County commissioners may act on behalf of any unin-
11 corporated township within their county with regard
12 to this section.

13 The Secretary of State, with the advice of the
14 Bureau of State Police, shall maintain records relat-
15 ing to violations of this section. At a minimum, the
16 records shall contain the name and business address
17 of the person, firm or corporation having control of
18 the vehicle, who is convicted of violation of this
19 section, and in addition shall contain the location
20 at which the violation occurred. In addition, upon
21 conviction, the Secretary of State shall notify the
22 owner of the way or bridge on which the violation oc-
23 curring of the conviction and shall provide to the
24 owner such information on the violation as may be in
25 his files.

1 For the purposes of this section, control shall
2 be determined by possessing the permit or certificate
3 issued by the Bureau of State Police, by being the
4 registered owner or, in the case of leased vehicles,
5 by being the lessee.

6 State, municipal, other corporations or officials
7 empowered to grant permits under sections 902, 1702,
8 1703, 1753 and 1754 may require from owners or opera-
9 tors a bond satisfactory to those officials and pay-
10 able to the State, municipality or other corporation
11 affected, conditioned to reimburse the corporation
12 for any expenses necessarily incurred in repairing
13 all damage caused to the way or the bridge by the use
14 on it of the vehicles or device.

15 Sec. 10. 29 MRSA §1753, as amended by PL 1971,
16 c. 593, §22, is further amended to read:

17 §1753. Restriction on heavy objects for bridges

18 Notwithstanding any loads authorized in this Ti-
19 tle upon any bridge, officials or corporations
20 charged with the repair and maintenance thereof may
21 shall limit the load combined weight of the vehicle
22 and load or any axle, or the number or speed of
23 vehicles permitted on any bridge to such weight
24 limits as they deem necessary for the safety of life
25 or property or the maintenance of such bridge. Upon
26 the failure or neglect of such local officials or
27 corporations to prescribe such weights for any
28 bridge, the Department of Transportation may fix such
29 limit of weight as it deems proper. Such regulations
30 shall be in effect when notice thereof is conspicu-
31 ously posted at each end of the bridge affected.

32 Such limits as may be prescribed by local offi-
33 cial's shall be in accordance with the advice of the
34 Department of Transportation or upon that of a regis-
35 tered professional civil engineer retrained for the
36 purpose of inspecting and determining the safe capac-
37 ity of bridges. In the event of an emergency, noth-
38 ing in this paragraph may prevent local officials
39 from prescribing such limits as they may deem proper
40 for the structural capacity or the maintenance of the
41 bridge. As soon as is reasonably possible, the local
42 officials shall seek the advice of the Department of

1 Transportation.

2 **Sec. 11. Effective Date.** Sections 1 to 7 of
3 this Act shall become effective July 1, 1986. Any
4 local bridge projects that have progressed to the
5 time of approval under the Maine Revised Statutes,
6 Title 23, chapter 9, subchapter III or VI, prior to
7 July 1, 1986, shall be completed under the provisions
8 of the laws that were in effect at the time of their
9 approval.

10 STATEMENT OF FACT

11 Section 1 of the bill repeals the bridge law.

12 Section 2 repeals International and Interstate
13 Bridges.

14 Section 3 repeals Townway Bridge Program.

15 Section 4 amends title, changes "Covered" to
16 "Historic."

17 Section 5 adds finding of fact on historic
18 bridges.

19 Section 5 also names historic bridges and estab-
20 lishes procedures for adding and deleting.

21 Section 6 repeals subchapter VI.

22 Section 7 creates a new subchapter on local
23 bridges:

24 A. The Maine Revised Statutes, Title 23, section
25 608, finding of fact outlining the findings of
26 the local bridge study;

27 B. Section 608-A, definitions;

28 C. Section 608-B, transfer process;

29 D. Section 608-C, capital improvement process;

30 E. Section 608-D, preliminary engineering proce-

- 1 dures;
- 2 F. Section 609, approval to proceed;
- 3 G. Section 609-A, county commissioners autho-
4 rized to borrow;
- 5 H. Section 609-B, cost-sharing formula;
- 6 I. Section 609-C, payment of town and county
7 costs;
- 8 J. Section 609-D, bridges crossing boundary
9 line, apportionment of cost;
- 10 K. Section 610, State not liable for damages
11 arising from bridge improvements;
- 12 L. Section 610-A, capital allocation;
- 13 M. Section 610-B, prioritizing improvements;
- 14 N. Section 610-C, emergency improvements;
- 15 O. Section 610-D, regulates salvage;
- 16 P. Section 610-E, supervision;
- 17 Q. Section 610-F, maintenance responsibility;
18 and
- 19 R. Section 610-G, local bridges on federal sys-
20 tems.

21 Section 8. Abuse of highways. The purpose of
22 section 8 is to require the Department of Transporta-
23 tion to limit to safe levels the effect of weight on
24 bridges found to be deficient. Currently, the law is
25 permissive.

26 Section 8 would also require the Department of
27 Transportation to advise local officials of any defi-
28 cient bridges under the local officials' control that
29 should be posted. It allows enough time so that de-
30 liberate and professional opinions may be developed
31 that protect public safety and investment, but do not
32 cause unnecessary hardship by unduly restricting

1 traffic movements.

2 Section 9. Fine schedule for exceeding posted
3 limit. The purpose of section 9 is to discourage the
4 exceeding of the posted limit of highways and bridges
5 by removing the cap on the fine for these violations.
6 The current fine is capped at \$1,000 if the way or
7 bridge is posted by the State or by the town with ap-
8 proval from the State. The current fine is \$500 if
9 posed by the town without approval from the State.
10 Under this section, the fine rate would be extended
11 indefinitely. The penalty would continue to apply as
12 well to violations of any overload permit that may
13 have been issued.

14 Section 9 would continue to allow the State, the
15 municipalities and other governmental corporations to
16 pursue civil actions against persons convicted of vi-
17 olations of the Maine Revised Statutes, Title 29,
18 sections 902, 1702, 1703, 1753 and 1754. The Secre-
19 tary of State would be responsible for keeping the
20 records necessary to implement this provision.

21 Section 9 also retains the provision for bonding
22 to protect the State, the towns and other corpora-
23 tions from financial loss due to highway and bridge
24 damage caused by excessive loads.

25 Section 10. Uniformity in posting. The purpose
26 of section 10 is to encourage uniformity, consistency
27 and rationality in the posting of local bridges for
28 weight restrictions. Currently, local officials may
29 post any bridge under their control for any limit.
30 Often the decision to post or not is made without any
31 knowledge or understanding of proper engineering cri-
32 teria. The result has been a patchwork of postings
33 of local bridges, some of which are too strict and
34 some of which are too lenient.

35 Currently, when a local official obtains the con-
36 currence of the Department of Transportation regard-
37 ing the posting of local bridges, the penalty may be
38 twice that as when the local official acts
39 unilaterally.

40 Section 11. Effective date. Section 1 to 7 of
41 this Act shall become effective July 1, 1986. Any

1 local bridge projects that have progressed to the
2 time of approval under the Maine Revised Statutes,
3 Title 23, chapter 9, subchapter III or VI, prior to
4 July 1, 1986, shall be completed under the provisions
5 of the laws that were in effect at the time of their
6 approval.

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