

MAINE STATE LEGISLATURE

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L.D. 2149

(Filing No. H- 638)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1574, L.D. 2149,
Bill, "AN ACT to Reallocate Funds from the Maine
Turnpike Authority for Construction and Maintenance
of Secondary Roads."

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Amend the Bill by striking out all of the Title
and inserting in its place the following:

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'AN ACT to Reallocate Funds from the Maine Turnpike
Authority to Highways and Bridges within Adjacent
Counties.'

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Further amend the Bill by striking out everything
after the enacting clause and inserting in its place
the following:

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'Sec. 1. 23 MRSA §1961, as amended by PL 1987,
c. 457, §1, is repealed and the following enacted in
its place:

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§1961. Legislative findings; cooperation with the
Department of Transportation; bonds;
governmental function

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1. Legislative findings. The Legislature makes
the following findings of fact. The economic and
social well-being of the citizens of the State
requires that the transportation system be developed
in a comprehensive manner and depends upon the safety,
efficiency and modern functional state of the

1 turnpike. The turnpike should be maintained as a
2 closed toll facility whether there are turnpike bonds
3 outstanding or not. Toll revenues should be
4 utilized: To pay for retirement of any outstanding
5 debt, including interest; to pay for operation and
6 maintenance of the turnpike; to pay for reconstruction
7 of the turnpike; and to repay the Federal Government
8 for grants or loans, the proceeds of which were used
9 for the construction or reconstruction of the turnpike
10 or portions of the turnpike, interchanges and certain
11 interconnecting access roads, but only to the extent
12 that the repayment is required as a result of
13 maintaining tolls on the turnpike.

14 2. Cooperation with the Department of
15 Transportation. The department shall be provided each
16 year a maximum amount of \$8,700,000 of the total
17 annual operating revenue after money has been put
18 aside to pay operating expenses and to meet the
19 requirements of any resolution authorizing bonds of
20 the authority. Any funds received by the department
21 under this provision in excess of \$4,700,000 shall be
22 expended for highway and bridge improvements within
23 counties which contain turnpike mileage. These
24 amounts are deemed necessary for use by the department
25 for construction, reconstruction, operation and
26 maintenance of access roads on the state highway
27 system which serve and benefit users of the turnpike
28 by providing direct and indirect access to and from
29 the turnpike as part of the integrated highway
30 system. Due to the utilization of the state highway
31 system by users of the turnpike, the turnpike and its
32 users have received and will continue to receive a
33 benefit from, or have caused and will continue to
34 cause, or both, the State acting by and through the
35 department to incur costs for the construction,
36 operation and maintenance of the state highway system,
37 which provides direct and indirect access to and from
38 the turnpike to areas in the State for which the State
39 may properly be compensated from the tolls to be
40 collected. The authority should be maintained to
41 carry out the purposes of this chapter in cooperation
42 with the department.

43 3. Bonds. It is the expectation of the

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1 Legislature that by July 1, 1982, all bonds
2 outstanding on June 1, 1981, and the interest on the
3 bonds will be paid or a sufficient amount for the
4 payment of all bonds and the interest to maturity
5 thereon will be set aside in trust for the benefit of
6 the bondholders and shall continue to be held for the
7 purpose. It is the expectation of the Legislature that
8 further bonds will have to be issued for the purposes
9 provided in this section. It is expected that tolls on
10 the turnpike will have to be increased to implement
11 this chapter.

12 4. Governmental function. It is declared that the
13 purposes of this chapter are public and that the
14 authority shall be regarded as performing a
15 governmental function in carrying out this chapter.

16 Sec. 2. 23 MRSA §1965, sub-§1, ¶10, as enacted by
17 PL 1981, c. 595, §3, is repealed and the following
18 enacted in its place:

19 O. Provide an annual amount not to exceed a
20 maximum of \$8,700,000 subject to the limitations
21 in section 1961 as the department requests and the
22 authority determines to be necessary for the use
23 of the department each year for the construction,
24 operation and maintenance of access roads and
25 costs related thereto, pursuant to section 1974,
26 subsection 4, after money has been set aside, or
27 adequate provision has been made, to pay operating
28 expenses and to meet the requirements of any
29 resolution authorizing bonds of the authority;

30 Sec. 3. 23 MRSA §1974, sub-§4, as amended by PL
31 1981, c. 698, §105, is further amended to read:

32 4. Revenues for access roads and the state
33 highway system. Subject to the terms and conditions
34 of this chapter, the authority, semi-annually on July
35 1st and January 1st of each fiscal year commencing
36 July 1, 1983, shall, upon making the determination
37 referred to in this subsection, authorize turnpike
38 revenues to be transferred to the Department of
39 Transportation for the costs of construction,
40 reconstruction, operation and maintenance of access
41 roads provided, first, that the department provide

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1 certification as to the utilization of all or a part
2 of the state highway system by turnpike users with
3 respect to the benefit received by the turnpike and
4 its users and the costs incurred by the department for
5 the construction, reconstruction, operation and
6 maintenance of the access roads caused by the turnpike
7 and its users and supporting the transfer of turnpike
8 revenues for each 2-year period. The department shall
9 not request and the authority shall not approve a
10 transfer of turnpike revenues under this subsection in
11 any year that exceeds the cost to the department for
12 construction, reconstruction, operation and
13 maintenance of access roads fairly attributable to
14 vehicular traffic traveling to or from the turnpike.
15 Based on the certification and such other information
16 as the authority deems necessary, the authority shall
17 determine whether or not the turnpike and users
18 thereof are so benefited by the system, and thereupon
19 the authority shall have and exercise sole discretion
20 to determine the level of revenues to be so
21 transferred to the department, but that transfer
22 annually shall not exceed ~~\$4,700,000~~ \$8,700,000.
23 In making its report, the department, as a basis for
24 requesting those revenues, and the authority in
25 determining the level of revenues to be transferred,
26 may consider the following factors, no one of which
27 may necessarily be determinative:

28 A. The existing access roads and the state
29 highway system;

30 B. The traffic impact of the maintenance,
31 construction or reconstruction on the existing
32 road network;

33 C. Total cost of the state highway system;

34 D. The probable change in departmental
35 expenditures resulting from maintenance,
36 construction or reconstruction;

37 E. The relative number of vehicles using or
38 expecting to use the access roads on the way to or
39 from the turnpike;

40 F. The road distance or average road distance of
41 the access roads or portions thereof from the

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- 1 nearest entrance to or exit from the turnpike;
- 2 G. The effect that maintenance, construction or
3 reconstruction will have on the flow of traffic
4 to, from and on the turnpike, and in diverting
5 vehicular traffic off or away from the turnpike;
- 6 H. Proportionate usage of the state highway
7 system by vehicles using the turnpike and vehicles
8 not using the turnpike;
- 9 I. Vehicle classification and travel
10 characteristics;
- 11 J. Origins and destinations of trips;
- 12 K. Fuel type and consumption;
- 13 L. Financial condition of the turnpike
14 authority; the financial impact of that the
15 maintenance, construction and reconstruction of
16 access roads; and the probable availability of
17 turnpike revenues to make these payments;
- 18 M. Existing sources of revenue; or
- 19 N. Such other factors deemed relevant including,
20 but not limited to, expert opinion.
- 21 The authority shall cooperate with the department in
22 any surveys or studies required to provide this
23 report, the costs of which shall be borne by the
24 department.
- 25 Pending the department's first report, which shall
26 be submitted by May 17 1983, for the period ending
27 June 30, 1983, it is determined that for the current
28 period the aggregate sum to be transferred to the
29 department from operating revenues of the authority
30 for benefits received and costs incurred by the
31 department caused by turnpike users due to their
32 utilization of the turnpike, is \$4,700,000. In the
33 event the authority subsequently determines that the
34 aggregate sum transferred to the department during the
35 period ending July 17 1982 to June 30, 1983, exceeds
36 ~~by more than 10% the amount the authority would~~

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1 otherwise pay to the department under the provisions
2 of this subsection, an amount equal to the amount of
3 that excess shall be repaid by the department to the
4 authority in such manner and at such times as may be
5 agreed upon by the authority and the department,
6 provided that, if within 6 months after the
7 determination, the authority and the department have
8 not so agreed and written notice thereof shall have
9 been given to the department, the excess amount shall
10 be repaid in 5 equal annual installments in each of
11 the 5-years-next-succeeding.

12 Sec. 4. Allocation. The following funds are
13 allocated from the Highway Fund to carry out the
14 purposes of this Act.

15		<u>1988-89</u>
16	<u>TRANSPORTATION, DEPARTMENT</u>	
17	<u>OF</u>	
18	Highway and Bridge Improvement	
19	All Other	\$ 600,000
20	Capital Expenditures	3,400,000
21	Allocates anticipated	
22	funds from the Maine	
23	Turnpike Authority for	
24	highway and bridge	
25	improvements.	
26		
27	Total	<u>\$4,000,000</u>

28 FISCAL NOTE

29 Enactment of this bill would result in an increase
30 in Highway Fund revenue of \$4,000,000 for fiscal year
31 1989 resulting from anticipated funds from the Maine
32 Turnpike Authority and a Highway Fund allocation to
33 the Department of Transportation, Highway and Bridge
34 Improvement Account #05739.5, in the amount of
35 \$4,000,000 for fiscal year 1989. This allocates
36 anticipated funds from the Maine Turnpike

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1 Authority for highway and bridge improvements within
2 counties which contain turnpike mileage.'

3 STATEMENT OF FACT

4 This amendment provides for an increase to
5 \$8,700,000 from the present \$4,700,000 in the funds
6 supplied by the Maine Turnpike Authority to the
7 Department of Transportation for roads which provide
8 direct and indirect access to the turnpike. The
9 amendment allocates the increase to highway and bridge
10 improvements in the counties along the turnpike.

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Reported by the Committee on Transportation
Reproduced and distributed under the direction of the Clerk of the
House
4/7/88

(Filing No. H-638)