

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2149

H.P. 1574 House of Representatives, January 27, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Transportation suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MILLS of Bethel.
Cosponsored by Senators ERWIN of Oxford and TWITCHELL of
Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT to Reallocate Funds from the Maine**
2 **Turnpike Authority for Construction and**
3 **Maintenance of Secondary Roads.**
4

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

7 23 MRSA §1974, sub-§4, as amended by PL 1981,
8 c. 698, §105, is further amended to read:

1 4. Revenues for access roads and the state
2 highway system. Subject to the terms and conditions
3 of this chapter, the authority, semi-annually on July
4 1st and January 1st of each fiscal year commencing
5 July 1, 1983, shall, upon making the determination
6 referred to in this subsection, authorize turnpike
7 revenues to be transferred to the Department of
8 Transportation for the costs of construction,
9 reconstruction, operation and maintenance of access
10 roads provided, first, that the department provide
11 certification as to the utilization of all or a part
12 of the state highway system by turnpike users with
13 respect to the benefit received by the turnpike and
14 its users and the costs incurred by the department for
15 the construction, reconstruction, operation and
16 maintenance of the access roads caused by the turnpike
17 and its users and supporting the transfer of turnpike
18 revenues for each 2-year period. The department shall
19 not request and the authority shall not approve a
20 transfer of turnpike revenues under this subsection in
21 any year that exceeds the cost to the department for
22 construction, reconstruction, operation and
23 maintenance of access roads fairly attributable to
24 vehicular traffic traveling to or from the turnpike.
25 Based on the certification and such other information
26 as the authority deems necessary, the authority shall
27 determine whether or not the turnpike and users
28 thereof are so benefited by the system, and thereupon
29 the authority shall have and exercise sole discretion
30 to determine the level of revenues to be so
31 transferred to the department, but that transfer
32 annually shall not exceed \$4,700,000. At least 50% of
33 any amount set aside annually from turnpike revenues,
34 pursuant to sections 1961, 1965 and this section,
35 shall be used by the department for construction and
36 maintenance of the state secondary road system. In
37 making its report, the department, as a basis for
38 requesting those revenues, and the authority in
39 determining the level of revenues to be transferred,
40 may consider the following factors, no one of which
41 may necessarily be determinative:

42 A. The existing access roads and the state
43 highway system;

- 1 B. The traffic impact of the maintenance,
2 construction or reconstruction on the existing
3 road network;
- 4 C. Total cost of the state highway system;
- 5 D. The probable change in departmental
6 expenditures resulting from maintenance,
7 construction or reconstruction;
- 8 E. The relative number of vehicles using or
9 expecting to use the access roads on the way to or
10 from the turnpike;
- 11 F. The road distance or average road distance of
12 the access roads or portions thereof from the
13 nearest entrance to or exit from the turnpike;
- 14 G. The effect that maintenance, construction or
15 reconstruction will have on the flow of traffic
16 to, from and on the turnpike, and in diverting
17 vehicular traffic off or away from the turnpike;
- 18 H. Proportionate usage of the state highway
19 system by vehicles using the turnpike and vehicles
20 not using the turnpike;
- 21 I. Vehicle classification and travel
22 characteristics;
- 23 J. Origins and destinations of trips;
- 24 K. Fuel type and consumption;
- 25 L. Financial condition of the turnpike; the
26 financial impact of that maintenance, construction
27 and reconstruction; and the probable availability
28 of turnpike revenues to make these payments;
- 29 M. Existing sources of revenue; or
- 30 N. Such other factors deemed relevant including,
31 but not limited to, expert opinion.

1 The authority shall cooperate with the department in
2 any surveys or studies required to provide this
3 report, the costs of which shall be borne by the
4 department.

5 Pending the department's first report, which shall be
6 submitted by May 1, 1983, for the period ending June
7 30, 1983, it is determined that for the current period
8 the aggregate sum to be transferred to the department
9 from operating revenues of the authority for benefits
10 received and costs incurred by the department caused
11 by turnpike users due to their utilization of the
12 turnpike, is \$4,700,000. In the event the authority
13 subsequently determines that the aggregate sum
14 transferred to the department during the period ending
15 July 1, 1982 to June 30, 1983, exceeds by more than
16 10% the amount the authority would otherwise pay to
17 the department under the provisions of this
18 subsection, an amount equal to the amount of that
19 excess shall be repaid by the department to the
20 authority in such manner and at such times as may be
21 agreed upon by the authority and the department,
22 provided that, if within 6 months after the
23 determination, the authority and the department have
24 not so agreed and written notice thereof shall have
25 been given to the department, the excess amount shall
26 be repaid in 5 equal annual installments in each of
27 the 5 years next succeeding.

28 STATEMENT OF FACT

29 This bill reallocates a percentage of certain
30 funds of the Maine Turnpike Authority which are
31 transferred annually to the Department of
32 Transportation for use and maintenance of state
33 secondary roads.

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