

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1451

H.P. 1034

House of Representatives, March 11, 1997

An Act to Encourage the Planning and Implementation of Municipal Ordinances Concerning Bicyclists and Pedestrians.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GIERINGER of Portland.
Cosponsored by Senator CLEVELAND of Androscoggin and
Representatives: BIGL of Bucksport, CROSS of Dover-Foxcroft, FISHER of Brewer,
FRECHETTE of Biddeford, LAYTON of Cherryfield, O'NEAL of Limestone, PINKHAM of
Lamoine, SIROIS of Caribou.

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

Sec. 1. 23 MRSA §4210 is enacted to read

§4210. Pedestrian and bicycle access facilities plan; grant program

1. Creation of program. The Department of Transportation, within 3 years of the effective date of this section, shall design and implement, by rule, a grant program to award funds to a municipality that has adopted a pedestrian and bicycle access facilities plan consistent with state laws. The grant awards must be funded by the Civil Traffic Violation Fund created in subsection 3.

2. Plan requirements. A pedestrian and bicycle access facilities plan must include, at a minimum:

A. Adequate infrastructure and facilities for safe and efficient bicycle and pedestrian access within the municipality;

B. Local site review ordinances that include bicycle and pedestrian access review for any new development; and

C. Clear crossings for pedestrian access.

3. Funding. The Secretary of State, within 3 years of the effective date of this section, shall create the Civil Traffic Violation Fund for fines collected for violation of civil traffic infractions enforced by local or municipal officials.

4. Rules. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 2. 29-A MRSA §2056, sub§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Pedestrians in crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a crosswalk ~~when the pedestrian is on the same half of the way or approaching so closely as to be in danger.~~

Sec. 3. 29-A MRSA §2056, sub-§4-A is enacted to read:

2 4-A. Pedestrians in intersection. When traffic-control
3 devices are not in operation, an operator must yield the
4 right-of-way to a pedestrian on a public way at an intersection.

6 Sec. 4. 29-A MRSA §2056, sub-§6, ¶¶B and C, as enacted by PL
7 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
8 read:

10 B. Cross an intersection diagonally, unless authorized by
11 official traffic-control devices; or

12 C. Suddenly leave a curb or other place of safety and walk
13 or run into the path of a vehicle that is so close that it
14 is impossible for the operator to yield; or

16 Sec. 5. 29-A MRSA §2056, sub-§6, ¶D is enacted to read:

18 D. Cross a public way other than by using a crosswalk, if a
19 crosswalk is located within 100 feet of the location where
20 the pedestrian is crossing.

22 Sec. 6. 29-A MRSA §2063, sub-§9 is enacted to read:

24 9. Access to public way. A municipality may not prohibit
25 bicycles from any public way.

26 Sec. 7. 29-A MRSA §2084, sub-§1, ¶¶B and C, as enacted by PL
27 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
28 read:

30 B. A red reflector to the rear that is visible at least 200
31 feet to the rear; and

34 C. Reflector strips on the pedals and handlebars; and

36 Sec. 8. 29-A MRSA §2084, sub-§1, ¶D is enacted to read:

38 D. Fluorescent reflector strips worn by the operator on the
39 back of the torso of the operator.

40 Sec. 9. 38 MRSA §485-A, sub-§1-D is enacted to read:

42 1-D. Bicycle and pedestrian access. The department shall
43 adopt rules that require a commercial or retail mall developer to
44 provide clearly visible pedestrian walkways in all areas where
45 vehicles are present and to provide bicycle access and
46 facilities. Rules adopted pursuant to this subsection are
47 routine technical rules as defined in Title 5, chapter 375,
48 subchapter II-A.

SUMMARY

2 This bill amends certain provisions in the Maine Revised
4 Statutes, Title 29-A concerning pedestrians and bicycles that
require:

6
8 1. Motor vehicle operators to yield the right-of-way to a
pedestrian on a public way at an intersection or a pedestrian
crossing within a crosswalk;

10
12 2. Pedestrians to use a crosswalk if it is located within
100 feet of the location at which the pedestrian is crossing;

14
16 3. A bicyclist to wear on the back of the torso fluorescent
reflector strips at all times when motor vehicles are required to
display headlights; and

18 4. A municipality to permit bicycles on a public way.

20 This bill also requires the Department of Environmental
22 Protection to adopt rules that require a commercial or retail
mall developer to provide clearly visible pedestrian access in
24 all areas where vehicles are present and to provide bicycle
access facilities.

26 This bill further requires the Department of Transportation
to design and implement, by rule, a grant program to award funds
28 to a municipality that has adopted a pedestrian and bicycle
access facilities plan consistent with state laws. These plans
30 must include, at a minimum, adequate infrastructure and
facilities for safe and efficient bicycle and pedestrian access,
32 a requirement that local site review ordinances include bicycle
and pedestrian access review for new developments and clearly
34 marked crossings for pedestrian access.

36 In order to fund the grant program, this bill requires the
Secretary of State to create the Civil Traffic Violation Fund for
38 fines collected for violation of civil traffic infractions
enforced by local or municipal officials.