

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1213

H.P. 887

House of Representatives, March 6, 2003

An Act To Establish a Modern Transportation Policy

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator DAMON of Hancock and
Representatives: MARLEY of Portland, McNEIL of Rockland, USHER of Westbrook,
Senator: HATCH of Somerset.

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

PART A

Sec. A-1. 23 MRSA §611, as amended by PL 2001, c. 687, §2, is repealed and the following enacted in its place:

§611. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Bikeway.** "Bikeway" means a vehicle way, paved or unpaved, upon which bicycles, unicycles or other human-powered vehicles may be pedaled. Electric personal assistive mobility devices, as defined in Title 29-A, section 101, subsection 22-A, may also be operated on bikeways, unless prohibited by local ordinance or state or federal law. A bikeway may be part of a road or highway or may be adjacent to a road or highway.

2. **Shared-use path.** "Shared-use path" means a way upon which pedestrians and human-powered vehicles may be operated. A shared-use path may be used as a bikeway.

Sec. A-2. 23 MRSA §§613 and 614 are enacted to read:

§613. Shared-use paths

It is the goal of the State to enhance the urban and small-town environment through the development of shared-use paths that are accessible and readily visible to the public in both urban and rural communities in order to encourage physical activity and that are an integral and prominent part of community life.

1. **Shared-use paths.** Except as provided in this section, funding for shared-use paths must be included as part of any project involving the construction, reconstruction or replacement of a state or state aid highway or bridge. The Commissioner of Transportation shall ensure that an amount equal to at least 1% of the combined state and federal funding for such projects is provided for the construction, repair or maintenance of shared-use paths. The commissioner shall use these funds to construct and maintain shared-use paths in the transportation region in which the highway or bridge project is located and shall solicit input from the regional transportation advisory committee established for that region in rules adopted pursuant to the Sensible Transportation Policy Act in order to select a location for the shared-use path that best serves the goals of this section. If the project is located within more than one

2 transportation region, the commissioner shall solicit input from
4 the regional transportation advisory committee for each of those
6 regions when selecting the location or locations in those regions
8 for the shared-use paths. Curb cuts or ramps must be included
10 where necessary as part of a shared-use path.

12 2. Exceptions. Shared-use paths are not required to be
14 established:

16 A. Where the establishment of such paths would be contrary
18 to public safety;

20 B. If the cost of establishing such paths would be
22 excessively disproportionate to the need or probable use; or

24 C. Where lack of population, the existence of other
26 available ways or other factors indicate an absence of any
28 need for shared-use paths.

30 **§614. Safe paths to schools program**

32 1. Program established. The commissioner shall establish a
34 safe paths to schools program for the purpose of planning and
36 constructing shared-use paths to provide safe transportation for
38 children from neighborhoods to schools, parks and local and state
40 trails systems.

42 2. Grant fund. As part of the safe paths to schools
44 program, the commissioner shall establish a grant program to fund
46 local, regional and state bicycle and pedestrian projects that
48 support the program under subsection 1.

50 3. Rulemaking. The commissioner shall adopt rules to carry
out the purposes of this section. Rules adopted pursuant to this
section are major substantive rules as defined in Title 5,
chapter 375, subchapter 2-A.

PART B

Sec. B-1. Study commission established. The Commission to Study
the Establishment of Shared-use Paths, referred to in this Part
as "the commission," is established.

Sec. B-2. Membership. The commission consists of 6 members
appointed as follows:

1. Two members of the Joint Standing Committee on
Transportation, one of whom is appointed by the President of the
Senate and one of whom is appointed by the Speaker of the House;

2 2. The Commissioner of Transportation, or the
commissioner's designee;

4
6 3. One member representing metropolitan planning
organizations, MPOs, appointed by the Commissioner of
Transportation;

8
10 4. One member representing regional transportation advisory
committees, RTACs, appointed by the Commissioner of
Transportation; and

12
14 5. One member representing bicycle and pedestrian
interests, appointed by the Speaker of the House.

16 **Sec. B-3. Commission chairs.** The Senate member is the Senate
18 chair of the commission and the House member is the House chair
of the commission.

20 **Sec. B-4. Appointments; convening of commission.** All
22 appointments must be made no later than 30 days after the
effective date of this Part. The appointing authorities shall
24 notify the Executive Director of the Legislative Council once all
appointments have been completed. Within 15 days after
26 appointment of all members, the chairs of the commission shall
call and convene the first meeting of the commission.

28 **Sec. B-5. Duties.** It is the duty of the commission to enhance
30 the urban and small-town environment through the development of
shared-use paths that are accessible and readily visible to the
32 public in both urban and rural communities in order to encourage
physical activity and that are an integral and prominent part of
community life. In performing these duties, the commission shall:

34 1. Identify potential sites and funding sources for
36 shared-use paths;

38 2. Identify economic development and public health benefits
of shared-use paths;

40 3. Identify the quality of life and urban design benefits
42 of shared-use paths to urban and rural communities; and

44 4. Analyze the successes of other states and municipalities
46 regarding the development of shared-use paths.

48 **Sec. B-6. Meetings.** The commission may meet a maximum of 4
times.

2 commissioner is required to use these funds to construct and
maintain shared-use paths in the transportation region in which
4 the highway or bridge project is located and is required to
solicit input from the regional transportation advisory committee
6 established for that region in order to select a location for the
shared-use path that best serves the goals of enhancing urban and
8 small-town environments in the State through the development of
shared-use paths. If the project is located within more than one
10 transportation region, the commissioner is required to solicit
input from the regional transportation advisory committee for
12 each of those regions when selecting the location or locations in
those regions for the shared-use paths. Curb cuts or ramps must
14 be included where necessary as part of the shared-use path. The
bill also establishes a safe paths to schools program. This
16 program outlines the planning and construction of shared-use
paths to provide safe transportation for children from
neighborhoods to schools, parks and local and state trails
18 systems. It also creates a grant program to fund the program.
Finally, the bill creates a legislative study commission to study
20 the potential location, funding and statewide benefits of
shared-use paths. The study commission is required to seek
22 outside funding to pay for all costs of the commission.