



## **121st MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2003

Legislative Document

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. Mac Failand MILLICENT M. MacFARLAND

Clerk

No. 1213

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:

2	PART A
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	Sec. A-1. 23 MRSA §611, as amended by PL 2001, c. 687, §2, is
6	repealed and the following enacted in its place:
8	§611. Definitions
10	As used in this chapter, unless the context otherwise
	indicates, the following terms have the following meanings.
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14	1. Bikeway. "Bikeway" means a vehicle way, paved or
14	unpaved, upon which bicycles, unicycles or other human-powered
16	vehicles may be pedaled. Electric personal assistive mobility devices, as defined in Title 29-A, section 101, subsection 22-A,
10	may also be operated on bikeways, unless prohibited by local
18	ordinance or state or federal law. A bikeway may be part of a
10	road or highway or may be adjacent to a road or highway.
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	2. Shared-use path. "Shared-use path" means a way upon
22	which pedestrians and human-powered vehicles may be operated. A
	shared-use path may be used as a bikeway.
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	Sec. A-2. 23 MRSA §§613 and 614 are enacted to read:
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	<u>§613. Shared-use paths</u>
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	It is the goal of the State to enhance the urban and
30	small-town environment through the development of shared-use
32	paths that are accessible and readily visible to the public in
52	both urban and rural communities in order to encourage physical activity and that are an integral and prominent part of community
34	life.
36	1. Shared-use paths. Except as provided in this section,
	funding for shared-use paths must be included as part of any
38	project involving the construction, reconstruction or replacement
	of a state or state aid highway or bridge. The Commissioner of
40	Transportation shall ensure that an amount equal to at least 1%
	of the combined state and federal funding for such projects is
42	provided for the construction, repair or maintenance of
	shared-use paths. The commissioner shall use these funds to
44	construct and maintain shared-use paths in the transportation
A 6	region in which the highway or bridge project is located and
46	shall solicit input from the regional transportation advisory
48	committee established for that region in rules adopted pursuant to the Sensible Transportation Policy Act in order to select a
40	location for the shared-use path that best serves the goals of
50	this section. If the project is located within more than one

2	transportation region, the commissioner shall solicit input from the regional transportation advisory committee for each of those
4	regions when selecting the location or locations in those regions for the shared-use paths. Curb cuts or ramps must be included where necessary as part of a shared-use path.
б	2. Exceptions. Shared-use paths are not required to be
8	established:
10	A. Where the establishment of such paths would be contrary to public safety;
12	B. If the cost of establishing such paths would be
14	excessively disproportionate to the need or probable use; or
16	C. Where lack of population, the existence of other available ways or other factors indicate an absence of any
18	need for shared-use paths.
20	§614. Safe paths to schools program
22	1. Program established. The commissioner shall establish a safe paths to schools program for the purpose of planning and
24	constructing shared-use paths to provide safe transportation for children from neighborhoods to schools, parks and local and state
26	trails systems.
28	2. Grant fund. As part of the safe paths to schools program, the commissioner shall establish a grant program to fund
30	local, regional and state bicycle and pedestrian projects that support the program under subsection 1.
32	3. Rulemaking. The commissioner shall adopt rules to carry
34	out the purposes of this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5,
36	<u>chapter 375, subchapter 2-A.</u>
38	PART B
40	Sec. B-1. Study commission established. The Commission to Study
42	the Establishment of Shared-use Paths, referred to in this Part as "the commission," is established.
44	Sec. B-2. Membership. The commission consists of 6 members
46	appointed as follows:
48	1. Two members of the Joint Standing Committee on
50	Transportation, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

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

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 One member representing metropolitan planning
 organizations, MPOs, appointed by the Commissioner of Transportation;

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

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

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

20 Sec. **B-4**. Appointments; convening of commission. A11 appointments must be made no later than 30 days after the 22 effective date of this Part. The appointing authorities shall notify the Executive Director of the Legislative Council once all 24 appointments have been completed. Within 15 days after appointment of all members, the chairs of the commission shall 26 call and convene the first meeting of the commission.

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

Identify potential sites and funding sources for
 shared-use paths;

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

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

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

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

Sec. B-7. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

**B-8.** Compensation. Sec. Legislative members of the 6 commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to 8 their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other 10 entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at 12 authorized meetings of the commission and, upon demostration of 14need, are entitled to receive legislative per diem.

16 Sec. B-9. Report. The commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 121st Legislature no later than December 3, 2003. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of its report.

Sec. B-10. Extension. If the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the commission terminates.

30 Sec. B-11. Funding. The commission shall seek outside sources of funding to fund all costs of the commission. Prompt 32 notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to 34 the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the 36 funds were received, from whom the funds were received and the purpose and any limitation on the use of those funds. The 38 Executive Director of the Legislative Council administers any funds received by the commission.

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## SUMMARY

This bill requires that funding for shared-use paths 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 is required to 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 is required to use these funds to construct and 2 maintain shared-use paths in the transportation region in which the highway or bridge project is located and is required to 4 solicit input from the regional transportation advisory committee established for that region in order to select a location for the б shared-use path that best serves the goals of enhancing urban and small-town environments in the State through the development of shared-use paths. If the project is located within more than one 8 transportation region, the commissioner is required to solicit 10 input from the regional transportation advisory committee for each of those regions when selecting the location or locations in 12 those regions for the shared-use paths. Curb cuts or ramps must be included where necessary as part of the shared-use path. The 14 bill also establishes a safe paths to schools program. This program outlines the planning and construction of shared-use 16 to provide safe transportation for paths 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.