

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 439

H.P. 324

House of Representatives, January 27, 2005

An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Alternative Roadways

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative CRAVEN of Lewiston.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BABBIDGE of Kennebunk, CANAVAN of Waterville, DUNN of Bangor,
FAIRCLOTH of Bangor, MAKAS of Lewiston, O'BRIEN of Lewiston, SAMPSON of
Auburn, WALCOTT of Lewiston.

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

2
4 **Sec. 1. 23 MRSA §613** is enacted to read:

6 **§613. Alternative roadways**

8 **1. Definition.** For the purposes of this section,
10 "alternative roadway" means a vehicle way, paved or unpaved, upon
12 which pedestrians may travel and human-powered vehicles may be
14 operated.

16 **2. Requirements.** The Commissioner of Transportation shall
18 ensure that in each fiscal year an amount equal to at least 1% of
20 state highway funds received for the improvement, construction
22 and maintenance of state or state aid highways pursuant to
24 section 1653 must be provided for the construction, repair and
26 maintenance of alternative roadways.

28 **A.** In lieu of expending the funds under this subsection
30 each year, the Department of Transportation may credit the
32 funds to a financial reserve or special fund to be held for
34 not more than 10 years and to be expended for the purposes
36 required by this section.

38 **B.** For purposes of computing amounts expended during a
40 fiscal year under this subsection, the Department of
42 Transportation may record the money as expended on the date
44 actual construction of the alternative roadway is commenced
46 if the alternative roadway is constructed by the department
48 or on the date a contract for the construction of the
50 alternative roadway is entered into with a private
contractor or with any other governmental body.

34 **3. Exceptions.** Alternative roadways are not required to be
36 established:

38 **A.** Where the establishment of such alternative roadways
40 would be contrary to public safety;

42 **B.** If the cost of establishing such alternative roadways
44 would be excessively disproportionate to the need or
46 probable use; or

48 **C.** Where lack of population, the existence of other
50 available ways or other factors indicate an absence of any
need for alternative roadways.

48 **Sec. 2. Report.** The Commissioner of Transportation shall
50 study the economic development impact of constructing and
maintaining alternative roadways pursuant to the Maine Revised

Statutes, Title 23, section 613 and shall submit a report for
presentation to the First Regular Session of the 125th
Legislature.

SUMMARY

This bill requires the Department of Transportation to
expend at least 1% of its annual Highway Fund allocation for
highway improvement, construction and maintenance on the
construction and maintenance of alternative roadways.

This bill also requires the Commissioner of Transportation
to study the economic development impact of constructing and
maintaining alternative roadways and submit a report for
presentation to the First Regular Session of the 125th
Legislature.