

MAINE STATE LEGISLATURE

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Date: 5/29/9

Majority
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 110, L.D. 126, Bill, "An Act To Amend Certain Laws Affecting Transportation"

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 23 MRSA §705, as amended by PL 2007, c. 306, §2, is further amended to read:

§705. Culverts

The Department of Transportation ~~is responsible for administering~~ shall oversee the placement installation or replacement of culverts within the right-of-way on improved state and state aid highways lying outside the compact area of an urban compact municipality as defined in section 754. ~~When an An abutter wants an desiring to establish a new driveway, entrance to be constructed or approach on these highways, the abutter shall petition the department for a permit as provided under must first comply with section 704 and any rules adopted under section 704. Should a permit be issued and If the department determines that a culvert is required, the abutter shall, at the abutter's expense, provide a culvert meeting department standards and install, at the abutter's expense, under the direction of the department, a culvert the culvert in a manner satisfactory to the department, which the department shall maintain. The abutter has continuing responsibility for the condition and stability of the access, including replacement of any culverts or other structures pertaining to the access, subject to the department's ongoing jurisdiction over the right-of-way.~~

When the department determines that, in order to reestablish access to an abutting property, a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort, the department is responsible for the cost of the replacement.

When the department determines a culvert replacement is not required for an existing driveway, entrance or approach located within the highway limits, the abutter is responsible for the cost of any replacement.

1 For locations on town ways and on state and state aid highways within the compact
2 area of an urban compact municipality pursuant to section 754, the municipality must be
3 petitioned by the abutter pursuant to section 704. Should a permit be issued, the abutter
4 shall provide, at the abutter's expense, a culvert satisfactory to the municipality, which the
5 municipality shall install and maintain.'

6 Amend the bill by striking out all of sections 3 and 5.

7 Amend the bill in section 6 in subsection 29-A in the 3rd and 4th lines (page 2, lines
8 16 and 17 in L.D.) by striking out the following: "with respect to chapter 21, subchapter
9 1."

10 Amend the bill by striking out all of section 7.

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13 **SUMMARY**

14 This amendment, which is the majority report of the Joint Standing Committee on
15 Transportation, further clarifies language pertaining to the responsibility of private
16 culvert replacement and repair on a state right-of-way. When the department determines
17 a culvert replacement is required for an existing driveway, entrance or approach located
18 within the highway limits as part of a capital highway or ditching project or emergency
19 response effort where the culvert replacement is required to reestablish access to an
20 abutting property, the department is responsible for the cost of the replacement. When
21 the department determines a culvert replacement is not required for an existing driveway,
22 entrance or approach located within the highway limits, the abutter is responsible for the
23 cost of any replacement.

24 The amendment eliminates the sections of the bill relating to auxiliary power units.

25 The amendment eliminates from the bill the section defining "heavy duty vehicle."

26 The amendment also further clarifies the definition of "interstate highway,"
27 "interstate system" and "interstate highway system."

28 **FISCAL NOTE REQUIRED**

29 (See attached)



124th MAINE LEGISLATURE

LD 126

LR 356(03)

An Act To Amend Certain Laws Affecting Transportation

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact

Fiscal Detail and Notes

The bill clarifies that the Department of Transportation will cover the cost of replacement of a culvert if it determines that it is needed to reestablish access to an abutting property during a capital highway project, but that an abutter will cover the cost when it is deemed not required. As any savings may be offset by new expense, it is assumed that there will be no significant impact to the Highway Fund. Any savings would be allocated to other Highway Fund capital projects.