

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

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No. 1464

H.P. 1049

House of Representatives, April 25, 2013

An Act To Streamline the Laws Related to Transportation

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative THERIAULT of Madawaska.
Cosponsored by Senator COLLINS of York.

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

2 **Sec. 1. 23 MRSA §704, sub-§6**, as amended by PL 2003, c. 571, §2, is further
3 amended to read:

4 **6. Access denied.** ~~The~~ Notwithstanding any other provision of this Title, the
5 Department of Transportation and the municipalities shall deny ingress to and egress
6 from property abutting the a controlled access highway when access rights have been
7 acquired established by the department pursuant to chapter 7, except that the
8 Commissioner of Transportation may allow access for the development of state and state
9 aid highways and may allow access upon a determination by the commissioner that such
10 access will not adversely affect public safety and will not have a significant negative
11 impact on the mobility of through-travelers. The commissioner may approve or deny a
12 relocation of an existing break in a control of access consistent with the rules adopted
13 pursuant to subsection 2.

14 **Sec. 2. 23 MRSA §4209, sub-§1**, as amended by PL 2009, c. 130, §1, is further
15 amended to read:

16 **1. Geographic regions.** The Department of Transportation shall divide the State
17 into a number of geographic regions for regional distribution of state-administered
18 transportation funds. Upon designation of the geographic regions, a regional public
19 transportation agency must be selected from each region to formulate a ~~biennial regional~~
20 ~~operations plan~~ quinquennial locally coordinated plan for regional transit as required by
21 federal law. Selection of The Department of Transportation shall select regional public
22 transportation agencies must be by the Department of Transportation in collaboration
23 with the committee established in subsection 1-A opportunity for input from transit
24 stakeholders including passenger transportation providers, social service organizations,
25 the Department of Health and Human Services, the Department of Labor and the United
26 States Department of Transportation, Federal Transit Administration. The Department of
27 Transportation shall establish a schedule for submittal of the biennial regional operations
28 plan and shall reference these plans in its biennial transportation improvement plan
29 submitted to the Legislature quinquennial locally coordinated plans for regional transit.

30 **Sec. 3. 23 MRSA §4209, sub-§1-A**, as enacted by PL 2009, c. 130, §2, is
31 repealed.

32 **Sec. 4. 23 MRSA §4209, sub-§2**, as amended by PL 2009, c. 130, §3, is further
33 amended to read:

34 **2. Quinquennial locally coordinated plan for regional transit.** The ~~biennial~~
35 quinquennial locally coordinated plan for regional operations plan transit submitted by
36 each regional public transportation agency must provide for the following:

37 A. Maximum feasible coordination of funds among all state agencies that sponsor
38 transportation in the region;

- 1 B. Development and maintenance of a permanent and effective public transportation
2 system, with particular regard to riders who are low-income or elderly or who have
3 disabilities;
- 4 C. Participation of private transit operators in the service, to the greatest extent
5 possible;
- 6 D. Conformity with general operations requirements as may be prescribed by the
7 commissioner; and
- 8 E. Compliance with any appropriate federal regulations, including but not limited to
9 the federally required locally coordinated plan.

10 In years in which no ~~biennial~~ quinquennial plan is required, amendments to the effective
11 operations may be submitted. Approval of each locally coordinated plan for regional
12 ~~operations plan transit~~ must be by the Department of Transportation ~~in collaboration~~
13 ~~the committee~~ opportunity for input from transit stakeholders. Upon approval, all
14 agencies, groups or organizations named to participate in the provision of service in
15 accordance with a the locally coordinated plans for regional operations plan transit are
16 eligible to receive funds administered by the Department of Transportation and the
17 Department of Health and Human Services.

18 **Sec. 5. 23 MRSA §4209, sub-§3, ¶A,** as amended by PL 1987, c. 428, §2, is
19 further amended to read:

- 20 A. Planning and technical assistance, information transfer, capital and operations
21 planning, performance monitoring and evaluation, quality assurance, accounting,
22 assistance with management information systems and service reporting to a ~~regional~~
23 ~~operations~~ locally coordinated plan drafter or transportation provider and securing of
24 provider compliance with the requirements of other state agencies in these areas;

25 **Sec. 6. 23 MRSA §4209, sub-§3, ¶C,** as amended by PL 1987, c. 428, §2, is
26 further amended to read:

- 27 C. Operating assistance to transportation providers in an amount up to 1/2 of the
28 operating deficit incurred in fulfillment of the ~~biennial~~ quinquennial locally
29 coordinated plan for regional operations plan transit; and

30 **Sec. 7. 23 MRSA §4209, sub-§4,** as amended by PL 2009, c. 130, §4, is repealed
31 and the following enacted in its place:

32 **4. New service.** The Department of Health and Human Services and the Department
33 of Labor shall ensure that any new service to be provided is adequately funded to cover
34 the costs of the transportation component of the service.

35 **Sec. 8. 23 MRSA §4209, sub-§5,** as enacted by PL 1979, c. 505, §4, is amended
36 to read:

37 **5. Intercity service.** Intercity service ~~shall be~~ is service designated as such in a
38 public transportation plan developed by the department. Intercity service planning ~~shall~~
39 must fulfill the requirements set forth in subsection 2 and ~~shall~~ must address public

1 transportation needs that cannot be met by ~~regional operations~~ locally coordinated
2 planning. The State may contribute to the nonfederal costs of intercity service.

3 **Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the
4 Maine Revised Statutes, Title 23, in the title headnote, the word "highways" is amended
5 to read "transportation" and the Revisor of Statutes shall implement this revision when
6 updating, publishing or republishing the statutes.

7 **Sec. 10. Maine Revised Statutes, Title 23.** The Department of Transportation
8 shall work with the Office of Policy and Legal Analysis and the Revisor of Statutes to
9 examine the organization and structure of, and the language contained in, the Maine
10 Revised Statutes, Title 23 and develop recommendations regarding reorganizing or
11 updating that Title or a portion or portions of that Title. The Department of
12 Transportation shall submit those recommendations to the Joint Standing Committee on
13 Transportation no later than December 4, 2013.

14 SUMMARY

15 This bill makes the following changes to the laws related to transportation.

16 1. It affords the Department of Transportation more flexibility to grant exceptions to
17 the prohibition against allowing access to controlled access highways to allow access
18 when the Commissioner of Transportation determines that such access will not adversely
19 affect public safety and will not have a significant negative impact on the mobility of
20 through-travelers.

21 2. It amends transit-related provisions related to public transportation administration.

22 3. It directs the Department of Transportation to work with the Office of Policy and
23 Legal Analysis and the Revisor of Statutes to examine the organization and structure of,
24 and the language contained in, the Maine Revised Statutes, Title 23 and develop
25 recommendations regarding reorganizing or updating that Title or a portion or portions of
26 that Title. The Department of Transportation is directed to submit those
27 recommendations to the Joint Standing Committee on Transportation no later than
28 December 4, 2013.