

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1328

H.P. 922

House of Representatives, April 4, 2017

**An Act To Promote Bicycle Safety by Placing Warning Signs on
Certain Public Ways**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.
Cosponsored by Representatives: HERRICK of Paris, MAREAN of Hollis, Senators:
CYRWAY of Kennebec, DIAMOND of Cumberland.

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

2 **Sec. 1. 23 MRSA §1353** is enacted to read:

3 **§1353. Bicycle warning signs**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Bicycle warning sign" means a yellow retroreflective diamond-shaped sign that
7 contains an image of a bicycle.

8 B. "Lane of substandard width" means a lane of a public way that the department
9 determines is too narrow for a motor vehicle and a bicycle to safely travel side by
10 side.

11 C. "Placard" means a yellow retroreflective rectangular sign that contains
12 information for users of a public way and is used in conjunction with and placed
13 underneath a bicycle warning sign.

14 D. "Public way" means a state highway or a state aid highway.

15 **2. Bicycle warning signs.** The department shall place a bicycle warning sign on a
16 public way in the following manner.

17 A. At the beginning of a public way in which all or a portion of the public way has a
18 speed limit over 35 miles per hour and a lane of substandard width, the department
19 shall place on the same side of the public way as the lane of substandard width a
20 bicycle warning sign with a placard that states "FULL LANE USE."

21 B. At the intersection between a public way under paragraph A and a major public
22 way or a collector and feeder route of the public way under paragraph A, the
23 department shall place on the same side of the public way as the lane of substandard
24 width a bicycle warning sign with a placard that states "FULL LANE USE."

25 **3. Municipalities.** A municipality shall place bicycle warning signs in accordance
26 with subsection 2 on town ways within the municipality.

27 **4. Rules.** The department may adopt routine technical rules as defined by Title 5,
28 chapter 375, subchapter 2-A to carry out the provisions of this section.

29 **Sec. 2. 23 MRSA §1354** is enacted to read:

30 **§1354. Bicycle Roadway Safety Fund**

31 The Bicycle Roadway Safety Fund, referred to in this section as "the fund," is
32 established in the department to pay for the expenses in carrying out the provisions of
33 section 1353. The fund consists of revenues received from contributions made pursuant to
34 Title 36, section 5292, appropriations, allocations and contributions from private and
35 public sources. The fund, to be accounted within the department, must be held separate
36 and apart from all other money, funds and accounts. Eligible investment earnings credited
37 to the assets of the fund become part of the assets of the fund. Any unexpended balances

1 remaining in the fund at the end of any fiscal year do not lapse and must be carried
2 forward to the next fiscal year.

3 **Sec. 3. 36 MRSA §5292** is enacted to read:

4 **§5292. Bicycle Roadway Safety Fund; voluntary checkoff**

5 **1. Bicycle Roadway Safety Fund.** When filing a return, a taxpayer entitled to a
6 refund under this Part may designate that a portion of that refund be paid into the Bicycle
7 Roadway Safety Fund established in Title 23, section 1354. A taxpayer who is not
8 entitled to a refund under this Part may contribute to the Bicycle Roadway Safety Fund
9 by including with that taxpayer's return sufficient funds to make the contribution. The
10 contribution may not be less than \$5. Each individual income tax return form must
11 contain a designation in substantially the following form: "Bicycle Roadway Safety Fund:
12 () \$5 or () Other \$....."

13 **2. Contributions credited to Bicycle Roadway Safety Fund.** The State Tax
14 Assessor shall determine annually the total amount contributed pursuant to subsection 1.
15 Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of
16 administering the Bicycle Roadway Safety Fund checkoff and report the remainder to the
17 Treasurer of State, who shall forward that amount to the Bicycle Roadway Safety Fund.

18 **Sec. 4. Department of Transportation to determine priority in sign**
19 **placing.** The Department of Transportation shall determine the priority of the public
20 ways that receive signs pursuant to the Maine Revised Statutes, Title 23, section 1353
21 based upon the existing resources of the department and using available information such
22 as bicycle use and accident data and other information concerning bicycle use on the
23 public ways.

24 **SUMMARY**

25 This bill requires the Department of Transportation and municipalities to place
26 bicycle warning signs on public ways that have speed limits over 35 miles per hour and
27 have lanes in which a motor vehicle and a bicycle cannot safely travel side by side. The
28 bill also requires state income tax returns to include a voluntary checkoff of \$5 or more to
29 help pay for the signs.