

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1027

S.P. 322

In Senate, March 10, 2021

An Act To Amend the Laws Governing Local Bridges

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

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.

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

2 **Sec. 1. 23 MRSA §563, sub-§1**, as enacted by PL 2001, c. 314, §2, is amended to
3 read:

4 **1. Municipal-maintained structures.** For a structure for which a municipality has
5 maintenance responsibility, the department shall advise the municipality of its inspection
6 findings, and noted deficiencies and recommendations regarding posting or closure. The
7 ~~municipality has sole responsibility and authority to determine whether a structure must be~~
8 ~~posted or closed, except that the department may close the structure in cases of emergency~~
9 ~~or when the department reasonably determines closure is necessary to protect the traveling~~
10 ~~public from imminent hazard.~~ If the department becomes aware of deficiencies in a
11 structure that could impact posting or closure decisions, the department shall promptly
12 notify the municipality. The department shall notify the municipality when a structure
13 requires a posting or closure, and the municipality shall post or close the structure. The
14 department may post or close a structure to protect the traveling public from an imminent
15 hazard. The municipality is responsible for all costs and expenses related to the posting
16 and closure, including any needed notifications, procedures, signing and barricades.

17 **Sec. 2. 23 MRSA §566, sub-§1**, as enacted by PL 2001, c. 314, §2, is amended to
18 read:

19 **1. Changes to structures.** If a structure is improved in a manner that ~~affects whether~~
20 ~~it is defined as~~ changes a culvert or a minor span or to a bridge, the responsibilities set forth
21 in this subchapter regarding the structure do not change unless the department determines
22 that there exists a reasonable engineering basis for the improvement ~~and the department~~
23 approves the design plans and specifications of the improvement prior to the construction.
24 The department may approve improvements to a structure only if the improvements are
25 made in accordance with department standards and sealed by a professional engineer
26 licensed under Title 32, chapter 19. After construction, the department shall inspect the
27 structure and, if the structure is found to conform with the approved design, the department
28 shall accept responsibility for the structure. If the inspection reveals the structure was not
29 improved in accordance with the department-approved design, the municipality shall make
30 any necessary corrections to the structure required by the department before the department
31 accepts responsibility for the structure.

32 **Sec. 3. 23 MRSA §566, sub-§2**, as enacted by PL 2001, c. 314, §2, is amended to
33 read:

34 **2. New structures.** If a municipality constructs a new bridge on a town way, the
35 department shall assume the responsibilities set forth in ~~the~~ this subchapter only if the
36 department determines that there is a reasonable engineering basis for the bridge, as
37 opposed to a minor span, and if the department approves the design and construction of the
38 bridge prior to the construction of the bridge. The department may approve the design and
39 construction of a bridge only if the bridge is designed in accordance with department
40 standards and sealed by a professional engineer licensed under Title 32, chapter 19. After
41 construction, the department shall inspect the bridge. If the inspection reveals the bridge
42 was not constructed in accordance with the department-approved design, the municipality
43 shall make any necessary corrections to the bridge required by the department before the
44 department accepts responsibility for the bridge.

SUMMARY

This bill requires the Department of Transportation to notify a municipality when a bridge for which a municipality has maintenance responsibility requires a posting or closure and requires the municipality to carry out the posting or closure; current law provides a municipality sole responsibility to determine whether such a bridge must be posted or closed. The bill provides that in order for the department to accept certain responsibilities for an improved bridge or for a new bridge, the department must approve the design of the improvements or construction before the improvements are made or the bridge is constructed. The design of the improvements or construction must meet standards set by the department and be sealed by a professional engineer. The department must inspect the bridge after it is improved or constructed.