

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

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Legislative Document

No. 1133

H.P. 811

House of Representatives, March 22, 2021

An Act To Amend the Transportation Laws

Submitted by the Department of Transportation pursuant to Joint Rule 204.

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Sinclair.

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

2 **Sec. 1. 23 MRSA §73, sub-§7**, as enacted by PL 2011, c. 610, Pt. B, §2, is amended
3 to read:

4 **7. Priorities, service levels, capital asset management goals and reporting**. The
5 Department of Transportation shall classify the State's public highways as Priority 1 to
6 Priority ~~6~~ corridors 5 using factors such as the federal functional classification system,
7 regional economic significance, heavy haul truck use and relative regional traffic volumes.
8 The department shall also establish customer service levels related to safety, condition and
9 serviceability appropriate to the priority of the highway, resulting in a system that grades
10 each highway as ~~Excellent~~, Good, Fair, or Poor or Unacceptable.

11 To provide a capital transportation program that is ~~geographically balanced and that~~
12 ~~addresses urban and rural needs~~ meets customer expectations and transportation system
13 needs, the department shall include the following goals as part of its ~~capital improvement~~
14 ~~plans and program delivery~~ asset management and work plan preparation. The goals are
15 to:

16 ~~A. By 2022, improve all Priority 1 and Priority 2 corridors so that their safety,~~
17 ~~condition and serviceability customer service level equals Fair or better;~~

18 A-1. Maintain Priority 1 highways in accordance with the department's federally
19 required transportation asset management plan and the department's customer service
20 measures so that no more than 15% of the highways are rated as Poor;

21 ~~B. By 2027, improve all Priority 3 corridors so that their safety, condition and~~
22 ~~serviceability customer service level equals Fair or better;~~

23 B-1. Maintain Priority 2 and Priority 3 highways so that no more than 15% of the
24 highways are rated as Poor; and

25 ~~C. By 2017, implement a pavement program for all Priority 4 corridors that maintains~~
26 ~~their ride quality customer service level at Fair or better;~~

27 ~~D. Continue the light capital paving program on a 7-year cycle for Priority 5~~
28 ~~corridors 4 highways outside compact areas as defined in section 754; and.~~

29 ~~E. By 2015, develop and implement a similar asset priority and customer service level~~
30 ~~system of measurement for all major freight and passenger transportation assets owned~~
31 ~~or supported by the department, including capital goals.~~

32 The department shall report to the joint standing committee of the Legislature having
33 jurisdiction over transportation matters by March 1st of each odd-numbered year
34 quantifying ~~progress realized and time that has elapsed since the goals were established~~ the
35 status of each of the goals. The department shall recommend any remedial actions,
36 including additional funding or revisions to the goals, that the department determines to be
37 necessary or appropriate.

38 **Sec. 2. 23 MRSA §75** is enacted to read:

39 **§75. Rail corridor use advisory councils**

40 **1. Purpose.** Upon petition by one or more governmental entities that represent
41 communities along a state-owned rail corridor in which the department controls the right-

1 of-way requesting the department to review a nonrail recreational or nonrecreational
2 transportation use of that rail corridor, the Commissioner of Transportation, for each
3 petition received, shall notify the joint standing committee of the Legislature having
4 jurisdiction over transportation matters and may establish a rail corridor use advisory
5 council, referred to in this section as "a council," to facilitate discussion, gather information
6 and provide advice to the commissioner regarding future use of the rail corridor identified
7 in the petition. The council shall review and make recommendations on the likelihood,
8 benefits and costs of potential uses of the rail corridor, including, but not limited to, rail
9 use, trail use or bikeways. Any nonrail use of a rail corridor must be considered by a
10 council to be interim in nature, and all such rail corridors must be preserved for future rail
11 use as provided in chapter 615.

12 **2. Membership.** The Commissioner of Transportation shall invite at least 9 and no
13 more than 15 persons to serve on a council. Membership may include:

14 A. The Commissioner of Transportation or the commissioner's designee;

15 B. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's
16 designee;

17 C. The Commissioner of Economic and Community Development or the
18 commissioner's designee;

19 D. The Commissioner of Health and Human Services or the commissioner's designee;

20 E. One or more members representing other state agencies;

21 F. One member representing a statewide tourism organization or a regional tourism
22 organization of the geographic area containing the rail corridor;

23 G. One member representing a chamber of commerce or other regional or local
24 economic development entity of the geographic area containing the rail corridor;

25 H. One member representing an organization advocating for rail use or preservation;

26 I. One member representing an organization advocating for recreational trail use or
27 advocating for bicyclist or pedestrian interests; and

28 J. One or more municipal officials or staff from municipalities located on the rail
29 corridor.

30 **3. Meetings; chair.** The Commissioner of Transportation shall designate the chair of
31 a council. The department shall provide staff support to the council. The council may adopt
32 bylaws and other policies to effectively govern its proceedings. The council shall meet at
33 the call of the chair and shall hold a minimum of one public hearing located in the
34 geographic area along the rail corridor for which the council was formed.

35 **4. Report.** Within 9 months of convening its first meeting, a council shall submit a
36 report to the Commissioner of Transportation on its findings and recommendations
37 regarding the use of the rail corridor, including majority and minority reports if necessary.
38 Upon conclusion of the council's work, the Commissioner of Transportation shall disband
39 that council.

40 **Sec. 3. 23 MRSA §157, first ¶**, as amended by PL 2009, c. 265, §2 and affected by
41 §3, is further amended to read:

1 The Department of Transportation or any party or parties aggrieved by an award by the
2 State Claims Commission may appeal to the Superior Court in the county where the land
3 is situated within 30 days from the date of issuance of the commission award. This appeal
4 is de novo and is taken by filing a notice of appeal with the clerk of the commission. The
5 landowner claiming damages in excess of those paid by the department is denominated
6 plaintiff and shall file a complaint setting forth substantially the facts upon which the case
7 will be tried like other civil cases. The party appealing must provide a copy of the
8 complaint to be filed in the Superior Court notice of appeal to the other party or parties
9 within the same 30 days.

10 **Sec. 4. 23 MRSA §7107**, as enacted by PL 2003, c. 498, §4, is amended to read:

11 **§7107. Dismantling of state-owned track or other nonrail use**

12 Except as provided in this section, the Department of Transportation may not dismantle
13 or change state-owned track for a nonrail use or contract with a state agency or private
14 entity for the dismantling or changing of state-owned track for a nonrail use. When the
15 department, in consultation with a regional economic planning entity and a regional
16 transportation advisory committee established in accordance with rules adopted under
17 section 73, subsection 4, determines that removal of a specific length of rail owned by the
18 State will not have a negative impact on a region or on future economic opportunities for
19 that region, the Commissioner of Transportation shall seek review by the joint standing
20 committee of the Legislature having jurisdiction over transportation matters prior to
21 removal.

22 The Department of Transportation may not convert a state-owned rail corridor in which
23 the department controls the right-of-way to a nonrail recreational or nonrecreational
24 transportation use without following the rail corridor use advisory council process
25 established under section 75 and without legislative approval. If the Commissioner of
26 Transportation receives a report from a rail corridor use advisory council established under
27 section 75 that includes a recommendation of track removal or other change for nonrail use
28 and the commissioner concurs with that recommendation, the commissioner shall seek
29 legislative approval of the recommendation by submitting legislation to the joint standing
30 committee of the Legislature having jurisdiction over transportation matters prior to track
31 removal or the other change for nonrail use. Legislation submitted under this section must
32 include language stating that any track removal or other change for nonrail use is
33 considered interim in nature and that the rail corridor will be preserved for future rail use
34 as provided under this chapter.

35 **Sec. 5. 29-A MRSA §101, sub-§63-C** is enacted to read:

36 **63-C. Rotary.** "Rotary" means a type of circular intersection with a large diameter
37 and straight entries in which traffic circulates counterclockwise around a center traffic
38 island.

39 **Sec. 6. 29-A MRSA §101, sub-§63-D** is enacted to read:

40 **63-D. Roundabout.** "Roundabout" means a type of circular intersection with curved
41 entries in which traffic circulates counterclockwise around a center traffic island.
42 "Roundabout" includes a mini-roundabout with a traversable island.

43 **Sec. 7. 29-A MRSA §2053, sub-§3, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2
44 and affected by Pt. B, §5, is amended to read:

1 A. At a roundabout, traffic circle or rotary; or

2 **Sec. 8. 29-A MRSA §2053, sub-§6**, as repealed and replaced by PL 2003, c. 452,
3 Pt. Q, §33 and affected by Pt. X, §2, is amended to read:

4 **6. Traffic circles, roundabouts or ~~rotary intersections~~ rotaries.** The operator of a
5 vehicle:

6 A. Approaching a traffic circle, roundabout or rotary ~~intersection~~ shall yield the right-
7 of-way to a vehicle already within the traffic circle, roundabout or rotary ~~intersection~~
8 unless otherwise regulated by a law enforcement officer or by traffic control devices;

9 B. Entering ~~and passing~~, circulating around and exiting a ~~rotary or~~ traffic circle,
10 roundabout or rotary may drive only to the right of the center traffic island of a
11 roundabout, mini-roundabout, rotary or traffic circle and shall yield the right-of-way to
12 a vehicle on the operator's left; ~~and~~

13 C. May not drive on or across the center part of a rotary, roundabout or traffic circle,
14 except that the wheels of a semitrailer or trailer may cross the center part as long as the
15 wheels of the towing vehicle do not cross the center part; ~~or, in the case of a mini-~~
16 roundabout, may drive across a traversable center traffic island only if the operator is
17 operating a combination vehicle or a bus;

18 D. May not travel in a traffic circle, roundabout or rotary beyond 2 exit points in the
19 outside lane; and

20 E. Shall obey all signs and markings on the pavement lawfully placed at the traffic
21 circle, roundabout or rotary.

22 **Sec. 9. 30-A MRSA §6006-G, sub-§1**, as amended by PL 2011, c. 610, Pt. B, §3,
23 is further amended to read:

24 **1. Establishment; purposes.** The TransCap Trust Fund, referred to in this section as
25 "the fund," is established in the custody of the bank to provide transportation capital
26 investment for the Department of Transportation and municipalities in accordance with this
27 section. The purpose of the fund is to provide financial assistance for the planning, design,
28 acquisition, reconstruction and rehabilitation of transportation capital improvements of all
29 modes including improvements that will forward the ~~capital~~ asset management goals set
30 forth in Title 23, section 73, subsection 7.

31 **Sec. 10. 30-A MRSA §6006-G, sub-§4, ¶B**, as amended by PL 2011, c. 610, Pt.
32 B, §4, is further amended to read:

33 B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued
34 or to be issued by the State for the purpose of financing capital improvements that will
35 forward the ~~capital~~ asset management goals set forth in Title 23, section 73, subsection
36 7;

37 SUMMARY

38 This bill makes the following changes to the transportation laws.

39 1. It revises the priority classifications and goals for the State's public highways.

40 2. It authorizes the Commissioner of Transportation to convene a rail corridor use
41 advisory council to advise and make recommendations each time one or more

1 governmental entities that represent communities along a state-owned rail corridor request
2 that the Department of Transportation review a nonrail recreational use or nonrecreational
3 transportation use of that rail corridor. It also prohibits the department from dismantling
4 or making changes to state-owned railroad track for a nonrail use without going through
5 the advisory council process and obtaining legislative approval.

6 3. It amends the law governing appeals to awards made by the State Claims
7 Commission to clarify the appeals filing process.

8 4. It defines "roundabouts" and includes them in the laws governing the use of traffic
9 circles and rotaries.