

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1372

H.P. 1006

House of Representatives, April 7, 2021

**An Act To Collect Data To Assess the Need and Plan for Noise
Abatement by the Maine Turnpike Authority**

Received by the Clerk of the House on April 5, 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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BABBIDGE of Kennebunk.
Cosponsored by Senator BREEN of Cumberland and
Representatives: ARATA of New Gloucester, BRYANT of Windham, CAIAZZO of
Scarborough, HYMANSON of York, O'NEIL of Saco, ROCHE of Wells, Senators:
CLAXTON of Androscoggin, RAFFERTY of York.

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

2 **Sec. 1. 23 MRSA §1974, sub-§1, ¶F**, as amended by PL 1993, c. 410, Pt. MM, §9,
3 is further amended to read:

4 F. Repayment to the Federal Government for grants or loans that were used in
5 connection with the construction or reconstruction of any portion of the turnpike or of
6 any interconnecting access roads, but only to the extent that the repayment is required
7 in order for the authority to maintain or establish tolls on the turnpike; ~~and~~

8 **Sec. 2. 23 MRSA §1974, sub-§1, ¶G**, as enacted by PL 1987, c. 457, §7, is
9 amended to read:

10 G. Payment or repayment to the Federal Government or any agency of the Federal
11 Government of any charges, taxes or other payments required by law in connection
12 with the construction, reconstruction or operation of the turnpike or the financing or
13 refinancing of the turnpike or any part of the turnpike; and

14 **Sec. 3. 23 MRSA §1974, sub-§1, ¶H** is enacted to read:

15 H. Construction, reconstruction, maintenance or implementation of a remediation plan
16 to achieve noise abatement.

17 **Sec. 4. 23 MRSA §1984** is enacted to read:

18 **§1984. Noise abatement**

19 The authority shall install devices to collect data measuring noise levels at certain
20 points adjacent to the turnpike corridor. Data collected under this section must be:

21 **1. Residential neighborhoods and public health facilities.** Collected where a
22 residential neighborhood of 10 or more domicile units per quarter mile or a public health
23 care facility exists:

24 A. Within 1,500 feet of the roadway on the turnpike, not including entrance and exit
25 ramps where the posted speed limit does not exceed 45 miles per hour; or

26 B. Within 1,500 feet of a public rest area managed by the authority; and

27 **2. Data specifications.** Collected at various distances up to 1,500 feet and must
28 distinguish noise levels at different times of day and night, on different days of the week
29 and at different times of the year.

30 The authority shall provide an annual report summarizing recent data and multiyear
31 comparisons of data collected under this section to the joint standing committee of the
32 Legislature having jurisdiction over transportation matters by December 1, 2022 and each
33 year thereafter.

34 **Sec. 5. Turnpike noise abatement.** No later than February 2, 2023, the Maine
35 Turnpike Authority shall submit to the joint standing committee of the Legislature having
36 jurisdiction over transportation matters a plan for a noise abatement program including
37 procedures, noise thresholds and noise mitigation options for routes and public rest areas
38 managed by the authority, in accordance with United States Department of Transportation,
39 Federal Highway Administration regulations relating to noise abatement on existing
40 highways. The plan developed by the authority must include, but is not limited to, indicated
41 noise thresholds along the turnpike based on data collected pursuant to Maine Revised

1 Statutes, Title 23, section 1984 and proposed legislation to establish criteria by major
2 substantive rules for assessing the reasonableness and feasibility of noise abatement
3 measures.

4 **SUMMARY**

5 This bill requires the Maine Turnpike Authority to install devices to collect data
6 measuring noise levels along routes managed by the authority, sets specific criteria for the
7 data that must be collected and requires the authority to report this data to the joint standing
8 committee of the Legislature having jurisdiction over transportation matters no later than
9 December 1, 2022. This bill also requires the authority to submit to the joint standing
10 committee of the Legislature having jurisdiction over transportation matters a plan to
11 develop a noise abatement program in accordance with United States Department of
12 Transportation, Federal Highway Administration regulations and sets specific criteria for
13 the plan developed by the authority.