

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1674

H.P. 1072

House of Representatives, April 13, 2023

An Act to Require and Encourage Safe and Interconnected Transportation Construction Projects

Reference to the Committee on Transportation suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative LEE of Auburn.
Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: ABDI of Lewiston, ANKELES of Brunswick, CRAFTS of Newcastle, GERE
of Kennebunkport, JAUCH of Topsham, O'CONNELL of Brewer, SHAW of Auburn,
SHEEHAN of Biddeford.

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

2 **Sec. 1. 23 MRSA §710** is enacted to read:

3 **§710. Safety and interconnectivity requirements of construction projects**

4 **1. Safety and interconnectivity requirements for construction projects over**
5 **\$500,000.** A construction project under this chapter, the design of which is commenced on
6 or after January 1, 2024 and the cost of which is \$500,000 or more, must:

7 A. Identify locations on state highways and state aid highways impacted by the
8 construction project that:

9 (1) Do not have a complete sidewalk or shared-use path that meets the requirements
10 of the federal Americans with Disabilities Act of 1990;

11 (2) Do not have bicycle facilities in the form of a bicycle lane or adjacent parallel
12 trail or shared-use path;

13 (3) Have a sidewalk, bicycle lane, adjacent parallel trail or shared-use path within
14 a population center with a posted speed limit of over 30 miles per hour and no
15 buffer or physical separation from motor vehicle traffic and a pedestrian, bicyclist
16 or other user not in a motor vehicle; and

17 (4) Have a design that impedes the ability of a motorist to see a crossing pedestrian,
18 bicyclist or other user not in a motor vehicle with sufficient time to stop within the
19 posted speed limit and roadway configuration;

20 B. Consult with municipalities in which the project is being constructed to:

21 (1) Confirm existing or planned connections with other transportation
22 infrastructure along or across the construction project;

23 (2) Identify any connections of the construction project to existing and planned
24 public transportation services, including commuter and passenger rail and airports;

25 (3) Identify the existing and planned facility types for public transportation services
26 under subparagraph (2) within the municipality; and

27 (4) Consider use of speed management techniques to minimize crash exposure and
28 severity on a roadway located within the construction project;

29 C. In order to maintain a safe transportation system and to eliminate serious and fatal
30 motor vehicle crashes, adjust a posted speed limit on a roadway located within the
31 construction project to a lower speed with appropriate modifications to roadway design
32 and management operations to achieve the desired operating speed in a location where
33 the modifications align with local plans or ordinances and in particular that presents a
34 higher possibility of serious injury or a fatal motor vehicle crash occurring based upon
35 land use, observed crash data, crash potential or roadway characteristics that are likely
36 to increase crash exposure; and

37 D. Plan, design and construct facilities providing context-sensitive solutions that
38 contribute to transportation network connectivity and safety for pedestrians, bicyclists,
39 other users not in a motor vehicle and persons accessing public transportation and other
40 modal transportation connections, including sidewalks or shared-use paths that meet
41 the requirements of the federal Americans with Disabilities Act of 1990, bicycle

1 facilities and crossings of the project as needed to integrate a state highway or state aid
2 highway into the local transportation system.

3 **2. Emergency work.** A construction project to perform repairs or construction
4 required to reopen a state highway or state aid highway due to a natural disaster or other
5 emergency is exempt from the requirements of this section.

6 **3. Ongoing maintenance.** Ongoing maintenance of facilities and systems of a
7 construction project under this section after construction is completed must be conducted
8 as provided under this chapter.

9 **Sec. 2. 23 MRSA §711** is enacted to read:

10 **§711. Priorities for state funding**

11 **1. Priority for funding.** The department shall prioritize for funding under this Title a
12 transportation construction project or other recipient that meets the criteria of subsection 2.

13 **2. Criteria.** The criteria for priority of funding under subsection 1 include that the
14 project:

15 A. Provides street access for all transportation system users, including pedestrians,
16 bicyclists, other users not in a motor vehicle and users of public transportation;

17 B. Encourages mixed land uses by constructing residences, offices, schools, parks,
18 shops, restaurants and other types of land uses near each other;

19 C. Encourages infill development by building on empty or underutilized lots that have
20 access to public water, sewer and emergency services;

21 D. Facilitates access to affordable or dense housing;

22 E. Encourages walkable neighborhoods;

23 F. Preserves open space, wetlands, parks, farms and woodlands; and

24 G. Encourages robust community and public participation, opinions and input in the
25 type and scope of the transportation construction or other project.

26 **SUMMARY**

27 This bill concerns safety and interconnectivity of state-financed transportation
28 construction projects, including:

29 1. Requiring transportation projects, the design of which commences on or after
30 January 1, 2024 and the cost of which is \$500,000 or more, to:

31 A. Perform certain duties, including identifying locations on state highways and state
32 aid highways with a lack of facilities for or designs creating unsafe conditions for
33 pedestrians, bicyclists and other users not in a motor vehicle;

34 B. Consult with municipalities about active or planned transportation connections,
35 public transportation facilities and management of posted speed limits to reduce motor
36 vehicle crash exposure and severity;

37 C. Adjust posted speed limits within the construction project to minimize motor vehicle
38 crashes, particularly in locations experiencing a higher probability of crashes; and

- 1 D. Plan, design and construct facilities providing context-sensitive solutions that
2 contribute to transportation system connectivity and safety for pedestrians, bicyclists,
3 other users not in a motor vehicle and persons accessing public transportation; and
4 2. Requiring the Department of Transportation to prioritize transportation funding to
5 projects that:
6 A. Provide street access to all transportation users;
7 B. Encourage mixed land uses;
8 C. Encourage infill development;
9 D. Facilitate access to affordable or dense housing;
10 E. Encourage walkable neighborhoods;
11 F. Preserve open space, wetlands, parks, farms and woodlands; and
12 G. Encourage robust community and public participation, opinions and input in the
13 type and scope of the transportation construction or other project.