

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 397

S. P. 267

In Senate, February 4, 1949.

Referred to Committee on Ways and Bridges, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Bowker of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

**AN ACT to Authorize the Construction of a Combination Highway and
Railroad Bridge Across Fore River.**

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

Sec. 1. State highway commission authorized to construct bridge. The state highway commission is hereby authorized to construct a combination 2-level highway and railroad bridge across Fore river between the cities of Portland and South Portland in the county of Cumberland, with necessary highway approaches thereto, at an estimated cost of \$6,500,000, to be located approximately 100 feet northerly of the present railroad trestle and to be constructed without a draw and in accordance with plans approved by the War Department of the United States. Said bridge shall be designed to provide 4 lanes for highway traffic on its upper level and for a double track railroad on its lower level. The cost of said bridge, with the highway approaches thereto, shall be defrayed from the joint state and federal funds consisting in part of sums apportioned to the state under the Federal Aid Highway Acts of 1944 and 1948 to the extent of \$1,000,000 and the balance and remainder of such cost shall be taken and appropriated from the proceeds of bonds issued pursuant to an amendment of Article IX of the constitution proposed by a resolve of the legislature, if adopted.

Sec. 2. Contract with Portland Terminal Company; terms and conditions; exclusive control reserved to state. The state highway commission, with the advice and consent of the governor and council, shall have the power to make a contract on behalf of the state with the Portland Terminal Company by which said company will acquire the right to use said bridge for its purposes, as soon as said bridge shall be completed and ready for use, and shall pay toward the cost of construction of same such sum as shall equal the difference between the cost of a 4-lane, single level highway bridge and the cost of a 2-level combination highway and railroad bridge, as above described, exclusive of the portions thereof constituting approaches to the spans over Fore river of such bridge across which the railroad shall operate, the amount of such difference to be determined by agreement between the state highway commission and said company except that any agreement in respect thereof on the part of said commission shall be subject to the approval of the governor and council. Said contract shall provide in substance that the amount to be paid by said company toward the cost of said bridge shall be payable to the state in equal semi-annual installments during a period not exceeding 40 years with interest at the same rate as the state shall pay on bonds issued pursuant to the proposed amendment of the constitution aforesaid, the right to the use of said bridge for railroad purposes to become permanent upon completion of all payments toward construction and maintenance required to be made during said period as hereinbefore and hereinafter set forth, and all rights, title and interest of said company, its successors and assigns, in and to the use of said bridge to revert to the state if and when the use of said bridge by it or them shall be abandoned, but without otherwise affecting said contract. Such contract shall further provide in substance that said company will assume and bear the entire expense of such relocation, realignment or other changes in its tracks and signal system as may be necessary to enable it to make use of said bridge; and further, the said company shall maintain at its own expense the steel girder spans carrying its tracks on the proposed bridge, also its ties, rail, other track fastenings and signal system. The state shall maintain the remainder of the bridge and its approaches and the company shall pay to the state such portion of the expense of maintaining the portion of the bridge over Fore river over which the railroad operates as its payment to the cost of the construction, as above provided, shall bear to the total cost of that portion of the bridge over which the company operates. The right to use said bridge to be granted to said company shall extend to, and may be exercised by, any other railroad corporation entitled to use the facilities of said company by agreement with said company, and as provided in chapter 189 of the

private and special laws of 1911, or other enabling legislation. The company shall agree to remove its existing trestle across Fore river without unreasonable delay after it shall have commenced to use said combination bridge.

Said contract shall by express terms be made binding upon and shall be observed by said company, its successors, lessees and assigns, and upon any receiver, trustee or other officer, person or corporation having charge for the time being of the affairs and property of said company, its successors, lessees and assigns.

The state shall always have exclusive control over said bridge and the construction and maintenance thereof, subject to the rights and privileges herein, or in any contract herein authorized, granted or reserved to said railroad company, its successors and assigns, with respect to the use of said bridge for railroad purposes.

Sec. 3. Vaughan bridge to be removed. As soon as practicable after said bridge shall be completed and ready for use, the commission shall cause the existing highway draw-bridge across Fore river known as Vaughan bridge to be wholly removed.

Sec. 4. Bond issue; disbursement of proceeds. From the proceeds of bonds issued by the state of Maine to provide for the construction of highway and combination highway and railroad bridges authorized by the legislature, as embodied in a resolution of the legislature proposing an amendment to Article IX of the constitution, if said amendment shall be adopted, the treasurer is hereby authorized, on warrants issued therefor by said commission, with the approval of the governor and council, to disburse and pay said moneys as are herein authorized for the purpose of carrying out the provisions of this act. The said treasurer is further empowered to issue bonds as authorized by said proposed amendment, if the same be adopted, in such form and in such amounts, not exceeding the total set forth in said proposed amendment from time to time, as the governor and council shall determine.

Sec. 5. Action under provisions of this act contingent upon adoption of constitutional amendment. No action shall be taken or liability incurred under this act unless and until the people of Maine shall have adopted an amendment to the constitution of the state of Maine authorizing the issuing of bonds for the construction of highway and combination highway and railroad bridges as embodied in the resolution of the legislature as aforesaid.