

**§73. Transportation policy****(CONFLICT)**

**1. Short title.** This section may be known and cited as the "Sensible Transportation Policy Act." [IB 1991, c. 1, §1 (NEW).]

**2. Purposes and findings.** The people of the State find that decisions regarding the State's transportation network are vital to the well-being of Maine citizens, to the economic health of the State and to the quality of life that the citizens treasure and seek to protect.

The people also find that these decisions have profound, long-lasting and sometimes detrimental impacts on the natural resources of the State, including its air quality, land and water.

The people further find that substantial portions of the state highway system are in disrepair and improvements to the State's roads and bridges are necessary to provide a safe, efficient, and adequate transportation network throughout the State.

The people further find that the State's transportation network is heavily dependent on foreign oil, that such reliance is detrimental to the health of the State's economy and that the health and long-term stability of the State's economy require increased reliance on more efficient forms of transportation.

The people further find that improvements to the transportation network are necessary to meet the diverse transportation needs of the people of the State including rural and urban populations and the unique mobility requirements of the elderly and disabled.

The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance.

[IB 1991, c. 1, §1 (NEW).]

**3. Transportation policy.** It is the policy of the State that transportation planning decisions, capital investment decisions and project decisions must:

A. Minimize the harmful effects of transportation on public health and on air and water quality, land use and other natural resources; [RR 1991, c. 2, §88 (COR).]

B. Require that the full range of reasonable transportation alternatives be evaluated for all significant highway construction or reconstruction projects and give preference to transportation system management options, demand management strategies, improvements to the existing system, and other transportation modes before increasing highway capacity through road building activities; [RR 1991, c. 2, §88 (COR).]

C. Ensure the repair and necessary improvement of roads and bridges throughout the State to provide a safe, efficient and adequate transportation network; [RR 1991, c. 2, §88 (COR).]

D. Reduce the State's reliance on foreign oil and promote reliance on energy-efficient forms of transportation; [RR 1991, c. 2, §88 (COR).]

E. Meet the diverse transportation needs of the people of the State, including rural and urban populations and the unique mobility needs of older adults and persons with disabilities, including the employment of alternative modes of transportation; [PL 2023, c. 319, §1 (AMD).]

F. **(CONFLICT: Text as amended by PL 2023, c. 177, §2)** Be consistent with the purposes, goals and policies of Title 30-A, chapter 187, subchapter 2; [PL 2023, c. 177, §2 (AMD).]

F. **(CONFLICT: Text as amended by PL 2023, c. 319, §2)** Be consistent with the purposes, goals and policies of the Comprehensive Planning and Land Use Regulation Act; [PL 2023, c. 319, §2 (AMD).]

G. Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The Department of Transportation and the Maine Turnpike Authority shall take the comments and concerns of local citizens into account and must be responsive to them; [RR 2023, c. 1, Pt. A, §19 (COR).]

H. Ensure opportunity for public input whenever the Department of Transportation or the Maine Turnpike Authority plans to install a solar energy project that will involve the disturbance of more than 1,000 square feet of land area. The department or the authority shall hold a public hearing in the municipality where the solar energy project is to be located; and [RR 2023, c. 1, Pt. A, §20 (COR).]

**REVISOR'S NOTE:** (Paragraph H as enacted by PL 2023, c. 319, §4 is REALLOCATED TO TITLE 23, SECTION 73, SUBSECTION 3, PARAGRAPH I)

I. **(REALLOCATED FROM T. 23, §73, sub-§3, ¶H)** Facilitate and support the public transportation systems in the State to achieve accessibility, affordability and convenience for the average person's mobility needs. [PL 2023, c. 319, §4 (NEW); RR 2023, c. 1, Pt. A, §21 (RAL).]

[PL 2023, c. 177, §2 (AMD); PL 2023, c. 319, §§1, 2 (AMD); RR 2023, c. 1, Pt. A, §§19-21 (COR).]

**4. Rulemaking.** The Department of Transportation shall adopt a rule within one year of the effective date of this Act, in coordination with the Maine Turnpike Authority and state agencies including the Department of Economic and Community Development, the Department of Agriculture, Conservation and Forestry and the Department of Environmental Protection, to implement the statewide comprehensive transportation policy. The rule must incorporate a public participation process that provides municipalities and other political subdivisions of the State and members of the public notice and opportunity to comment on transportation planning decisions, capital investment decisions, project decisions and compliance with the statewide transportation policy.

The Department of Transportation shall adopt a rule, in coordination with the Department of Agriculture, Conservation and Forestry, that establishes linkage between the planning processes outlined in this section and those promoted by Title 30-A, chapter 187, subchapter 2 and that promotes investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network. This rule is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

The Department of Transportation shall adopt rules, to the extent possible, to ensure that all persons are safe on public ways, including bicyclists, pedestrians, persons of all ages and abilities, transit users and motor vehicle users, and that all persons have safe and efficient access to the transportation system. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 237, §1 (AMD).]

**5. Applicability to Department of Transportation.** Transportation planning decisions, capital investment decisions and project decisions of the Department of Transportation are governed by and must comply with the transportation policy set forth in this section and rules implementing that policy. [IB 1991, c. 1, §1 (NEW).]

**6. Capital goals and reporting.**

[PL 2011, c. 610, Pt. B, §1 (RP).]

**7. Priorities, service levels, asset management goals and reporting.** The Department of Transportation shall classify the State's public highways as Priority 1 to Priority 5 using factors such as safety metrics, crash data, the federal functional classification system, regional economic significance,

heavy haul truck use and relative regional traffic volumes. The department shall also establish customer service levels related to safety, condition and serviceability appropriate to the priority of the highway, resulting in a system that grades each highway as Good, Fair or Poor.

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

A. [PL 2021, c. 239, §1 (RP).]

A-1. Maintain Priority 1 highways in accordance with the department's federally required transportation asset management plan and the department's customer service measures so that no more than 15% of the highways are rated as Poor; [PL 2021, c. 239, §1 (NEW).]

B. [PL 2021, c. 239, §1 (RP).]

B-1. Maintain Priority 2 and Priority 3 highways so that no more than 15% of the highways are rated as Poor; and [PL 2021, c. 239, §1 (NEW).]

C. [PL 2021, c. 239, §1 (RP).]

D. Continue the light capital paving program on a 7-year cycle for Priority 4 highways outside compact areas as defined in section 754. [PL 2021, c. 239, §1 (AMD).]

E. [PL 2021, c. 239, §1 (RP).]

The department shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters by March 1st of each odd-numbered year quantifying the status of each of the goals. The department shall recommend any remedial actions, including additional funding or revisions to the goals, that the department determines to be necessary or appropriate. [PL 2023, c. 237, §2 (AMD).]

#### SECTION HISTORY

IB 1991, c. 1, §1 (NEW). RR 1991, c. 2, §88 (COR). PL 2003, c. 22, §1 (AMD). PL 2007, c. 470, Pt. B, §1 (AMD). PL 2011, c. 610, Pt. B, §§1, 2 (AMD). PL 2011, c. 655, Pt. JJ, §9 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2021, c. 239, §1 (AMD). PL 2023, c. 177, §§2-4 (AMD). PL 2023, c. 237, §§1, 2 (AMD). PL 2023, c. 319, §§1-4 (AMD). RR 2023, c. 1, Pt. A, §§19-21 (COR).

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