



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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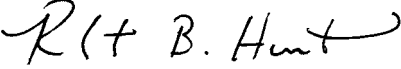
H.P. 1072

House of Representatives, April 13, 2023

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

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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.