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Legislative Document

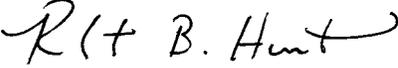
No. 1756

H.P. 1174

House of Representatives, April 22, 2025

An Act to Establish a Statewide Transportation Project Selection Prioritization Process

Reference to the Committee on Transportation suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative LEE of Auburn.

Cosponsored by Representatives: CARLOW of Buxton, EATON of Deer Isle, GERE of Kennebunkport, MONTELL of Gardiner, RAY of Lincolnville, SATO of Gorham, TERRY of Gorham, Senator: BENNETT of Oxford.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§82-B** is enacted to read:

3 **82-B.**

4 Transportation: Transportation Project Selection Council Not Authorized 23 MRSA
5 Project §4209-B
6 Selection

7 **Sec. 2. 23 MRSA §1961, sub-§5**, as enacted by IB 1991, c. 1, §3, is amended to
8 read:

9 **5. Transportation policy.** Transportation planning decisions, capital investment
10 decisions and project decisions of the Maine Turnpike Authority are governed by and must
11 comply with the transportation policy set forth in section 73 and rules implementing that
12 policy and must take into consideration the statewide transportation project selection
13 prioritization process as provided in section 4209-B.

14 **Sec. 3. 23 MRSA §4209-B** is enacted to read:

15 **§4209-B. Transportation Project Selection Council**

16 **1. Council established.** The Transportation Project Selection Council, referred to in
17 this section as "the council," is established in accordance with Title 5, section 12004-I,
18 subsection 82-B to develop and manage a statewide transportation project selection
19 prioritization process, referred to in this section as "the prioritization process." The council
20 includes, but is not limited to, the following members:

21 A. The commissioner or the commissioner's designee; and

22 B. The following individuals appointed by the commissioner:

23 (1) One representative each from the federally designated planning organizations
24 for the Bangor, Kittery, Lewiston and Auburn and Portland regions;

25 (2) One representative representing transportation interests in Aroostook County;

26 (3) One representative of a statewide association of planning and development
27 agencies;

28 (4) One representative of an economic development organization;

29 (5) One representative of an organization representing persons with low incomes;

30 (6) One representative of an organization from one of the State's immigrant
31 communities;

32 (7) One representative of a statewide environmental organization;

33 (8) One transportation engineer;

34 (9) One representative of an organization representing persons with disabilities;

35 (10) Two representatives of transit agencies, one of whom represents an urban
36 agency and one of whom represents a rural agency;

37 (11) One representative of a statewide transportation organization;

38 (12) One representative of the Maine Turnpike Authority; and

1 (13) One representative of organized labor that works on transportation issues in
2 the State.

3 In making appointments, the commissioner shall ensure that rural and urban areas are
4 represented.

5 **2. Terms; vacancies; chair; vice-chair.** A member of the council appointed pursuant
6 to subsection 1, paragraph B serves for a term of 3 years. If a member is unable to complete
7 the term, the commissioner shall appoint a member from the same category of members
8 listed in subsection 1, paragraph B as the member who vacated the council to serve out the
9 unexpired portion of the term. The council shall annually elect a chair and vice-chair from
10 among its members, each of whom serves a term of one year.

11 **3. Council duties; prioritization process.** The council shall:

12 A. Advise the department and the Maine Turnpike Authority on the development of a
13 prioritization process for projects administered in accordance with federal
14 transportation requirements and, in cooperation with municipalities, counties and other
15 planning organizations within the State, for the use of funds allocated to the department
16 and the Maine Turnpike Authority. The prioritization process must:

17 (1) Be used for the development of any plan for a project created by the department
18 or the Maine Turnpike Authority; and

19 (2) Take into consideration, at a minimum, highway, transit, rail, roadway, active
20 transportation and technology operational improvements and transportation
21 demand management strategies;

22 B. Prior to the analysis in subsection 4, review transportation projects and strategies
23 to determine whether projects are consistent with the assessment of capacity needs
24 outlined in the department's or the Maine Turnpike Authority's long-range
25 transportation plans;

26 C. Weigh key goals under subsection 4 for each of the State's federally designated
27 planning organization regions. For purposes of this paragraph, the council may assign
28 different weights to each key goal, within each region, based on the unique needs and
29 characteristics of the region;

30 D. Solicit input from municipalities, counties and other planning organizations, transit
31 operators, environmental groups, active transportation groups, economic development
32 groups and other stakeholders in the development of the prioritization process. The
33 council shall hold at least 3 public meetings annually for public input on the
34 prioritization process. The council may hold meetings using an electronic platform,
35 except that the council must hold at least one meeting annually in person. Public
36 comment must be accepted by the council prior to the publication of any draft
37 prioritization process and prior to any final prioritization process; and

38 E. Make public, in an accessible format updated at least annually, a report with the
39 results of the review under paragraph B and analysis under subsection 4 of proposed
40 projects, including how the weight of key goals was applied in accordance with
41 paragraph C.

42 **4. Prioritization process requirements.** The prioritization process must be based on
43 an objective and quantifiable analysis factoring public input of projects proposed for

1 funding using the State's key goals listed in long-range transportation plans. Key goals
2 include, but are not limited to:

3 A. Safe travel with priority on avoiding crashes that cause death or serious injury and
4 protecting vulnerable users;

5 B. A well-managed transportation system measured by reliability and system
6 condition;

7 C. A vibrant economy and world-class quality of life measured by economic impact
8 analysis, including the health and vibrancy of the State's downtowns and villages;

9 D. Environmentally sustainable transportation systems measured by greenhouse gas
10 emissions from the transportation systems and effects on lands and waters, including,
11 but not limited to, storm water runoff and heat island effects; and

12 E. Equitable access measured by consideration of access to jobs and essential services,
13 particularly for low-income households. Accessibility must be measured using a peer-
14 reviewed, data-informed tool.

15 **5. Exclusions.** The prioritization process may not apply to:

16 A. Projects in which funding is related to in-kind repair or replacement of existing
17 traffic control devices or asset management, including, but not limited to, bridge
18 rehabilitation, bridge-only bridge replacement projects, pavement repair or
19 replacement and guardrail repair or replacement; and

20 B. Projects that replace bicycle and pedestrian facilities, including, but not limited to,
21 sidewalks, shared-use paths or bicycle lanes. Projects under this paragraph must have
22 their designs upgraded from substandard to standard unless other funds are leveraged
23 for the bicycle and pedestrian components.

24 **6. Report.** The council shall report on the prioritization process, including a list of all
25 scores and rankings and include the required report under section 3, paragraph E by January
26 15th of each year to the Governor and the joint standing committee of the Legislature
27 having jurisdiction over transportation matters.

28 **Sec. 4. Selection of projects.** Beginning July 1, 2026, the Transportation Project
29 Selection Council, established in the Maine Revised Statutes, Title 5, section 12004-I,
30 subsection 82-B shall select projects for funding pursuant to the statewide transportation
31 project selection prioritization process under Title 23, section 4209-B.

32 **Sec. 5. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 23,
33 section 4209-B, subsection 2, members initially appointed by the Commissioner of
34 Transportation to the Transportation Project Selection Council pursuant to this Act are
35 appointed to staggered terms, with 4 members appointed for 2-year terms, 5 members
36 appointed for 3-year terms and 5 members appointed for 4-year terms.

37 SUMMARY

38 This bill establishes the Transportation Project Selection Council to develop and
39 manage a statewide project selection prioritization process. The council is directed to:

40 1. Advise the Department of Transportation and the Maine Turnpike Authority on the
41 development of the prioritization process, in accordance with federal transportation

1 requirements, and in cooperation with municipalities, counties and other planning
2 organizations within the State;

3 2. Review projects and strategies to determine whether projects are consistent with
4 assessment of capacity needs outlined in the department's or the authority's long-range
5 transportation plans;

6 3. Weigh key goals for each of the State's federally designated planning organization
7 regions; and

8 4. Solicit input from municipalities, counties and other planning organizations, transit
9 operators, environmental groups, active transportation groups, economic development
10 groups and other stakeholders in the development of the prioritization process.

11 The council is required to report annually on the prioritization process to the Governor
12 and the joint standing committee of the Legislature having jurisdiction over transportation
13 matters.