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**Testimony of Meghan Russo
Maine Department of Transportation
Before the 131st Legislature, Joint Standing Committee on Transportation**

In Opposition to LD 1674

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

Senator Chipman, Representative Williams and distinguished members of the Joint Standing Committee on Transportation, I am Meghan Russo, Manager of Legislative and Constituent Services at MaineDOT. MaineDOT respectfully opposes LD 1674, *An Act to Require and Encourage Safe and Interconnected Transportation Construction Projects*.

LD 1674 requires that all projects that cost \$500,000 or more adhere to a number of criteria related to usage of the roadway by bicyclists and pedestrians. These requirements include identifying locations on state highways without sidewalks that meet federal American with Disabilities Act (ADA) of 1990 requirements, identifying roadways that do not have bicycle facilities, and roadways with no physical separation between motorists and bicyclists. The bill also requires that MaineDOT consult with municipalities when planning and designing a project and subjectively setting lower speed limits within a construction project in an attempt to create safer conditions for bike/ped users. In addition, LD 1674 attempts to prioritize state highway funds by setting forth a list of criteria that the department must consider when planning and designing a road project.

This legislation is duplicative of current department practice and seeks to override the decisions of MaineDOT's engineering staff. In addition, as this committee is aware, MaineDOT historically opposes all measure that seeks to earmark our work plan process and/or funding, as this bill would do.

As drafted this bill would impact nearly all activities within MaineDOT's annual Three-Year Work Plan. If passed MaineDOT would be required to adhere to the criteria set forth in the legislation on pavement preservation projects. If required to incorporate bicycle and pedestrian facilities on all paving projects, the Light Capital Paving Program (LCP), which makes improvements to between 600 to 700 miles per year, would essentially be hamstrung. The LCP

Program for decades has met the needs for travelers on rural roads where reconstruction is not an option. Reducing the miles of LCP completed each year would make travel on many of these rural roads difficult, significantly increasing user costs, (alignments, bent rims, tire wear, etc.).

MaineDOT's Village Partnership Initiative (VPI) addresses much of what this bill is seeking to accomplish. The program works with municipalities to focus on Village centers and downtowns making these areas more walkable and bikeable for patrons and residents. This program, like MaineDOT's Municipal Partnership Initiative (MPI), has proven to be incredibly popular. Reconstruction projects in Naples, Fryeburg and Belgrade, to name a few, are examples of rural community participation with MaineDOT. In urban areas MaineDOT has reconstructed downtown Ogunquit and more recently engaged in a robust planning process for roadway improvements in Libbytown in Portland. The project will include improved sidewalks, bike lanes and improved road crossings for better pedestrian visibility.

MaineDOT has a fulltime ADA Coordinator on staff who oversees federal ADA requirements and identifies locations throughout the state where ADA is presently not met. Currently MaineDOT constructs sidewalks above federal standards. Federal standards require a sidewalk width of 3-feet. MaineDOT constructs sidewalks at a 5-foot width in most cases. This occurs during any new construction or reconstruction project when the availability of right of way (ROW) is present or there is ability to purchase additional ROW. This 5-foot requirement is outlined in our contracts and our contracting partners must adhere to it, where it is feasible.

MaineDOT currently partners with municipalities on nearly every project we conduct. The public involvement process involves various methods to engage the public and obtain comments and input. Since the onset of the pandemic, MaineDOT has been conducting virtual public involvement. These meetings provide specific information about the project and allow for comments from the public and individual responses from MaineDOT staff. This improved method has significantly increased engagement and the ability of many people to participate who otherwise may not have attended an in-person meeting at a specific time and place.

Section 2 of this bill seeks to create a new sub-section within Title 23. Much of the criteria set forth in this section for prioritization of funding is outside the purview of MaineDOT. As an agency focused on transportation systems the criteria in relation to land-use planning, infill development and other similar development is outside the purview of a transportation agency and not eligible under most funding sources that MaineDOT utilizes to manage the transportation system.

MaineDOT has a long history of providing for the needs of all modes of travel in the planning, programming, design, rehabilitation, maintenance, and construction of the state's transportation system. We currently plan and construct facilities based on context-sensitive elements of the roadway as dictated in our Complete Streets Policy. The intent of this policy is to help ensure that all users of Maine's transportation system, including bicyclists and pedestrians, have safe and efficient access to the transportation system. Each project is reviewed for Complete Streets compliance by MaineDOT's Chief Engineer and Bicycle/Pedestrian Coordinator during the preliminary design report process. We strongly support a multimodal transportation system and recognize that pedestrian and bicycle infrastructure such as sidewalks, bicycle lanes, separated

facilities, transit stops, ADA-accessible routes, etc., are crucial elements of the transportation system. MaineDOT will be updating this Complete Streets Policy in 2023. MaineDOT's recently completed State Active Transportation Plan looks at both pedestrian and bicycle facilities, emphasizing on connecting these facilities to other modes of transportation.

It is for the above reasons that MaineDOT opposes LD 1674 and urges this committee to vote ought not to pass. Thank you and I would be happy to try and address any questions you might have or bring additional information to the work session.