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**Testimony of Dale Doughty
Maine Department of Transportation
Before the 132nd Legislature, Joint Standing Committee on Housing and
Economic Development**

In Opposition to LD 287

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

Senator Curry, Representative Gere, and distinguished members of the Joint Standing Committee on Housing and Economic Development, my name is Dale Doughty, Acting Commissioner of the Maine Department of Transportation (MaineDOT). MaineDOT opposes LD 287, *An Act to Require and Encourage Safe and Interconnected Transportation Construction Projects*.

LD 287 would require that all transportation projects costing \$500,000 or more meet a series of prescriptive criteria related to bicyclist and pedestrian use. These requirements include identifying state highway locations without sidewalks that meet the Americans with Disabilities Act (ADA) of 1990, identifying roadways lacking bicycle facilities, and identifying roadways without physical separation between motorists and bicyclists. The bill also mandates consultation with municipalities during project planning and design, and it directs the Department to set lower speed limits within project limits to enhance safety for pedestrians and bicyclists. In addition, LD 287 attempts to prioritize state highway capital funding by establishing a list of criteria that MaineDOT would be required to consider when planning and designing roadway projects.

This legislation is largely duplicative of existing MaineDOT practices and would override the professional judgment of the Department's engineering staff. MaineDOT has historically opposed legislation that earmarks work plan decisions or dictates funding priorities, as this bill would do.

Many of the goals of LD 287 are already addressed through MaineDOT's Village Partnership Initiative (VPI). This program works collaboratively with municipalities to focus investments in village centers and downtowns, making them more walkable and bikeable for residents and visitors. VPI, along with MaineDOT's Municipal Partnership Initiative (MPI), has proven to be

highly successful. Reconstruction projects in Naples, Fryeburg, and Belgrade are examples of strong rural community partnerships, while urban projects include the reconstruction of downtown Ogunquit and Hallowell, as well as projects planned for Windham and Sanford. MaineDOT aggressively seeks special federal funding such as discretionary grants and Congressionally Directed Spending (CDS) to meet the joint goals of municipalities and the department. These awards often support enhanced bicycle and pedestrian facilities on the state and state aid highway system. Special federal funding is instrumental in setting the stage for expanded housing and economic vitality, especially in downtowns and village centers.

MaineDOT employs a full-time ADA Coordinator who oversees compliance with federal ADA requirements and identifies locations statewide where standards are not currently met. In practice, MaineDOT exceeds federal sidewalk standards whenever feasible. While federal requirements call for a minimum sidewalk width of three feet, MaineDOT typically constructs sidewalks that are five feet wide during new construction or reconstruction projects when sufficient right-of-way exists or can be acquired.

The Department currently works closely with municipalities on nearly every project we undertake. Our public involvement process includes multiple methods to solicit input and feedback. Since the pandemic, MaineDOT has expanded the use of virtual public meetings, which provide detailed project information and allow for public comments and direct responses from staff. These virtual options have significantly increased public participation, particularly among individuals who might not otherwise be able to attend in-person meetings.

Section 2 of LD 287 seeks to dictate how transportation funding is allocated statewide. As committee members are aware, the Transportation Committee is the committee of jurisdiction over state highway funds and transportation policy. Any substantive change to transportation funding priorities would appropriately fall within that committee's purview.

MaineDOT has a long-standing commitment to accommodating all modes of travel through the planning, programming, design, maintenance, and construction of Maine's transportation system. Since similar legislation was introduced during the 131st Legislature as LD 1674, the Department has made several significant internal improvements to further align with best practices and our roadway safety commitments.

In 2023, MaineDOT convened an internal workgroup to examine best practices for managing vehicle speeds and better addressing the needs of vulnerable road users in villages and urban areas. This effort resulted in two major initiatives: the development of a Roadway Context Classification System and the creation of a Maine-specific, context-sensitive speed limit setting process.

In 2024, MaineDOT completed a substantial update to its Complete Streets Policy to provide more detailed direction to the Department's planning and scoping of transportation projects and to better engage with communities as projects are planned, funded, designed, and constructed. Also, in 2024 MaineDOT released the Roadway Context Classification System, which categorizes all public roads in Maine into five contexts—Rural, Rural Town, Village, Suburban, and Urban—using publicly available data about the built environment. These context

classifications inform both the implementation of our Complete Streets Policy and a new speed limit setting methodology. Under this approach, speed limits are determined using context-sensitive criteria tailored to the roadway's function and surrounding environment, resulting in more appropriate and effective speed management.

If the provisions of LD 287—particularly those in Section 2—were enacted, the fiscal impact would be significant. MaineDOT's work plan is developed through a comprehensive asset management process that balances transportation needs, funding constraints, policy priorities, stakeholder input, and delivery capacity. Mandating the reallocation of funds to projects based solely on the criteria in Section 2 would require deferring planned maintenance and rehabilitation work, potentially resulting in millions of dollars in additional long-term costs due to deferred maintenance.

For these reasons, MaineDOT opposes LD 287 and respectfully urges the committee to vote "ought not to pass." Thank you for the opportunity to testify. I would be happy to answer any questions or provide additional information during the work session.