

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

H.P. 811 - L.D. 1133

An Act To Amend the Transportation Laws

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

**Sec. 1. 23 MRSA §73, sub-§7**, as enacted by PL 2011, c. 610, Pt. B, §2, is amended to read:

**7. Priorities, service levels, capital asset management goals and reporting.** The Department of Transportation shall classify the State's public highways as Priority 1 to Priority ~~6~~ corridors 5 using factors such as 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 ~~Excellent~~, Good, Fair, or Poor ~~or Unacceptable~~.

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 ~~capital improvement plans and program delivery~~ asset management and work plan preparation. The goals are to:

~~A. By 2022, improve all Priority 1 and Priority 2 corridors so that their safety, condition and serviceability customer service level equals Fair or better;~~

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;

~~B. By 2027, improve all Priority 3 corridors so that their safety, condition and serviceability customer service level equals Fair or better;~~

B-1. Maintain Priority 2 and Priority 3 highways so that no more than 15% of the highways are rated as Poor; and

~~C. By 2017, implement a pavement program for all Priority 4 corridors that maintains their ride quality customer service level at Fair or better;~~

D. Continue the light capital paving program on a 7-year cycle for Priority ~~5~~ 4 ~~corridors~~ highways outside compact areas as defined in section 754; and

E. By 2015, ~~develop and implement a similar asset priority and customer service level system of measurement for all major freight and passenger transportation assets owned or supported by the department, including capital goals.~~

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 progress realized and time that has elapsed since the goals were established~~ 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.

**Sec. 2. 23 MRSA §75** is enacted to read:

**§75. Rail corridor use advisory councils**

**1. Purpose.** Upon petition by one or more governmental entities that represent communities along a state-owned rail corridor in which the department controls the right-of-way requesting the department to review a nonrail recreational or nonrecreational transportation use of that rail corridor, the Commissioner of Transportation, for each petition received, shall notify the joint standing committee of the Legislature having jurisdiction over transportation matters and may establish a rail corridor use advisory council, referred to in this section as "a council," to facilitate discussion, gather information and provide advice to the commissioner regarding future use of the rail corridor identified in the petition. The council shall review and make recommendations on the likelihood, benefits and costs of potential uses of the rail corridor, including, but not limited to, rail use, trail use or bikeways. Any nonrail use of a rail corridor must be considered by a council to be interim in nature, and all such rail corridors must be preserved for future rail use as provided in chapter 615.

**2. Membership.** The Commissioner of Transportation shall invite at least 9 and no more than 15 persons to serve on a council. Membership may include:

- A. The Commissioner of Transportation or the commissioner's designee;
- B. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;
- C. The Commissioner of Economic and Community Development or the commissioner's designee;
- D. The Commissioner of Health and Human Services or the commissioner's designee;
- E. One or more members representing other state agencies;
- F. One member representing a statewide tourism organization or a regional tourism organization of the geographic area containing the rail corridor;
- G. One member representing a chamber of commerce or other regional or local economic development entity of the geographic area containing the rail corridor;
- H. One member representing an organization advocating for rail use or preservation;
- I. One member representing an organization advocating for recreational trail use or advocating for bicyclist or pedestrian interests; and

J. One or more municipal officials or staff from municipalities located on the rail corridor.

**3. Meetings; chair.** The Commissioner of Transportation shall designate the chair of a council. The department shall provide staff support to the council. The council may adopt bylaws and other policies to effectively govern its proceedings. The council shall meet at the call of the chair and shall hold a minimum of one public hearing located in the geographic area along the rail corridor for which the council was formed.

**4. Report.** Within 9 months of convening its first meeting, a council shall submit a report to the Commissioner of Transportation on its findings and recommendations regarding the use of the rail corridor, including majority and minority reports if necessary. Upon conclusion of the council's work, the Commissioner of Transportation shall disband that council.

**Sec. 3. 23 MRSA §7107**, as enacted by PL 2003, c. 498, §4, is amended to read:

**§7107. Dismantling of state-owned track or other nonrail use**

Except as provided in this section, the Department of Transportation may not dismantle or change state-owned track for a nonrail use or contract with a state agency or private entity for the dismantling or changing of state-owned track for a nonrail use. When the department, in consultation with a regional economic planning entity and a regional transportation advisory committee established in accordance with rules adopted under section 73, subsection 4, determines that removal of a specific length of rail owned by the State will not have a negative impact on a region or on future economic opportunities for that region, the Commissioner of Transportation shall seek review by the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal.

The Department of Transportation may not convert a state-owned rail corridor in which the department controls the right-of-way to a nonrail recreational or nonrecreational transportation use without following the rail corridor use advisory council process established under section 75 and without legislative approval. If the Commissioner of Transportation receives a report from a rail corridor use advisory council established under section 75 that includes a recommendation of track removal or other change for nonrail use and the commissioner concurs with that recommendation, the commissioner shall seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to track removal or the other change for nonrail use. Legislation submitted under this section must include language stating that any track removal or other change for nonrail use is considered interim in nature and that the rail corridor will be preserved for future rail use as provided under this chapter.

**Sec. 4. 29-A MRSA §101, sub-§63-C** is enacted to read:

**63-C. Rotary.** "Rotary" means a type of circular intersection with a large diameter and straight entries in which traffic circulates counterclockwise around a center traffic island.

**Sec. 5. 29-A MRSA §101, sub-§63-D** is enacted to read:

**63-D. Roundabout.** "Roundabout" means a type of circular intersection with curved entries in which traffic circulates counterclockwise around a center traffic island. "Roundabout" includes a mini-roundabout with a traversable island.

**Sec. 6. 29-A MRSA §2053, sub-§3, ¶A,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. At a roundabout, traffic circle or rotary; or

**Sec. 7. 29-A MRSA §2053, sub-§6,** as repealed and replaced by PL 2003, c. 452, Pt. Q, §33 and affected by Pt. X, §2, is amended to read:

**6. Traffic circles, roundabouts or ~~rotary intersections~~ rotaries.** The operator of a vehicle:

A. Approaching a traffic circle, roundabout or rotary ~~intersection~~ shall yield the right-of-way to a vehicle already within the traffic circle, roundabout or rotary ~~intersection~~ unless otherwise regulated by a law enforcement officer or by traffic control devices;

B. Entering ~~and passing~~, circulating around ~~and exiting~~ a ~~rotary~~ or traffic circle, roundabout or rotary may drive only to the right of the center traffic island of a roundabout, mini-roundabout, rotary or traffic circle and shall yield the right-of-way to a vehicle on the operator's left; ~~and~~

C. May not drive on or across the center part of a rotary, roundabout or traffic circle, except that the wheels of a semitrailer or trailer may cross the center part as long as the wheels of the towing vehicle do not cross the center part, or, in the case of a mini-roundabout, may drive across a traversable center traffic island only if the operator is operating a combination vehicle or a bus;

D. May not travel in a traffic circle, roundabout or rotary beyond 2 exit points in the outside lane; and

E. Shall obey all signs and markings on the pavement lawfully placed at the traffic circle, roundabout or rotary.

**Sec. 8. 30-A MRSA §6006-G, sub-§1,** as amended by PL 2011, c. 610, Pt. B, §3, is further amended to read:

**1. Establishment; purposes.** The TransCap Trust Fund, referred to in this section as "the fund," is established in the custody of the bank to provide transportation capital investment for the Department of Transportation and municipalities in accordance with this section. The purpose of the fund is to provide financial assistance for the planning, design, acquisition, reconstruction and rehabilitation of transportation capital improvements of all modes including improvements that will forward the ~~capital~~ asset management goals set forth in Title 23, section 73, subsection 7.

**Sec. 9. 30-A MRSA §6006-G, sub-§4, ¶B,** as amended by PL 2011, c. 610, Pt. B, §4, is further amended to read:

B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by the State for the purpose of financing capital improvements that will forward the ~~capital~~ asset management goals set forth in Title 23, section 73, subsection 7;