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

Reference to the Committee on Transportation suggested and ordered printed.

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

Sec. 1. 23 MRSA §710 is enacted to read:

§710. Safety and interconnectivity requirements of construction projects

1. Safety and interconnectivity requirements for construction projects over $500,000. A construction project under this chapter, the design of which is commenced on or after January 1, 2024 and the cost of which is $500,000 or more, must:

A. Identify locations on state highways and state aid highways impacted by the construction project that:

(1) Do not have a complete sidewalk or shared-use path that meets the requirements of the federal Americans with Disabilities Act of 1990;

(2) Do not have bicycle facilities in the form of a bicycle lane or adjacent parallel trail or shared-use path;

(3) Have a sidewalk, bicycle lane, adjacent parallel trail or shared-use path within a population center with a posted speed limit of over 30 miles per hour and no buffer or physical separation from motor vehicle traffic and a pedestrian, bicyclist or other user not in a motor vehicle; and

(4) Have a design that impedes the ability of a motorist to see a crossing pedestrian, bicyclist or other user not in a motor vehicle with sufficient time to stop within the posted speed limit and roadway configuration;

B. Consult with municipalities in which the project is being constructed to:

(1) Confirm existing or planned connections with other transportation infrastructure along or across the construction project;

(2) Identify any connections of the construction project to existing and planned public transportation services, including commuter and passenger rail and airports;

(3) Identify the existing and planned facility types for public transportation services under subparagraph (2) within the municipality; and

(4) Consider use of speed management techniques to minimize crash exposure and severity on a roadway located within the construction project;

C. In order to maintain a safe transportation system and to eliminate serious and fatal motor vehicle crashes, adjust a posted speed limit on a roadway located within the construction project to a lower speed with appropriate modifications to roadway design and management operations to achieve the desired operating speed in a location where the modifications align with local plans or ordinances and in particular that presents a higher possibility of serious injury or a fatal motor vehicle crash occurring based upon land use, observed crash data, crash potential or roadway characteristics that are likely to increase crash exposure; and

D. Plan, design and construct facilities providing context-sensitive solutions that contribute to transportation network connectivity and safety for pedestrians, bicyclists, other users not in a motor vehicle and persons accessing public transportation and other modal transportation connections, including sidewalks or shared-use paths that meet the requirements of the federal Americans with Disabilities Act of 1990, bicycle...
facilities and crossings of the project as needed to integrate a state highway or state aid highway into the local transportation system.

2. Emergency work. A construction project to perform repairs or construction required to reopen a state highway or state aid highway due to a natural disaster or other emergency is exempt from the requirements of this section.

3. Ongoing maintenance. Ongoing maintenance of facilities and systems of a construction project under this section after construction is completed must be conducted as provided under this chapter.

Sec. 2. 23 MRSA §711 is enacted to read:

§711. Priorities for state funding

1. Priority for funding. The department shall prioritize for funding under this Title a transportation construction project or other recipient that meets the criteria of subsection 2.

2. Criteria. The criteria for priority of funding under subsection 1 include that the project:

A. Provides street access for all transportation system users, including pedestrians, bicyclists, other users not in a motor vehicle and users of public transportation;

B. Encourages mixed land uses by constructing residences, offices, schools, parks, shops, restaurants and other types of land uses near each other;

C. Encourages infill development by building on empty or underutilized lots that have access to public water, sewer and emergency services;

D. Facilitates access to affordable or dense housing;

E. Encourages walkable neighborhoods;

F. Preserves open space, wetlands, parks, farms and woodlands; and

G. Encourages robust community and public participation, opinions and input in the type and scope of the transportation construction or other project.

SUMMARY

This bill concerns safety and interconnectivity of state-financed transportation construction projects, including:

1. Requiring transportation projects, the design of which commences on or after January 1, 2024 and the cost of which is $500,000 or more, to:

A. Perform certain duties, including identifying locations on state highways and state aid highways with a lack of facilities for or designs creating unsafe conditions for pedestrians, bicyclists and other users not in a motor vehicle;

B. Consult with municipalities about active or planned transportation connections, public transportation facilities and management of posted speed limits to reduce motor vehicle crash exposure and severity;

C. Adjust posted speed limits within the construction project to minimize motor vehicle crashes, particularly in locations experiencing a higher probability of crashes; and
D. Plan, design and construct facilities providing context-sensitive solutions that contribute to transportation system connectivity and safety for pedestrians, bicyclists, other users not in a motor vehicle and persons accessing public transportation; and

2. Requiring the Department of Transportation to prioritize transportation funding to projects that:
   A. Provide street access to all transportation users;
   B. Encourage mixed land uses;
   C. Encourage infill development;
   D. Facilitate access to affordable or dense housing;
   E. Encourage walkable neighborhoods;
   F. Preserve open space, wetlands, parks, farms and woodlands; and
   G. Encourage robust community and public participation, opinions and input in the type and scope of the transportation construction or other project.