

§566. Changes affecting responsibilities

1. Changes to structures. If a structure is improved in a manner that changes a culvert or a minor span to a bridge, the responsibilities set forth in this subchapter regarding the structure do not change unless the department determines that there exists a reasonable engineering basis for the improvement and the department approves the design plans and specifications of the improvement prior to the construction. The department may approve improvements to a structure only if the improvements are made in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the structure and, if the structure is found to conform with the approved design, the department shall accept responsibility for the structure. If the inspection reveals the structure was not improved in accordance with the department-approved design, the municipality shall make any necessary corrections to the structure required by the department before the department accepts responsibility for the structure.

[PL 2021, c. 201, §2 (AMD).]

2. New structures. If a municipality constructs a new bridge on a town way, the department shall assume the responsibilities set forth in this subchapter only if the department determines that there is a reasonable engineering basis for the bridge, as opposed to a minor span, and if the department approves the design and construction of the bridge prior to the construction of the bridge. The department may approve the design and construction of a bridge only if the bridge is designed in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the bridge. If the inspection reveals the bridge was not constructed in accordance with the department-approved design, the municipality shall make any necessary corrections to the bridge required by the department before the department accepts responsibility for the bridge.

[PL 2021, c. 201, §3 (AMD).]

3. Changes to classification of road. If the department changes the classification of the road carried by the structure, the responsibilities regarding the structure change in accordance with this subchapter.

[PL 2001, c. 314, §2 (NEW); PL 2001, c. 314, §4 (AFF).]

3-A. Proposed discontinuance of town ways; bridges. If pursuant to section 3026-A a municipality or county proposes to discontinue a town way or public easement with a bridge, the municipality or county shall negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public easement.

[PL 2017, c. 154, §2 (NEW).]

4. Changes to federal definition of bridge. If FHWA changes its definition of "bridge," the responsibilities change in accordance with this subchapter regarding structures affected by that change.

[PL 2001, c. 314, §2 (NEW); PL 2001, c. 314, §4 (AFF).]

5. Special finding by commissioner. Upon application by a municipality or upon the department's initiative, the commissioner, after notice and opportunity to be heard, may alter responsibilities set forth in this subchapter upon a finding that special and unusual factual circumstances related to the structure or its location justify the alteration.

[PL 2001, c. 314, §2 (NEW); PL 2001, c. 314, §4 (AFF).]

SECTION HISTORY

PL 2001, c. 314, §2 (NEW). PL 2001, c. 314, §4 (AFF). PL 2001, c. 667, §§C20,22 (AFF). PL 2017, c. 154, §2 (AMD). PL 2021, c. 201, §§2, 3 (AMD).

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