
(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

D. To lease, purchase and dispose of railroad operating equipment used on rail lines acquired or leased by the State; and

E. To provide financial assistance and to lease or sell railroad operating equipment to short line operators providing rail service to lines acquired or leased by the State. For purposes of this chapter, a short line operator is any railroad having an annual gross revenue from railroad operations of $5,000,000 or less, or regularly conducting rail service over less than 100 miles of track.

Sec. B-9. 36 MRSA §656, sub-§1, ¶C, as amended by PL 1991, c. 546, §10, is further amended to read:

C. The landing area of a privately owned airport, the use of which is approved by the Air-Transportation-Division Department of Transportation, is exempt from taxation when the owner grants free use of that landing area to the public.

Sec. B-10. Maine Revised Statutes amended; revision clause.

Wherever in the Maine Revised Statutes, Title 6 the word "director" or the words "Director of the Division of Aeronautics" or "Director of the Bureau of Aeronautics" appear or reference is made to those words, they are amended to read and mean "commissioner," and wherever in the Maine Revised Statutes the words "Director of the Division of Aeronautics" or "Director of the Bureau of Aeronautics" appear or reference is made to those words, they are amended to read and mean "Commissioner of Transportation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART C

Sec. C-1. 23 MRSA §753-A is enacted to read:

§753-A. Authority to contract with Maine Turnpike Authority

The Department of Transportation may make a contract and enter into an agreement with the Maine Turnpike Authority or other 3rd party necessary in connection with determination of Department of Transportation projects, the issuance of bonds or obligations pursuant to section 1968, subsection 2-A, the pledge of revenues of the Maine Turnpike Authority to these bonds or obligations, or the payment of the cost, or a portion of the cost, of Department of Transportation projects.

Sec. C-2. 23 MRSA §1961, sub-§2, as repealed and replaced by PL 1993, c. 680, Pt. A, §24, is amended to read:
2. Cooperation with the Department of Transportation. The Department of Transportation must be provided each year the operating surplus of the Maine Turnpike Authority. The Maine Turnpike Authority has the ability to issue bonds or other obligations to pay for the Department of Transportation projects. These amounts are considered necessary for use by the department for construction, reconstruction, operation and maintenance of all roads on the state highway system, which serve and benefit users of the turnpike by providing direct and indirect access to and from the turnpike as part of the integrated highway system. Due to the utilization of the state highway system by users of the turnpike, the turnpike and its users have received and will continue to receive a benefit from, or have caused and will continue to cause, or both, the State acting by and through the Department of Transportation to incur costs for the construction, operation and maintenance of the state highway system, which provides direct and indirect access to and from the turnpike to areas in the State for which the State may properly be and should be compensated from the tolls to be collected. The Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.

Sec. C-3. 23 MRSA §1964, sub-§4-A is enacted to read:

4-A. Department of Transportation project. "Department of Transportation project" means any acquisition, construction, reconstruction, rebuilding, design, redesign, improvement, demolition, rehabilitation, widening, enlargement, expansion of, or any extension, extraordinary repair, modification or improvement to, the state highway system or any portion of the state highway system, including without limitation any highway or road owned by the State and operated by the Department of Transportation, or any connecting tunnel, bridge, overpass, underpass, interchange, administrative, storage or other building, service area or station, barrier or other facility relating to the acquisition, construction, reconstruction, rebuilding, design, redesign, improvement, demolition, rehabilitation, widening, enlargement, expansion of, or extraordinary repair, modification or improvement to, the state highway system that is determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike in accordance with section 1974, subsection 6.

Sec. C-4. 23 MRSA §1964, sub-§6-A, as enacted by LR 1991, c. 1, §4, is amended to read:

6-A. Operating surplus. "Operating surplus" means the
total annual operating revenues of the Maine Turnpike Authority, after money has been put aside to pay the reasonable operating expenses and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority, including any amounts pledged to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations.

Sec. C-5. 23 MRSA §1965, sub-$1, ¶O-1 is enacted to read:

O-1. Provide for an annual amount not to exceed a maximum of $4,700,000 to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations, after money has been put aside or adequate provision has been made to pay operating expenses and to meet the requirements of any resolution authorizing revenue bonds of the authority; and make a contract or enter into an agreement with the Department of Transportation or any other 3rd party necessary in connection with the determination of Department of Transportation projects, the issuance of bonds or other obligations pursuant to section 1968, subsection 2-A, the pledge of revenues to the payment of these bonds or obligations, or the payment of the costs, or a portion of the costs, of Department of Transportation projects;

Sec. C-6. 23 MRSA §1968, sub-$2-A is enacted to read:

2-A. Bonds for Department of Transportation projects. In addition to bonds outstanding pursuant to subsections 1 and 2, the authority may provide by resolution from time to time for the issuance of special obligation bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding $40,000,000 in principal amount at any one time outstanding exclusive of refundings, to pay to the Department of Transportation the costs, or a portion of the costs, of Department of Transportation projects. Department of Transportation projects paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have sufficient relationship to the public’s use of the turnpike in accordance with section 1974, subsection 6.

Sec. C-7. 23 MRSA §1969, sub-$1, ¶A, as enacted by PL 1981, c. 595, ¶3, is amended to read:

A. To the payment of the cost of the construction and reconstruction of the turnpike or to the payment to the Department of Transportation of the cost of Department of Transportation projects:
Sec. C-8. 23 MRSA §1974, sub-§6 is enacted to read:

6. Revenues to secure special obligation bonds for Department of Transportation projects. Subject to the terms and conditions of this chapter, the authority may authorize turnpike revenues to be transferred to a trustee or agent designated by the authority and that trustee or agent shall hold these revenues in trust to secure or to be applied to the payment of obligations issued pursuant to section 1968, subsection 2-A and as provided for in a resolution authorizing the issuance of these bonds or in a related trust indenture or loan or other security agreement.

In making the determination that the Department of Transportation projects paid for with bonds authorized by section 1968, subsection 2-A have sufficient relationship to the public's use of the turnpike, the Department of Transportation and the authority may consider the following factors, no one of which may necessarily be determinative:

A. The existing access roads and the state highway system;

B. The traffic impact of the maintenance, construction or reconstruction on the existing road network;

C. The total cost of the state highway system;

D. The probable change in departmental expenditures resulting from maintenance, construction or reconstruction of the project;

E. The relative number of vehicles using or expecting to use the project on the way to or from the turnpike;

F. The road distance or average road distance of the project or portions of the project from the nearest entrance to or exit from the turnpike;

G. The effect that maintenance, construction or reconstruction will have on the flow of traffic to, from and on the turnpike and in diverting vehicular traffic off or away from the turnpike;

H. The proportionate usage of the state highway system by vehicles using the turnpike and vehicles not using the turnpike;

I. Vehicle classification and travel characteristics;

J. Origins and destinations of trips;
K. Fuel type and consumption;

L. The financial condition of the turnpike authority; the financial impact of the maintenance, construction and reconstruction of the project proposed to be financed; and the probable availability of turnpike revenues to make these payments;

M. Existing sources of revenue; and

N. Such other factors considered relevant, including, but not limited to, expert opinion.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

**FISCAL NOTE**

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**HIGHWAY FUND UNDEDICATED REVENUES**

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STATEMENT OF FACT

Part A does the following.

Section 1 makes supplemental allocations from the Highway Fund.

Section 2 makes supplemental allocations from the Federal Expenditure Fund.

Section 3 makes supplemental allocations from the Highway Garage Fund.

Parts B and C make the following changes to laws affecting the Department of Transportation and the Maine Turnpike Authority.

Parts B and C clarify the assignment of aeronautic functions within the Department of Transportation; abolish the Bureau of Transportation Services; and authorize the issuance of up to $40,000,000 in special obligation bonds of the Maine Turnpike Authority to provide funds to the Department of Transportation for projects that are determined to bear a sufficient relationship to travelers on the turnpike. These bonds would be secured by not more than $4,700,000 of the annual revenues of the turnpike that would be deducted from the operating surplus of the authority that previously has been provided to the department.