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Date: (Filing No. S-)

TRANSPORTATION

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 601, L.D. 1753, Bill, “An Act To Improve Transportation in the State”

Amend the bill in Part B in section 2 in subsection 7 in paragraph A in the first line (page 2, line 29 in L.D.) by striking out the following: "overall"

Amend the bill in Part B in section 2 in subsection 7 in paragraph B in the first line (page 2, line 31 in L.D.) by striking out the following: "overall"

Amend the bill by striking out all of Part D and inserting the following:

'PART D

Sec. D-1. Legislative findings regarding Portsmouth-Kittery bridges. The Legislature makes the following findings.

1. Three bridges over the Piscataqua River connect Kittery, Maine with Portsmouth, New Hampshire: the Interstate 95 High Level Bridge, also known as the Piscataqua River Bridge; the Sarah Mildred Long Bridge, also known as the Long Bridge; and the Memorial Bridge.

A. The Piscataqua River Bridge, designated by the Department of Transportation as Bridge Number 6330, is a high-level, steel through truss with shared truss spans 1,334 feet long with 6 vehicle lanes. Completed in 1972, the Piscataqua River Bridge is the primary economic connection between Maine and New Hampshire, carrying approximately 75% of the traffic carried by all 3 bridges. The Piscataqua River Bridge is critical to the viability of the Maine Turnpike specifically and interstate commerce generally.

B. The Long Bridge, designated by the Department of Transportation as Bridge Number 3641, is a steel vertical lift bridge with deck truss, roadway, rail and approaches having a total span of approximately 2,800 feet. Completed in 1940, the Long Bridge carries the 2 vehicle lanes of the U.S. Route 1 bypass and serves as a critical backup route in the event of a disruption of service on the Piscataqua River Bridge. The Long Bridge carries the rail line used by the naval shipyard in Kittery

COMMITTEE AMENDMENT

1 and services heavy truck transit to and from the commercial service stations along the
2 U.S. Route 1 bypass. Structural deterioration of the Long Bridge has resulted in
3 limiting vehicle weight to 20 tons. The Long Bridge has a remaining life expectancy
4 of 4 to 6 years.

5 C. The Memorial Bridge, designated by the Department of Transportation as Bridge
6 Number 2546, is a steel vertical lift bridge with through truss approaches having a
7 total truss span length of about 900 feet. Completed in 1923, the Memorial Bridge
8 carries the 2 vehicle lanes of U.S. Route 1 and links the thriving business, social,
9 religious and arts communities of Kittery, Maine and Portsmouth, New Hampshire.
10 The Memorial Bridge provides the only bicycle and pedestrian crossing over the
11 Piscataqua River between Kittery and Portsmouth. Due to structural deterioration,
12 the Memorial Bridge has been closed to vehicular traffic since July of 2011 and is
13 currently undergoing replacement.

14 2. The capital improvement, maintenance and operations of these 3 bridges represent
15 a significant financial challenge for the State of Maine and will affect the ability of the
16 State to improve highways and bridges statewide.

17 3. In terms of importance to the economic well-being of the State of Maine, the
18 Piscataqua River Bridge is first in priority, followed by the Long Bridge, followed by the
19 Memorial Bridge, as the Memorial Bridge serves more local interests.

20 4. In the fall of 2010, a multi-year study of all connections between Kittery, Maine
21 and Portsmouth, New Hampshire found, among other things, that 10 vehicle lanes
22 crossing the Piscataqua River will be needed in 2035 based upon assumed growth rates in
23 the Portsmouth-Kittery area. The study also found that all 3 bridge crossings are needed
24 to serve all modes of transportation. During the study, various options were considered,
25 including replacement of the Long Bridge as proposed by the Maine Department of
26 Transportation and replacement of the Memorial Bridge and rehabilitation of the Long
27 Bridge as proposed by the New Hampshire Department of Transportation.

28 5. On October 4, 2010, the Governor of Maine and the Governor of New Hampshire
29 issued concurrent executive orders, Maine Executive Order number 04 FY11/12 and New
30 Hampshire Executive Order number 2010-4, respectively, to create the Bi-State Bridge
31 Funding Task Force. In order to seek a cooperative, comprehensive, sustainable, cost-
32 effective and long-term solution that addresses all 3 bridges, the executive orders
33 established a 6-member task force with 3 members from Maine and 3 members from New
34 Hampshire. Members included the commissioners of transportation from both states and
35 the chair of the Maine Turnpike Authority.

36 6. In a report dated December 15, 2010, the Bi-State Bridge Funding Task Force
37 recommended: funding a \$90,000,000 replacement of the Memorial Bridge to commence
38 in 2011; funding a \$110,000,000 rehabilitation of the Long Bridge to commence in 2016;
39 revitalizing the Interstate Bridge Authority; and creating a sinking fund to be supported
40 equally by Maine and New Hampshire, with the Maine Turnpike Authority assisting with
41 the Maine share. The sinking fund would be managed by the Interstate Bridge Authority
42 and would finance the operation, capital repair and rehabilitation of the Piscataqua River
43 Bridge and the Long Bridge.

1 7. In accordance with the Bi-State Bridge Funding Task Force report, Maine and
2 New Hampshire entered into a memorandum of agreement regarding the 3 bridges on
3 March 1, 2011. The purpose of the agreement was to: establish a cooperative, long-term
4 understanding between Maine and New Hampshire regarding the 3 bridges; memorialize
5 and forward the task force recommendations; determine respective responsibilities;
6 secure a federal Transportation Investment Generating Economic Recovery grant for the
7 Memorial Bridge project; and define and limit overall financial obligations of both states
8 with respect to the 3 bridges.

9 8. The memorandum of agreement called for New Hampshire to be the lead on a
10 \$90,000,000 replacement of the Memorial Bridge with construction to commence in
11 2011, Maine to be the lead on a \$110,000,000 rehabilitation of the Long Bridge with
12 construction to commence in 2014 and the revitalized Interstate Bridge Authority to
13 provide management of and sustainable funding for the Piscataqua River Bridge and the
14 Long Bridge.

15 9. In accordance with the memorandum of agreement, on August 12, 2011, the
16 Maine Department of Transportation executed a \$5,700,000 design contract for the
17 rehabilitation of the Long Bridge. Approximately \$1,000,000 has been expended under
18 this contract as of March 1, 2012. Based upon this work, including more detailed
19 inspections, it has been determined by the department that the Long Bridge can be
20 rehabilitated in accordance with the scope established in the memorandum of agreement.

21 10. The contract for the Memorial Bridge replacement received final approval by
22 New Hampshire officials on December 14, 2011. Demolition of the Memorial Bridge has
23 begun.

24 11. Concerns regarding maritime users and related future economic effects recently
25 have risen to prominence for New Hampshire. New Hampshire Department of
26 Transportation officials have stated that the scope of the rehabilitation of the Long Bridge
27 described in the March 1, 2011 agreement is not acceptable and have requested that the
28 Maine Department of Transportation investigate the cost of options to widen the
29 navigational opening. These options include moving a lift span tower or replacing the
30 entire bridge. Any of the options are beyond the scope of the rehabilitation described in
31 the March 1, 2011 agreement and will cost tens of millions of additional dollars and
32 likely delay start of construction to at least 2015.

33 12. On March 6, 2012, the New Hampshire Legislature's House Public Works and
34 Highways Committee unanimously voted in favor of an amendment that provides that
35 New Hampshire's share of the cost of rehabilitating or reconstructing the Long Bridge
36 over the Piscataqua River between Portsmouth, New Hampshire and Kittery, Maine is
37 contingent upon the center lift span being of sufficient length to allow safe passage of the
38 upcoming generation of cargo vessels to ensure the economic well-being of the Port of
39 Portsmouth and the businesses utilizing this important shipping lane.

40 13. This shift in policy by New Hampshire officials represents a substantial change
41 to the scope of work described in the March 1, 2011 memorandum of agreement, which
42 will require reevaluation of costs and schedules and the likely renegotiation, revision or
43 replacement of the memorandum of agreement.

1 14. The timely delivery of a new or rehabilitated Long Bridge is critical to Maine.
2 The New Hampshire Department of Transportation lists the Long Bridge at the top of its
3 "red list" of bridges in poor condition, indicating that the Long Bridge remains a top
4 priority for New Hampshire as well.

5 15. At this time, the Maine Legislature cannot discern any significant economic
6 benefit to the State from a wider navigational opening, but understands that New
7 Hampshire policymakers now desire to improve maritime safety and ensure the economic
8 well-being of the portion of the Port of Portsmouth located upriver of the Long Bridge.

9 16. The Maine Legislature desires to give policy direction that governs future
10 renegotiation, agreements and possible future legislation to be proposed.

11 **Sec. D-2. Revised agreement regarding 3 Portsmouth-Kittery bridges.**

12 Any revised or new agreement with New Hampshire regarding any or all of the 3 bridges
13 referenced in section 1 must provide that the financial liability of the State of Maine will
14 not be substantially greater than its liability under the terms of the March 1, 2011
15 memorandum of agreement. The financial liability of the Maine Turnpike Authority may
16 not be substantially greater than its liability under the terms of the March 1, 2011
17 memorandum of agreement or the recommendations of the December 15, 2011 Bi-State
18 Bridge Funding Task Force report.

19 **Sec. D-3. Reestablishment of Maine-New Hampshire Interstate Bridge
20 Authority; Maine Turnpike Authority transfer.**

21 The Department of
22 Transportation shall develop proposed legislation to reestablish the Maine-New
23 Hampshire Interstate Bridge Authority and implement the recommendations of the
24 Bi-State Bridge Funding Task Force. The proposed legislation must authorize the
25 Department of Transportation to transfer to the Maine Turnpike Authority the southerly
26 1.9 miles of Interstate 95 located in Kittery from a point near Spruce Creek to a point near
27 the abutment of the Interstate 95 Piscataqua River Bridge and to use the proceeds of the
28 transfer for the Long Bridge project. The proposed legislation must include membership
29 of a Maine Turnpike Authority official on the Interstate Bridge Authority and a sinking
30 fund to be managed by the Interstate Bridge Authority for the maintenance, operation and
31 capital improvement of the Piscataqua River Bridge and the Long Bridge as described in
section 1.

32 **Sec. D-4. Report and legislation.**

33 The Department of Transportation shall submit
34 the proposed legislation developed pursuant to section 3 to the joint standing committee
35 of the Legislature having jurisdiction over transportation matters no later than December
36 16, 2012. Following receipt and review of the proposed legislation, the joint standing
37 committee may submit legislation to the First Regular Session of the 126th Legislature
concerning the proposed legislation.

38 **PART E**

39 **Sec. E-1. Bridge named.**

40 The Department of Transportation shall designate
41 Bridge 3009 over the West Branch of the Penobscot River in the Town of Medway the
Nicatou Bridge.'

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SUMMARY

This amendment:

1. Makes a technical correction to the provisions relating to the Department of Transportation's capital transportation program goals and Priority 1, 2 and 3 corridors;
2. Revises the directive to the Department of Transportation regarding the development of legislation to reestablish the Maine-New Hampshire Interstate Bridge Authority; and
3. Names Bridge 3009 over the West Branch of the Penobscot River in the Town of Medway the Nicatou Bridge.

FISCAL NOTE REQUIRED

(See attached)