

§1973. Maintenance of the turnpike

1. Maintenance and repair. The turnpike shall be maintained and repaired by and under the control of the authority and, at the discretion of the authority, the services of the Department of Transportation, as far as the services are available or expedient, may be utilized for this purpose. All charges and costs for maintenance and repairs actually expended by the department shall be paid to it by the authority. The turnpike shall be operated by such force of toll takers and other operating employees as the authority may in its discretion employ. The authority may utilize the services of the State Police to enforce the rules of the authority with respect to tolls, volume, weight and speed of traffic and with respect to such other matters of enforcement as it may in its discretion require, and all charges and costs for those services actually expended by the State Police shall be paid by the authority to the Treasurer of State in accordance with section 1974, subsection 5.

[PL 1981, c. 595, §3 (NEW).]

2. Speed limit. The authority may by rule prescribe a maximum limitation on the speed of vehicles using the turnpike, but not exceeding 65 miles per hour or such maximum speed as is permitted on similar roads in the State, and so limit the speed at any point or place thereon, and may regulate the volume and weight of vehicles admitted to the turnpike.

[PL 1987, c. 257, §1 (AMD).]

3. Tolls. Tolls, or the fixing of tolls, is not rulemaking and is not subject to supervision or regulation by any state commission, board or agency. Subject to subsection 4, the authority may fix and revise from time to time tolls for the use of the turnpike and the different parts or sections of the turnpike, including, but not limited to, a connector, and charge and collect the tolls, and contract with any person, partnership, association or corporation desiring the use of any part of the turnpike, including the right-of-way adjoining the paved portion. The tolls must be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay for each fiscal year:

A. The cost of maintaining, repairing and operating the turnpike, and providing and maintaining reasonable reserves for those costs; [PL 1993, c. 698, §1 (AMD).]

B. The bonds and the interest on those bonds, and all sinking fund requirements, and other requirements provided by the resolution authorizing issuance of the bonds or by the trust indenture or loan or a security agreement as those bonds, interest, sinking fund requirements and other requirements become due; [PL 1993, c. 698, §1 (AMD).]

C. Those sums for the purpose of maintaining, constructing or reconstructing access roads or portions of access roads that have been requested by the department and in the sole discretion of the authority are from time to time determined to warrant the expenditure of turnpike revenues; and [PL 1993, c. 698, §1 (AMD).]

D. The cost of maintaining, constructing or reconstructing interchanges. [PL 1981, c. 595, §3 (NEW).]

The authority may use any method for assessing and collecting tolls, including but not limited to toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices. The display of a recording or identification device issued or authorized by the authority for these purposes on or near the windshield of a motor vehicle is not a violation of a law or rule, including but not limited to Title 29-A, sections 1916 and 2082, unless the device is attached in a way that obstructs the driver's clear view of the highway or an intersecting highway.

[PL 2017, c. 68, §5 (AMD).]

4. Rates. The rate of toll at each toll facility may be revised from time to time.

A. [PL 2011, c. 476, §4 (RP).]

A-1. The authority is prohibited from imposing variable surcharges based on the time of day. [PL 2011, c. 476, §4 (AMD).]

B. A reduction in the rates of fees, fares and tolls may be given to any class of vehicle based upon volume of use. [PL 2011, c. 476, §4 (AMD).]
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5. Use by military. The turnpike may be used at any and all times by the Armed Forces of the United States, the State or any of their allies for defense purposes or preparations therefor free of all tolls and charges, and that use shall not constitute a taking of property without due process, provided that any structural damage to the turnpike created by that free use, ordinary deterioration or depreciation excepted, shall be compensated for at cost of repair or replacement.
[PL 1981, c. 595, §3 (NEW).]

SECTION HISTORY

PL 1981, c. 595, §3 (NEW). PL 1987, c. 257, §1 (AMD). PL 1993, c. 698, §1 (AMD). PL 1995, c. 65, §A63 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 410, §§1,2 (AMD). PL 2011, c. 476, §4 (AMD). PL 2017, c. 68, §5 (AMD).

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