

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Transportation
Umbrella-Unit: **17-229**
Statutory authority: 23 MRSA §52; 35-A MRSA §2503(16) & (21)
Chapter number/title: **Ch. 205**, Permit-by-Rule Regulations for Aboveground Utility Facilities (*repealed; content merged into Ch. 210*)
Ch. 210, Utility Accommodation Rules
Filing number: **2014-255, 256**
Effective date: 10/14/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

We repeal and replace Ch. 210, our *Utility Accommodation Policy Rules*, and repeal, relocate and amend Ch. 205, our *Permit-By-Rule Regulations for Aboveground Utility Facilities*. The repealed *Permit-By-Rule* regulations, with some minor amendments, are relocated within the new Ch. 210, which is retitled *Utility Accommodation Rules*. These rules set standards for permitting and locating utility facilities within the corridors of all state and state-aid highways.

Basis statement:

MaineDOT's *Utility Accommodation Rules* are routine technical rules that provide administrative procedures and establish minimum requirements governing the location, method of installation, maintenance, adjustment and relocation of the utility facilities on state and state-aid highways. These Rules are authorized pursuant to 23 MRSA §52 and 35-A MRSA §2503(16) & (21).

This rule-making action repealed and replaced MaineDOT's existing *Utility Accommodation Policy* rules (17-229 Ch. 210). The Rule was retitled *Utility Accommodation Rules*. We also repealed, relocated and amended MaineDOT's existing *Permit-By-Rule Regulations for Aboveground Utility Facilities*" (17-229 Ch. 205).

Major revisions include: relocating the existing *Permit-By-Rule* regulations (Ch. 205) into Ch. 210, inserting Highway Opening policy and construction requirement details, overhaul standard utility offsets to reflect current Engineering Instructions and Corridor Priority designations, better define where and when *Utility Accommodation Rules* apply, joint use of poles with regard to installation of MaineDOT traffic signalization equipment, distinguishing between high pressure gas transmission and low pressure gas distribution lines, defining financial responsibility for utility relocation work and project delay claims.

Minor revisions include: tree trimming requirements, location of poles near guardrail ends, underground services, the use of metal gate valve boxes, offsets for maintenance of highway signs and structures, directional drill tip instrument requirements, gas line shutoffs for over-water bridges, preferred corridors for utility occupation, permit requirements for crossing Control Of Access highways and utility coordination.

We also add a statement clarifying that these Rules are minimum standards that regulate the accommodation of utilities in Urban Compact Areas where the Compact municipality has not adopted more stringent local rules.

Fiscal impact of rule:

The Department anticipates no significant additional fiscal impact to the regulated entities as a result of these changes.