



Testimony of

DANA A. DORAN
Executive Director
Professional Logging Contractors of Maine

**Before the Committee on Transportation regarding LD 1025 – An Act to Improve
Maine’s Economy by Changing the Hours of Operation for Oversize Loads**

Thursday, March 30, 2023

Senator Chipman, Representative Williams and members of the Committee on Transportation, my name is Dana Doran, and I am the Executive Director of the Professional Logging Contractors of Maine. The Professional Logging Contractors of Maine (PLC) is the voice of Maine’s logging and trucking industry. The PLC was formed in 1995 to represent independent contractors in a rapidly changing forest industry.

As of 2021, logging and trucking contractors in Maine employed over 3,000 people directly and were indirectly responsible for the creation of an additional 2,500 jobs. This employment and the investments that contractors make contributed \$582 million to the state’s economy. Our membership, which includes 200 contractor members and an additional 120 associate members, employs more than 75% of the individuals who work in this industry and is also responsible for 80% of Maine’s annual timber harvest.

The logging industry in Maine was in the midst of a reinvention process until the onset of COVID 19 and the digester explosion at the Jay mill in April 2020. As a result of mill closures, curtailments and inflation created by the response to COVID 19, we are estimating that Maine has lost 30% of its harvesting capacity and the layoff of nearly 1,000 people in harvesting and hauling since 2020. In just four years, the industry has shrunk from an annual economic impact of \$620 million to \$582 million and total jobs have been reduced from 9,000 to 5,500. Our members simply need public policy changes that create efficiencies that will help them save money and increase profitability.

Thank you for providing me the opportunity to testify on behalf of our membership regarding LD 1025, An Act to Improve Maine’s Economy by Changing the Hours of Operation for Oversize Loads. We would like to thank Representative Underwood for bringing this legislation before the committee to start a conversation. That said, in order for legislation to be practical, responsive and safe, we would like to request that the bill be amended or redirected if it is going to move forward. I have spoken with the bill sponsor about this idea and he understands our perspective.

In November of 2016, the Maine Bureau of Motor Vehicles (BMV), Department of Transportation (DOT), Maine State Police (MSP) and the PLC entered into a pilot project in Aroostook County that allowed the movement of certain over-limit equipment trailers

between November 1 and April 1 from 2016 to 2018. The concern raised by our membership that was addressed by this pilot project was that during the winter, when the days are shorter and weather conditions are variable, trucking companies run out of daylight very quickly. Frozen roads are also not guaranteed when the sun is shining. They need flexibility with respect to moving their empty trailers to and from their home base of operations safely. Without flexibility, it puts their business at risk.

The pilot project allowed empty equipment trailers, up to 10 feet in width, to be moved to/from the jobsite and their home base of operations at night between November 1st and April 1st for the 2016-17 and 2017-18 seasons. The moves were made under special conditions added to the permit issued by the Bureau of Motor Vehicles.

One of the conditions of the project was that the logging companies report any incidents or crashes to the MSP and the MDOT even if they do not reach the threshold of a reportable crash. I am pleased to report that during the pilot, there were no reportable incidents. This coincided with the same feedback of the Maine State Police, MDOT and BMV. The pilot was so successful that the three agencies agreed to renew the pilot through April 1, 2019 and also recommended that this pilot program become permanent with a proposed rule change. Copies of the letters from the DOT Commissioner authorizing the pilot programs are attached to my testimony.

In March of 2019, the Bureau of Motor Vehicles (BMV) conducted a rulemaking process to make this pilot program permanent in Chapter 157, Administration of Overdimension and Overweight Permits. We submitted comments to the BMV as part of this rulemaking process, as did two of our members. Our impression and correspondence with the Secretary of State's office was that there was no opposition to making the rulemaking final, later in 2019. After checking with the BMV in 2021, we learned that unfortunately, "the rule fell through the cracks and then COVID happened". The timeframe for implementing the rule lapsed and now, four years later, there is no rule and no permanent process in place.

We would propose to this Committee that this legislation could be amended to formalize this rule in statute or direct BMV to conduct rulemaking as soon as possible. We would also like to see it expanded beyond Aroostook County for statewide application. We are of the mindset based upon what we believe is seven years of successful implementation in Aroostook County that empty low beds that are moved at night, during specific times of the year, with appropriate signage and lighting can be done safely and will not impact the public. In fact, there is likely to be a lower preponderance of interaction at night when fewer cars are on the road.

Thank you for your time and attention to this legislation and I would be happy to answer any questions you might have.



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

February 25, 2019

Matthew Dunlap
Secretary of State
148 State House Station
Augusta, Maine 04333-0148

RE: Experimental Project for Timber Harvest Equipment in Aroostook County

Dear Secretary Dunlap:

I am authorized under 23 MRSA § 4206, to engage in such experimental projects that I believe will contribute furthering transportation purposes in Maine. Accordingly, I would like to request the continuation of a pilot project that originated in 2017 regarding the transporting of timber harvesting equipment in Aroostook County. This letter is to seek your continued cooperation in granting over-limit permits under 29-A MRSA § 2382(1) who are in accordance with the below conditions.

Specifically, this pilot project will allow for night moves for unladen over-width lowbed equipment trailers in Aroostook County on State Highways until April 1, 2019 under the following conditions:

- 1) The over-width trailers do not exceed 10 feet;
- 2) The over-width trailers travel empty and are either:
 - a) traveling to pick up equipment, or
 - b) returning to their places of business, or the drivers' homes, from delivering timber harvesting equipment as identified on their permit;
- 3) The over-width trailers display flashing beacons at the extreme corners of the Trailers in place of or addition to the flags;
- 4) The over-width trailers do not travel when visibility is poor or the highway is considered dangerous due to rain, slush, ice, or other conditions deemed unsafe under Chapter 157, Section 14. Safety Standards;
- 5) The applicants notify the Bureau of Motor Vehicle of their intent to move at night when applying for the over-limit permits which must clearly indicate their home locations;
- 6) The carriers must notify Lt. Aaron D. Hayden MSP-CVEU, and Brian Reeves of MaineDOT, if they are involved in any crashes, even if they do not meet the criteria for a reportable crash;

- 7) The over-width trailers follow all other requirements and standards established under the rules of the Bureau of Motor Vehicle, Chapter 157, for the administration of over dimension and overweight permits;
- 8) MaineDOT and the Maine State Police may prohibit the nighttime moves on particular sections of state highways if such movements would create unacceptable risks to public safety; and,
- 9) MaineDOT and the Maine State Police may end the Project at any time if the risk to public safety becomes unacceptable.

This pilot project is a joint effort between the Maine State Police Commercial Vehicle Enforcement Unit, Bureau of Motor Vehicles, and Maine Department of Transportation (MaineDOT). At this time BMV is updating Rule Chapter 157 to allow for the continued movement of empty overwidth lowbed trailers in Aroostook County between the dates of November 1 and April 1 of each year. This letter serves as a vehicle to allow these actions to occur until this rulemaking process can be completed.

If you have any questions or need clarification, please feel free to contact me directly at 624-3003.

Sincerely,



Bruce A. Van Note
Commissioner



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

November 7, 2016

David Bernhardt
COMMISSIONER

Matthew Dunlap
Secretary of State
148 State House Station
Augusta, Maine 04333-0148

RE: Experimental Project for Timber Harvest Equipment in Aroostook County

Dear Mr. Dunlap:

I am authorized under 23 MRSA § 4206, to engage in such experimental projects that I believe will contribute to furthering transportation purposes in Maine. Accordingly, I am putting in place an 18 month experimental project regarding the transporting of timber harvesting equipment in Aroostook County (the "Project"). This letter is to seek your cooperation in granting over-limit permits under 29-A MRSA § 2382(1) in accordance with the conditions and goals of this Project.

Specifically, this Project will allow night moves from November 1st through April 1st ending April 1, 2018, for unladen over-width lowbed equipment trailers (the "Trailers") in Aroostook County on State Highways under the following conditions:

- 1) The over-width Trailers do not exceed 10 feet;
- 2) The over-width Trailers travel empty and are either:
 - a) traveling to pick up equipment, or
 - b) returning to their places of business, or the drivers' homes, from delivering timber harvesting equipment as identified on their permit;
- 3) The over-width Trailers display flashing beacons at the extreme corners of the Trailers in place of or addition to the flags;
- 4) The over-width Trailers do not travel when visibility is poor or the highway is considered dangerous due to rain, slush, ice, or other conditions deemed unsafe under Chapter 157, Section 14. Safety Standards;
- 5) The applicants notify the Bureau of Motor Vehicle of their intent to move at night when applying for the over-limit permits which must clearly indicate their home locations;
- 6) The carriers must notify Lieutenant Robert Nichols MSP-CVEU, and Rhonda Fletcher, MaineDOT, if they are involved in any crashes, even if they do not meet the criteria for a reportable crash;



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Matthew Dunlap
Secretary of State
October 7, 2016
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- 7) The over-width Trailers follow all other requirements and standards established under the rules of the Bureau of Motor Vehicle, Chapter 157, for the administration of over dimension and overweight permits;
- 8) MaineDOT and the Maine State Police may prohibit the nighttime moves on particular sections of state highways if such movements would create unacceptable risks to public safety; and,
- 9) MaineDOT and the Maine State Police may end the Project at any time if the risk to public safety becomes unacceptable.

This Project is a joint effort between the Maine State Police Commercial Vehicle Enforcement Unit, Bureau of Motor Vehicles, and Maine Department of Transportation (MaineDOT). I am implementing it, in conjunction with the Maine State Police, following a successful trial run that verified the conditions to ensure the public safety.

The experimental project is intended to determine, if under restricted conditions, narrow timeframes and in limited geographic locations, over-width vehicles can safely travel before and after sunset. Accidents involving these moves, public safety concerns and truck driver feedback will be monitored to determine if the rules governing over dimension and overweight permits can be modified in the future.

If you have any further questions or need clarification, please feel free to contact me directly at 624-3003.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bernhardt".

David Bernhardt, P.E.
Commissioner

DB/RF/TLK/jas