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THE MAINE SENATE

3 State House Station
Augusta, Maine 04333

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Good afternoon Senator Diamond, Representative Martin and esteemed members of the Joint Standing Committee on Transportation. I am pleased to appear before your committee for the first time, and eager to introduce LD 228, An Act To Allow Travel In A Center Lane Of A Restricted Highway.

LD 228 amends existing law to allow motorists to use the center lane of the Maine Turnpike as a travel lane. When I explain LD 228 to my legislative colleagues and others, they scratch their heads and say "Don't we already do that?" Indeed one of the opponents of LD 228, the Maine Motor Transport Association, echoes this reaction in its testimony:

I know that many of you frequently travel on the Maine Turnpike. You are likely thinking that regular travel is already legal in the center lane, because it is a common practice to see cars routinely travelling in the center lane, even when not passing. You would not be alone!

The current statute is quite clear: "An operator driving on a limited-access way with a speed limit of 65 or more miles per hour is restricted in ordinary operation to the right-hand lane and may use adjacent lanes for overtaking and passing another vehicle, but must return to the right-hand lane at the earliest opportunity." 29-A MRS §2052(6). But the current statute is not how drivers use the three-lane portion of the Maine Turnpike.

The center lane is a relatively recent phenomenon in the life of Maine drivers. Construction of the Turnpike began in 1946 and the first section opened in 1947. It wasn't until the 1970s that the first 12 miles of the Turnpike expanded to three lanes in each direction. In 2004 the Maine Turnpike Authority expanded the three-lane portion through mile 44. The Maine Turnpike Authority's 2020 capital program includes extending the three lane portion to mile 49.

I was not able to find data on the percentage of drivers who violate 29-A MRS §2052(6) as currently written, and I think it would be challenging to compile the

data. Based on my observations and the comments I hear about LD 228, however, many if not most drivers on the Maine Turnpike use the center lane as a travel lane. In fact, it is so consistently used in that manner, that it would be difficult to truly measure the impact of LD 228 because this bill defines the existing use of the center lane on the Maine Turnpike.

I appreciate that others may raise safety concerns about eliminating the restriction, and I have sincere respect for the Maine Turnpike Authority and the members of the Maine State Police who patrol the busy three-lane portion from mile one to 44. Travel in the center is so prevalent, though, that passage of LD 228 will not create a change in traffic patterns.

I also appreciate concerns of the trucking industry that LD 228 will prevent trucks from using the center lane to pass slower traffic. I want to clarify for the committee that LD 228 does not address restrictions on truck drivers. Currently trucks are restricted from using the left most lane between mile one and 44 by Maine Turnpike Authority rule, which reads as follows:

Lane Restrictions: In order to improve the air quality in southern Maine, trucks, including truck tractors but excluding pickup trucks, all as defined in 29-A M.R.S.A. §101, may only operate in the two farthest right hand lanes on any section of the Turnpike south of Mile Marker 44 that consists of three lanes in each direction.

Chapter 1 MTA Rules §1-A. When the turnpike expanded in 2004, Maine was in non-attainment for EPA air quality emissions standards. Restricting trucks from the left lane reduced emissions by reducing the speed at which trucks routinely travelled.

The Maine Motor Transport Association points to a plan to allow trucks to use the left-most lane when the mile 44 to 49 expansion is completed. They suggest it would be "safe, efficient, and fair" to allow trucks to use the left-most lane for passing along the entire Maine Turnpike. Those are important considerations, but they do not need to be resolved to pass LD 228, because the current traffic pattern already comports with the language of this bill.

Thank you for your time and consideration this afternoon. I urge you to vote Ought To Pass on LD 228, and am happy to answer your questions.