

**Annual List of Rule-Making Activity**  
**Rules Adopted January 1, 2016 to December 31, 2016**  
*Prepared by the Secretary of State, pursuant to 5 MRS, §8053-A, sub-§5*

**Agency name:** Department of Transportation  
**Umbrella-Unit:** 17-229  
**Statutory authority:** 23 MRS §1912-C; 23 MRS §§ 52, 4206  
**Chapter number/title:** **Ch. 208** (*New*), Rules for the Selection of Interchange and Supplemental Guide Signs  
**Filing number:** **2016-045**  
**Effective date:** 3/21/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This new rule chapter will implement Title 23 §1912-C (PL 2013 ch. 549 §3), which granted MaineDOT the authority to place interchange guide signs on the interstate system to guide travelers to destinations of local, regional and statewide interest. The purpose of these rules is to regulate the installation and selection of Interchange and Supplemental Guide Signs on portions of the interstate highway system.

**Basis statement / summary:**

This new rule chapter implements Title 23 §1912-C (PL 2013 ch. 549 §3), which granted MaineDOT the authority to place interchange guide signs on the interstate system to guide travelers to destinations of local, regional and statewide interest. The purpose of these rules is to regulate the installation and selection of Interchange and Supplemental Guide Signs on portions of the interstate highway system.

These rules establish the size, shape, manner and location of Interchange and Supplemental Guide signs and describe the eligibility for any entity to formally request the Department to erect an Interchange or Supplemental Guide Sign. Under the new rules the following entities will be eligible for signs:

- Major colleges and universities.
- Major military installations.
- Federal and state Parks.
- Major recreational areas.
- Airports & other transportation facilities.
- Veterans' memorials and cemeteries.

The new rules:

- Incorporate national standards that address each of the following: sign spacing, sign content, and criteria for types of destinations warranting signs.
- Give greater flexibility to stay current with signage. Many of the signs currently mandated by the Legislature were created in 1957. The state's most frequently visited areas may have changed a bit since then and some of the specific destinations on currently mandated signs no longer exist.
- Minimize the number of signs and the lines of text on signs to increase their effectiveness for motorists and increase highway safety.
- Define standard, for categories of destinations which could qualify for signs and distance from interchange/attendance requirements for those destinations.
- Make clear that any specific service or attraction that qualifies for a logo sign will not be eligible for a supplemental guide sign.
- Include a category for Major Recreational Areas designed to allow signage for those destinations most often sought by visitors to Maine, allowing these areas to be signed. This category will be flexible; allowing transportation agencies to develop

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criteria that will make sure this signage is kept current. Maine DOT and MTA are working with the Bureau of Tourism in developing this criteria.

**Fiscal impact of rule:**

MaineDOT anticipates that this rule will have no negative fiscal impact on the regulated community.

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**Agency name:** Department of Transportation  
**Umbrella-Unit:** 17-229  
**Statutory authority:** 23 MRS §§ 52, 4206  
**Chapter number/title:** Ch. 110 (New), Urban Compact Area Definition Rule  
**Filing number:** 2016-047  
**Effective date:** 3/21/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Division of Community Services is proposing that the Department adopt a new Administrative Rule entitled "Urban Compact Area Definition Rule". This new rule will establish the procedures by which the Department will set urban compact boundaries around urban compact areas as defined by 23 MRS §754 and §2. The adoption of these rules is authorized by 23 MRS §52 and 23 MRS §4206(5). It was also requested by the Transportation Committee in a letter to MaineDOT dated 6/2/15. It was a direct request as a result of the "ought not to pass" vote on LD 437 that was specifically about recent compact line changes in York, Maine on US Route I. LD 437 was created by our recent compact review in York, ME whereby the Town challenged our longstanding analysis of determining structure spacing. With the ONTP vote, the Committee asked us to develop a more objective process of setting compact boundaries. The technical criteria in this rule will allow us to produce a more thorough and justifiable determination. While this is the first time that our analysis has been questioned in decades, it is appropriate to update our process with these improved tools.

**Basis statement / summary:**

This new rule establishes the procedures by which the Maine Department of Transportation (MaineDOT) will set urban compact boundaries around urban compact areas as defined by 23 MRS §754 and §2.

The Division of Community Services proposed adoption of this rule by MaineDOT in response to a request by the Maine Legislature's Transportation Committee in a letter to MaineDOT dated 6/2/15. It was a direct request as a result of the "ought not to pass" vote on LD 437 that was specifically about recent compact line changes in York, Maine on US Route 1. LD 437 was created by our recent compact review in York, ME whereby the Town challenged our longstanding analysis of determining structure spacing. With the ONTP vote, the Committee asked us to develop a more objective process of setting compact boundaries

The technical criteria in this rule will allow us to produce a more thorough and justifiable determination. While this is the first time that our analysis has been questioned in decades, it is appropriate to update our process with these improved tools.

The adoption of these Rules is authorized by 23 MRS §52 and 23 MRS §4206 (5). These are routine technical rules.

**Fiscal impact:**

- A. **Administrative cost to the State:** we anticipate a minimal cost increase to the Department due to additional time for staff to better analyze the area by using the additional tools to provide a more technical but improved review process. Rather than the longstanding subjective process of setting boundaries, this will be more objective with justifiable results.
- B. **Cost to and impact on the regulated community:** We anticipate no direct fiscal impact on municipalities as this rule provides the Department with better technical tools to set compact lines.

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**Agency name:** Department of Transportation  
**Umbrella-Unit:** 17-229  
**Statutory authority:** 29-A MRS §2395; 23 MRS §§ 52, 4206  
**Chapter number/title:** Ch. 308 (New), Rules to Establish Seasonal Load Restrictions on Certain State and State Aid Highways  
**Filing number:** 2016-225  
**Effective date:** 12/18/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

MaineDOT has long had rules restricting heavy loads on closed ways pursuant to authority granted to it in 29-A MRS §2395, but the statute specifically exempted such rules from the provisions of the *Maine Administrative Procedure Act* (the "APA"). In 2013, 29-A MRS §2395 was amended by PL 2013 c. 55 to provide that "Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A", thus eliminating their exemption from the APA. It is now necessary that the Department readopt these rules in accordance with the APA process.

**Basis Statement:**

For decades MaineDOT had rules restricting heavy loads on closed ways that were adopted pursuant to authority granted to the Department in 29-A MRS §2395 and its predecessor statutes. The enabling statutes specifically exempted those rules from the provisions of the *Maine Administrative Procedure Act* (the "APA"). In 2013 the enabling statute, 29-A MRS §2395, was amended by PL 2013, c. 55 as follows:

**Sec. 1. 29-A MRSA §2395, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Rules.** The Department of Transportation, ~~county commissioners and municipal officers~~ may adopt rules to ensure proper use and prevent abuse of the public ways under ~~their respective jurisdictions~~ the department's jurisdiction whenever those ways require special protection. Rules ~~issued~~ adopted pursuant to this section are ~~exempted from the provisions of the Maine Administrative Procedure Act,~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Department of Transportation to adopt rules relating to the definition of home heating fuel.** The Department of Transportation shall adopt rules as authorized by the Maine Revised Statutes, Title 29-A, section 2395, subsection 2 involving restrictions on the weight or passage of any vehicle over a public way and shall include in the definition of "home heating fuel" oil, gas, coal, stove-length wood, propane and wood pellets.

Therefore it has become necessary for the Department to readopt these rules in accordance with APA procedures.

The new rules will establish the procedures by which the Department will restrict heavy loads on posted State and State Aid Highways from November 15 to June 1, inclusive. They will also streamline current permitting procedures and eliminate permitting requirements for vehicles under 34,000 GVW carrying certain approved commodities.

**Fiscal impact:**

**A. Administrative cost to the State:** There will be a small increase in administrative costs incurred to comply with the APA requirements, to be offset somewhat by decreased administrative costs for reviewing and issuing certificates.

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**B.** Cost to and impact on the regulated community: The new rules will lessen the regulatory burden on truck drivers and carriers. Many vehicles operating on posted roads will no longer need to keep a certificate in their glove box to avoid a citation. Also, in some circumstances the rules will reduce or eliminate the need for weighing and/or re-weighing of vehicles to document compliance, which will result in some cost savings to the regulated community.