

Notice of Agency Rulemaking Proposal

AGENCY: 17-229 Department of Transportation

CHAPTER NUMBER AND TITLE: Chapter 305 Rules and Regulations Pertaining to Traffic Movement Permits

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: This amendment to the rule will rescind and replace the current rules. The changes include updated definitions and sections added to the rule to provide for multi-modal trips and to address the developer review process. Included are updates providing general clarifications to the content of the rule.

Date, time and location of PUBLIC HEARING (*if any*):

July 10, 2020
10:30 a.m.

Virtual Hearing to be held via Zoom:

<https://mainedot.zoom.us/j/94493912452?pwd=R1VJUU9pTDRsWINVbnNrVm51NWdJUT09>

Meeting ID: 944 9391 2452

Password: 003024

Dial by your location

- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 312 626 6799 US (Chicago)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Please contact Dawn.Seagroves@maine.gov if you would like the meeting link forwarded to you directly

COMMENT DEADLINE: July 20, 2020

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*):

Stephen Landry
State Traffic Engineer
MaineDOT
16 SHS
Augusta, Maine 04333
207-624-3632
Stephen.Landry@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): n/a

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): Negligible

STATUTORY AUTHORITY FOR THIS RULE: 23 M.R.S. § 704-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

AGENCY WEBSITE: <https://www.maine.gov/mdot/rulemaking/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:

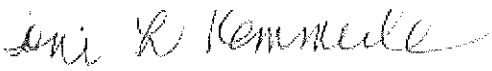
Toni L. Kemmerle
email: Toni.Kemmerle@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT  DATE: June 8, 2020
(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
012	17A	1005	05	4946	20523.20			

Notice of Agency Rulemaking Proposal

Additional Information for the Web *(if any)*

DETAILED SUMMARY:

1. This proposed rulemaking action completely rescinds and replaces the existing rule.
2. The existing Traffic Movement Permit rule was formatted in the same way as the MDEP Site Law Rules. As a result, the application process and key permitting requirements were not set out in a user-friendly format with terms adequately defined, causing much confusion for applicants. The following changes improve the rule and make it easier to follow and enforce:
 - a. The new rule has been reformatted in a way that places the requirements in logical order, making them clearer and easier to follow.
 - b. To clear up inconsistencies and superfluous terms, certain definitions that came with the MDEP umbrella have been eliminated in the revised rule, and pertinent definitions have been added for terms such as Common Scheme of Development and Interested Person. New definitions dealing with multi-modal trips have also been added.
 - c. The revised rule updates and replaces references to seven MaineDOT Regional Divisions with references to the current structure of five MaineDOT Regional Offices.
 - d. The revised rule removes engineering standard references from the rules. Those references will be handled through the development of the MaineDOT Traffic Analysis Guidelines which will contain the methodologies used to analyze the TMP submittals.
 - e. The revised rule creates an expedited review process for those projects that have known or negligible impacts and codifies the term "Pre-scoping meeting," which was previously undefined.
 - f. The revised rule creates a defined study area for multi-modal trips which is adjusted depending on whether the study area is rural or urban.
 - g. The revised rule refers to the Highway Safety Manual when discussing high crash location solutions and requires that multi-modal solutions be considered before widening a roadway.
 - h. The revised rule includes a section on the Developer Review Process, introduces a Developer Right of Way Committee, and gives time frames for when the ROW process needs to happen. For projects that require applicants to acquire rights to add turn lanes or to install traffic signals, this section will insure that developers convey acquired ROW to MaineDOT after they complete the required mitigation.