

# OFFICE OF POLICY AND LEGAL ANALYSIS

Date: February 18, 2020  
To: Transportation Committee  
From: Sam Praver, Legislative Analyst

## LD 228 – An Act To Allow Travel in a Center Lane of a Restricted Highway

**SUMMARY:** This bill clarifies that, on a limited-access way with a speed limit of 65 or more miles per hour, a motor vehicle operator is restricted in ordinary operation to the right-hand lane and all center lanes and may use the leftmost lane for overtaking and passing another vehicle.

### TESTIMONY:

<p><b>Proponents:</b> <i>Sen. Carney, Rep. Reckitt</i></p> <ul style="list-style-type: none"><li>• Current statute requires drivers to return to the right-hand lane at the earliest opportunity after passing, this is not how most people drive on Maine’s three lane highways. It is common practice for cars to travel in the center lane.</li><li>• Travel in the center lane is so prevalent that passage of this bill will not change traffic patterns or impact safety.</li><li>• This bill is not meant to address restrictions on truck drivers, which are currently restricted from using the leftmost lane by MTA rule. Whether trucks may use the leftmost lane is an important consideration but it does not need to be resolved to pass this bill.</li></ul>	<p><b>Opponents:</b> <i>Maine Turnpike Authority, State Police, Maine Motor Transport</i></p> <ul style="list-style-type: none"><li>• Truck travel has been prohibited from the leftmost lane on three-lane portions of the turnpike since 2004. Trucks must rely on the center lane for passing. This restriction was originally passed due to safety concerns as well as Maine’s former status of “non-attainment” with federal clean air regulations.</li><li>• Allowing regular travel in the center lane will cause trucks to lose their ability to use the center lane for passing of slower traffic.</li><li>• Slow travel in the center lane without the ability for trucks to pass would lead to disparate speeds and congestion, creating highway safety issues.</li></ul> <p><i>*See also: additional info provided by MTA</i></p>
<p><i>Rep. Kinney - Submitted a similar bill regarding truck travel in the leftmost lane. (not yet referred to TRA)</i></p>	

### CURRENT STATUTE OR LAW:

On a limited access highway ordinary operation is restricted to the right-hand lane. Adjacent lanes may be used for overtaking and passing another vehicle, but an operator must return to the right-hand lane at the earliest opportunity. [29-A MRSA §2052, sub-§6](#). This law applies to all operators regardless of their vehicle. The prohibition on trucks using the leftmost lane on a three-lane highway is per Maine Turnpike Authority rule. [MTA Rules, Chapter 1, §1-A](#).

### TECHNICAL ISSUES:

1. As drafted this bill applies to all “operators” and does not distinguish between trucks and other motor vehicles. The language used in this draft would allow trucks to use the leftmost lane for passing, overriding the current MTA rule.

*“restricted in ordinary operation to the right-hand lane and all center lanes and **may** use ~~adjacent lanes~~ the leftmost lane for overtaking and passing another vehicle”*

2. As drafted the bill is not clear about whether operators travelling in the center lane can pass cars travelling in the rightmost lane.

### FISCAL IMPACT:

No preliminary fiscal information available at the time of writing.