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Date: (Filing No. H-)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 769, L.D. 1076, Bill, “An Act To Allow for the Equalization of Truck Weights between Maine and Canada for Limited Use at the Border Crossings”

Amend the bill by striking out the title and substituting the following:

'An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 29-A MRSA §2354, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding any provision of this subchapter other than section 2354-D, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of:

Sec. 2. 29-A MRSA §2354-D is enacted to read:

§2354-D. Allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards to operate on a designated route of travel

1. Commissioner may allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards. The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, may allow a specified commercial motor vehicle configuration with any number of axles that would otherwise be in violation of the provisions in this chapter regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if:

COMMITTEE AMENDMENT

1 A. The department receives a proposal from an entity seeking an allowance to
2 operate a specified commercial motor vehicle configuration pursuant to this
3 subsection on a specified route of travel;

4 B. The chief engineer of the department, as appointed in accordance with Title 23,
5 section 201, finds the proposed configuration and weight can be safely operated on
6 the proposed route of travel. In making this finding, the chief engineer may consider
7 available manufacturer's ratings for gross vehicle weight, axle capacity, brake
8 systems and other components. The chief engineer may place such restrictions on
9 operations as are necessary to ensure public safety;

10 C. The chief engineer of the department, as appointed in accordance with Title 23,
11 section 201, finds that the public ways and bridge infrastructure affected by the
12 proposed route of travel can withstand, or can be improved and maintained to
13 withstand, the proposed configuration and weight. The improvements necessary may
14 include initial capital improvements and future maintenance or capital improvements;
15 and

16 D. The department receives satisfactory assurance that at least 50% of the cost of any
17 infrastructure assessment and at least 50% of the cost for any infrastructure
18 improvements determined necessary pursuant to paragraph C will be provided by the
19 entity seeking the allowance. The department may provide the balance of funding, if
20 feasible.

21 **2. Rules.** The Commissioner of Transportation, in consultation with the Department
22 of Public Safety and the Department of the Secretary of State, shall adopt rules to
23 implement this section. The rules must include appropriate mechanisms to ensure that,
24 prior to giving an allowance to operate a commercial motor vehicle pursuant to this
25 section on a route of travel that includes a public way that traverses a municipality,
26 unorganized or deorganized area in a county or a reservation or trust land of a federally
27 recognized Indian tribe in this State, appropriate input from or approval of the
28 municipality, county or federally recognized Indian tribe is obtained. Rules adopted
29 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
30 subchapter 2-A.

31 **3. Report.** Beginning February 1, 2017, and biennially thereafter, the Commissioner
32 of Transportation shall report to the joint standing committee of the Legislature having
33 jurisdiction over transportation matters on the implementation of this section. The report
34 must include the number of proposals received by the department, including how many
35 were authorized; the reasons any proposals were not authorized or did not move forward;
36 the costs incurred by the department; the amount of funds provided by relevant entities or
37 funding sources other than the department; any infrastructure improvements made to
38 accommodate proposals; the designated routes of travel allowed; the allowed
39 configurations on these designated routes; and the gross vehicle weights allowed.

40 **4. Commissioner may revoke privileges of operation.** The Commissioner of
41 Transportation may revoke the privileges of operation under this section of a commercial
42 motor vehicle and the associated entity that sought the allowance under this section for
43 cause, including repeatedly exceeding allowed gross vehicle weight limits or operating
44 outside the allowed designated route of travel. Revocation by the commissioner is
45 considered a final agency action.

