

17-229 DEPARTMENT OF TRANSPORTATION  
TRAFFIC ENGINEERING DIVISION

Chapter 305: RULES AND REGULATIONS PERTAINING TO TRAFFIC MOVEMENT PERMITS

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Part 1. INTRODUCTION

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## WHO NEEDS TO APPLY?

Any project which generates 100 or more passenger car equivalents (PCE) trips during peak hour of relating to the traffic generation, must file a Traffic Movement Permit application with the Maine Department of Transportation. Determination of all passenger car equivalent trips for the purpose of establishing application requirements shall be calculated using the edition of the ITE Trip Generation Guide referenced on the MDOT Fact Sheet. Assistance in determining the trip levels can be obtained by contacting a traffic engineer licensed to do engineering work in the State of Maine, the appropriate M.D.O.T. Division Office or the Augusta Headquarters Division of Traffic Engineering, movement permit provisions covered in 23

### M.R.S. § 704-A. It addresses standards, submissions and terms and conditions.

The Maine Department of Transportation ("MaineDOT" or the "Department") has a responsibility to ensure that Projects that may result in increases in Vehicle Trips do not cause unacceptable decreases in the safety, access, or Level of Service for other motorists, pedestrians or bicycle riders. MaineDOT Traffic Movement Permit (TMP) Rule is intended to emphasize transportation-efficient Development and ensure that transit, bicycle, and pedestrian facilities are accommodated, as well as foster implementation of on-going, effective Transportation Demand Management (TDM) programs.

## Part 2. DEFINITIONS

As used in this chapter unless the context indicates otherwise, the following terms have the following meanings.

**Abutters.** Any property that shares a property line with the Development Area or is directly across any roadway from the Development Area.

**Alternative Design Proposal.** A substitute development design offered by the Applicant in cases where the application of standard design requirements is unworkable due to distinct conditions of the development or will clearly work against the intent of these Rules. Such proposals may be considered and approved with or without conditions by the Department as a Variance.

**Applicant.** The person or entity filing the application for a TMP. The terms "Applicant" and "Developer" may be used interchangeably, only if the Developer has filed the application.

**Application.** The information filed by the Applicant in a form provided by the Department requesting the issuance of a TMP.

**Automatic Permit Expiration.** A permit will be considered automatically expired if construction of the project has not begun within a 5-year period or completed within a 7-year period of the date of issuance. The Applicant must reapply for and receive approval prior to continuing construction or opening a facility.

**Business District.** The portion of a municipality in which the dominant land use is for intense business activity. A municipality may have more than one business district or none at all.

**Business Partnering Initiative (BPI).** The BPI is a MaineDOT construction funding program as defined in the MaineDOT's Business Partnering Initiative Municipal Guide.

**Capacity Analysis.** A determination of the Level of Service of an intersection or roadway segment using acceptable methodologies approved by MaineDOT as referenced in the MaineDOT Traffic Analysis Guidelines.

**Common Scheme of Development.** Common Scheme of Development means a plan or process which:

1. Takes place on contiguous or non-contiguous parcels or lots in the same immediate Vicinity; and
2. Exhibits characteristics of a unified approach, method or effect such as:
  - a. Unified Ownership, management, or supervision; and/or
  - b. Sharing of common equipment or labor; and/or
  - c. Common financing.

**Consolidated Review.** The type of review of combined permits when a Development requires both a Traffic Movement Permit from MaineDOT and a site law permit from the Maine Department of Environmental Protection (M.D.E.P.) M.D.E.P. shall be the lead agency for a consolidated review of combined permits and, therefore, will issue the joint permit. The Applicant is required to meet the criteria of both Departments' application processes. The appeals process is more complicated under Consolidated Review and is governed by M.D.E.P. Rules.

**Critical Intersection.** An intersection that, if impacted by increased traffic, could have a negative effect on the traveling public, the municipality and/or the business community.

**Critical Rate Factor.** The ratio of the actual crash rate at an intersection or road to the statistically calculated critical rate.

**Delegated Review.** The authority given to a municipality to issue Traffic Movement Permits. See Part 3 for process and criteria.

**Delay.** The time lost, measured in average seconds per vehicle, while Traffic is slowed or impeded by congestion or roadway elements.

Department. Maine Department of Transportation (MaineDOT). The terms Department and MaineDOT may be used interchangeably.

Designated Growth Area. An area designated as a growth area in a locally adopted growth management plan that is consistent with M.R.S. Title 30-A, Chapter 187.

### **Developer Agreements.**

Municipalities may register with the Department to seek delegated review authority to issue Traffic Movement Permits. In such cases a Traffic Movement Permit would be required from the municipality that has been given delegated review authority. A municipality can be delegated the authority to issue permits if that municipality adopts ordinances consistent with M.D.O.T. Chapter 305 Rules. Once the ordinance is adopted, the municipality must contact the Department to request delegated authority. If the Department finds the municipality in compliance with Chapter 305, the Department will develop an agreement for Delegated Review Authority. Please contact the If Augusta Headquarters at 287-3775 to determine whether your municipality has been given delegated responsibility or wishes to apply for issuing the Traffic Movement Permit.

### EXEMPT PROJECTS:

— The following types of projects are exempt from MDOT review as they are reviewed by MDEP (Maine Department of Environmental Protection) under M.R.S.A. title 38:

- 1) ~~Any type of Solid Waste Facility.~~ (M.R.S.A. title 38, Section 1310-N)
- 2) ~~Any type of Hazardous Waste Transfer or Storage Facility.~~ (M.R.S.A. title 38, Section 1319-R)
- 3) ~~Any Waste Oil Storage Facility and Biomedical Waste Facility.~~ (M.R.S.A. title 38, Section 1319-X)

Notice to the Applicant: Subsequent to the Department's Traffic Movement Permit approval of a proposed project, the applicant will be required to obtain the following approval from MDOT:

- 1) If the proposed project Project abuts the State's Highway System and requires improvement to that State's highway system, the applicant must then and the Department requires improvements to the highway system as a condition of the issuance of a TMP, the Applicant and MaineDOT will enter into a Developer Agreement setting out the process by which the Applicant will obtain approval of the design plans and coordinate the work/construction of the improvements through MDOT's Director of the Bureau of Project Development, who can be reached at (207) 287-2055 in Augusta. The applicant/MaineDOT's Region Engineer with jurisdiction over the municipality in which the improvements are taking place. The Applicant must demonstrate through a developer agreement/Developer Agreement the financial, legal and technical ability to develop such improvements.

Development Area. The site proposed for Development, excluding all off-site roadway segments and intersections beyond the entrance or entrances.

### **Development.**

GENERAL INFORMATION ABOUT APPLICATIONS  
SUBMITTED PURSUANT TO CHAPTER 23 M.R.S.A. § 704-A

Key definitions:

\*——Any single or mixed-use construction, alteration or conversion of a site on a piece of property. The terms “Development” and “Project” may be used interchangeably.

**Entrance(s) and Exit(s).** Access ways used by any and all modes of transportation to or from a property abutting a highway or public way. As used herein, the terms include all driveways (e.g., private residential, commercial and other nonresidential driveways), sidewalks, and pathways. The terms do not include a street entirely within a subdivision. (As used herein, the terms Entrances and Exits include the approaches to them and the intersections created by them even if these areas include parts of the state or local right of way.)

**Estimated Annual Average Daily Traffic.** An estimate of the total daily volume on a roadway segment for an average day of the year.

**Event.** A recurring activity or series of attractions expected to generate 100 or more passenger car equivalent (PCE) trips for more than 30 peak hours in a 12 month period.

**Exception.** A waiver from a standard or requirement due to circumstances outside of the Applicant’s control and/or unworkable or unsafe in a given circumstance. Exceptions will require the substitution of Department-approved mitigation strategies, and/or fee payments that meet or exceed default standards and are specifically authorized within sections of this Rule.

**Expedited Review.** A review process that an Applicant may request regarding Projects that have known or negligible new impacts to the roadway or Traffic conditions, including multimodal Traffic. See Part 3 for process and criteria.

**Grandfathered Trips.** Previously permitted or unpermitted Trips that have been generated by the Development on a certain parcel for more than 10 years. MaineDOT has determined that the Trip credits will be given for the highest permitted/actual use of the Development that has occurred over the past 10 years.

**Horizon Year.** The anticipated opening year of the proposed Development, assuming build-out and full occupancy.

**Impact Fee.** A fee charged to an Applicant as compensation for impact on a Critical Intersection or roadway section.

**Interested Person.** This includes an Applicant, a person who submits written comments concerning an Application or who requests, in writing, receipt of materials related to an Application. The Department shall maintain a list of Interested Persons for each Permit Application.

**Level of Service (LOS).** A measure of the quality of the operating conditions for any mode of transportation within a Traffic stream as determined from a Capacity Analysis using methodology outlined in the MaineDOT Traffic Analysis Guidelines.

**MaineDOT Traffic Analysis Guidelines.** A set of guidelines developed by MaineDOT to provide the traffic engineering community with standards with which to administer the requirements of M.R.S. Title 23 § 704-A and this Rule.

**Major Intersection.** An intersection controlled by a traffic signal or the intersection of a state or state aid highway with the road on which the entrance(s) for the Development is/are located. A commercial entrance is not considered a Major Intersection.

**Mode Split.** The proposed Project's anticipated/estimated split among major transportation modes: walking, bicycling, public transit, single-occupant motor vehicle, and multi-occupant motor vehicle (e.g. vanpool, rideshare, taxi, Uber/Lyft, Ride Sharing Venues).

**Multi-Modal Study Area.** The Multi-Modal Study Area (MMSA) focuses on the multi-modal transportation system that serves the Study Area and provides access to the Project site. The Multi-Modal Study Area includes major highways and roadways, intersections and interchanges, pedestrian facilities, bicycle facilities and access, and public transit network. Geographic requirements are provided in Part 5.

**Multi-Modal Trip.** A Person Trip that is either a walk, bicycle, or transit Trip.

1. A walk Trip is an inbound or outbound Person Trip for which the greatest distance between the Trip origin and Trip destination is traveled on foot or on any type of assistive device (e.g., wheelchair, walker, skates, scooter, Segway, skateboard).
2. A bicycle Trip is an inbound or outbound Person Trip for which the greatest distance between the Trip origin and Trip destination is traveled by a bicycle (or any pedal-powered vehicle).
3. A transit Trip is an inbound or outbound Person Trip that crosses the Site Cordon Line in a transit vehicle or for which the greatest distance between the Trip origin and Trip destination is traveled in a transit vehicle (e.g., public bus, private bus or shuttle, rail car, ferry boat). A Person Trip made in a carpool, vanpool, taxi or micro transit (e.g. Uber, and Lyft) is considered a Vehicle Trip.

**Municipal Partnering Initiative (MPI).** The MPI is a MaineDOT construction funding program as defined in the MaineDOT's Municipal Partnership Initiative Municipal Guide.

**Pass-By Trip.** A Vehicle Trip made as an intermediate stop on the way from an origin to a primary Trip destination without a route diversion. A Pass-By Trip is created by Traffic passing the site on an adjacent street or roadway that offers direct access to the Traffic generator. A Pass-By Trip is not diverted from another roadway that is not adjacent to the site.

**Passenger car equivalent (PCE)** ~~Car Equivalents (PCE's)~~. The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger car vehicles. ~~One tractor-trailer combination is the equivalent of two passenger cars.~~ See MaineDOT Traffic Analysis Guidelines for conversion factors.

\* ~~Passenger car equivalent vehicles~~ **Car Equivalents at peak hour** ~~Peak Hour~~. The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger ~~car~~ vehicles, at that hour of the day during which the ~~traffic~~ Traffic volume generated by the development ~~Development~~ is higher than the volume during any other hour of the day. See 23 M.R.S. § 704 – A.

\* ~~Peak-hour~~ **Hour**. The hour of the day during which the ~~traffic~~ Traffic volume at an intersection or on a roadway segment is higher than the volume during any other hour of the day.

\* ~~Person Trip~~. A Trip made by any mode of travel by an individual person from an origin to a destination. Every Trip made anywhere by a person is a Person Trip. For instance, if three people leave a Development site in a single vehicle, this is counted as three Person Trips.

Project. Any single or mixed-use ~~Developer Agreements~~. ~~The Developer Agreement refers to a document which dictates the terms and conditions by which the State of Maine Department of Transportation will allow any developer of real property adjacent to any state or state-aid highway to make improvements to such highways pursuant to the provisions of Title 23 M.R.S.A. § 651. If the proposed project abuts the State's Highway System and requires improvement to that system, the applicant must then obtain approval of the design plans and coordinate the work through MDOT's Director of the Bureau of Project Development, who can be reached at (207) 287-2055 in Augusta. The applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements~~

\* ~~The Department~~ Maine Department of Transportation (MDOT).

\* ~~Project~~. Includes any **construction, alteration or conversion of a site** ~~or a building(s) or a development on a piece of property.~~ The terms "Project" and "Development" may be used interchangeably.

\* ~~Rules~~. MDOT's Rules are located in Chapter 305 of the General Rules of the Department of Transportation:

\* **Scoping Meeting**. A meeting to ~~determine~~ evaluate the scope ~~nature and extent of impact evaluation required for the impacts of a proposed project and the type of proceedings warranted.~~

\* ~~Project~~ **Urban Compact**. A built up portion of a town/city as described in M.R.S.A. title 23 ~~§ 754.~~

\* ~~Title, Right or Interest~~. An applicant shall demonstrate in writing sufficient title, right or interest, as follows: 1) When the applicant claims ownership of the property, copies of the deeds to the property shall be supplied, or 2) When the applicant has an option to buy the property, a copy of the



option agreement shall be supplied. Option agreements shall contain terms deemed sufficient by the Department to establish future title, or 3) When a Purchase and Sale agreement has been signed, a copy shall be supplied. Purchase and Sale agreements shall contain terms deemed sufficient by the Department to establish future title, or 4) When the applicant has a lease on the property, a copy of the lease shall be supplied. The lease shall be of sufficient duration, as determined by the Department, to permit construction and reasonable use of the development, or 5) When the applicant has eminent domain power over the property, evidence shall be supplied of the ability and the intent to use the eminent domain power to acquire sufficient title, right or interest as determined by the Department.

\* ~~the level of **Consolidated Review**. A joint permit combining M.D.O.T.'s Traffic Movement Permit and M.D.E.P.'s Site Law Permit. M.D.E.P. shall be the lead agency on combined permits and therefore will issue the permit. The applicant is required to meet the criteria of both Department's applications processes. The appeals process is more complicated under consolidated review and is detailed in M.D.O.T.'s Chapter 305 of the General Rules of the Department of Transportation.~~

Special provisions for developments generating 100 or more passenger car equivalent (PCE) trips

\* Upon receipt by the Department of a traffic review application (with all **information** covering sections 1 thru 6 of the Specific Submission Requirements that the Department finds acceptable and complete) to construct or operate a development that meets the threshold of 100 or more PCE trips, the Department will arrange and schedule a scoping meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested, at least 7 (seven) days prior to the scoping meeting and study warranted.

**Shared Trip.** A "Shared Trip" is a Person Trip made between two distinct on-site land-uses at a mixed-use site without using an off-site road system.

Such as an internal trip can be made by personal passenger vehicle, truck, walking, bicycling, or transit. A Shared Trip is a tool for reducing Trips on the roadway for mitigation purposes only. A Shared Trip cannot be a factor in whether a Development meets the Trip threshold for requiring a Traffic Movement Permit.

**Site Cordon Line.** A real or imaginary boundary around a designated site or specific area that, when crossed by a vehicle or person, captures every Trip that enters or exits the site.

**Study Area.** The area defined in Specific Submission Requirements Part 6, Section C. The scope of the Study Area may be further refined by MaineDOT at the Scoping Meeting. *Note: See also Multi-Modal Study Area.*

**Title, Right or Interest.** This term refers to Applicant's ownership of or enforceable right to acquire the property rights necessary for the Development. Specific ways to effectively demonstrate this legal authority are outlined in Part 6.

**Traffic.** Vehicles, pedestrians, bicycles and multimodal conveyances moving along a road or public highway.

**Traffic Crash.** A motor vehicle crash that results in property damage exceeding \$1,000 or physical injury of any type.

**Traffic Attributable to a Development.** Net new Traffic volumes and associated Traffic patterns generated as a result of a proposed Development.

**Traffic Movement of All Types.** Any mode of travel, including pedestrian, bicycle, bus, ferry, aviation, rail, or automobile.

**Traffic Movement Permit.** The permit issued by the Department under 23 M.R.S. 704-A and this Rule, at times referred to as the "TMP".

**Traffic Movement Permit (or TMP) Modification.** A review and approval process used to address changes in facts presented within the original approved Application either prior to or following the development being constructed.

**Traffic Movement Permit (or TMP) Rule.** Chapter 305 of the General Rules of the Department of Transportation (this rule).

**Traffic Signal.** A power-operated control device by which Traffic is regulated, warned, or alternately directed to take specific actions. See 29-A M.R.S. § 2057.

**Traffic Study.** A quantitative analysis by qualified traffic engineers to determine whether the existing roads and intersections in the Vicinity of the proposed Development have the capacity to handle Traffic attributable to the Development.

**Transportation Demand Management Techniques.** Measures taken to reduce or spread peak hour Traffic over a longer period of time. Such measures include, but are not limited to, micro transit, ridesharing, carpooling, vanpooling, mass transit, telecommuting policies and modified work schedules.

**Trip.** A single or one direction person or vehicle movement with either the origin or destination inside the Development Area.

**Urban Compact.** A built-up portion of a town/city as described in 23 M.R.S. § 754.

**Vehicle Trip.** The movement of an inbound or outbound personal passenger vehicle or truck, carrying one or more passengers, across the Site Cordon Line. A person crossing the Site Cordon Line as a pedestrian in conjunction with an overall Trip made primarily in a personal passenger vehicle or truck will be counted as a Vehicle Trip. If, for example, a person drives a personal passenger vehicle from home, parks off-site, and walks from the parking facility to an office building, the trip (at both ends) is considered a Vehicle Trip.

**Vicinity.** The area defined by the limits of the threshold volumes traced along the highway network. This can be limited to the next major intersection or driveway/entrance depending

on the nature of the development in the Development Area. The Vicinity is used to help define the study area.

### **Part 3. PERMIT TYPES AND THRESHOLDS**

The determination of all PCE Trips for the purpose of establishing application requirements shall be calculated with an approved methodology detailed in the MaineDOT Traffic Analysis Guidelines. Assistance in determining the Trip levels can be obtained by contracting with a traffic engineer licensed to do engineering work in the State of Maine. Staff at the nearest MaineDOT Region Office or the Augusta Headquarters - Division of Traffic Engineering (see chart in Part 4) can assist with identifying a qualified traffic engineer.

#### **A. New Permits:**

A Traffic Movement Permit Application shall be obtained by:

1. The responsible party for any Project that is projected to generate 100 or more passenger car equivalents (PCE) trips during peak hour of Traffic generation; and
2. The responsible party for an occasional event that generates 100 or more PCE Trips during peak hours of Traffic generation for more than 30 peak hours a year.

#### **B. Exempt Projects:**

The following types of Projects are exempt from MaineDOT review under these Rules because they are subject to review by the Maine Department of Environmental Protection:

1. Any type of Solid Waste Facility. (38 M.R.S. §1310-N)
2. Any type of Hazardous Waste Transfer or Storage Facility. (38 M.R.S. § 1319-R)
3. Any Waste Oil Storage Facility and Biomedical Waste Facility. (38 M.R.S. §1319-X)

#### **C. Modifications to Existing Permits:**

A Traffic Movement Permit Modification is a process used to reflect modifications in permit conditions, changes in ownership, changes in the Project description/scope, or changes in a Project's timeline. Traffic Movement Permit Modification is required if any of the following occurs:

1. Change in Applicant's/Owner's name prior to the Development being constructed.
2. Change in the Project description before the Development is constructed (this includes a change in the ITE Trip Generation Manual Land Use Code, changes in size of individual uses, increase in Trips, etc.).

3. Change in Project timeline if the new timeline extends more than 5 years past the original signed date of the TMP permit.
4. In connection with a Traffic Movement Permit Modification for a Project whose timeline is over the five-year time limit, MaineDOT reserves the right to require the Developer to re-submit information pertaining to Sections 1 thru 6 of the General Submission Requirements and a Notice of Intent to File. Additionally, the Developer may be required to attend a Scoping Meeting (unless MaineDOT waives this requirement as a part of the Expedited Review process).
5. Change in Passenger Car Equivalent Trips resulting in a total sum of generated Trips exceeding 100 Trips above permitted Trips after the original Development has been constructed or changes in any peak hour.

Modifications involving 100 or more additional passenger car equivalent Trips also must include updated information as set forth in Sections 1-6 of the General Submission Requirements and a Notice of Intent to File. This shall be submitted to MaineDOT with the application for permit modification. The Applicant will also be required to attend a MaineDOT Scoping Meeting (unless MaineDOT waives this requirement as part of the Expedited Review process). The need for an updated Section 7 Traffic Study will be determined at the Scoping Meeting. Modifications of TMPs for any reason will require payment of a modification fee of \$500 to MaineDOT. If an updated Section 7 Traffic Study is required, the Applicant will be required to pay an additional \$1,500.

#### **D. Delegated Review:**

23 M.R.S. §704-A allows municipalities to apply for Delegated Review. "Delegated Review" gives the municipality the authority to issue a Traffic Movement Permit if it has enacted an ordinance or regulation for reviewing Traffic Movement Permits that is consistent with the Chapter 305 Rules and Regulations Pertaining to Maine DOT's Traffic Movement Permit. To be approved, the municipality must demonstrate, to the satisfaction of MaineDOT, that it has the ability to administer and enforce its ordinance and regulations. Applicants should contact the Region Traffic Engineer at the numbers listed in the table in Part 4 to determine if the municipality where the Project is located has Delegated Review.

Delegated Review municipalities are not allowed to perform Expedited Review on any Projects submitted for their review.

#### **Part 4. GENERAL SUBMISSION REQUIREMENTS:**

Special provisions for developments generating over 200 passenger car equivalent (PCE) trips

\* Scoping meeting. For an application of this type, a scoping meeting must be held prior to the submittal of the application. The Department will arrange and schedule such a meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted only after the Department has received from the applicant information covering Sections 1 thru 6 of the Specific Submission Requirements and that the Department finds the information to be acceptable and complete. The Department will invite representatives of the municipality, abutting

municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested at least 7 (seven) days prior to the scoping meeting. The "notice of intent to file" does not need to be resubmitted with a Section 7 Traffic Study when the application is officially submitted. The submittal of the notice prior to the scoping meeting is sufficient. The purpose of this meeting is to help the applicant to understand the application review process, to identify particular areas of concern, to define appropriate trip generation rates, to define trip distribution, to define trip composition, to define the study area, to define appropriate traffic engineering analysis methods to be used to assess whether or not safety and/or capacity deficiencies exist today or will exist after the development is in place and to exchange information before a commitment to a final design.

**GENERAL SUBMISSION REQUIREMENTS:**

~~1. ORGANIZATION.~~ The applicant

**A. Organization.** The Applicant is expected to complete and organize the application Application as follows:

1. Fill in pages 14 through 16 of out the application TMP Application form and attach them Notice of Intent to File.
2. Attach both to the front of the completed application Application.
3. Assemble the remainder of the application Application into sections as specified in the following specific submission the submittal requirements in Part 6 below.
4. Identify each section with a tab.
5. If a particular section is not applicable, provide a statement explaining why it is not; do not omit rather than omitting the section.
6. Retain a copy of the application Application for your reference.

**B. 2. NOTICE.** Provide Notice. The Applicant must provide written public notice of the application. The attached "Notice of Intent to File" form, or one containing identical information must be used to notify abutters, Application to Abutters and municipal officials, and local newspapers, by completing the "Notice of Intent to File" in the form provided by MaineDOT. The completed notice form Notice of Intent to File must be placed after the first two pages and before Section 1. Such notice of the TMP Application. The Notice of Intent to File must be sent to all abutters and to the appropriate officials in the municipality in which the Development is located by certified mail, return receipt requested, and published in local newspapers of general circulation. For over 200 PCE developments, the notice must accompany items 1 thru 6 of the Specific Submission Requirements Developments, the Notice of Intent to File should be accompanied by the information required by Part 6, Sections 1 thru 6 of this Rule.

**C. 3. PLANS** Plans. All site plans shall be stamped or sealed by a Registered licensed Maine Professional Engineer professional engineer and must be at a scale of 1-inch equals no more than 20050 feet (1:2000 metric), unless variations are approved by the Department prior to submission of the application. Any intersections of between the development Development with thea public roadway shall be shown at a scale of 1-inch equals no more than 50 feet (1:500 metric). Survey plans, without exceptions shall be prepared, signed and sealed by a Maine Licensed Professional Land Surveyor licensed professional land surveyor. Plans must be folded to fit 8 1/2" X 11" folders and must be submitted in triplicate. (original and two copies).

**4. FEESD. Copies and Format.** An original plus two hard copies, as well as an electronic file or set of files on USB media, must be provided to MaineDOT as part of the submittal.

**E. Fees.** The fee for a scoping meeting Scoping Meeting with no further review (100 - 200 PCE trips Trips) is \$500. If further review is required, short of a full traffic study Traffic Study as

determined at the ~~scoping meeting~~ Scoping Meeting, then an additional \$500 processing fee is required for each further review. The fee for all 200+ PCE ~~trip~~ Trip applications is \$2,000 (\$500 prior to the ~~scoping meeting~~ Scoping Meeting and \$1500 when the ~~traffie~~ Traffic Study is submitted). The fee for all MaineDOT TMP modifications shall be \$500 (unless additional study is submitted). ~~The fee for all MDOT and MDEP permit modifications shall be \$500 required).~~  
All checks to be made payable to "Treasurer State of Maine".

~~S. FILING LOCATION.~~ File the application **F. Filing Location.** The Application marked "**Attention Division Region Traffic Engineer**" must be filed in the appropriate M.D.O.T. Division **MaineDOT Region Office:** (for developments in municipalities with delegated review, the application will go directly to the municipality):

<u>MaineDOT Southern Region</u> Region 1 51 Pleasant Hill Road Scarborough, ME 04070-0358 <u>Phone: 207-885-7000</u>	<u>MaineDOT Mid-Coast Region</u> Region 2 66 Industrial Drive Augusta, ME 04330 <u>Phone: 207-624-8200</u>	<u>MaineDOT Western Region</u> Region 3 932 U.S. Route 2 East Wilton ME 04294 <u>Phone: 207-562-4228</u>
MDOT Division 1 Office P.O. Box 1178 41 Rice Street Presque Isle <u>MaineDOT Eastern Region</u> Region 4 219 Hogan Road Bangor, ME 04769-04401 764-2060 <u>Phone: 207-941-4500</u>	MDOT Division 2 Office P.O. Box 539 High <u>MaineDOT Northern Region</u> Region 5 41 Rice Street Ellsworth Presque Isle, ME 04605-04769 667-5556 <u>Phone: 207-764-2200</u>	<u>Augusta Headquarters</u> Traffic Engineering 24 Capitol Street 16 State House Station MDOT Division 3 Office P.O. Box 1208 219 Hogan Road Bangor/Augusta, ME 04402- 4208-04333 941-4500 <u>Phone: 207-624-3632</u>
MDOT Division 4 Office Route 201 10 Mountain Ave. Fairfield, ME 04937 453-7377	MDOT Division 5 Office 143 Rankin St. P.O. Box 566 Rockland, ME 04841 596-2230	MDOT Division 6 Office P.O. Box 1940 Portland, ME 04104 883-5546
MDOT Division 7 Office P.O. Box 817 Dixfield, ME 04224-0683 562-4228		



**Part 5. SPECIFIC SUBMISSION TRAFFIC MOVEMENT PERMIT PROCESS  
REQUIREMENTS:**

\* ~~Developments generating 100 or more PCE trips. In~~ The TMP transportation impact review process reflects and advances ~~the ease~~ **the ease** ~~State of~~ a development generating 100 or more PCE trips during its peak hour of traffic generation, evidence supporting ~~Maine's motorized and multi-modal policy goals, in particular, the amount of traffic generated by a development~~ objectives outlined in ~~MaineDOT's Complete Streets Policy and in the federal Americans with Disabilities Act.~~ Especially in village, sub-urban and urban contexts, projected impacts on all modes, and appropriate mitigation strategies, including increases in infrastructure capacity and Traffic Demand Management practices, must be included in the Applicant's description of the Project. Discussion of the applicability of TDM or multi-modal considerations **shall be included in the application** and at the Scoping Meeting.

**A. Pre-Scoping Meeting.** A pre-Scoping Meeting may be requested by either the Applicant or ~~MaineDOT~~ prior to the submittal of the Application. ~~MaineDOT, at its discretion, may grant a pre-Scoping Meeting prior to the Applicant's preparation of the Application. The pre-Scoping Meeting is intended to allow MaineDOT and the Applicant to obtain consensus as to study assumptions, data requirements, analysis periods, analysis methodology, and other key aspects of the process prior to the Applicant preparing the Application. This meeting ensures a common understanding and reduces the potential time and cost of preparing revisions to the TMP Application.~~

**B. Developments Generating 100 or MORE PCE trips.** If a proposed Development is estimated to generate 100 or more PCE Trips during its peak hour of Traffic generation, then the information requested in Sections 1-6 below shall be included in the Application **submitted to the Department prior to scheduling the scoping meeting.** ~~The application must also include the information requested in Sections 1-6 below.~~ Scoping Meeting.

~~During the scoping meeting, the Department may determine that a traffic study is required for some developments which generate 100-200 PCE trips. This determination may be made if it appears that there are traffic safety or capacity deficiencies in the vicinity of the proposed development, such as the following:~~

1. **Review Timeline.** Any person intending to construct or operate a Development that is projected to generate 100 or more PCE Trips during its peak hour of Traffic generation shall, before commencing construction or operation, file an original and two copies of the Application for a "Traffic Movement Permit" identifying the size, nature and location of the Development, together with information required in Sections 1 through 6 of Part 6, below. An electronic copy of the Application shall also be sent to the Regional Traffic Engineer. The Department has 14 calendar days from date of submittal to determine if the Application, including Sections 1 through 6 of Part 6, is complete. If the Department does not make a completeness determination within 14 calendar days, the Application is deemed complete. However, this does not preclude the Department from requesting additional information from the Applicant. If the Application is not deemed complete, the Applicant will be required to resubmit the

Application with the requested information, and the Department has 14 calendar days to determine completion upon resubmittal. A Scoping Meeting shall be held within 30 calendar days of the date Sections 1 through 6 of Part 6 are deemed complete.

2. **Scoping Meeting.** Applicants with Developments resulting in 100 or more PCE trips will be required to attend a Scoping Meeting with the Department. The Department will schedule a Scoping Meeting upon receipt of a Traffic Movement Permit Application, from the Applicant, which the Department deems complete. The Scoping Meeting shall be used to discuss the scope of potential Traffic impacts to be studied by the applicant. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils from the area where the Project is located in addition to the Applicant and/or appropriate representative. The Applicant is required to submit a signed copy of the "Notice of Intent to File" to the municipality(ies) where the proposed Development is located and to submit this form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested, at least 7 (seven) calendar days prior to the Scoping Meeting. The purpose of the Scoping Meeting is to help the Applicant understand the Application review process, identify particular areas of concern, define appropriate Trip generation rates, define Trip distribution, define Trip composition, define the Study Area and determine the need for a Traffic Study. The Applicant has 270 calendar days from the Scoping Meeting to submit the Traffic Study such a study is required by the Department. Failure to submit the required material within 270 calendar days may require the resubmittal of Sections 1 thru 6 of Part 6 of this Rule and a new Scoping Meeting to be held.

**A. Developments generating 100-200 PCE Trips.** For Developments estimated to generate 100-200 PCE Trips during the peak hour of Traffic generation, the Department shall recommend one of the following during the Scoping Meeting:

1. That the Applicant be issued a TMP with no further study and no off-site mitigation because the Development will not have a significant impact on roads or intersections in the Study Area of the proposed Development. As part of the TMP issued by the Department in such a case, conditions including an impact fee may be imposed for off-site mitigation without the need for any additional Traffic Study; or
2. That the Application requires further review and that a Traffic Study including the information requested in Section 7 below is required. This determination may be made if it appears that there are Traffic safety or capacity deficiencies in the Study Area of the proposed Development, such as in the following instances:
  - a. **Current traffic problems.** Current traffic Traffic problems have been identified such as a high-accident crash location, inadequate an intersection, an intersection in need of a traffic Traffic signal, or inadequate storage lane capacity for turning vehicles.

- b. ~~Unsatisfactory level of service. The~~ The current or projected level of service of the roadway system adjacent to the development is unsatisfactory for any user group, including but not limited to motorists, bicycle riders, and pedestrians.
- c. ~~Other problems identified. Other specific safety or congestion problems or deficiencies have been clearly identified and documented by the~~ MDOT or the municipality and these may be affected by the proposed development or affect the ability of the development to be satisfactorily accommodated. This does not preclude the limited to: breaks in sidewalk or bicycle lane continuity, lack of crosswalks, lack of ADA accessible pedestrian facilities or bus stops, lack of bus stop amenities such as benches or shelters) in the site vicinity. The Department from making a reasonable request may address these problems or deficiencies under its other statutory authority as well.

~~If a traffic study is required, then the applicant must submit the information requested in Section 7.~~

- d. ~~\* Developments generating over 200 PCE trips. The application for approval~~ Study Area of the proposed Development is limited to the area defined by the Development entrance(s) or exit(s), and the Department wishes to extend the Study Area to the first Major Intersection in each direction from the Development entrance or entrances including intervening segments because the Scoping Meeting revealed potential safety, capacity, or other Traffic-related issues affecting the type of review warranted.

Once the Traffic Study is submitted, The Department has 14 calendar days from date of submittal to determine if the Traffic Study is complete. If the Department does not make a completeness determination within 14 calendar days, the application is deemed complete. ~~development that will generate over 200 PCE trips should include~~ The "Notice of Intent to File" does not need to be resubmitted with Section 7 Traffic Study when the Application is officially submitted. The Department will have 60 calendar days from the date the Application is deemed complete to issue a Traffic Movement Permit.

- B. Developments generating 200 or more PCE Trips.** If a proposed Development is estimated to generate 200 or more PCE Trips during the peak hour of Traffic generation, a Traffic Study including the information requested in Section 7, (completed sections 1 thru 6 must be submitted to MDOT prior to scheduling a scoping meeting), unless waived below will be required after the Scoping Meeting.

The requirement of a Traffic Study may be waived by the Engineer of Traffic or his/ or her designee when the Engineer of Traffic determines that the development traffic peak is at the scoping meeting, a different time than the peak hour of the adjacent roadway or the Development has a high number of Pass-By Trips.

Section 1. Site and traffic information:

A. Once the Traffic Study is submitted, the Department has 14 calendar days from date of submittal to determine if the Traffic Study is complete. If the Department does not make a completeness determination within 14 calendar days, the Traffic Study is deemed complete. The Department will have 120 calendar days from the date the Application and Traffic Study are deemed complete to issue a Traffic Movement Permit. The "Notice of Intent to File" does not need to be resubmitted with the Section 7 Traffic Study when the Application is officially submitted.

The outside parameters for the Study Area of the Section 7 Traffic Study are as follows:

1. The Development entrance(s) and exit(s);
2. The first Major Intersection in either direction from the Development entrance(s) and exit(s) unless waived by the Engineer of Traffic or his/her designee at the Scoping Meeting; and
3. All intersections where, during any one-hour period, traffic attributable to the proposed Development equals or exceeds:
  - a. 25 left turn movements per lane; or
  - b. 50 thru and/or right turn movements per lane

Generally, the Study Area, defined by the above criteria, would be limited to a radius of 2 miles measured from each site entrance or exit unless the Department, at the Scoping Meeting, determines that the proposed Development will impair the safe and efficient flow of Traffic beyond a two mile radius due to the Development's scale, location, or nature.

**C. Consideration of Multi-Modal Trips.** The Section 7 Study must include analysis of Multi-Modal Trips based on ambient and potential future Project area conditions and should take special care to identify transportation system features with existing or potential issues that would be exacerbated by Project-generated Trips. The Study Area for multi-modal considerations, or the Multi-Modal Study Area, shall be determined by defining a circle around the Project with a minimum radius of ¼ mile for urban/suburban contexts, and a larger radius of up to a 1 mile for rural contexts. Depending upon specific site and contextual conditions reviewed at the Scoping Meeting, the Department may reduce the required Multi-Modal Study Area from the default radius length and/or reshape the circular area to more appropriately target likely impacted locations for analysis.

**D. Traffic Movement Permit Expedited Review.** For those Projects that have known or negligible new impacts to the roadway or Traffic conditions, including multimodal Traffic, the Applicant shall have the ability to apply for Expedited Review. To request Expedited Review Applicants shall follow the guidelines below.

1. The Applicant needs to state the request for Expedited Review on the Application. The Application shall be accompanied by a letter (in the form provided by MaineDOT) from municipal staff supporting Expedited Review. This letter must detail the arguments supporting the determination that the Project makes only known or negligible impacts to the roadway or Traffic conditions, including multimodal Traffic, and that no Scoping Meeting is needed. Expedited Review will not be allowed within municipalities that have Delegated Review.
2. The Applicant will submit the Application with all of the information required by Sections 1 through 6 of Part 6 (plus associated \$500 Application fee) and, when necessary, the Section 7 Traffic Study. A list of formal recommendations for TMP conditions shall be submitted with the Application. If the Project impacts a coordinated traffic signal system, the Applicant will pay an impact fee to be used to develop a signal timing plan to accommodate the adjustments to the signal system. The impact fee will be a per signal cost determined by consultants approved by MaineDOT for work associated with coordinated signal system retiming.
3. The Applicant must accept responsibility for construction of any and all transportation system improvements, including implementing improvements to serve multimodal needs and/or to the site entrance(s)/exit(s). Those improvements shall be shown on the site plan.

If MaineDOT requires off-site mitigation, it can be in the form of either a to-be-determined impact fee or agreed upon roadway improvements.

MaineDOT may deny the request for Expedited Review and review the Application in the traditional manner. This decision to review the Application traditionally will be made within 14 calendar days of submission. If Expedited Review is granted, MaineDOT will modify the TMP draft as needed and present it to the Applicant and municipality within 30 calendar days of submission.

Expedited Review is generally limited to 100 to 200 PCE permits. MaineDOT may allow Expedited Review for over 200 PCE permits for those Developments with a high percentage (70%) of Pass-By Trips.

## **Part 6. SUBMITTAL REQUIREMENTS**

**Section 1.** Required site and Traffic information that must be included with the Application is as follows:

- A. Site Plan.** Plans and drawings shall be in accordance with General Submission Requirement Number 3. This section Requirements, supra Part 4. The Site Plan should identify the size of the parcel, the developable acreage of the parcel, general terrain features, and unique terrain features. The site plan should also identify the proposed "footprint" of the Project relative to existing site conditions, the boundaries of land owned by the Applicant, the abutting land uses, and transportation facilities (including

private and access roadways, sidewalks, crosswalks, public right-of-way, public transit stations/stops/routes, and bicycle facilities) within and adjacent to the site. Review of the of the Site Plan will cover existing bicycle, pedestrian and public transportation infrastructure, existing and future multimodal desire lines, and a preliminary connectivity assessment.

**Description of**

**B. — ~~B. Existing and~~ Proposed Site Uses.** A description of the existing and proposed uses of the ~~development area~~ Development Area will need to include information about the anticipated number and type of parking spaces (to include automobile parking, bicycle parking, and preferential parking for carpoolers and other non-drive-alone modes) and information about potential shared parking, on-street parking, and off-site parking opportunities.

**C. — ~~C. Site~~ Regional Mapping.** Identification of site and vicinity ~~Study Area~~ Study Area boundaries. A in the form of a regional map showing the ~~development~~ Development area and each road in the vicinity of the proposed development as defined in MDOT's chapter 305 of the General Rules of the Department of Transportation (Sections 5B or 6B). ~~Study Area~~ Study Area of the proposed Development. This map must also show other proposed ~~development~~ Development sites in the vicinity of the proposed development (all municipally approved Developments under 100 PCE and those Developments 100 PCE and over that have an approved TMP submittal to MaineDOT) in the Study Area of the proposed Development, including the location of their existing and proposed driveways to the extent such information is available. This map shall include pedestrian, bicycle and transit Trip generators, origins and destinations within a radius of ¼ mile for urban/suburban contexts and a radius of up to 1 mile for more rural contexts.

**D. — ~~D. Information Concerning~~ Proposed Uses.** Information concerning proposed uses in the vicinity ~~Study Area~~ Study Area of the proposed development. A description of traffic ~~Development~~ Development and the Traffic increases that are expected from sources other than the proposed ~~development~~ Development and that are highly likely to occur in the vicinity ~~Vicinity~~ Vicinity (as defined in MDOT's ~~MaineDOT's~~ MaineDOT's chapter 305 of the General Rules of the Department of Transportation ~~Sections 5B or 6B~~) of the proposed ~~development~~ Development during the study period. At a minimum, the ~~study~~ Applicant must identify ~~development~~ Development or redevelopment proposals which have been approved, either locally or by the Department, provided such approvals have not lapsed, and ~~development~~ Development or redevelopment proposals for which complete ~~applications~~ Applications have been filed with and accepted by a local reviewing authority or the Department, provided the ~~applicant~~ Applicant is actively pursuing the ~~application~~ Application. If a local reviewing authority or the Department has requested from an ~~applicant~~ Applicant additional information or submittals necessary to complete the processing of an ~~application~~ Application but has not received such information within ~~90~~ 270 calendar days of the request, that ~~applicant~~ Applicant shall be deemed ~~not to be~~ not actively pursuing the ~~application~~ Application and the Department will consider the application withdrawn and will so notify the applicant.

**E. — E. Trip generation. Information Concerning Vehicle Trip Generation.** Vehicle Trip generation is caused by the Development or redevelopment is the determining factor in whether or not a development or redevelopment Developer is required to apply for and obtain an MDOT Traffic Movement Permit. MaineDOT Traffic Movement Permit. The Applicant should identify the expected use or uses of the Development, the amount of space or number of site users (or other suitable indicator of Trip generation), and the resulting Vehicle Trip generation of the proposed Development, including the weekday morning peak hour, the evening peak hour, daily Traffic, and other peak periods as may be appropriate (weekday mid-day peak, weekend mid-day peak, etc.). The Applicant must include appropriate documentation and references and document both Trip rates and Trip types. Trip generation must be calculated using the edition of the Institute of Transportation Engineers' (ITE) Trip Generation Guide referenced on the MDOT Traffic Permit Fact Sheets enclosed with your application. If ITE data is not available for the proposed land use, trip generation must be estimated in accordance with a approved methodology approved by referenced in the MDOT. MaineDOT Traffic Analysis Guidelines. The trip Trip generation data must be presented in a summary table listing each type of land use, the size involved, the trip Trip generation rate used (total daily traffic Traffic and a.m./p.m. peak, weekend peak if necessary), and the resultant total trips Trips generated for the design peak hour of the adjacent street, or the design peak hour of the generator, whichever is the worst case scenario for the network.

**F. — F. Information about Trip Distribution.** Information about Trip distribution. A, including a description and diagram of the anticipated distribution of traffic Traffic entering and exiting the proposed development area Development area. For Developments which generate 500 or greater Trips, a gravity model, market study, or other approved methodology referenced in the MaineDOT Traffic Analysis Guidelines is required to determine Trip distribution.

**G. — G. Information about Trip Assignment.** Information about Trip assignment. At including, at a minimum, a stick diagram showing the network impacted by the development and including Development as well as the first major intersection Major Intersection to either side of the development Development driveway(s). Additional intersections are required. The Applicant shall also include projections of bicycle and pedestrian uses and information about additional intersections for Developments with over 200 PCE, if threshold volumes are met. Threshold volumes are met at intersections where, during any one-hour period, traffic Traffic attributable to the proposed development Development equals or exceeds: (a) 25 vehicles in a left-turn-only lane; (b) 3550 vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or (c) 3550 vehicles (multiplying the left-turn volume by 1.5) in a combined left-turn and through lane, or a combined left-turn, through and right-turn lane. include The Applicant shall also include a description and diagram of the anticipated utilization of roads and intersections in the vicinity Study Area of the proposed development Development by traffic Traffic attributable to the development Development. Distribution and assignment of trips Trips must be based on population trends, surrounding land uses, the condition of roadways, market analyses, existing traffic Traffic patterns and other relevant data. The technical analysis steps, basic methods, and assumptions used in this work analysis must be clearly stated. The scope of this section

must be to and including the first ~~major intersection~~ Major Intersection to either side of the development/Development driveway(s) and for multimodal considerations, bicycle/pedestrian/transit Trip generators, origins and destinations, and facilities within a radius of ¼ mile for urban/suburban contexts and a radius of up to 1 mile for more rural contexts.

Generally, for an over 200 PCE Application, the Study Area as defined by the above criteria would be limited to a radius of 2 miles from the Development Site unless the Department, at the Scoping Meeting, determines that the proposed Development will impair the safe and efficient flow of Traffic beyond a two mile radius due to the Development's scale, location, or nature.

## **Section 2. Traffic ~~accidents~~ Crashes.**

— An The Application should provide an **inventory and analysis of traffic accidents/Traffic crashes occurring in the vicinity (as defined in MDOT's chapter 305 of the General Rules of the Department/Vicinity of Transportation Sections 5B or 6B) of the proposed development/Development during the most recent 3-year period to identify high accident/crash locations and their associated critical rate factors/Critical Rate Factors or excess crash costs.** The inventory must include:

A. An identification of high crash locations including road segments, intersections, or Development entrances and exits that may be deemed as unsafe when Traffic encounters conditions such as inadequate turning radii, poor geometrics, limited sight distance or high crash locations. "High Crash Locations" are road segments or intersections where eight (8) or more crashes have occurred over the most recent three (3) year period, and the "Critical Rate Factor" is greater than one (1.0).;

### **B.**

Section 3. — Development entrances and exits. A description of the following:

— A. Entrance/MaineDOT supplied Collision diagrams for each High Crash Location identified;

— C. Information about excess crash rates and costs in accordance with MaineDOT's Highway Safety Manual (using expected vs predicted crash rates); and,

D. Data on bicycle and pedestrian crashes identifying any trends, causal factors or relationships with motor vehicle crash data.

Section 3. Development Entrances and Exits. The Application must include the following:

A. A description of entrance and exit location (show locations showing the exact distance —(to the nearest hundredth mile/[nearest hundredth kilometer]—) to the nearest intersecting road or town line) and design (showing the The description must also include information about the number of entrance/exit, entrances/exits and the proposed entrance/exit width and type of surface on the proposed entrance/exit); and entrances/exits, and sidewalks. Finally, the



description must identify bicycle lanes/facilities or other multi-modal features (e.g. crosswalks, bus stop amenities such as benches and shelters, bicycle lanes and parking, etc.).

B. — B. — A plan view of each intersection created by the development. The plan view must show Development showing the names of the intersecting roads, the posted speed limit on the roads, the left and right sight distances, and the location of all driveways and roads located across from the development Development site.

C. — C. — Information about the measured stopping sight distances in each direction for entrance and exit locations as well as the posted speed for the location of each driveway. Those sight distances shall be in conformance with the sight distance set forth in MaineDOT's Chapter 299 Highway Driveway and Entrance Rules.

D. Evidence that the Entrance/Exits shall meet the following criteria and requirements:

1. I. — Entrance/exits shall meet minimum Minimum driveway spacing and minimum corner clearance as specified in the edition of MDOT's "Access Management — Improving the Efficiency of Maine Arterials" referenced on the MDOT Fact Sheets MaineDOT's Chapter 299 Highway Driveway and Entrance Rules.
2. II. — All entrances shall be so located, that Adequate sight distance must be achieved in both directions for vehicles entering onto or exiting from the highway will have adequate intersection sight distance in both directions along the highway. The design and location of the driveway should be such that it allows motorized vehicles, including trucks, to maneuver safely and without interference with traffic Traffic. The entrance/exit location should provide adequate sight distance so that vehicles traveling on the highway or street adjacent to the driveway will provide sufficient stopping sight distance to stop for vehicles waiting for a gap to turn left into the driveway entrance and a. A minimum safe sight distance must be provided for vehicles turning left from a major roadway. A Project that can be anticipated to generate any bicycle and pedestrian Trips shall provide sidewalks, crosswalks, and ADA accessible landings at and along the entrance to the public streets system and pedestrian connection(s) from the entrance(s) to and between the site structure(s).
3. III. — Driveway width and other details shall be in accordance with the latest version of MaineDOT's Standard details found in the MDOT Fact Sheets; these standard details as Details; an updated by the Department shall be incorporated into these rules and regulations; version of the Standard Details is available on the MaineDOT Traffic website.

4. ~~IV.~~ — The grade of entrances shall be in conformance with the latest edition of M.D.O.T.'s MaineDOT's Highway Design Guide referenced available on the M.D.O.T. Fact Sheets/MaineDOT Traffic website. All driveway entrance/exits within 75 feet (~~23 meters~~) of a roadway intersection shall not exceed a maximum grade of 3%.
5. ~~V.~~ — Driveway entrance/exits shall comply with ~~standards/rules established under 23 M.R.S.A. § 704~~ the most current version of MaineDOT's Chapter 299 Highway Driveway and Entrance Rules. The width of drive entrances shall not exceed twenty-six (26) feet (8.0 meters) for residential use and forty-two (42) feet (12.8 meters) for commercial use.
6. ~~VI.~~ — Separation islands between entrances and exits where culverts are not required or are continuous between entrances, shall be raised islands, not less than six (6) inches (0.150 meters) above the surface of the ~~adjacent drives, curbed and~~ entrance. Island should be either paved or seeded. ~~Some form of curbing of the separation is desirable.~~ If an open ditch is used between driveways having separate culverts, the raised section is not necessary and the separation island shall be graded to drain ~~toward the ditch~~ toward the culverts.

7. ~~VII.~~ ~~When sidewalks, curbing, or curb and gutter are to be removed,~~  
~~the applicant or permittee shall replace at his~~ as part of the construction, the Applicant  
must commit to replacing at its own expense the necessary sidewalks, curbing or  
curb and gutter at the break points of the entrance. All curbing at the side of the  
entrance shall be terminal ends as shown in the curbing standard details attached to the  
~~MDOT Fact sheet,~~ form terminal ends as shown in the latest version of MaineDOT's  
Standard Details; an updated version of the Standard Details is available on the  
MaineDOT Traffic website. A Project that can be anticipated to generate any  
bicycle and pedestrian Trips shall provide sidewalks, crosswalks, and ADA  
accessible landings at and along the entrance and pedestrian connection(s) and  
from the entrance(s) to and between the site structure(s).

8. ~~VIII.~~ ~~Drainage in highway side ditches shall not be altered or impeded, and the~~  
~~applicant and permittee~~ Applicant must provide ~~commit to providing,~~ at his/her ~~its~~ own  
expense, suitable and approved drainage structures at all entrances. Surface  
drainage structures shall be provided so that ~~cause~~ all surface water on the areas  
adjacent to the highway shall ~~to~~ be carried away from the highway and that there is  
~~no~~ shall be built in such a way as to prevent significant increase in the peak flow  
(50-year storm event) draining towards the roadway. The drainage opening  
underneath the entrances or filled areas adjacent to the highway shall be adequate  
to carry the water in the highway side ditches. Size, type of pipe and adequacy of  
proposed structures shall be approved by the Department prior to installation. The  
~~Applicant or permittee shall~~ agree to use Maine Department of Environmental  
Protection's method for determining and detaining storm water run-off. Drainage  
issues do not have to be completed ~~resolved~~ prior to the scoping meeting. ~~Scoping~~  
~~Meeting but must be resolved prior to Project construction. The Division~~ Region  
Engineer or his designee shall determine whether drainage increases toward the  
roadway are significant. Drainage issues need to be resolved prior to project  
construction.

#### **Section 4. Title, ~~right~~ Right or ~~interest~~ Interest.**

~~\_\_\_\_\_~~ The Department may consider an application ~~Application only when an~~  
~~applicant~~ Applicant has demonstrated sufficient title, right ~~Title, Right, or interest~~ Interest in all of  
the property which is being proposed for development or use, including  
~~development~~ Development entrances and exits, and that no inconsistent control. The  
Development's entrances/exits cannot be constructed in an area where MaineDOT has  
Control of access provision exists ~~Access rights. The following documentation of Title, Right,~~  
~~or Interest, as applicable must be submitted with respect to access~~ the Application and shall be  
reviewed for adequacy by the Department.

- A. When the Applicant claims ownership of the property, the Applicant will provide copies of the deeds to the property;
- B. When the Applicant has an option to buy the property, the Applicant will provide a copy of the option agreement which must contain terms deemed sufficient by the Department to establish future title;
- C. When a Purchase and Sale agreement has been signed, the Applicant shall provide a copy the Purchase and Sale agreements with terms deemed sufficient by the Department to establish future title;
- D. When the Applicant has a lease on the property, the Applicant will provide a copy of the lease, which must be of sufficient duration, as determined by the Department, to permit construction and reasonable use of the Development;
- E. When the Applicant has eminent domain power over the property, the Applicant must supply evidence of the ability and the intent to use the eminent domain power to acquire sufficient Title, Right or Interest to the satisfaction of the Department.

#### **Section 5. Public or private rights-of-way.**

~~The~~ The Application must identify the location and width of proposed streets, easements, and other public or private rights-of-way in the Development. No entrance, approach, or other improvement constructed on the Right of Way as an exercise of this permit as a requirement of the TMP shall be relocated or have its dimensions altered without the written permission of the Maine Department of Transportation's, MaineDOT's Bureau of Project Development. Occupancy of the Highway Right of Way by structures, The Applicant shall not install structures or pavement in the State's highway right of way that are not related to the installation, or paving not connected with, of the entrance uses is specifically prohibited or exit.

#### **Section 6. Schedule. Estimated**

The applicant must provide an estimated completion schedule for the development project/Development Project. If construction of the proposed Development will place in phases, the estimated completion schedule should be proved in phases.

#### **Section 7. ~~TRAFFIC STUDY REQUIREMENTS.~~ Traffic Study Requirements.**

A study/Traffic Study of roads in the vicinity/Study Area of the proposed development/Development must be completed. A report including the for those Applications for projects generating 200 or more passenger car equivalent Trips or if a Traffic Study was requested by the Department at the Scoping Meeting. This Traffic Study (the "Section 7 Traffic Study") is expected to include the following information outlined below must be submitted:

- ~~A. Preparation of traffic study. The traffic study must be prepared under the supervision of a Maine registered professional engineer having experience in traffic engineering.~~
- ~~B. Study horizon. The year for which the study results are to be characterized must be the projected year of build-out and full occupancy. If the proposed development is a multi-phase project along with a projected build-out date of more than 5 years after the year of the study, the Department may require a study of both the year of the opening of the first major phase and the year of build-out and full occupancy.~~
- ~~C. Site and traffic updated information. Include the information outlined in Section 1, parts A, B, C, D, E, and F through 6 above if warranted.~~
- ~~D. Trip assignment. Include a description and diagram of the anticipated utilization of ..... A. Existing and Projected Traffic Volumes. The Traffic Study should provide diagrams of the Traffic volume on roads and intersections in the vicinity Study Area of the proposed development by traffic attributable to the development. Distribution and assignment of trips must be based on population trends, surrounding land uses, the condition of roadways, market analyses, existing traffic patterns and other relevant data. The technical analysis steps, basic methods, and assumptions used in this work must be clearly stated. The scope of this section must be to and including the first major intersection to either side of the development driveway(s). Additional intersections are required if threshold volumes are met. Threshold volumes are met at intersections where, during any one hour period, traffic attributable to the proposed development equals or exceeds: (a) 25 vehicles in a left turn only lane; (b) 35 vehicles in a through lane, right turn lane, or a combined through and right turn lane; or (c) 35 vehicles (multiplying the left turn volume by 1.5) in a combined left turn and through lane, or a combined left turn, through and right turn lane.~~
- ~~E. Existing and projected traffic volumes. Include a diagram of the traffic volume on roads and intersections in the vicinity of the proposed development Development for the estimated a.m. and p.m. peak hour traffic Traffic (including turns during the peak hour) unless determined by the Department at the scoping meeting Scoping Meeting determines that another approach or period of time is more appropriate. Traffic diagrams must show the following:~~
- ~~(1). Existing traffic vehicle Traffic volume based on actual counts taken within two years of the study unless otherwise approved by the Department consistent with current Maine DOT Guidelines for Data Collection.~~
  - ~~(2). Vehicular Traffic attributable to other development projects Development Projects that are proposed or approved but are not operational at the time the traffic Traffic counts are made. An applicant Applicant must consider:~~
    - ~~a. Approved projects Projects, provided the permit has not lapsed and has not been extended more than once;~~
    - ~~b. Department rulings and municipal planning permits, subject to the specific terms of those rulings or permits; and~~

c. ~~Proposed projects~~Projects for which complete applications ~~Applications~~ have been filed and accepted, provided the ~~applicant~~Applicant is actively pursuing the ~~application~~Application.

~~(3) Traffic attributable to the proposed development assuming build-out and full occupancy~~

~~(4) Traffic attributable to the proposed development during its peak hour of traffic generation.~~

~~(5)~~ **Projected traffic vehicular Traffic volume and multi-modal Person Trips for the design hour at the time the development**Development will begin operation, assuming build-out and full occupancy of the proposed development. This information must include peak hour projections of bicycle and pedestrian Person Trips as shown in MaineDOT Traffic Analysis Guidelines.

~~Documentation, including all new traffic~~Traffic counts and analysis worksheets, as to how the various volumes were derived must accompany the diagrams. Computer techniques and the associated printouts can be used as part of the report.

~~Build-out projections must include volume projections for background traffic growth. Methods used to determine background traffic volumes include the use of existing projections in comprehensive plans and typical annual growth rates.~~

~~All traffic counts must be actual counts whenever possible. Traffic counts from the Department may be used if not more than two years old unless otherwise approved by the Department.~~

~~Projected Traffic volumes should be calculated using a methodology approved by the MaineDOT detailed in the MaineDOT Traffic Analysis Guidelines.~~

**B. Capacity** ~~analyses~~Analysis. ~~A capacity analysis~~Capacity Analysis must be performed (for A.M and P.M. peak hours and weekend peak hours when applicable) to determine the ~~level~~Level of service ~~Service~~ for each road and intersection in the ~~vicinity~~Study Area of the proposed development. ~~Capacity calculations must~~Development. Analysis shall also be made~~performed~~ for the estimated 30th highest hour of traffic during the build-out year, or any other appropriate design hour approved by the Department. ~~Where~~modes such as pedestrians, bicycle riders, and transit users. The Capacity Analysis shall be completed as directed in the MaineDOT Traffic Analysis Guidelines. When it is shown that the capacity ~~analysis~~Capacity Analysis methodology will not accurately measure operating conditions at a certain road or intersection, the Department may require an applicant ~~Applicant~~ to analyze operating conditions of ~~an~~the intersection or road using another methodology acceptable to the Department. In the case where ~~a particular an~~ intersection being evaluated is part of an interconnected signal system, the ~~applicant may~~Applicant, at the discretion of the Department, may be required to include the analysis of the interconnected system in the evaluation.

The Department recognizes that the ~~level~~Level of ~~service~~Service of some roads and intersections cannot be accurately determined using only the standard ~~capacity~~Capacity Analysis method. In such cases, the appropriate analytical technique will be determined in consultation with the Department. The Department will have final say in deciding which appropriate analytical technique should be applied.

G. ~~Traffic signals. The need for new traffic signals.....~~ In reviewing the Capacity Analysis in the vicinity~~Traffic Study~~, the Department will consider the following:

1. **Design and Operation.** In determining whether the Developer has made adequate provision for Traffic movement of all types into and out of the Development and in the Study Area **of the proposed** ~~development~~Development, the Department shall consider all relevant evidence to that effect to ensure the safe and efficient flow of Traffic. On-site design and operations are subject to review, to the extent deemed necessary by the Department, to ensure that the Development will not cause any delay, interference or safety problems with the operation of adjacent roadways, driveways, and pedestrian, bicycle and transit facilities. The Development must be checked~~located~~ and designed so that the roads and intersections in the Study Area of the proposed Development will have the ability to safely and efficiently handle the Traffic increase attributable to the Development at the time the Development becomes fully operational.
2. **Study Horizon.** The Traffic impacts of a proposed Development shall be assessed based on the period from the issuance of the TMP through the projected year of full build-out of the proposed Development. If the proposed Development is a multi-phase Project with a projected build-out date of up to five (5) years after the year of permit issuance, the Department may require a study for each phase of the proposed Development. Phases developed after 5 years will require a TMP modification if the cumulative Trips associated with those phases is between 100 and 200 PCE Trips. Development phases generating more than 200 Trips will require a new TMP Application.
3. **Unreasonable Congestion.** Level of Service D, as determined from a Capacity Analysis, is considered the minimum Level of Service needed to provide safe and convenient Traffic movement. Where a road, intersection, or any approach lane to the specific intersection or intersections being evaluated in the Study Area of the proposed Development is determined to operate at LOS E or LOS F in the build year and improvements cannot be made to raise the LOS to D or above, the Department will conclude that the proposed Development will result in unreasonable congestion, unless one or more of the following conditions justifies an exception from this standard:
  - a. The Level of Service of the road or intersection will be improved to D or better through Transportation Demand Management Techniques:

- b. The Department finds that it is not reasonably possible to raise the Level of Service of the road or intersection to D or above by road or intersection improvements or by Transportation Demand Management Techniques but is comfortable that proposed improvements and/or Transportation Demand Management Techniques will insure that Traffic from the proposed Development will not increase delay at a signalized or unsignalized intersection or otherwise worsen the operational condition of the road or intersection in the horizon year;
- c. The Department finds that improvements cannot reasonably be made because the road or intersection is located in a business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and that Transportation Demand Management Techniques will be implemented to the fullest extent practical;
- d. The Development is located in a Designated Growth Area, or in the compact area of an Urban Compact municipality, in which case the Applicant shall be entitled to an exception from the Level of Service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the Traffic impacts of the proposed Development occur outside the boundaries of the Designated Growth Area. This exception does not exempt the Development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues. Transportation Demand Management Techniques are also likely to be required. The required improvements are limited only to those necessary to mitigate the impacts of the Project (which means the Applicant is responsible only for returning all approaches to an intersection or piece of a roadway to the current Level of Service);
- e. In the case of unsignalized intersections, if Traffic with the Development in place would not meet the warrant criteria for signalization or auxiliary turning lanes, evaluated **using** the methodology approved by the MaineDOT detailed in the Traffic Analysis Guidelines, then the Department may reduce the mitigation requirement for those measures so long as the resulting Traffic conditions provide for safe Traffic movement;  
or
- f. The Development is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in M.R.S. Title 30-A, Chapter 187, or located within the compact area of an Urban Compact municipality, or on a former military base pursuant to 38 M.R.S. § 488(15). Projects that consist of a conversion of an existing facility without an entrance or exit on a federally classified arterial highway do not have to meet Level of Service D if the required improvements are



limited only to the entrances and exits of the Project and Transportation Demand Management Techniques can be used to increase safety.

4. **Consideration of Drive-Through Operations.** For uses with drive-through operations, the Applicant will need to ensure and submit analysis, consistent with methodologies approved by the MaineDOT as detailed in the MaineDOT Traffic Analysis Guidelines, that shows that potential queuing related to the drive-through operations will not spill-back or create unsafe conditions on the adjacent roadway.

**C. Traffic Signals.** The need for new Traffic signals in the Study Area of the proposed Development is determined in the traffic study using the signal warrants found in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), U.S. Department of Transportation, Federal Highway Administration. The use of data used to determine whether an intersection trigger a Traffic Signal warrants will be consistent with methodologies approved by the MaineDOT detailed in the MaineDOT Traffic Analysis Guidelines.

— The Applicants should note that the signal warrants in the MUTCD are not the sole criteria used to determine the need for new traffic signals. Although an intersection may meet the MUTCD warrants, the Department may determine that a signal is not appropriate.

- H. ~~Sight distance analyses. A determination of the available sight distance in all directions at each intersection in the vicinity of the proposed development. Intersection sight distance is the length of roadway visible to the driver. It must be measured from the intersection (at a point 10 feet [3.0 meters] back from the edge of the travel way) to the centerline of the opposing lane(s), assuming a height of eye of 3.5 feet (1.1 meter) and a height of object of 4.25 feet (1.3 meters).~~
- I. ~~Traffic accidents. An inventory and analysis of traffic accidents in the vicinity of the proposed development during the most recent 3-year period. The inventory must include:~~
- (1) ~~A listing of the critical rate factor for each road and intersection in the vicinity of the proposed development;~~
  - (2) ~~Identification of high accident locations (see Section 4D of this chapter);~~
  - (3) ~~Collision diagrams for each high accident location identified; and~~
  - (4) ~~Identification of feasible countermeasures based on discernible accident pattern at any high accident location.~~

— J. **D. Bicycle, Pedestrian, and Transit Modes**

The Section 7 Traffic Study should include an assessment of the mode split assumptions as well as the Applicant's plan to maximize travel choice, promote non-SOV (Single Occupancy Vehicle) modes, and achieve the assumed mode shares.

If a facility within the Applicant's Study Area has an access or accommodation deficiency in the mode under review (bicycle, pedestrian, transit), the Section 7 Traffic Study must assess options to facilitate safe, convenient, and functional access via these modes as follows:

1. In locations where pedestrian facilities are not available, the Applicant shall evaluate and document pedestrian needs, desire lines, and opportunities to provide pedestrian infrastructure.
2. In locations where bicycle facilities are not available, the Applicant shall evaluate, and document bicycle needs and opportunities to provide bicycle infrastructure.
3. In locations where transit facilities are not available, the Applicant shall evaluate and document needs, origins and destinations, and opportunities to provide transit service when requested by the municipality, MaineDOT, Regional or Municipal Planning Organization or Transit provider.

When required, the Section 7 Traffic Study should [or must, if you prefer] use Multi Modal Level Of Service (MMLOS) Applications in analyzing signalized/unsignalized intersections, urban arterials facilities, and roadway segments for informational purposes to aid MaineDOT and the Applicant in understanding relative impacts to the modes assessed. When required, MMLOS shall be used in conjunction with the MaineDOT Traffic Analysis Guidelines.

E. **General Safety Issues.** For the identified high crash locations shown in Part 6 -Section 2 and/or other safety items defined in MaineDOT Traffic Analysis Guidelines, the Section 7 Traffic Study must provide an inventory of mitigation strategies for those locations and propose strategies to solve the safety issues identified in subsection D. Bicycle, Pedestrian and Transit Mode above.

F. **Recommendations.** If the studySection 7 Traffic Study analyses indicate that unsatisfactory levels of services or unsafe conditions exist or will occur at intersections or on roads in the vicinityStudy Area of the proposed development,Development, the recommendations must include a description of the measures proposed to remedy the deficiencies, including the following:

- (1) Recommended improvements.1. A description and diagram of the location, nature, and extent of recommended improvements to roads and intersections in the vicinity of the proposed development.Study Area of the proposed Development and a description of recommended Transportation Demand Management Techniques to be utilized on site. Examples of these can be found in the MaineDOT Traffic Analysis Guidelines. Of the recommended improvements, identify those proposed for implementation.
- (2). Capacity analysisAnalysis after improvement. A description of the anticipated results of making these improvements.

~~(3). Section 4(C)(5) exception. 7(B)(3) exceptions. If the proposed development~~ **Development is entitled to an exception under Section 4(C)(5) (unsignalized intersections—see M.D.O.T.'s chapter 305), the descriptions provided pursuant to (7(B)(3)(a) and) (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(5).**

~~K. Conclusion. A clear, concise description of the study findings.~~

Department of Transportation \_\_\_\_\_  
FOR MDOT USE 1/2000

~~Traffic~~ Engineering Division \_\_\_\_\_ ID # \_\_\_\_\_

16 State House Station \_\_\_\_\_

Augusta, Maine 04333 \_\_\_\_\_ Total Fees: \_\_\_\_\_

Telephone: 207-287-3775 \_\_\_\_\_ Date: Received \_\_\_\_\_

\*\*\*\*\*

PERMIT APPLICATION TRAFFIC  
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. § 704-A

Please type or print:

This application is for: \_\_\_\_\_ Traffic 100-200 PCE's \_\_\_\_\_  
\_\_\_\_\_ Traffic 200+ PCE's \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Name of local contact or agent: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Name and type of development: \_\_\_\_\_

Location of development including road, street, or nearest route number: \_\_\_\_\_

\_\_\_\_\_

City/Town/Plantation: \_\_\_\_\_, County: \_\_\_\_\_, Tax Map # \_\_\_\_\_, Lot # \_\_\_\_\_

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? Yes \_\_\_\_\_ No \_\_\_\_\_

Was this development started prior to obtaining a traffic permit? \_\_\_\_\_

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30-A, chapter 187)?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Is this project located within a compact area of an urban compact municipality? Yes \_\_\_\_\_ No \_\_\_\_\_

Is this development or any portion of the site currently subject to state or municipal enforcement action?  
\_\_\_\_\_

Existing DEP or MDOT permit number (if applicable): \_\_\_\_\_

Name(s) of DOT staff person(s) contacted concerning this application: \_\_\_\_\_

\_\_\_\_\_

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applications: \_\_\_\_\_

\_\_\_\_\_

4/2000

CERTIFICATION

The traffic engineer responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the application for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: \_\_\_\_\_ Re/Cert/Lic No.: \_\_\_\_\_

Name (print): \_\_\_\_\_

Date: \_\_\_\_\_

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

\_\_\_\_\_  
Signature of applicant \_\_\_\_\_ Date

FORM C-7/97

## NOTICE OF INTENT TO FILE

Please take notice that

*(Name, Address and Phone of Applicant)*

is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704-A on or about

*(anticipated filing date for items 1-6 whether 100, 200 or over 200)*

The application is for

*(summary of project: specifying trip generation at peak hour for the proposed development and the year the project is proposed to be completed and occupied)*

at the following location:

*(project location)*

A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Transportation Division office (Presque Isle, Ellsworth, Bangor, Fairfield, Rockland, Scarborough or Dixfield) during normal working hours. A copy of the application may also be seen at the municipal offices in

\_\_\_\_\_, Maine.  
*(town)*

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

DEPARTMENT OF TRANSPORTATION  
TRAFFIC ENGINEERING DIVISION

ID#: \_\_\_\_\_  
Fees Paid: \_\_\_\_\_  
Date Received: \_\_\_\_\_

APPLICATION FOR TRAFFIC MOVEMENT PERMIT MODIFICATION

This form shall be used to request approval of minor changes to: (a) project design or operation; or (b) the conditions of a permit as previously approved by the Department of Transportation or the Department of Environmental Protection:

A processing fee of \$500.00 (check payable to Treasurer, State of Maine) is required at the time of application submittal.

If significant changes are proposed, then a complete new or amendment application may be required by the Department:

(Please type or print)

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name of Contact or Agent: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

LOCATION OF ACTIVITY

Name of Project: \_\_\_\_\_

Municipality or Township: \_\_\_\_\_ County: \_\_\_\_\_

REQUIRED INFORMATION

1. Existing DOT or DEP Permit Number: \_\_\_\_\_

2. DOT or DEP Project Manager for previous application (if known): \_\_\_\_\_

3. Description of Proposed Change: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheet(s), if necessary)

4. Provide all documentation necessary to support the proposed change. This documentation shall include, as appropriate, revised site plans, construction drawings and technical data. (If you are unsure of what information to include, please contact the original DOT or DEP project manager, or the Traffic Engineering Division.

5. Does your proposal involve a significant expansion of the project, change the nature of the project, or modify any Department findings with respect to any licensing criteria? \_\_\_\_\_ (if you are unsure how to answer this or if your answer is "yes", please contact the original DOT or DEP project manager, or the Division of Land Resource Regulation in either Portland, Augusta, or Bangor for assistance).

If yes, you must provide public notice (see attached form). By signing this application, you certify that the completed notice has been sent by certified mail to abutters and municipal officials; and has been published once in a newspaper circulated in the area where the project is located.

NOTE: All supporting documents summarized above must be attached to this form and sent to the nearest appropriate DOT Office located below. File the modification "Attention Division Traffic Engineer" in the appropriate Division office.

MDOT Division P.O. Box 1178 41 Rice Street Presque Isle, ME 04769 Tel: (207) 764-2060	MDOT Division 2 P.O. Box 539 High Street Ellsworth, ME 04605 Tel: (207) 667-5556	MDOT Division 3 P.O. Box 1208 219 Hogan Road Bangor, ME 04402-1208 Tel: (207) 941-4500
MDOT Division 4 Route 201 10 Mountain Ave. Fairfield, ME 04937 Tel: (207) 453-7377	MDOT Division 5 143 Rankin St. P.O. Box 566 Rockland, ME 04841 Tel: (207) 596-2230	MDOT Division 6 P.O. Box 1940 Portland, ME 04104 Tel: (207) 883-5546
MDOT Division 7 P.O. Box 817 Dixfield, ME 04224-0683 Tel: (207) 562-4228		



~~"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment".~~

\_\_\_\_\_  
..... DATE: \_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
PRINT OR TYPED NAME

\_\_\_\_\_  
TITLE

~~THE APPLICATION FEE IS DUE AT THE TIME OF APPLICATION SUBMITTAL. THE APPLICATION WILL NOT BE PROCESSED UNTIL THIS FEE IS PAID.~~

Chapter 305: ~~RULES AND REGULATIONS PERTAINING TO TRAFFIC MOVEMENT PERMITS~~

1. ~~Introduction. The Department recognizes the potential effects which many developments can have on existing traffic patterns and the need to assure that intersections and roads in the vicinity of proposed developments have the ability to provide safe and convenient access to and from the developments for traffic of all types.~~

~~This chapter contains rules relating to the traffic movement provisions covered in 23 M.R.S.A. § 704-A. It addresses standards, submissions and terms and conditions.~~

2. ~~Definitions. As used in this chapter unless the context indicates otherwise, the following terms have the following meanings:~~

A. ~~Business district. The portion of a municipality in which the dominant land use is for intense business activity. A municipality may have more than one business district.~~

B. ~~Capacity analysis. A determination of the level of service of an intersection or roadway segment using the methodology described by the Transportation Research Board (TRB), a service of the National Research Council, in the edition of the "Highway Capacity Manual", Special Report 209 referenced on the MDOT Fact Sheets received with the application.~~

C. ~~**Critical Intersection.** An intersection that if impacted by increased traffic could have a negative effect on the traveling public, the municipality and/or the business community.~~

D. ~~Critical rate factor. The ratio of the actual accident rate at an intersection or road to the statistically calculated critical rate.~~

E. ~~**Delay.** The time lost, measured in seconds per vehicle, while traffic is impeded by some element over which the driver has no control.~~

F. ~~Development area. The site proposed for development, excluding all off-site roadway segments and intersections beyond the entrance or entrances.~~

G. ~~Designated growth area. An area designated as a growth area in a locally adopted growth management plan that has been found by the State Planning Office to be consistent with M.R.S.A. title 30-A, Chapter 187.~~

H. ~~Entrance(s) and exit(s). An access way used by traffic movements of all types to or from properties abutting a highway or public way. As used herein, the terms include all driveways including private residential, commercial and other nonresidential driveways. The terms do not include a street within a subdivision. As used herein, the terms include the approaches thereto and the intersections created thereby even if such areas are state or local right of way.~~

I. ~~Estimated annual average daily traffic. An estimate of the total yearly traffic volume divided by the number of days in the year.~~

J. ~~Horizon year. The anticipated opening year of the proposed development, assuming build-out and full occupancy.~~

- ~~K. Impact Fees. A fee charged to an applicant for impact on a critical intersection or roadway section.~~
- ~~L. Level of service (LOS). A measure of the quality of the operating conditions within a traffic stream as determined from a capacity analysis, using the methodology described by the Transportation Research Board (TRB), a service of the National Research Council, in the edition of the "Highway Capacity Manual," Special Report 209 referenced on the MDOT Fact Sheets received with the application.~~
- ~~M. Major intersection. An intersection controlled by a traffic signal, or the intersection of a state or state-aid highway and the road on which the driveways for the development are located. The driveways are not to be considered a major intersection.~~
- ~~N. Passenger car equivalents (PCE's). The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger car vehicles. One tractor-trailer combination is the equivalent of two passenger cars.~~
- ~~O. Passenger car equivalents at peak hour. The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles, at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. See M.R.S.A. title 23 § 704-A~~
- ~~P. Peak hour. The hour of the day during which the traffic volume at an intersection or on a roadway segment is higher than the volume during any other hour of the day.~~
- ~~Q. Traffic accident. A motor vehicle accident that results in property damage exceeding \$1000 or physical injury of any type.~~
- ~~R. Traffic attributable to a development. Net new traffic volumes and associated traffic patterns that is generated as a result of a proposed development.~~
- ~~S. Traffic movement of all types. Any mode of travel, including pedestrian, bicycle, bus, light rail, commuter rail, or automobile.~~
- ~~T. Traffic signal. A power-operated control device by which traffic is regulated, warned, or alternately directed to take specific actions.~~
- ~~U. Traffic study. A quantitative determination of the ability of existing roads and intersections in the vicinity of the proposed development to handle traffic attributable to the development.~~
- ~~V. Transportation demand management techniques. Measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, ridesharing, carpooling, vanpooling, mass transit and modified work schedules.~~
- ~~W. Trip. A single or one-direction vehicle movement with either the origin or destination inside the development area.~~
- ~~X. Urban Compact. A built up portion of a town/city as described in M.R.S.A. title 23 § 754.~~

### ~~3. Permit Application Process~~

— 100 to 200 PCE Developments: The Department has 14 calendar days from date of submittal to determine if the application (sections 1 through 6) is complete. If the Department does not make a completeness determination within 14 calendar days, the application is deemed complete. However this does not preclude the Department from requesting additional information from the applicant. A scoping meeting shall be held within 30 calendar days of the date sections 1 through 6 are deemed complete. Once the application is deemed complete the Department has 60 calendar days to issue a Traffic Movement Permit provided no further study is deemed necessary. If the application is not deemed complete, the applicant is informed and the 14 calendar days to determine completion restarts upon resubmittal.

— Over 200 PCE Developments: The Department has 14 calendar days from date of submittal to determine if sections 1 through 6 are complete. ~~If the Department does not make a completeness determination within 14 calendar days, the application is deemed complete.~~ However this does not preclude the Department from requesting additional information from the applicant. Completeness of Sections 1 through 6 allows the Department to set up a scoping meeting. A scoping meeting shall be held within 30 calendar days of the date sections 1 through 6 are deemed complete. At the scoping meeting the developer or designee and the Engineer of Traffic or his/her designee will determine the area for the Traffic Study, Section 7. The Department has 14 calendar days from submittal of the developer's traffic study to determine completeness. If the traffic study is deemed complete, the Department will have 120 calendar days to issue a Traffic Movement Permit. If the application, and accompanying traffic study are not deemed complete, the applicant is informed and the 14 calendar days to determine completion restarts upon resubmittal.

— A development may be eligible for an expedited review if a noticeable difference between peak hour generator and adjacent roadway peak hour exists, or the development has a high amount of pass-by trips. If the development has either of these two conditions, the Engineer of Traffic or his/her designee, has the discretion to waive the requirement for the Traffic Study.

4. ~~General standards. The following standards must be met for any project proposed for approval.~~

— A. ~~Design and operation. In determining whether the developer has made adequate provision for traffic movement of all types into and out of the development area, and in the vicinity of the development area, the Department shall consider all relevant evidence to that effect, to ensure the safe and efficient flow of traffic. On-site design and operations are subject to review, to the extent necessary, to ensure that the development will not cause any delay, interference or cause safety problems with the operation of adjacent roadways, adjacent driveways or pedestrian walkways. The development must be located and designed so that the roads and intersections in the vicinity of the proposed development will have the ability to safely and efficiently handle the traffic increase attributable to the development at the time the development becomes fully operational.~~

— B. ~~Study horizon. The period for which the traffic impacts of a proposed development are to be assessed must be the projected year of build-out and full occupancy. If the proposed development is a multi-phase project with a projected build-out date of more than five (5) years after the year of the study, Department may require a study of both the year of the opening of the first major phase and the year of build-out and full occupancy.~~

— C. ~~Unreasonable congestion. Level of Service D, as determined from a capacity analysis, is considered the minimum level of service needed to provide safe and convenient traffic movement. Where a road, intersection, or any approach lane to the specific intersection or intersections being evaluated in the vicinity of the proposed development is determined to operate at LOS E or LOS F in the horizon year, the proposed development is considered to result in~~

unreasonable congestion, unless improvements will be made to raise the level of service of the road or intersection to D or above, except as otherwise provided in one or more of the paragraphs below:

- ~~(1) The level of service of the road or intersection will be raised to D or above through transportation demand management techniques.~~
- ~~(2) The Department finds that it is not reasonably possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year.~~
- ~~(3) The Department finds that improvements cannot reasonably be made because the road or intersection is located in a business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical.~~
- ~~(4) The development is located in a designated growth area, or in the compact area of an urban compact municipality in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues. The required improvements are limited only to those necessary to mitigate the impacts of the project (which means the applicant is only responsible for returning all approaches to an intersection or piece of a roadway to the current Level of Service).~~
- ~~(5) In the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or auxiliary turning lanes, as set forth in the edition of Federal Highway Administration's "Manual on Uniform Traffic Control Devices" shown on MDOT's Fact Sheets and as set forth in HRR #211 "Volume Warrants for Left Turn Lanes at Unsignalized Intersections", (Right Turn lanes are covered in the edition of the Highway Design Guide referenced on the MDOT Fact Sheet) then the Department may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.~~
- ~~(6) The Development is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in M.R.S.A. title 30-A, Chapter 187, or if a project is located within the compact area of an urban compact municipality or if a project is on a former military base pursuant to M.R.S.A. title 38, section 488, subsection 15, and when the project consists of conversion of an existing facility and the project does not have an entrance or exit on a federally classified arterial highway, the required improvements are limited only to the entrances and exits of the project.~~
- ~~D. Unsafe conditions. Road segments, intersections, or development entrances and exits may be deemed as unsafe when traffic encounters conditions such as, inadequate turning radii, poor~~

geometries, limited sight distance or high accident locations. High accident locations are road segments or intersections where eight (8) or more accidents have occurred over the most recent three (3) year period, and the "critical rate factor" is greater than one (1.0). The applicant shall submit a proposal to improve or eliminate the unsafe conditions if they exist or if they are determined to be created or exacerbated by the proposed development.

~~E. Baseline For Modification of Existing Permits. A development requiring a permit on or after July 1, 1997 is subject to review of all traffic generated by the development in excess of a traffic baseline of July 1, 1997, or a maximum of ten years prior to the date of the permit application, whichever period is shorter. To determine the traffic baseline for a particular use or facility as of July 1, 1997, the Department shall consider trip generation rates set forth by the edition of the Institute of Transportation Engineers (ITE), "Trip Generation," referenced on the MDOT Fact Sheets received with the application; any trip generation study prepared by the applicant to determine conditions as of the baseline date; and any other relevant information. The baseline data will be used to determine the number of PCE's generated by the development for purposes of determining jurisdiction under this chapter. The fee for modification of an existing MDOT or MDEP permit shall be \$500.~~

~~5. Special provisions for Developments Generating 100-200 passenger car equivalent Trips. Any person intending to construct or operate a development that is projected to generate between 100 and 200 PCE's during its peak hour of traffic generation shall, before commencing construction or operation, file an original and two copies of an application for a "traffic movement permit" identifying the size, nature and location of the development, together with such other information as may be required by Section 6(A) of this rule.~~

~~A. Scoping meeting. Upon receipt by the Department of a traffic review application (with all information covering sections 1 thru 6 of the Specific Submission Requirements that the Department finds acceptable and complete) to construct or operate a development that meets the threshold of 100 or more PCE trips, the Department will arrange and schedule a scoping meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested, at least 7 (seven) days prior to the scoping meeting~~

~~Within 60 days of deeming section 1-6 complete, the Department shall recommend one of the following:~~

~~(1) That the applicant be issued a permit with no further study and no off site mitigation because the development will not have a significant impact on roads or intersections in the vicinity of the proposed development. As part of the permit issued by the Department in such a case, conditions may be attached for off site mitigation without the need for any additional traffic study; or~~

~~(2) That the application requires further review and that additional information must be submitted for an analysis of whether the applicant meets the traffic standards.~~

- ~~B. Vicinity for 100-200 passenger-car equivalents developments. The vicinity of the proposed development, for projects generating 100-200 PCE's, is limited to the area defined by the development entrance(s) or exit(s). The department has the authority to extend the area to the first major intersection in each direction from the development entrance or entrances including intervening segments if the scoping meeting reveals potential safety, capacity, or other traffic-related issues affecting the type of review warranted.~~
6. Special provisions for Developments Generating over 200 passenger-car equivalent Trips. Any person intending to construct or operate a development that generates over 200 PCE's during its peak hour of traffic generation shall, before commencing construction or operation, file an original and two copies of an application for a "traffic movement permit", under 23 MSRA § 704 A, with the Department identifying the size, nature and location of the development, together with such other information as may be required by this chapter.
- ~~A. Scoping meeting. For an application of this type, a scoping meeting must be held prior to the submittal of the application. The Department will arrange and schedule such a meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted only after the Department has received from the applicant information covering Sections 1 thru 6 of the Specific Submission Requirements and made the findings that the information is acceptable and complete. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested at least 7 (seven) days prior to the scoping meeting. The "notice of intent to file" does not need to be resubmitted with Section 7 Traffic Study when the application is officially submitted. The submittal of the notice prior to the scoping meeting is sufficient. The purpose of this meeting is to help the applicant to understand the application review process, to identify particular areas of concern, to define appropriate trip generation rates, to define trip distribution, to define trip composition, to define the study area, to define appropriate traffic engineering analysis methods to be used to assess whether or not safety and/or capacity deficiencies exist today or will exist after the development is in place and to exchange information before a commitment to a final design.~~
- ~~B. Vicinity for over 200 passenger-car equivalents developments. The vicinity of the proposed development, for projects generating more than 200 PCE's, is the area including and bordered by:~~
- ~~(1) The development entrance(s) or exit(s);~~
  - ~~(2) The first major intersection in either direction from the development entrance(s) and exit(s) unless waved by the Engineer of Traffic or his/her designee at the scoping meeting; and~~
  - ~~(3) All intersections where, during any one hour period, traffic attributable to the proposed development equals or exceeds:~~
    - ~~(a) 25 vehicles in a left turn only lane;~~
    - ~~(b) 35 vehicles in a through lane, right turn lane, or a combined through and right turn lane;~~
- ~~or~~

~~), (c) 35 vehicles (multiplying the left turn volume by 1.5) in a combined left turn and through lane, or a combined left turn, through and right turn lane.~~

~~Generally, the vicinity as defined by the above criteria would be limited to a radius of 2 miles from the site unless the Department, at the scoping meeting, determines that the proposed development will impair the safe and efficient flow of traffic beyond a two mile radius due to the development's scale, location, or nature.~~

~~7. Submissions. The applicant shall provide evidence affirmatively demonstrating that adequate provision for traffic movement of all types into and out of the development site has been made and that traffic attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on roads and intersections in the vicinity of the proposed development.~~

~~A. Development generating 100-200 passenger car equivalents. In the case of a development generating between 100 and 200 PCE's during its peak hour of traffic generation, such evidence demonstrating that the project will only generate this amount of traffic must be submitted to the Department prior to scheduling the scoping meeting described in Section 5(A). The evidence submitted must include the following:~~

~~(1) Site and traffic information. All information required under Section 8(D), subsections 1-6, relating to site description, existing and proposed site use, site and vicinity boundaries, proposed uses in the vicinity (as defined in 5 B) of the proposed development, trip generation, and trip distribution.~~

~~(2) Traffic accidents. An inventory and analysis of traffic accidents occurring in the vicinity of the proposed development during the most recent 3-year period to identify high accident locations and their associated critical rate factors (see Section 4(D) of this chapter).~~

~~(3) Development entrances and exits. A description of the following:~~

~~(a) Entrance and exit location and design; and~~

~~(b) A plan view of each intersection created by the development. The plan view must show the names of the intersecting roads, the posted speed limit on the roads, the left and right sight distances, and the location of all driveways and roads located across from the development site.~~

~~(c) Entrance/Exits shall meet the following criteria:~~

~~I. Entrance/exits shall meet minimum driveway spacing and minimum corner clearance as specified in the edition of MDOT's "Access Management - Improving the Efficiency of Maine Arterials" referenced on the MDOT Fact Sheets.~~

~~II. All entrances shall be so located, that vehicles entering onto the highway will have adequate intersection sight distance in both directions along the highway. The design and location of the driveway should be such that it allows motorized vehicles, including trucks to maneuver safely and without interference with traffic. The entrance/exit location should provide adequate sight distance so that vehicles traveling on the highway or street adjacent to the driveway will provide sufficient stopping sight distance to stop for vehicles waiting for a gap to turn left into the driveway entrance and a minimum safe sight distance must be provided for vehicles turning left from a major roadway.~~



- III. Driveway width and other details shall be in accordance with Standard details found in the MDOT Fact Sheets; these standard details as updated by the Department shall be incorporated into these rules and regulations.
- IV. The grade of entrances shall be in conformance with the edition of M.D.O.T.'s Highway Design Guide referenced on the M.D.O.T. Fact Sheets. All driveway entrance/exits within 75 feet (23 meters) of a roadway intersection shall not exceed a maximum grade of 3%.
- V. Driveway entrance/exits shall comply with the standards/rules established under 23 M.R.S.A. § 704. The width of drive entrances shall not exceed twenty six (26) feet (8.0 meters) for residential use and forty two (42) feet (12.8 meters) for commercial use.
- VI. Separation islands between entrances and exits where culverts are not required or are continuous between entrances shall be raised not less than six (6) inches (0.150 meters) above the surface of the adjacent drives, curbed and seeded. Some form of curbing of the separation is desirable. If an open ditch is used between driveways having separate culverts, the raised section is not necessary and the separation island shall be graded to drain to the ditch.
- VII. When sidewalk, curbing or curb and gutter is to be removed, the applicant or permittee shall replace at his expense the necessary sidewalks, curbing or curb and gutter at the break points of the entrance. All curbing at the side of the entrance shall be terminal ends as shown in the curbing standard details attached to the MDOT Fact sheet.
- VIII. Drainage in highway side ditches shall not be altered or impeded and the applicant and permittee must provide, at his/her own expense, suitable and approved drainage structures at all entrances. Surface drainage shall be provided so that all surface water on the areas adjacent to the highway shall be carried away from the highway and that there is no significant increase in the peak flow (50 year storm event) draining towards the roadway. The drainage opening underneath the entrances or filled areas adjacent to the highway shall be adequate to carry the water in the highway side ditches. Size, type of pipe and adequacy of proposed structures shall be approved by the Department prior to installation. The Applicant or permittee shall use Maine Department of Environmental Protection's method for determining and detaining storm water run-off. Drainage issues do not have to be completed prior to the scoping meeting. The Division Engineer or his designee shall determine whether drainage increases toward the roadway are significant. Drainage issues need to be resolved prior to project construction.
- (4) Title, right or interest. The Department may consider an application only when an applicant has demonstrated sufficient title, right, or interest in all of the property which is proposed for development or use, including development entrances and exits and that no inconsistent control of access provision exists with respect to access of the property. Prior to construction, the applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements.
- B. Development generating over 200 passenger car equivalents. The application for approval of a proposed development that will generate over 200 PCE's, or a development that the Department has determined under Section 5(A)(2) may have significant off-site impacts, must include the following evidence:

- ~~(1) Traffic study. A traffic study if required under Section 7(A) below, or as determined in the scoping meeting with the Department.~~
- ~~(2) Public or private rights of way. The location and width of proposed streets, easements, and other public or private rights of way. No entrance, approach or other improvement constructed on the Right of Way as an exercise of this permit shall be relocated or have its dimensions altered without the written permission of the Maine Department of Transportation's, Bureau of Project ). **Development.** Occupancy of the Highway Right of Way by structures, installation, or paving not connected with entrance uses is specifically prohibited.~~
- ~~(3) Development driveways. A detailed description of the following:
 
  - ~~(a) Entrance and exit location and design; and~~
  - ~~(b) A plan view of each intersection created by the development. The plan view must show the names of the intersecting roads, the posted speed limit on the roads, the left and right sight distances, and the location of all driveways and roads located across from the development site.~~~~
- ~~(4) Schedule. Estimated completion schedule for the development project.~~
- ~~(5) Title, right or interest. The Department may consider an application only when an applicant has demonstrated sufficient title, right, or interest in all of the property which is proposed for development or use, including development entrances and exits and that no inconsistent control of access provision exists with respect to access of the property.~~

#### ~~8. Off site traffic study~~

- ~~A. Study required. A study of roads and intersections in the vicinity of the proposed development must be conducted and submitted in report form if the development is expected to generate 200 or more PCE's during its peak hour of traffic generation or if determined necessary under Section 5(A)(2). In addition, the Department may require, that a traffic study be conducted because of traffic safety or capacity deficiencies in the vicinity of the proposed development, such as the following:
 
  - ~~(1) Current traffic problems. Current traffic problems have been identified such as a high accident location, inadequate intersection, an intersection in need of a traffic signal, or inadequate storage lane capacity for turning vehicles;~~
  - ~~(2) Unsatisfactory level of service. The current or projected level of service of the roadway system adjacent to the development is unsatisfactory; or~~
  - ~~(3) Other problems identified. Other specific problems or deficiencies have been clearly identified and documented by the Department or the municipality and may be affected by the proposed development or affect the ability of the development to be satisfactorily accommodated.~~~~

- ~~B. Preparation of traffic study. The traffic study, when required under subsection A above, must be prepared under the supervision of a Maine-registered professional engineer having experience in traffic engineering.~~
- ~~C. Study horizon. The year for which the study results are to be characterized must be in accordance with the provisions of Section 4(B).~~
- ~~D. Elements of traffic study. At a minimum, the report of the traffic study must contain the following:
  - ~~(1) Site Plan. All site plans shall be stamped or sealed by a Registered Maine Professional Engineer and must be at a scale of 1 inch equals no more than 200 feet (1:2000 metric) unless variations are approved by the Department prior to submission of the application. Any intersections of the development with the roadway shall be shown at a scale of 1 inch equals no more than 50 feet (1:500 metric). Survey plans, without exceptions shall be prepared, signed and sealed by a Maine Licensed Professional Land Surveyor. Plans must be folded to fit 8 1/2" X 11" folders and must be submitted in triplicate.~~
  - ~~(2) Existing and proposed site uses. A description of the existing and proposed uses of the development area.~~
  - ~~(3) Site and vicinity boundaries. A regional map showing the development area and each road in the vicinity of the proposed development, as defined in Sections 2(F), 5(B) and 6(B) of this chapter. This map must also show other proposed development sites in the vicinity of the proposed development, including the location of their existing and proposed driveways to the extent such information is available.~~
  - ~~(4) Proposed uses in the vicinity of the proposed development. A description of traffic increases that are expected from sources other than the proposed development and that are highly likely to occur in the vicinity of the proposed development during the study period. At a minimum, the study must identify development or redevelopment proposals which have been approved, either locally or by the Department, provided such approvals have not lapsed, and development or redevelopment proposals for which complete applications have been filed with and accepted by a local reviewing authority or the Department provided the applicant is actively pursuing the application. If a local reviewing authority or the Department has requested from an applicant additional information or submittals necessary to complete the processing of an application but has not received such information within 90 days of the request, that applicant shall be deemed not to be actively pursuing the application.~~
  - ~~(5) Trip generation must be calculated using the Institute of Transportation Engineers' (ITE) Trip Generation Guide, edition shown on MDOT's Fact Sheets enclosed with the application. If ITE data is not available for the proposed land use, trip generation must be estimated in accordance with a methodology approved by the Department. The trip generation data must be presented in a summary table listing each type of land use, the size involved, the trip generation rate used (total daily traffic and a.m. /p.m. peak), and the resultant total trips generated for the design peak hour of the adjacent street, or the design peak hour of the generator, whichever is the worst case scenario for the network.~~
  - ~~(6) Trip distribution. A description and diagram of the anticipated distribution of traffic entering and exiting the proposed development area.~~~~

- ~~(7) Trip assignment. Include a description and diagram of the anticipated utilization of roads and intersections in the vicinity of the proposed development by traffic attributable to the development. Distribution and assignment of trips must be based on population trends, surrounding land uses, the condition of roadways, market analyses and other relevant data. The technical analysis steps, basic methods, and assumptions used in this work must be clearly stated. The scope of this section must be to and including the first major intersection to either side of the development driveway(s).~~
- ~~(8) Existing and projected traffic volumes. A diagram of the traffic volume on roads and intersections in the vicinity of the proposed development for the estimated a.m. and p.m. peak hour traffic (including turns during the peak hour) unless determined by the Department at the scoping meeting that another approach or period of time would produce a more accurate result. Traffic diagrams must show the following:~~
- ~~(a) Existing traffic volume based on actual counts taken within two years of the study unless otherwise approved by the Department.~~
  - ~~(b) Traffic attributable to other development projects that are proposed or approved but are not operational at the time the traffic counts are made. An applicant must consider:
 
    - ~~(i) Approved projects, provided the permit has not lapsed and has not been extended more than once;~~
    - ~~(ii) Planning permits, subject to the specific terms of those permits; and~~
    - ~~(iii) Proposed projects for which complete applications have been filed and accepted, provided the applicant is actively pursuing the application as defined in Section 8(D)(4).~~~~
  - ~~(c) Traffic attributable to the proposed development assuming build out and full occupancy.~~
  - ~~(d) Traffic attributable to the proposed development during its peak hour of traffic generation.~~
  - ~~(e) Projected traffic volume for the design hour at the time the development will begin operation, assuming build out and full occupancy of the proposed development.~~
- ~~Documentation, including all new traffic counts and analysis worksheets, as to how the various volumes were derived must accompany the diagrams. Computer techniques and the associated printouts can be used as part of the report.~~
- ~~Build out projections must include volume projections for background traffic growth. Methods used to determine background traffic volumes include the use of existing projections in comprehensive plans and typical annual growth rates.~~
- ~~All traffic counts must be actual counts whenever possible. Traffic counts from the Department may be used if not more than two years old unless otherwise approved by the Department.~~
- ~~(9) Capacity analyses. A capacity analysis must be performed to determine the level of service for each road and intersection in the vicinity of the proposed development. Capacity~~

calculations must be made for the estimated 30th highest hour of traffic during the build-out year, or any other appropriate design hour approved by the Department. Where it is shown that the capacity analysis methodology will not accurately measure operating conditions at a road or intersection, the Department may require an applicant to analyze operating conditions of an intersection or road using another methodology acceptable to the Department. In the case where a particular intersection being evaluated is part of an interconnected signal system the applicant may, at the discretion of the Department, be required to include the analysis of the interconnected system in the evaluation.

- The Department recognizes that the level of service of some roads and intersections cannot be accurately determined using only the standard capacity analysis method. In such cases, the appropriate analytical technique will be determined in consultation with the Department.
- (10) Traffic signals. The need for new traffic signals in the vicinity of the proposed development must be checked using the warrants in the "Manual on Uniform Traffic Control Devices"; U.S. Department of Transportation, Federal Highway Administration, edition as referenced on MDOT's Fact Sheets enclosed with the application.
- Note: The signal warrants in the "Manual on Uniform Traffic Control Devices" (MUTCD) are not the sole criteria used to determine the need for new traffic signals. Although an intersection may meet the MUTCD warrants, the Department may determine that a signal is not appropriate.
- (11) Sight distance analyses. A determination of the available sight distance in all directions at each intersection in the vicinity of the proposed development must be made. Intersection sight distance is the length of roadway visible to the driver. It must be measured from the intersection (at a point 10 feet (3.0 meters) back from the edge of the travel way) to the centerline of the opposing lane(s), assuming a height of eye of 3.5 feet (1.1 meter) and a height of object of 4.25 feet (1.3 meters).
- (12) Traffic accidents. An inventory and analysis of traffic accidents in the vicinity of the proposed development during the most recent 3-year period. The inventory must include:
  - (a) A listing of the critical rate factor for each road and intersection in the vicinity of the proposed development;
  - (b) Identification of high accident locations (see Section 4D of this chapter);
  - (c) Collision diagrams for each high accident location identified; and
  - (d) Identification of feasible countermeasures based on discernible accident pattern at any high accident location.
- (13) Recommendations. If the study analyses indicate that unsatisfactory levels of services (see Section 4C of this chapter) or unsafe conditions exist or will occur at intersections or on roads in the vicinity of the proposed development, a description of the measures proposed to remedy the deficiencies, including the following:
  - (a) Recommended improvements. A description and diagram of the location, nature, and extent of recommended improvements to roads and intersections in the vicinity of the

proposed development. Of the recommended improvements, identify those proposed for implementation.

- ~~(b) Capacity analysis after improvement. A description of the anticipated results of making these improvements.~~
- ~~(c) Section 4(C)(4) exception. If the proposed development is entitled to an exception under Section 4(C)(4), the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(4).~~
- ~~(d) Section 4(C)(5) exception. If the proposed development is entitled to an exception under Section 4(C)(5), or (f) the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(5). 7(B)(3).~~
- ~~(e) Section 4(C)(6) exception. If the proposed development is entitled to an exception under Section 4(C)(6), the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(6).~~

G. (14) MaineDOT may grant an Exception for mitigation of unreasonable congestion, as defined above, within an Urban Compact area or within a Designated Growth Area if:

1. There is inadequate room to construct widening for extra capacity, or
2. Construction of additional lanes would pose safety issues for bicycle or pedestrians and,
3. The Applicant has proposed or will be participating in Traffic Demand Management techniques and in alternative mitigation (e.g. impact fee, in-lieu-of fees).

For locations where there are physical constraints on the ability to accommodate multi-modal needs due to existing build-out in urban contexts, the TMP Applicant can apply for an Exception to provide mitigation and/or pay a fee in lieu of mitigation. Exceptions shall not be made to avoid ADA compliance.

For locations where Multi-Modal Trips are highly unlikely due to the lack of transit routes or origins for bike and/or pedestrian Trips, the TMP Applicant can apply for an exception to provide mitigation.

H. Conclusion. A clear, concise description of the study findings; including all proposed roadway mitigation and any impact/in lieu fees to be assessed to the Applicant.

## 9. Design requirements

A.

Part 7. ROADWAY DESIGN REQUIREMENTS

A. General. ~~The~~ The mitigation proposed by the Applicant that involves construction projects on State or State-aid highways must meet or exceed the minimum design criteria of this section must be met or exceeded unless:

1. ~~— (1) —~~ A Conflict ~~conflict~~ with municipal standards exists. Specific ~~If~~ specific provisions of the design criteria of this section conflict with specific provisions of duly enacted municipal standards for roads and entrances and the applicant requests ~~Applicant may request~~ that the specific municipal standard be applied, if the applicant ~~Applicant so requests this, it, the Applicant must also demonstrate that the alternative follows generally accepted engineering techniques and will allow safe and efficient traffic~~ Traffic movement; and the Municipal standards for multi-modal facilities meet or exceed standards as stated in the MaineDOT Traffic Analysis Guidelines; or,
2. ~~— (2) —~~ Alternative Design Criteria will provide the same result and, therefore, the applicant ~~Applicant requests a variance. The applicant demonstrates an Alternative Design Exception. In support of the Exception, the Applicant must demonstrate that proposals which vary from the criteria of this section will allow safe, adequate and convenient movement of traffic~~ Traffic of all types into and out of the development ~~Development site. Applications for approval of roadway and entrance plans that vary from the requirements of this section~~ Part 6 - Section 7 must identify the criteria that will not be met, specify the proposed alternative, and set forth such evidence as is necessary to affirmatively demonstrate ~~show that the alternative is in accordance with generally accepted engineering design practices and will allow safe and convenient traffic movement~~ Traffic movement. Alternative Design Criteria for multi-modal facilities must meet or exceed standards as stated in the MaineDOT Traffic Analysis Guidelines.

B. ~~B.~~ Design ~~criteria~~ Criteria for roads, State or State-Aid Roads. ~~The geometric design standards contained in the department's "Highway Design Guide" edition as referenced on MDOT's Fact Sheets enclosed with the application, MaineDOT's latest highway design requirements must be applied to all new construction, reconstruction and major rehabilitation projects not on the National Highway System. AASHTO guidelines must be used on all new construction, reconstruction and major rehabilitation projects on the National Highway System. Projects. Corridor/Route continuity must be considered when determining widths for the access points for any particular project. When using the AASHTO guidelines, the minimum AASHTO design guideline must be considered the desired guideline.~~ Project.

C. ~~C.~~ Design ~~criteria~~ Criteria for entrances ~~Entrances and exits~~ Exits.

1. ~~(1)~~ Identification. Entrances and exits must be clearly identified by the use of signs, curb cuts, raised medians, crosswalks, sidewalks, bicycle facilities and landscaping as appropriate.
2. ~~(2)~~ ~~Design approval~~ Approval. The entrance and exit design must be reviewed and approved by the Department if the entrance will be located on a state or state-aid highway.
3. ~~(3)~~ ~~General design considerations~~ Design Considerations. The design of all entrances and exits associated with a proposed ~~development~~ Development must include, at a minimum, consideration of the following items as per guidelines set forth in the edition of the ~~MDOT~~ MaineDOT publication "Access Management - Improving Efficiency of Maine Arterials" referenced on ~~MDOT's~~ in MaineDOT's fact sheet:
  - (a). Safe sight distance;
  - (b). Maximum number of driveways per lot; (see 23 M.R.S.A. § 704)
  - (c). Minimum distance between driveways and side streets (corner clearance);
  - (d). Minimum distance between driveways;
  - (e). Turn radius and driveway width;
  - (f). Approach grades;
  - (g). Auxiliary turning lanes (-right-turn lanes, left-turn lanes); and
  - (h). Driveway throat length.
- ~~(4)~~ i. Multi modal needs, including bike lanes, sidewalks, crosswalks, and/or transit facilities

**D. Miscellaneous ~~requirements~~ Requirements**

1. ~~(a)~~ Lighting. Lighting must highlight the driveways of the ~~development~~ Development. Parking areas must be designed to prevent vehicle lights from shining onto adjacent roadways by using parking orientation, buffers, or other effective measures.
2. ~~(b)~~ Interference with adjacent roadways.
  - (+a). Sufficient parking facilities must be provided within and/or adjacent to the ~~development~~ Development site to meet the parking needs of the ~~development~~ Development. Parking



facilities include ~~shared parking facilities within or near the site,~~ on-street parking, access to off-street parking lots, parking lots, loading and unloading space, and circulation aisles and corridors.

(ii) ~~b.~~ Unless no other practicable alternative is available, parking areas must be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve single-family detached dwellings provided the driveway entrance is situated on a local road and not on a collector road or arterial road.

(iii) ~~c.~~ Parking stalls for the ~~development~~ Development may not be directly accessible from any public way. Ingress and egress to parking areas must be limited to driveway entrances.

(iv) ~~d.~~ No loading docks may be located on any street frontage.

E. 10. Terms and conditions Conditions. The Department may, as a term or condition of approval of the TMP Application, establish any reasonable requirement to ensure that the applicant Applicant has made adequate provision in its roadway design for traffic Traffic movement for all types of traffic Traffic, including, but not limited to, the following:

1. ~~\_\_\_\_\_ A. \_\_\_\_\_~~ Size, time, manner and number limitations. Limitations on the size, time of operation, manner of operation, number of vehicles operating out of or into the ~~development~~ Development area, and size or configuration and operation of the ~~development~~ Development as a whole.
2. ~~\_\_\_\_\_ B. \_\_\_\_\_~~ Appointment of officer. The appointment of a traffic Traffic control officer.
3. ~~\_\_\_\_\_ C. \_\_\_\_\_~~ Driveway restrictions. Restrictions concerning the grade or location of driveways, and provision for the sharing of a driveway access point by two or more properties.
4. ~~\_\_\_\_\_ D. \_\_\_\_\_~~ Visibility improvement. Installation of traffic Traffic warning, speed limit, and directional signs.
5. ~~\_\_\_\_\_ E. \_\_\_\_\_~~ Sight Distance. Clearing of signs, brush or other obstructions near entrance-ways to insure visibility for adequate sight distances.
6. ~~\_\_\_\_\_ F. \_\_\_\_\_~~ Frontage roads or turn lanes. Construction of frontage roads or turning lanes.

~~7. G. Road and intersection improvements.~~ Improvements (i.e. changes in road access, geometry or operations) to any intersection or road in the vicinity Study Area of the proposed development Development when any of the following criteria are met:

- ~~(1)a.~~ The intersection or road has been determined to be unsafe or to operate at level Level of service Service E or F;
- ~~(2)b.~~ The warrants are met for signalization; ~~or~~
- ~~(3)c.~~ There is inadequate storage lane capacity for turning ~~traffic.~~ Traffic; or
- d. There is a need for bicycle and pedestrian facilities to meet acceptable multi-modal level of service.

If the required road and intersection improvements are located on municipally owned roads, the applicant Applicant must demonstrate that the municipality has authorized ~~them~~ the improvements.

~~H. Schedule link. The development~~

8. Also, as a condition of approval, the Department may require that the Development schedule ~~be tied to~~ include a timeline to construct/finish transportation system improvements.

~~9. I. Time limitation upon approval. Approval restricted~~ Additionally, the Department may restrict its approval of the TMP Application to those development Development phases projected to mature within five years of the date of approval.

~~NOTE: Where approval is restricted to the initial phase or phases of a multi-phase development~~ Development, an updated and revised ~~traffic study~~ Section 7 Traffic Study must be submitted to the Department for review and approval prior to commencement of subsequent phases. In these cases, monitoring of ~~traffic~~ Traffic generated by the initial phase or phases could result in adjusted ~~traffic~~ Traffic projections for later phases.

~~11. F. Implementation of off-site traffic improvements.~~ Off-Site Traffic Improvements.

Required improvements to roads or intersections in the vicinity Study Area of the proposed development Development must be constructed and implemented prior to initial occupancy of the development Development except where the following occurs as provided in (A), (B), (C) or (D) below:

1. ~~A. A Municipal~~ A Municipal impact fee is applied. The Impact Fee Is Applied. For this exception to apply, the applicant demonstrates must demonstrate the following:

(1)a. ~~Impact fee ordinance~~Fee Ordinance. The municipality in which improvements are needed has adopted an impact fee ordinance pursuant to 30-A M.R.S.A. § 4354;

(2)b. ~~Impact fee payment~~Fee Payment. The ~~applicant~~Applicant has paid or will pay an impact fee pursuant to the ordinance;

(3)c. ~~Impact fee use~~Fee Use. The impact fee will be used to make the improvements required by the Department; and

(4)d. ~~Department approval~~Approval. The improvement plan has been reviewed and approved for implementation by the Department; and

~~(5) Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development; or~~

~~B~~ 2. A Non-municipal funding mechanism~~Funding Mechanism is applied. The applicant demonstrates~~Applied. For this exception to apply the Applicant must demonstrate the following:

(1)a. Mechanism established. A non-municipal funding mechanism has been established to apportion the cost of the needed improvements;

(2)b. Pro-rata share~~Share~~. The ~~applicant~~Applicant has contributed or will contribute a pro-rata share of the cost of the improvements;

(3)c. Fund sufficient~~Sufficient~~. The amount of the fee, together with fees reasonably expected from other ~~developers~~Developers and government agencies, will be sufficient to fully fund the improvements;

(4)d. Department approval~~Approval~~. The improvement plan has been reviewed and approved for implementation by the Department;

(5)e. Local approvals~~Approvals~~. The improvement plan has received all necessary local approvals, including funding authorizations; and

(6)f. Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the ~~development~~Development; or

~~C. An M.D.O.T.~~ 3. A MaineDOT Imposed Impact Fee or in Lieu fee is applied~~Applied~~. For this exception to

~~(1) The Department may impose impact fees~~ .....  
apply, the Department must have done one the following:

a. Imposed an Impact Fee on developer~~the Applicant~~ in addition to and/or in lieu of mitigation; or

~~(2) The Department may impose impact fees. Imposed an Impact Fee on the applicant Applicant for their impact impacts at critical intersections Critical Intersections; or~~

~~D. Where Improvements are to be. Imposed an Impact Fee to help implement Transportation Demand management strategies, which may include ridesharing, carpooling, vanpooling, mass transit and modified work schedules.~~

**4. Department or Municipal Sponsored Projects.** The Department has determined that Mitigation can be implemented by Department. The applicant demonstrates accomplished through an already scheduled MaineDOT or municipal Project or through a MaineDOT or MPO sponsored MPI or BPI Project. For this exception to apply the Applicant and the Department must agree that the necessary traffic Traffic improvements have been identified will be implemented by the Maine Department of Transportation (MDOT) as improvements which MDOT will be implementing responsible party within three years of the initial occupancy of the development Development.

**5. Transportation Demand Management Techniques.** The Department determines that Transportation Demand Techniques to be implemented by the Applicant, Municipality, or the Department (e.g. ridesharing, carpooling, vanpooling, mass transit and modified work schedules), that will offset the need for off-site Traffic improvements.

**G. Variances.** Whenever an Applicant or licensee seeks to vary from the design requirements of these Rules, the Applicant or licensee must present clear and convincing evidence that the Project's proposed location, design, or construction is distinctive in a way that allows for compliance with the intent of these design requirements, and will not result in unreasonable congestion or unsafe conditions on a road within the Study Area of the proposed Project. Variances, including Alternative Design Exceptions, may be allowed for Section 7 and MaineDOT, in its sole discretion, will make the sole call on whether a variance is allowed. **The Department maintains the discretion to accept variances for other sections dealing with design standards.**

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## Part 8. PERMIT ISSUED

After the conclusion of the appropriate TMP Application review process and a finding by the Department that the Application is complete, the Department will issue a TMP to the Applicant setting out the pertinent conditions (including mitigations and restrictions) needed to fulfill the TMP requirements. The TMP will not be considered valid or effective until such time as all conditions of the TMP have been met and the Applicant has filed a Notification of Issuance of Traffic Movement Permit ("TMP Notification") in a form provided by the Department. The notification must set out all of the conditions and requirements of the TMP that govern access to the Development which is the subject of the TMP.

The permittee has five (5) years to start construction of the permitted facilities and seven (7) years to complete the Project. A new TMP will be required for any future Development of the site. The existing TMP will be void or without effect if TMP conditions are not met or if the TMP Notification has not been filed.

If a permittee completes all the mitigation required for the Development but does not start the Project within five (5) years or finish the Project within seven (7) years, the additional permitted Trips are lost and do not stay with the property/TMP. A new TMP or TMP Modification would be required. Failure to comply with any requirements of the TMP or the Rule may result in the TMP being voided or rescinded. The permit holder in violation of this Rule will also be in violation, and subject to penalty, under 23 M.R.S. § 704-A (10).

### **Part 9. DEVELOPER REVIEW PROCESS**

The Applicant must follow the process below for TMPs that require the Developer to construct or implement mitigation on a state or state-aid highway.

- A. The Developer must submit plans and seek approval of the design plans in coordination with the applicable Region Engineer.
- B. The Department will assess a fee for the review of the plans and comment on issues for future resubmittals.
- C. For all Developer Projects, after the submittal of the plans to the Region Engineer the Developer will be required to meet with the "Developer Right of Way Committee", which is a standing committee that meets monthly to review submittals. The committee will help guide the Developer through the right of way process.
- D. The Developer must enter into a Developer Agreement with the Department setting out the required system improvements and the property rights that must be acquired and conveyed to the Department.
- E. Construction of improvements cannot commence until the Developer Right of Way Committee has approved the plans and the Developer Agreement has been executed.
- F. The Developer Right of Way process will be deemed complete when the Applicant has acquired all of the property rights required for mitigation, has constructed the improvements to the highway system, has conveyed those rights to the Department as set out in the Developer Agreement, and has submitted a formal Right of Way plan acceptable to the Region Engineer which is capable of being filed at the appropriate Registry of Deeds.

G. If the Applicant does not complete the Developer Right of Way process within 6 weeks of the opening of the Development, the Department will rescind the Traffic Movement Permit for the given parcel(s).

## Part 10. RECONSIDERATION AND APPEALS

### A. Reconsideration

Any interested person party with standing (as defined by Maine Law) may request reconsideration by the Department Reconsideration of the permit by the State Traffic Engineer, but must do so in writing within 30 business days after notice of the Department's Department's permit decision. This

The request for reconsideration must set forth in detail, the findings and conclusions of the Department to which the person objects, the basis of those objections and, the nature of the relief requested. Upon receipt of the request, the department may schedule and hold, and whether a hearing limited to the matters requested. If requested and if the State Traffic Engineer determines a hearing is warranted, a hearing will be held ordinarily within 15 business days of receiving the reconsideration request.

The State Traffic Engineer will issue a written decision, ordinarily within 15 business days of receiving the reconsideration request or, if a hearing is held, within 15 business days of the close of the hearing. The decision will set forth on the request. The department shall issue and write an opinion responding to the request whether or not a hearing is held. The response shall set out the Department's the State Traffic Engineer's reasons for either maintaining affirming or modifying the original permit decision.

The running of the time for appeal pursuant to Section 13 Part 10 (B) of this rule and the Administrative Procedure Act is terminated tolled by a timely request for reconsideration filed under this section. The full time for appeal commences and is computed from the date of the final Department action addressing the request for reconsideration. The filing of a request for reconsideration, however, is not an administrative or judicial prerequisite for the filing of an appeal under Section 13. Part 10 (B).

### 13. B. Appeals

A final Appeal of decisions of the State Traffic Engineer must be made in writing to the Commissioner within 15 business days of notice of the permit decision, whether subject to section 11 or reconsideration or not, may be appealed as a decision (whichever is later) of the State Traffic Engineer. The appeal decision of the Commissioner or his or her designee will be considered final agency action.

~~14. Acceptance of Application in Establishing Application Priority~~

~~Priority~~ Judicial review of such final agency action must be in accordance with the Maine Administrative Procedure Act, 5 M.R.S. §11001, *et seq.* and Rule 80C of the Maine Rules of Civil Procedure.

**Part 11. APPLICATION PRIORTIES FOR PROJECTS**

If multiple TMP Applications from different Applicants are filed within the same Maine Region, MaineDOT will establish priority of applications for 100-200 PCE developments will be established ~~Developments~~ using the date when the Department has found the application complete and has accepted such application. ~~Application for review.~~ Priority ~~on applications for multiple Applications~~ for over 200 PCE Developments will be established using the date when the Department finds the ~~traffic study~~ Traffic Study (Section 7 of the Specific Submission Requirements) complete and has accepted such application. The ~~applicant~~ Applicant will be notified in writing when the Department has accepted the application.

~~15. Variances~~

~~G.~~ Whenever an applicant or licensee seeks to vary from the design requirements of these rules, the applicant or licensee must present clear and convincing evidence that the project's proposed location, design, or construction is distinctive in a way that allows for compliance with the intent of these design requirements, and will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed project. Variances may be allowed for Sections 7-A(3) and Section 9. ~~The Department maintains the discretion to accept variances for other sections dealing with design standards.~~

STATUTORY AUTHORITY: 23 M.R.S.A. § 704 A

EFFECTIVE DATE:

May 20, 2000