

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: February 2, 2021
To: Transportation Committee
From: Karen S. Nadeau, Legislative Analyst

LD 40 – Resolve, Regarding Legislative Review of Portions of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation

- This resolve provides for legislative review of portions of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits.

TESTIMONY:

Proponents: *Maine Department of Transportation*

- A traffic movement permit (TMP) is required when a potential development generates 100 or more vehicle trips in its peak hour of operation.
- TMP statute made MaineDOT responsible for ensuring that projects resulting in an increase in vehicle trips do not cause unacceptable decreases in safety, access or levels of service for motorists, pedestrians or bicyclists.
- A “vehicle trip” is defined as the movement of an inbound or outbound passenger vehicle or truck across a site cordon line, which is an imaginary boundary around the designated site.
- During the 129th Legislature, 1st Regular Session, LD 1223 placed emphasis on incorporating multimodal review prior to requiring any widening of the roadway. LD 1223 was finally passed as Resolve 2019, chapter 89.

Opponents: *None*

NFNA: *None*

CURRENT STATUTE OR LAW: Statutory authority – Title 23, section 704-A, subsection 9

RECENT LEGISLATION:

129th Legislature – LD 1223 – Resolve, Directing the Department of Transportation to Incorporate Transportation Demand Management Strategies in Its Rules Pertaining to Traffic Movement Permits
Resolve 2019, chapter 89 – formed a stakeholder group to review Chapter 305, including:

1. Feasible transportation demand management strategies that must be considered when analyzing the widening of roadways;
2. A requirement that all applicants for a TMP analyze all modes of transportation reasonably related to a project, including, but not limited to, modes such as vehicle, pedestrian, bicycle, transit and trail use; and
3. Standards to be used by applicants for a TMP to evaluate the impacts on each mode of transportation reasonably related to a project and strategies to mitigate those impacts, including thresholds for applying those standards to a project and allowing an entity proposing a project that does not meet the thresholds to opt in to using these standards.

NOTES:

Steve Landry, MaineDOT’s State Traffic Engineer will be available at the work session to answer Qs.

FISCAL IMPACT: No fiscal note required. Minor cost increase – Highway Fund

- Additional costs to the Department of Transportation associated with rulemaking can be absorbed within existing budgeted resources.