

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2601

S.P. 1028

In Senate, March 3, 2000

**An Act to Implement the Transportation Recommendations of the Task
Force Created to Review Smart Growth Patterns of Development.**

Reported by Senator O'GARA of Cumberland for the Joint Standing Committee on
Transportation pursuant to Joint Order S.P. 1021
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 23 MRSA §704**, as amended by PL 1999, c. 473, Pt. C, §1, is repealed and the following enacted in its place:

6 **§704. Entrances to highways regulated**

8 It is unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state or state aid highway that lies outside of the compact area of an urban compact municipality, as defined in section 754, without a written permit from the department, or if within the compact area, without a written permit from the proper municipal officials. The right-of-way is considered the full width of the right-of-way as laid out by the State, the county or the municipality. The department is directed and municipalities are authorized to make such rules and regulations as to the design, location, number and construction of driveways, entrances and approaches on those highways as will adequately protect and promote the safety, health and welfare of the traveling public; maintain traffic flow and highway right-of-way drainage; and conserve existing highway investment. These rules must ensure, in priority order, avoidance, minimization and mitigation of the negative impacts of access on the operation of the highway consistent with its functional classification.

10 A permit is not required for any existing driveway, entrance or approach unless its grade or location is changed or unless the use being served by the driveway, entrance or approach is changed. The department and the municipalities shall deny ingress to and egress from property abutting the highway where access rights are being or have been purchased by the department.

12 Except as provided in rules adopted by the department, no more than one driveway, entrance or approach onto a state highway outside a designated urban compact area is permitted per lot of record in existence on July 1, 2000 and having state highway frontage.

14 A violation of any of the provisions of this section or the rules made pursuant to this section is punishable by a fine of not more than \$100 per day per violation.

16 Rules adopted by the department pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

18 **Sec. 2. Smart growth assistance to municipalities.** The Department of Transportation, Bureau of Planning shall work cooperatively with

2 the State Planning Office and regional councils to provide
3 training, technical assistance and information to municipalities
4 on road planning, road maintenance, sidewalks and neighborhood
5 involvement to assist municipalities in addressing "smart growth"
6 by preserving traditional downtowns, walkable communities and
7 compact neighborhoods.

8 **Sec. 3. Strategic planning; transit.** The Department of
9 Transportation shall begin a strategic planning process to
10 address challenges such as administrative streamlining of transit
11 funding; marketing and redesign of transit to appeal to a wider
12 range of customers; innovative financing of transit projects;
13 connectivity to airports and rail; and other issues. The
14 department shall present a status report to the joint standing
15 committee of the Legislature having jurisdiction over
16 transportation matters during the First Regular Session of the
17 120th Legislature. The Department of Transportation may pursue
18 federal funds to assist with this planning process.

19 **Sec. 4. Funding for transit projects.** The Department of
20 Transportation shall work with the Department of Human Services
21 and the Department of Environmental Protection to identify
22 funding sources for innovative transit and transportation
23 projects that address sprawl and air quality issues. The
24 departments may pursue federal grants or funds to assist with
25 these projects.
26

27 **Sec. 5. Appropriation.** The following funds are appropriated
28 from the General Fund to carry out the purposes of this Act.

29
30 **2000-01**

31
32 **TRANSPORTATION, DEPARTMENT OF**

33
34 **Transportation Services**

35
36 All Other \$500,000

37
38 Provides for the
39 appropriation of funds for
40 alternative transportation.
41

42
43
44 **SUMMARY**

45
46 This bill implements the recommendations of the Task Force
47 on State Office Building Location, Other State Growth-related
48 Capital Investments and Patterns of Development that relate to
49 transportation policy. The bill expands the purposes of the
50

2 access management law and clarifies that the Department of
Transportation is directed and municipalities are authorized to
4 make rules that establish priorities that ensure avoidance,
minimization and mitigation of the negative impacts of access on
6 highway operations consistent with functional classifications.
It further clarifies that no permit is needed for existing
8 driveways unless grade or location or the use served by the
driveway are changed and that the department and municipalities
shall deny access where access rights have been purchased by the
10 department. Until rules become effective, the bill limits lots
of record in existence on July 1, 2000 and having state highway
12 frontage to one driveway, entrance or approach onto that state
highway. The fine for violation of this law is increased from
14 \$100 in total to \$100 per day per violation.

16 The bill requires the Department of Transportation to work
cooperatively with the State Planning Office and regional
18 councils to provide training, technical assistance and
information to municipalities on road planning, road maintenance,
20 sidewalks and neighborhood involvement. The bill also requires
the department to begin a strategic planning process to address
22 challenges such as administrative streamlining of transit
funding; marketing and redesign of transit to appeal to a wider
24 range of customers; innovative financing of transit projects;
connectivity to airports and rail; and other issues. The
26 department shall present a status report to the Legislature on
the strategic planning process. The bill also requires the
28 department to work with the Department of Human Services and the
Department of Environmental Protection to identify funding
30 sources for innovative transit and transportation projects that
address sprawl and air quality issues.

32 The bill appropriates \$500,000 to the Department of
34 Transportation, Bureau of Transportation Services to return the
level of General Fund support for alternative transportation to
36 1980's levels, adjusted for inflation according to the Consumer
Price Index.