

# MAINE STATE LEGISLATURE

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DATE: 5-29-01

(Filing No. H-627)

**TRANSPORTATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1311, L.D. 1774, "Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation"

Amend the resolve by striking out all of the emergency preamble (page 1, lines 1 to 20 in L.D.)

Further amend the resolve in section 1 in the last line (page 1, line 27 in L.D.) by striking out the following: "authorized." and inserting in its place the following: 'authorized only if the rule is amended to:

1. Limit the application of the noncompact arterial provisions to arterials classified as retrograde arterials or arterial corridors between urban compact areas or service centers that average 5,000 vehicles per day with a posted speed limit of 40 miles per hour or more.

2. Clarify that entrance mitigation provisions apply only when the Department of Transportation determines that the proposed entrance will significantly impact public safety or cause a reduction in the posted speed limit.

3. Revise forestry and farm permit-by-rule provisions to clarify that only the minimum safe-sight standards apply to forestry and farm access. The rule must further clarify that the status of a proposed driveway or entrance as being for forestry and farm activities will be determined by the primary use of the proposed driveway or entrance.

4. Clarify that the limit on the number of entrances per lot on arterials is one 2-way or 2 one-way entrances unless the

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2 Department of Transportation determines that more entrances would  
be safer. The rule must provide an exception to this provision  
4 for forestry and farming activities.

6 5. Reduce and simplify the corner clearance provisions  
applicable to arterials to a minimum of 125 feet, which can be  
8 waived for driveways. The rule must clarify that the Department  
of Transportation may require greater corner clearance if the  
10 department determines it is necessary to prevent a significant  
impact on public safety or a reduction in the posted speed limit.

12 6. Simplify the shared-access provisions to clarify the  
14 conditions for landowner compliance.

16 The Commissioner of Transportation is not required to hold  
hearings or conduct other formal proceedings prior to finally  
18 adopting the rule in accordance with this resolve.'

20 Further amend the resolve by striking out all of the  
emergency clause (page 1, lines 29 and 30 in L.D.)

22 Further amend the resolve by inserting at the end before the  
24 summary the following:

26 **FISCAL NOTE**

28 The Department of Transportation will incur some minor  
30 additional costs to administer certain rules pertaining to  
driveways and entrances. These costs can be absorbed within the  
32 department's existing budgeted resources.'

34 **SUMMARY**

36 This amendment directs the Department of Transportation to  
38 make the following revisions to the Highway Driveway and Entrance  
Rules, Parts A and B.

40 1. It limits the application of the noncompact arterial  
42 provisions to arterials classified as retrograde arterials or  
arterial corridors between urban compact areas or service centers  
44 that average 5,000 vehicles per day with a posted speed limit of  
40 miles per hour or more.

46 2. It clarifies that entrance mitigation provisions apply  
48 only when the department determines that the proposed entrance  
will significantly impact public safety or cause a reduction in  
50 the posted speed limit.

2 3. It revises forestry and farm permit-by-rule provisions  
4 to clarify that only the minimum safe-sight standards apply to  
6 forestry and farm access. It further clarifies that the status  
of a proposed driveway or entrance access as being for forestry  
and farm activities will be determined by the primary use of the  
proposed driveway or entrance.

8 4. It clarifies that the limit on the number of entrances  
10 per lot on arterials is one 2-way or 2 one-way entrances unless  
12 the department determines that more entrances would be safer. It  
provides an exception to this provision for forestry and farming  
activities.

14 5. It reduces and simplifies the corner clearance  
16 provisions applicable to arterials to a minimum of 125 feet,  
18 which can be waived for driveways. It clarifies that the  
20 department may require greater corner clearance if the department  
determines it is necessary to prevent a significant impact on  
public safety or a reduction in the posted speed limit.

22 6. It simplifies the shared-access provisions to clarify  
the conditions for landowner compliance.

24 The Commissioner of Transportation is not required to hold  
26 hearings or conduct other formal proceedings prior to finally  
adopting the rule in accordance with this resolve.

28 The amendment also strikes the emergency preamble and  
30 emergency clause from the resolve.

This amendment also adds a fiscal note to the resolve.