

# MAINE STATE LEGISLATURE

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L.D. 1467

Date: 6/5/2013

(Filing No. S-208)

TRANSPORTATION

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 541, L.D. 1467, "Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry"

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

**'Resolve, To Establish Demonstration Projects To Promote Economic Development in the Forest Products Industry'**

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** rural communities in the State are particularly dependent upon forest products industries for employment opportunities and economic development; and

**Whereas,** an increase in allowed gross vehicle weight over short distances can be tolerated by Maine's roads and bridges; and

**Whereas,** the proposed demonstration projects in this resolve would be a desirable catalyst for improved intermodal freight connectivity and economic development in a region of the State where employment opportunities and economic development are desperately needed; and

**Whereas,** it is important to get these demonstration projects under way as soon as practicable given the need for economic development in rural communities in the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**COMMITTEE AMENDMENT**

1       **Sec. 1. Demonstration projects. Resolved:** That, notwithstanding the Maine  
2 Revised Statutes, Title 29-A, chapter 21, the Commissioner of Transportation, in  
3 consultation with the Department of Public Safety and the Secretary of State, may  
4 establish demonstration projects under the conditions set forth in this resolve that allow  
5 certain commercial vehicles to travel over certain routes in Aroostook County to carry  
6 logs and wood biomass at gross vehicle weights up to 200,000 pounds as determined by  
7 the Commissioner of Transportation.

8       **1. Designation of routes.** The demonstration projects may be conducted over the 2  
9 following routes, both of which are less than 2 miles in length and connect forest  
10 harvesting sites and private logging roads to forest products processing and transportation  
11 facilities.

12       A. A route in the Town of Ashland that is approximately 1.9 miles in total length,  
13 with 0.9 miles on state or state aid highways, starting from a private logging road  
14 system in Ashland, then southeast on the Realty Road to the Garfield Road, then east  
15 on the Garfield Road to State Route 11, then east on State Route 11 over the bridge  
16 crossing the Aroostook River designated by the Department of Transportation as  
17 bridge number 3554 and continuing on State Route 11 to the Clark Siding Road, and  
18 then south on the Clark Siding Road to and along the former Levesque Mill, so-  
19 called.

20       B. A route in the Town of Masardis that is approximately 1.9 miles in length, with  
21 1.6 miles on state or state aid highways, starting at the intersection of the Craig Road  
22 and the Craigville Road, the latter being part of a private logging road system, then  
23 north on the Craig Road to the Garfield Road, and then east on the Garfield Road and  
24 over the bridge crossing the Aroostook River designated by the Department of  
25 Transportation as bridge number 3407 to the south entrance to the Fraser Mill, so-  
26 called.

27       **2. Safety, infrastructure protection and local requirements.** The Commissioner  
28 of Transportation may authorize a demonstration project only if:

29       A. The chief engineer of the Department of Transportation finds that proposed truck  
30 configurations and weights can be safely operated over the route. In making this  
31 finding, the chief engineer may consider available manufacturer's ratings for gross  
32 vehicle weight, axle capacity, brake systems and other components. The chief  
33 engineer may place such restrictions on operations as are necessary to ensure public  
34 safety;

35       B. The chief engineer of the Department of Transportation finds that the public  
36 highway and bridge infrastructure affected by the demonstration project can  
37 withstand, or can be improved and maintained to withstand, proposed truck  
38 configurations and weight. The improvements necessary may include initial capital  
39 improvement and future maintenance or capital improvements; and

40       C. The municipal officers of the municipality in which the designated route is  
41 located vote to support the proposed demonstration project. The Department of  
42 Transportation shall ensure that public notice regarding the demonstration project has  
43 been provided in the affected municipalities.

1 **3. Funding of infrastructure improvements.** The Commissioner of Transportation  
2 may approve a demonstration project along a designated route only if the commissioner  
3 receives satisfactory assurance that at least 50% of the cost of highway and bridge  
4 improvements that the chief engineer determines are necessary pursuant to subsection 2,  
5 paragraph B will be provided by the relevant mill owner, other private entities or a public  
6 source other than the Department of Transportation. The Department of Transportation  
7 may provide the balance of funding.

8 **4. Enforcement.** A vehicle operating pursuant to this section must display a  
9 credential obtained for a fee from the Secretary of State. The fee must be established by  
10 the Commissioner of Transportation, in consultation with the Secretary of State, in an  
11 amount to cover related administrative costs and compliance monitoring. The  
12 Commissioner of Transportation may revoke the privileges of operation allowed under  
13 this section for cause, including repeatedly exceeding size and weight limits or operating  
14 outside the designated route of travel. Revocation by the Commissioner of Transportation  
15 is considered final agency action.

16 **5. Rules.** The Commissioner of Transportation and the Secretary of State shall adopt  
17 rules in consultation with the Department of Public Safety to implement this resolve.  
18 Rules adopted pursuant to this subsection are routine technical rules as defined in the  
19 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

20 **6. Report.** Upon request by the joint standing committee of the Legislature having  
21 jurisdiction over transportation matters, the Commissioner of Transportation shall submit  
22 a report describing the status of, safety and infrastructure impacts from and lessons  
23 learned from the projects authorized under this resolve to the committee. The committee  
24 may submit a bill to the legislative session in which the report is submitted.

25 **Emergency clause.** In view of the emergency cited in the preamble, this  
26 legislation takes effect when approved.'

27 **SUMMARY**

28 This amendment, which strikes and replaces the resolve, authorizes the  
29 Commissioner of Transportation to establish 2 demonstration projects in Aroostook  
30 County that allow certain commercial vehicles carrying logs and wood biomass at gross  
31 vehicle weights exceeding those authorized by law to travel less than 2 miles from a  
32 private logging road system to proposed wood-processing facilities in the towns of  
33 Ashland and Masardis. The demonstration projects require the chief engineer of the  
34 Department of Transportation to find that the trucks can be operated safely and the  
35 infrastructure can be improved and maintained to withstand the increased weight of the  
36 trucks. The demonstration projects also require that the municipal officers of the affected  
37 towns support the project and at least 50% of the cost of infrastructure improvements be  
38 provided by the relevant mill owner, other private entities or a public source other than  
39 the Department of Transportation. The commissioner is required to report on the  
40 demonstration projects to the joint standing committee of the Legislature having  
41 jurisdiction over transportation matters upon request of the committee. The amendment  
42 also adds an emergency preamble and emergency clause to the resolve.

**FISCAL NOTE REQUIRED**  
(See attached)



# 126th MAINE LEGISLATURE

LD 1467

LR 1989(02)

**Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-208)**  
**Committee: Transportation**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Highway Fund

### Fiscal Detail and Notes

Additional costs to the Department of Transportation associated with establishing the two demonstration projects and submitting a report on the status can be absorbed within existing budgeted resources.