

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1831

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H.P. 1320

House of Representatives, March 19, 2014

### **An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System**

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Reported by Representative THERIAULT of Madawaska for the Joint Standing Committee on Transportation pursuant to Resolve 2013, chapter 14, section 4.

Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

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

2 **Sec. 1. 23 MRSA §1201**, as amended by PL 2011, c. 610, Pt. C, §1, is repealed.

3 **Sec. 2. 23 MRSA §1912-B**, as amended by PL 2011, c. 344, §30, is further  
4 amended to read:

5 **§1912-B. Logo signs on the interstate system**

6 Pursuant to rules adopted under this section, the ~~The~~ commissioner may authorize the  
7 placement of logo signs within the right-of-way of the interstate system except for that  
8 portion owned by the Maine Turnpike Authority. To implement this section, the  
9 commissioner shall adopt rules that include provisions that regulate the size, shape and  
10 location of logo signs, the application procedure for permission to erect a logo sign, the  
11 criteria for selection among applicants, allocation of available logo sign space and fees to  
12 produce, place and maintain a logo sign. Rules adopted pursuant to this section are  
13 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Logo signs for  
14 exits on the Maine Turnpike are governed by rules adopted pursuant to section 1965,  
15 subsection 1, paragraph U. A logo sign may not be larger than existing service  
16 information signs permitted on the interstate highway. Logo signs may be installed only  
17 on portions of the interstate highway that are rural in character or on certain connector  
18 highways where it is necessary to establish continuity for logo signs erected on the Maine  
19 Turnpike. A logo sign and may include only logos for gas, food, lodging, camping and  
20 attractions. Applications from at least 3 qualified businesses must be approved before  
21 installation of a logo sign panel at an exit. Logos for 2 or more types of service may be  
22 displayed on the same sign panel. More than one logo sign panel may be installed at an  
23 exit only when 3 or more qualified businesses are available for each of 2 or more types of  
24 service. The number of logo sign panels at an exit may not exceed one for each type of  
25 service or a total of 5 for all types of services. Rules adopted under this section must  
26 regulate the size, shape, manner and location of logo signs and must describe the  
27 procedure for applying to the department for permission to erect a logo sign and the  
28 criteria used by the department to select among applicants. The commissioner shall  
29 establish fees for the production and placement of a logo sign and annual fees to cover the  
30 maintenance costs.

31 ~~The commissioner shall adopt rules to implement this section. Those rules may not~~  
32 ~~be adopted until March 15, 1996. The commissioner shall report to the Joint Standing~~  
33 ~~Committee on Transportation in January 1996 on the development of those rules.~~

34 **Sec. 3. 23 MRSA §1912-C** is enacted to read:

35 **§1912-C. Guide signs on the interstate system**

36 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
37 following terms have the following meanings.

38 A. "Advance guide sign" means a sign described in the national standards that  
39 identifies the principal destinations and routes served by an exit and the distance to  
40 that exit.

- 1            B. "Authority" means the Maine Turnpike Authority.
- 2            C. "College or university" means a nonprofit institution providing postsecondary  
3            education.
- 4            D. "Department" means the Department of Transportation.
- 5            E. "Exit directional sign" means an exit sign that repeats the route and destination  
6            information that is displayed on an advance guide sign for that exit.
- 7            F. "Interchange guide sign" means an advance guide sign or exit directional sign.
- 8            G. "Military installation" means a facility that is owned by the Federal Government  
9            and is operated by a branch of the United States Armed Forces.
- 10           H. "National standard" means the latest version of the Manual on Uniform Traffic  
11           Control Devices approved by the United States Department of Transportation,  
12           Federal Highway Administration in accordance with 23 United States Code and the  
13           latest version of the Guidelines for the Selection of Supplemental Guide Signs for  
14           Traffic Generators Adjacent to Freeways published by the American Association of  
15           State Highway and Transportation Officials.
- 16           I. "Signing agency" means, with respect to signs proposed to be placed along the  
17           state-constructed and state-maintained interstate system, the department and, with  
18           respect to signs proposed to be placed along the Maine Turnpike, the authority.
- 19           J. "State park" means any area of land or an interest in land, with or without  
20           improvements, that is designated as a state park, that is acquired by or under the  
21           control of the State and that is managed primarily for public recreation or  
22           conservation purposes.
- 23           K. "Supplemental guide sign" means a sign used to provide information regarding  
24           destinations accessible from an exit other than places displayed on an interchange  
25           guide sign.
- 26           L. "Transportation facility" means a bus, train, air, ship or ferry terminal, a park and  
27           ride lot or an intermodal transportation facility.
- 28           M. "Veterans, police or firefighters memorial" means a veterans cemetery or a  
29           memorial honoring veterans, firefighters or police officers if the cemetery or  
30           memorial is maintained and funded by a state or federal agency.

31           **2. Authority to place interchange guide signs on the interstate system.** To guide  
32           travelers to destinations of local, regional and statewide interest, interchange guide signs  
33           and supplemental guide signs may be placed by a signing agency at strategic points on  
34           the interstate system beside the traffic lanes approaching an exit if the placement  
35           complies with this section and with national standards.

36           **3. Interchange guide signs.** The following provisions apply to interchange guide  
37           signs.

- 38           A. The primary destination displayed on an interchange guide sign must be the  
39           municipality in which the exit is located or the street name or route adjacent to the  
40           exit, or both.

1 B. Unless otherwise allowed by the signing agency, advance guide signs must be  
2 placed from 1/2 mile to 2 miles in advance of the exit.

3 C. In addition to the primary destination, a secondary destination may be displayed  
4 on an interchange guide sign. The secondary destination must be selected by the  
5 signing agency in accordance with its judgment of how best to serve travelers and  
6 must be one of the following:

7 (1) The municipality with the largest population within 5 miles of the exit that  
8 has a highway that is classified as an arterial or major collector providing a direct  
9 connection from the exit to the municipality's population center or business  
10 district;

11 (2) A municipality that is located within 10 miles of the exit, that has a highway  
12 that is classified as an arterial or major collector providing a direct connection  
13 from the exit to the municipality's population center or business district and that  
14 has a population of at least 10,000;

15 (3) Another municipality that is considered a major destination if its inclusion  
16 would benefit travelers; or

17 (4) A major destination, other than a municipality, that is directly connected to  
18 the exit if its inclusion would benefit travelers.

19 D. An interchange guide sign may bear the name of a specific destination if the  
20 primary purpose of the exit is to provide access to that destination.

21 **4. Supplemental guide signs.** The purpose of a supplemental guide sign is to  
22 provide directional guidance to travelers and not to promote commercial or economic  
23 interests. Supplemental guide signs must be limited in number and restricted in location  
24 to avoid driver distraction and impairment to traffic.

25 The following provisions apply to supplemental guide signs.

26 A. A supplemental guide sign may be used only if it does not conflict or interfere  
27 with required signs or with other permitted signs already in place. Whether sufficient  
28 space exists for a supplemental guide sign must be determined by the signing agency  
29 with reference to national standards. Supplemental guide signs for municipalities and  
30 transportation facilities take precedence over supplemental guide signs for other  
31 destinations.

32 B. A supplemental guide sign must be located in advance of the exit that provides the  
33 most direct or convenient route to the destination, except that the signing agency may  
34 allow a different location if there is more than one exit in the municipality or if  
35 another location is warranted to facilitate traffic.

36 C. A supplemental guide sign for a destination is permitted only if there are  
37 sufficient signs off the interstate highway to direct travelers from the interstate  
38 highway to the destination with minimal confusion.

39 D. A sign for a destination that meets the criteria for logo signs under section 1912-B  
40 or in rules adopted pursuant to section 1965, subsection 1, paragraph U is not eligible  
41 to be placed as a supplemental guide sign under this section unless that destination's  
42 name is readily recognized as the principal attraction in a major recreational area as

1 described in subsection 5, paragraph C and it is necessary to include it on a  
2 supplemental guide sign to avoid traveler confusion.

3 **5. Destinations qualifying for supplemental guide signs.** The following  
4 destinations may appear on a supplemental guide sign:

5 A. A college or university that:

6 (1) Is located within 5 miles of an exit and has an enrollment of 300 or more  
7 students attending classes on site; or

8 (2) Has an enrollment of 1,000 or more students attending classes on site;

9 B. A national park that:

10 (1) Is located within 10 miles of an exit and has a minimum annual attendance of  
11 25,000 recorded visitors; or

12 (2) Is between 10 and 100 miles from an exit and has a minimum annual  
13 attendance of 75,000 recorded visitors;

14 C. A major recreational area that is a geographic region that is served by a highway  
15 that is classified as an arterial or major collector and in which the major municipality  
16 or destination is not already identified on an interchange guide sign or supplemental  
17 guide sign. The geographic region must:

18 (1) Contain a beach or lake access that is open to the public, allows swimming  
19 for all ages, provides parking for more than 100 vehicles, has rest rooms on or  
20 adjacent to the beach or lake access and, with respect to a beach, maintains  
21 lifeguards on duty during July and August;

22 (2) Contain a ski area that is open to the public with a minimum vertical drop of  
23 1,000 feet with 40 or more maintained trails; or

24 (3) Have generated at least 1% of the State's total sales subject to the taxes under  
25 Title 36, section 1811 on the value of liquor sold in licensed establishments as  
26 defined in Title 28-A, section 2, subsection 15, prepared food and rental of living  
27 quarters in any hotel, rooming house or tourist or trailer camp over the previous 3  
28 years and must offer recreational opportunities of sufficient traffic significance to  
29 warrant signs in accordance with criteria developed by the signing agency;

30 D. A military installation to which at least 2,000 employees and military personnel  
31 are permanently assigned, as long as the distance from the applicable exit to the  
32 installation does not exceed one mile for every 200 employees and military personnel  
33 permanently assigned to the installation;

34 E. A municipality that qualifies for but has not been included on an interchange  
35 guide sign;

36 F. A state park that:

37 (1) Is located within 10 miles of an exit and has a minimum annual attendance of  
38 25,000 recorded visitors; or

39 (2) Is between 10 and 100 miles from an exit and has a minimum annual  
40 attendance of 75,000 recorded visitors;

1 G. A transportation facility if signs for the facility significantly benefit the  
2 transportation system; and

3 H. A veterans, police or firefighters memorial that is located within 20 miles of an  
4 exit.

5 **Sec. 4. 23 MRSA §1967, sub-§1**, as amended by PL 2007, c. 480, §1, is repealed  
6 and the following enacted in its place:

7 **1. Property of the authority.** All property of the authority and all property held in  
8 the name of the State pursuant to the provisions of this chapter are exempt from levy and  
9 sale by virtue of any execution, and an execution or other judicial process is not a valid  
10 lien upon property of the authority held pursuant to the provisions of this chapter.

11 A. The authority may not lease, sell or otherwise convey, or allow to be used, any of  
12 its real or personal property or easements in that property, franchises, buildings or  
13 structures, with access to any part of the turnpike or its approaches, for commercial  
14 purposes, except for the following:

15 (1) Intermodal transportation facilities, kiosks at rest areas, gasoline filling  
16 stations, service and repair stations, safety patrol vehicles sponsored or operated  
17 by 3rd parties, tourist-oriented retail facilities, state and tri-state lottery ticket  
18 agencies, automatic teller machines and restaurants that the authority determines  
19 are necessary to service the needs of the traveling public while using the turnpike.  
20 The leasehold interests in such intermodal transportation facilities, kiosks,  
21 gasoline filling stations, service and repair stations, tourist-oriented retail  
22 facilities, state and tri-state lottery ticket agencies, automatic teller machines and  
23 restaurants are subject to taxation as provided in section 1971;

24 (2) Electrical power, telegraph, telephone, communications, water, sewer or  
25 pipeline facilities installed or erected by the authority, or permitted to be installed  
26 or erected by the authority; and

27 (3) Signs erected and maintained by the authority, or allowed by the authority to  
28 be erected and maintained, in accordance with rules adopted pursuant to section  
29 1965, subsection 1, paragraph U, that contain names, symbols, trademarks, logos  
30 or other identifiers of specific commercial enterprises.

31 As used in this subsection, "tourist-oriented retail facilities" means facilities that promote  
32 tourism in this State by selling products that are made or primarily made in this State or  
33 to which value is added in this State.

34 **Sec. 5. Implementation.** Within a reasonable time after the effective date of this  
35 Act, not to exceed 5 years, the Department of Transportation or the Maine Turnpike  
36 Authority, as appropriate, shall remove or modify any supplemental guide signs on the  
37 interstate system to comply with this Act.

38 **SUMMARY**

39 This bill repeals the law mandating signs for specific destinations on the interstate  
40 system and enacts provisions governing the placement of supplemental guide signs

1 directing travelers to destinations of local, regional or statewide interest. The bill directs  
2 the Department of Transportation and the Maine Turnpike Authority to remove signs  
3 from the interstate system if those signs do not comply with the new provisions.

4 This bill also amends existing law to allow a 3rd party to operate or sponsor a safety  
5 patrol service on the Maine Turnpike.

6 This bill is reported out by the Joint Standing Committee on Transportation pursuant  
7 to Resolve 2013, chapter 14, section 4. The resolve directed the Maine Turnpike  
8 Authority and the Department of Transportation to develop a proposed policy and  
9 specifications relating to guide signs that will be consistent with national standards. This  
10 bill incorporates suggested statutory amendments proposed by the Maine Turnpike  
11 Authority in consultation with the Department of Transportation.

12 The committee has not taken a position on the substance of this bill and by reporting  
13 this bill out the committee is not suggesting and does not intend to suggest that it agrees  
14 or disagrees with any aspect of this bill. The committee is reporting the bill out for the  
15 sole purpose of turning the proposal into a printed bill that can be referred to the  
16 committee for an appropriate public hearing and subsequent processing in the normal  
17 course. The committee is taking this action to ensure clarity and transparency in the  
18 legislative review of the proposal received from the Maine Turnpike Authority and the  
19 Department of Transportation.