

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1223

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H.P. 884

House of Representatives, March 14, 2019

**An Act To Amend the Traffic Movement Permit Process To  
Incorporate a Multimodal Approach to Infrastructure Planning**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MORALES of South Portland.  
Cosponsored by Representatives: BRYANT of Windham, COLLINGS of Portland, KESSLER  
of South Portland, McLEAN of Gorham, SYLVESTER of Portland.

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

2 **Sec. 1. 23 MRSA §704-A, sub-§2, ¶¶A and B**, as enacted by PL 1999, c. 468,  
3 §2, are amended to read:

4 A. For any project that generates 100 or more passenger car equivalents at peak hour,  
5 the person responsible for the project is required to make adequate provision for  
6 traffic movement of all types into and out of the project area. Before issuing a  
7 permit, the department shall ~~determine that any traffic increase attributable to the~~  
8 ~~proposed project will not result in unreasonable congestion or unsafe conditions on a~~  
9 ~~road in the vicinity of the proposed project.;~~

10 (1) Determine that any traffic increase attributable to the proposed project will  
11 not result in unreasonable congestion or unsafe conditions on a road in the  
12 vicinity of the proposed project;

13 (2) Require all reasonable traffic mitigation measures related to the project that  
14 could avoid the expansion of the state highway system at the expense of the  
15 public;

16 (3) Require an analysis of all modes of transportation affected by the project and  
17 a design to ensure that the project balances the modes of transportation in a way  
18 that is appropriate to the context of the project;

19 (4) Require the applicant to demonstrate how the project conforms with each  
20 requirement listed under section 73, subsection 3; and

21 (5) For any project that generates over 200 passenger car equivalents at peak  
22 hour, hold a public hearing and require the applicant to incorporate any  
23 enhancements to infrastructure for modes of transportation other than passenger  
24 cars that appear warranted based on the information presented at the public  
25 hearing.

26 B. The department, together with the appropriate representative of the municipality  
27 or municipalities where the project is located, shall discuss with the applicant at a  
28 meeting, referred to in this paragraph as a "scoping meeting," the scope of impact  
29 evaluation required for the proposed project and the type of proceedings warranted.  
30 The scope of impact evaluation for the proposed project must include an analysis  
31 estimating the amount of traffic that will be generated by the project for all relevant  
32 modes of transportation as determined by the commissioner, including, but not  
33 limited to, traffic generated by vehicles, pedestrians, bicyclists, transit and trail use.  
34 The scope of impact evaluation must also provide an analysis of the project's effect  
35 on the quality and level of service for all modes of transportation that are planned as  
36 part of the project or impacted by the project. The applicant shall provide notice to  
37 abutting municipalities. If the department determines as a result of these  
38 communications that the applicant has demonstrated that the proposed project  
39 satisfies the requirements of this section, including, but not limited to, standards  
40 adopted for projects that generate 100 to 200 passenger car equivalents at peak hour  
41 and the department determines that there are no other significant traffic-related issues  
42 presented, the department may issue a permit to the applicant without further  
43 proceedings. The department shall adopt rules establishing the submission

1 ~~requirement requirements~~ for a scoping meeting. ~~Those rules must, at a minimum,~~  
2 ~~establish 2 submission standards: one for an expedited review without further~~  
3 ~~proceedings and one for a preliminary review with further proceedings anticipated.~~  
4 ~~The rules must also establish the level of professional certification required by any~~  
5 ~~submission and may not impose undue professional liability on the applicant. Rules~~  
6 ~~adopted by the department pursuant to this paragraph must:~~

7 (1) Establish at least 2 submission standards: one for an expedited review  
8 without further proceedings and one for a preliminary review with further  
9 proceedings anticipated;

10 (2) Incorporate by reference as determined by the department trip analysis  
11 standards and procedures from the most recent editions of authoritative works  
12 and publications on trip generation such as the Institute of Transportation  
13 Engineers Trip Generation Manual; and

14 (3) Establish the level of professional certification required for any submission  
15 and in a manner that does not impose undue professional liability on the  
16 applicant.

## 17 SUMMARY

18 This bill amends the requirements for a traffic movement permit for a project by  
19 requiring the Department of Transportation to require all reasonable traffic mitigation  
20 measures that could avoid the expansion of a roadway. This bill requires an analysis of all  
21 modes of transportation affected by the project and a design to ensure that the project  
22 does not promote one mode of transportation in a way that negatively impacts another.  
23 This bill also requires the department to include within the scope of impact evaluation an  
24 analysis estimating the amount of vehicle, pedestrian, bicycle, transit and trail use that  
25 could be generated by the project.