5-20-2000

17-229, Chapter 305 : Rules and Regulations Pertaining to Traffic Movement Permits, May 20, 2000

Maine Department of Transportation

17-229 DEPARTMENT OF TRANSPORTATION

TRAFFIC ENGINEERING DIVISION

Chapter 305: RULES AND REGULATIONS PERTAINING TO TRAFFIC MOVEMENT PERMITS

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WHO NEEDS TO APPLY?

Any project which generates 100 or more passenger car equivalents (PCE) trips during peak hour of traffic generation, must file a Traffic Movement Permit application with the Maine Department of Transportation. Determination of all passenger car equivalent trips for the purpose of establishing application requirements shall be calculated using the edition of the ITE Trip Generation Guide referenced on the MDOT Fact Sheet. Assistance in determining the trip levels can be obtained by contacting a traffic engineer licensed to do engineering work in the State of Maine, the appropriate M.D.O.T. Division Office or the Augusta Headquarters - Division of Traffic Engineering.

Municipalities may register with the Department to seek delegated review authority to issue Traffic Movement Permits. In such cases a Traffic Movement Permit would be required from the municipality that has been given delegated review authority. A municipality can be delegated the authority to issue permits if that municipality adopts ordinances consistent with M.D.O.T. Chapter 305 Rules. Once the ordinance is adopted, the municipality must contact the Department to request delegated authority. If the Department finds the municipality in compliance with Chapter 305, the Department will develop an agreement for Delegated Review Authority. Please contact the Augusta Headquarters at 624-3620 to determine whether your municipality has been given delegated responsibility or wishes to apply for issuing the Traffic Movement Permit.

EXEMPT PROJECTS:

The following types of projects are exempt from MDOT review as they are reviewed by MDEP (Maine Department of Environmental Protection) under M.R.S.A. title 38:

1) Any type of Solid Waste Facility. (M.R.S.A. title 38, Section 1310-N)

2) Any type of Hazardous Waste Transfer or Storage Facility. (M.R.S.A. title 38, Section 1319-R)

3) Any Waste Oil Storage Facility and Biomedical Waste Facility. (M.R.S.A. title 38, Section 1319-X)

Notice to the Applicant: Subsequent to the Department's Traffic Movement Permit approval of a proposed project, the applicant will be required to obtain the following approval from MDOT:

1) If the proposed project abuts the State's Highway System and requires improvement to that system, the applicant must then obtain approval of the design plans and coordinate the work through MDOT's Director of the Bureau of Project Development, who can be reached at (207) 624-3400 in Augusta. The applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements.

GENERAL INFORMATION ABOUT APPLICATIONS SUBMITTED PURSUANT TO CHAPTER 23 M.R.S.A. § 704 - A

Key definitions:

* Passenger car equivalent (PCE). The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger car vehicles. One tractor-trailer combination is the equivalent of two passenger cars.

* Passenger car equivalent vehicles at peak hour. The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger car vehicles, at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day.

* Peak-hour. The hour of the day during which the traffic volume at an intersection or on a roadway segment is higher than the volume during any other hour of the day.

* Developer Agreements. The Developer Agreement refers to a document which dictates the terms and conditions by which the State of Maine Department of Transportation will allow any developer of real property adjacent to any state or state-aid highway to make improvements to such highways pursuant to the provisions of Title 23 M.R.S.A. § 651. If the proposed project abuts the State's Highway System and requires improvement to that system, the applicant must then obtain approval of the design plans and coordinate the work through MDOT's Director of the Bureau of Project Development, who can be reached at (207) 624-3400 in Augusta. The applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements

* The Department. Maine Department of Transportation (MDOT).

* Project. Includes any construction, alteration or conversion of a site or a building(s) or a development.

* Rules. MDOT's Rules are located in Chapter 305 of the General Rules of the Department of Transportation.

* Scoping Meeting. A meeting to determine the scope of impact evaluation required for the proposed project and the type of proceedings warranted.

* Urban Compact. A built up portion of a town/city as described in M.R.S.A. title 23 § 754.

* Title, Right or Interest. An applicant shall demonstrate in writing sufficient title, right or interest, as follows: 1) When the applicant claims ownership of the property, copies of the deeds to the property shall be supplied, or 2) When the applicant has an option to buy the property, a copy of the option agreement shall be supplied. Option agreements shall contain terms deemed sufficient by the Department to establish future title, or 3) When a Purchase and Sale agreement has been signed, a copy shall be supplied. Purchase and Sale agreements shall contain terms deemed sufficient by the Department to establish future title, or 4) When the applicant has a lease on the property, a copy of the lease shall be supplied. The lease shall be of sufficient duration, as determined by the Department, to permit construction and reasonable use of the development, or 5) When the applicant has eminent

domain power over the property, evidence shall be supplied of the ability and the intent to use the eminent domain power to acquire sufficient title, right or interest as determined by the Department.

* Consolidated Review. A joint permit combining M.D.O.T.'s Traffic Movement Permit and M.D.E.P.'s Site Law Permit. M.D.E.P. shall be the lead agency on combined permits and therefore will issue the permit. The applicant is required to meet the criteria of both Department's applications processes. The appeals process is more complicated under consolidated review and is detailed in M.D.O.T's Chapter 305 of the General Rules of the Department of Transportation.

Special provisions for developments generating 100 or more passenger car equivalent (PCE) trips

* Upon receipt by the Department of a traffic review application (with all information covering sections 1 thru 6 of the Specific Submission Requirements that the Department finds acceptable and complete) to construct or operate a development that meets the threshold of 100 or more PCE trips, the Department will arrange and schedule a scoping meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested, at least 7 (seven) days prior to the scoping meeting

Special provisions for developments generating over 200 passenger car equivalent (PCE) trips

* Scoping meeting. For an application of this type, a scoping meeting must be held prior to the submittal of the application. The Department will arrange and schedule such a meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted only after the Department has received from the applicant information covering Sections 1 thru 6 of the Specific Submission Requirements and that the Department finds the information to be acceptable and complete. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested at least 7 (seven) days prior to the scoping meeting. The "notice of intent to file" does not need to be resubmitted with a Section 7 Traffic Study when the application is officially submitted. The submittal of the notice prior to the scoping meeting is sufficient. The purpose of this meeting is to help the applicant to understand the application review process, to identify particular areas of concern, to define appropriate trip generation rates, to define trip distribution, to define trip composition, to define the study area, to define appropriate traffic engineering analysis methods to be used to assess whether or not safety and/or capacity deficiencies exist today or will exist after the development is in place and to exchange information before a commitment to a final design.

GENERAL SUBMISSION REQUIREMENTS:

1. ORGANIZATION. The applicant is expected to organize the application as follows: Fill in pages 14 through 16 of the application form and attach them to the front of the completed application. Assemble the remainder of the application into sections as specified in the following specific submission requirements. Identify each section with a tab. If a particular section is not applicable, provide a statement explaining why it is not; do not omit the section. Retain a copy of the application for your reference.

2. NOTICE. Provide written public notice of the application. The attached "Notice of Intent to File" form, or one containing identical information must be used to notify abutters, municipal officials, and local newspapers. The completed notice form must be placed after the first two pages and before Section 1. Such notice must be sent by certified mail, return receipt requested. For over 200 PCE developments, the notice must accompany items 1 thru 6 of the Specific Submission Requirements.

3. PLANS. All site plans shall be stamped or sealed by a Registered Maine Professional Engineer must be at a scale of 1 inch equals no more than 200 feet (1:2000 metric) unless variations are approved by the Department prior to submission of the application. Any intersections of the development with the roadway shall be shown at a scale of 1 inch equals no more than 50 feet (1:500 metric). Survey plans, without exceptions shall be prepared, signed and sealed by a Maine Licensed Professional Land Surveyor. Plans must be folded to fit 8 1/2" X 11" folders and must be submitted in triplicate.

4. FEES. The fee for a scoping meeting with no further review (100 - 200 PCE trips) is $500. If further review is required, short of a full traffic study as determined at the scoping meeting, then an additional $500 processing fee is required for each further review. The fee for all 200+ PCE trip applications is $2,000 ($500 prior to the scoping meeting and $1500 when the traffic study is submitted). The fee for all MDOT and MDEP permit modifications shall be $500. All checks to be made payable to "Treasurer State of Maine".

5. FILING LOCATION. File the application "Attention Division Traffic Engineer" in the appropriate M.D.O.T. Division Office:

MDOT Division 1 Office P.O. Box 1178 41 Rice Street Presque Isle, ME 04769 764-2060	MDOT Division 2 Office P.O. Box 539 High Street Ellsworth, ME 04605 667-5556	MDOT Division 3 Office P.O. Box 1208 219 Hogan Road Bangor, ME 04402-1208 941-4500
MDOT Division 4 Office Route 201 10 Mountain Ave. Fairfield, ME 04937 453-7377	MDOT Division 5 Office 143 Rankin St. P.O. Box 566 Rockland, ME 04841 596-2230	MDOT Division 6 Office P.O. Box 1940 Portland, ME 04104 883-5546
MDOT Division 7 Office P.O. Box 817 Dixfield, ME 04224-0683 562-4228		

SPECIFIC SUBMISSION REQUIREMENTS:

* Developments generating 100 or more PCE trips. In the case of a development generating 100 or more PCE trips during its peak hour of traffic generation, evidence supporting the amount of traffic generated by a development shall be included in the application submitted to the Department prior to scheduling the scoping meeting. The application must also include the information requested in Sections 1 - 6 below.

  During the scoping meeting, the Department may determine that a traffic study is required for some developments which generate 100 - 200 PCE trips. This determination may be made if it appears that there are traffic safety or capacity deficiencies in the vicinity of the proposed development, such as the following:

  - Current traffic problems. Current traffic problems have been identified such as a high-accident location, inadequate intersection, an intersection in need of a traffic signal, or inadequate storage lane capacity for turning vehicles

  - Unsatisfactory level of service. The current or projected level of service of the roadway system adjacent to the development is unsatisfactory

  - Other problems identified. Other specific safety or congestion problems or deficiencies have been clearly identified and documented by the MDOT or the municipality and may be affected by the proposed development or affect the ability of the development to be satisfactorily accommodated. This does not preclude the Department from making a reasonable request under its other statutory authority.

    If a traffic study is required, then the applicant must submit the information requested in Section 7.

* *Developments generating over 200 PCE trips.* The application for approval of a proposed development that will generate over 200 PCE trips should include the information requested in *Section 7, (*completed sections 1 thru 6 must be submitted to MDOT prior to scheduling a scoping meeting), unless waved by the Engineer of Traffic or his/her designee at the scoping meeting.

Section 1. Site and traffic information:

A. Site Plan. Plans and drawings shall be in accordance with General Submission Requirement Number 3. This section should identify the size of the parcel, the developable acreage of the parcel, general terrain features and unique terrain features.

B. Existing and proposed site uses. A description of the existing and proposed uses of the development area.

C. Site and vicinity boundaries. A regional map showing the development area and each road in the vicinity of the proposed development as defined in MDOT's chapter 305 of the General Rules of the Department of Transportation (Sections 5B or 6B). This map must also show other proposed development sites in the vicinity of the proposed development, including the location of their existing and proposed driveways to the extent such information is available.

D. Proposed uses in the vicinity of the proposed development. A description of traffic increases that are expected from sources other than the proposed development and that are highly likely to occur in the vicinity (as defined in MDOT's chapter 305 of the General Rules of the Department of Transportation Sections 5B or 6B) of the proposed development during the study period. At a minimum, the study must identify development or redevelopment proposals which have been approved, either locally or by the Department, provided such approvals have not lapsed, and development or redevelopment proposals for which complete applications have been filed with and accepted by a local reviewing authority or the Department provided the applicant is actively pursuing the application. If a local reviewing authority or the Department has requested from an applicant additional information or submittals necessary to complete the processing of an application but has not received such information within 90 days of the request, that applicant shall be deemed not to be actively pursuing the application.

E. Trip generation. Trip generation is the determining factor in whether or not a development or redevelopment is required to obtain an MDOT Traffic Movement Permit. Trip generation must be calculated using the edition of the Institute of Transportation Engineers' (ITE) Trip Generation Guide referenced on the MDOT Traffic Permit Fact Sheets enclosed with your application. If ITE data is not available for the proposed land use, trip generation must be estimated in accordance with a methodology approved by the MDOT. The trip generation data must be presented in a summary table listing each type of land use, the size involved, the trip generation rate used (total daily traffic and a.m. /p.m. peak), and the resultant total trips generated for the design peak hour of the adjacent street, or the design peak hour of the generator, whichever is the worst case scenario for the network.

F. Trip distribution. A description and diagram of the anticipated distribution of traffic entering and exiting the proposed development area.

G. Trip assignment. At a minimum: a stick diagram showing the network impacted by the development and including the first major intersection to either side of the development driveway(s). Additional intersections are required if threshold volumes are met. Threshold volumes are met at intersections where, during any one-hour period, traffic attributable to the proposed development equals or exceeds: (a) 25 vehicles in a left-turn-only lane; (b) 35 vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or (c) 35 vehicles (multiplying the left-turn volume by 1.5) in a combined left-turn and through lane, or a combined left-turn, through and right-turn lane. Include a description and diagram of the anticipated utilization of roads and intersections in the vicinity of the proposed development by traffic attributable to the development. Distribution and assignment of trips must be based on population trends, surrounding land uses, the condition of roadways, market analyses, existing traffic patterns and other relevant data. The technical analysis steps, basic methods, and assumptions used in this work must be clearly stated. The scope of this section must be to and including the first major intersection to either side of the development driveway(s).

Section 2. Traffic accidents.

An inventory and analysis of traffic accidents occurring in the vicinity (as defined in MDOT's chapter 305 of the General Rules of the Department of Transportation Sections 5B or 6B) of the proposed development during the most recent 3-year period to identify high accident locations and their associated critical rate factors.

Section 3. Development entrances and exits. A description of the following:

A. Entrance and exit location (show the exact distance - to the nearest hundredth mile [nearest hundredth kilometer]- to the nearest intersecting road or town line) and design (showing the number of entrance/exit, proposed entrance/exit width and type of surface on the proposed entrance/exit); and

B. A plan view of each intersection created by the development. The plan view must show the names of the intersecting roads, the posted speed limit on the roads, the left and right sight distances, and the location of all driveways and roads located across from the development site.

C. Entrance/Exits shall meet the following criteria:

I. Entrance/exits shall meet minimum driveway spacing and minimum corner clearance as specified in the edition of MDOT's "Access Management - Improving the Efficiency of Maine Arterials" referenced on the MDOT Fact Sheets.

II. All entrances shall be so located, that vehicles entering onto the highway will have adequate intersection sight distance in both directions along the highway. The design and location of the driveway should be such that it allows motorized vehicles, including trucks to maneuver safely and without interference with traffic. The entrance/exit location should provide adequate sight distance so that vehicles traveling on the highway or street adjacent to the driveway will provide sufficient stopping sight distance to stop for vehicles waiting for a gap to turn left into the driveway entrance and a minimum safe sight distance must be provided for vehicles turning left from a major roadway.

III. Driveway width and other details shall be in accordance with Standard details found in the MDOT Fact Sheets; these standard details as updated by the Department shall be incorporated into these rules and regulations.

IV. The grade of entrances shall be in conformance with the edition of M.D.O.T.'s Highway Design Guide referenced on the M.D.O.T. Fact Sheets. All driveway entrance/exits within 75 feet (23 meters) of a roadway intersection shall not exceed a maximum grade of 3%.

V. Driveway entrance/exits shall comply with standards/rules established under 23 M.R.S.A. § 704 The width of drive entrances shall not exceed twenty six (26) feet (8.0 meters) for residential use and forty two (42) feet (12.8 meters) for commercial use.

VI. Separation islands between entrances and exits where culverts are not required or are continuous between entrances shall be raised not less than six (6) inches (0.150 meters) above the surface of the adjacent drives, curbed and seeded. Some form of curbing of the separation is desirable. If an open ditch is used between driveways having separate culverts, the raised section is not necessary and the separation island shall be graded to drain to the ditch.

VII. When sidewalk, curbing or curb and gutter is to be removed, the applicant or permittee shall replace at his expense the necessary sidewalks, curbing or curb and gutter at the break points of the entrance. All curbing at the side of the entrance shall be terminal ends as shown in the curbing standard details attached to the MDOT Fact sheet.

VIII. Drainage in highway side ditches shall not be altered or impeded and the applicant and permittee must provide, at his/her own expense, suitable and approved drainage structures at all entrances. Surface drainage shall be provided so that all surface water on the areas adjacent to the highway shall be carried away from the highway and that there is no significant increase in the peak flow (50 year storm event) draining towards the roadway. The drainage opening underneath the entrances or filled areas adjacent to the highway shall be adequate to carry the water in the highway side ditches. Size, type of pipe and adequacy of proposed structures shall be approved by the Department prior to installation. The Applicant or permittee shall use Maine Department of Environmental Protection's method for determining and detaining storm water run-off. Drainage issues do not have to be completed prior to the scoping meeting. The Division Engineer or his designee shall determine whether drainage increases toward the roadway are significant. Drainage issues need to be resolved prior to project construction.

Section 4. Title, right or interest.

The Department may consider an application only when an applicant has demonstrated sufficient title, right, or interest in all of the property which is proposed for development or use, including development entrances and exits, and that no inconsistent control of access provision exists with respect to access of the property.

Section 5. Public or private rights-of-way.

The location and width of proposed streets, easements, and other public or private rights-of-way. No entrance, approach or other improvement constructed on the Right of Way as an exercise of this permit shall be relocated or have its dimensions altered without the written permission of the Maine Department of Transportation's, Bureau of Project Development. Occupancy of the Highway Right of Way by structures, installation, or paving not connected with entrance uses is specifically prohibited.

Section 6. Schedule. Estimated completion schedule for the development project.

Section 7. TRAFFIC STUDY REQUIREMENTS.

A study of roads in the vicinity of the proposed development must be completed. A report including the information outlined below must be submitted:

A. Preparation of traffic study. The traffic study must be prepared under the supervision of a Maine registered professional engineer having experience in traffic engineering.

B. Study horizon. The year for which the study results are to be characterized must be the projected year of build-out and full occupancy. If the proposed development is a multi-phase project with a projected build-out date of more than 5 years after the year of the study, the Department may require a study of both the year of the opening of the first major phase and the year of build-out and full occupancy.

C. Site and traffic information. Include the information outlined in Section 1, parts A, B, C, D, E, and F.

D. Trip assignment. Include a description and diagram of the anticipated utilization of roads and intersections in the vicinity of the proposed development by traffic attributable to the development. Distribution and assignment of trips must be based on population trends, surrounding land uses, the condition of roadways, market analyses, existing traffic patterns and other relevant data. The technical analysis steps, basic methods, and assumptions used in this work must be clearly stated. The scope of this section must be to and including the first major intersection to either side of the development driveway(s). Additional intersections are required if threshold volumes are met. Threshold volumes are met at intersections where, during any one-hour period, traffic attributable to the proposed development equals or exceeds: (a) 25 vehicles in a left-turn-only lane; (b) 35 vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or (c) 35 vehicles (multiplying the left-turn volume by 1.5) in a combined left-turn and through lane, or a combined left-turn, through and right-turn lane.

E. Existing and projected traffic volumes. Include a diagram of the traffic volume on roads and intersections in the vicinity of the proposed development for the estimated a.m. and p.m. peak hour traffic (including turns during the peak hour) unless determined by the Department at the scoping meeting that another approach or period of time is more appropriate. Traffic diagrams must show the following:

(1) Existing traffic volume based on actual counts taken within two years of the study unless otherwise approved by the Department.

(2) Traffic attributable to other development projects that are proposed or approved but are not operational at the time the traffic counts are made. An applicant must consider:

a. Approved projects, provided the permit has not lapsed and has not been extended more than once;

b. Department rulings and municipal planning permits, subject to the specific terms of those rulings or permits; and

c. Proposed projects for which complete applications have been filed and accepted, provided the applicant is actively pursuing the application.

(3) Traffic attributable to the proposed development assuming build-out and full occupancy

(4) Traffic attributable to the proposed development during its peak hour of traffic generation.

(5) Projected traffic volume for the design hour at the time the development will begin operation, assuming build-out and full occupancy of the proposed development.

Documentation, including all new traffic counts and analysis worksheets, as to how the various volumes were derived must accompany the diagrams. Computer techniques and the associated printouts can be used as part of the report.

Build-out projections must include volume projections for background traffic growth. Methods used to determine background traffic volumes include the use of existing projections in comprehensive plans and typical annual growth rates.

All traffic counts must be actual counts whenever possible. Traffic counts from the Department may be used if not more than two years old unless otherwise approved by the Department.

F. Capacity analyses. A capacity analysis must be performed to determine the level of service for each road and intersection in the vicinity of the proposed development. Capacity calculations must be made for the estimated 30th highest hour of traffic during the build-out year, or any other appropriate design hour approved by the Department. Where it is shown that the capacity analysis methodology will not accurately measure operating conditions at a road or intersection, the Department may require an applicant to analyze operating conditions of an intersection or road using another methodology acceptable to the Department. In the case where a particular intersection being evaluated is part of an interconnected signal system the applicant may, at the discretion of the Department, be required to include the analysis of the interconnected system in the evaluation.

The Department recognizes that the level of service of some roads and intersections cannot be accurately determined using only the standard capacity analysis method. In such cases, the appropriate analytical technique will be determined in consultation with the Department. The Department will have final say in deciding which appropriate analytical technique should be applied.

G. Traffic signals. The need for new traffic signals in the vicinity of the proposed development must be checked using the warrants in the edition of the Manual on Uniform Traffic Control Devices (MUTCD), U.S. Department of Transportation, Federal Highway Administration.

The signal warrants in the MUTCD are not the sole criteria used to determine the need for new traffic signals. Although an intersection may meet the MUTCD warrants, the Department may determine that a signal is not appropriate.

H. Sight distance analyses. A determination of the available sight distance in all directions at each intersection in the vicinity of the proposed development. Intersection sight distance is the length of roadway visible to the driver. It must be measured from the intersection (at a point 10 feet [3.0 meters] back from the edge of the travel way) to the centerline of the opposing lane(s), assuming a height of eye of 3.5 feet (1.1 meter) and a height of object of 4.25 feet (1.3 meters).

I. Traffic accidents. An inventory and analysis of traffic accidents in the vicinity of the proposed development during the most recent 3-year period. The inventory must include:

(1) A listing of the critical rate factor for each road and intersection in the vicinity of the proposed development;

(2) Identification of high accident locations (see Section 4D of this chapter);

(3) Collision diagrams for each high accident location identified; and

(4) Identification of feasible countermeasures based on discernible accident pattern at any high accident location.

J. Recommendations. If the study analyses indicate that unsatisfactory levels of services or unsafe conditions exist or will occur at intersections or on roads in the vicinity of the proposed development, include a description of the measures proposed to remedy the deficiencies, including the following:

(1) Recommended improvements. A description and diagram of the location, nature, and extent of recommended improvements to roads and intersections in the vicinity of the proposed development. Of the recommended improvements, identify those proposed for implementation.

(2) Capacity analysis after improvement. A description of the anticipated results of making these improvements.

(3) Section 4(C)(5) exception. If the proposed development is entitled to an exception under Section 4(C)(5) (unsignalized intersections - see M.D.O.T.'s chapter 305), the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(5).

K. Conclusion. A clear, concise description of the study findings.

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-624-3620

FOR MDOT USE 1/2000
ID #

Total Fees:
Date: Received

****

PERMIT APPLICATION - TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. § 704 - A

Please type or print:

This application is for: Traffic 100-200 PCE's ____
Traffic 200+ PCE's ____

Name of Applicant:_____

Address: _____ Telephone:_____

Name of local contact or agent:_____

Address: _____ Telephone:_____

Name and type of development: _____

Location of development including road, street, or nearest route number: _____

_____

City/Town/Plantation: _____, County: _____, Tax Map #_____, Lot #

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? Yes ____ No ____

Was this development started prior to obtaining a traffic permit? _____

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30 - A, chapter 187)? Yes ____ No _____

Is this project located within a compact area of an urban compact municipality? Yes _____ No _____

Is this development or any portion of the site currently subject to state or municipal enforcement action? _____

Existing DEP or MDOT permit number (if applicable): _____

Name(s) of DOT staff person(s) contacted concerning this application: _____

_____

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applications: _____

_____

1/2000

CERTIFICATION

The traffic engineer responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the application for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: _____ Re/Cert/Lic No.:_____

Name (print): _____

Date: _____

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

_____ _____

Signature of applicant Date

FORM C 7/97

NOTICE OF INTENT TO FILE

Please take notice that

(*Name, Address and Phone of Applicant*)

is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704 - A on or about

(*anticipated filing date for items 1-6 whether 100-200 or over 200)*

The application is for

(*summary of project*: specifying trip generation at peak hour for the proposed development and the year the project is proposed to be completed and occupied)

at the following location:

(*project location*)

A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Transportation Division office (Presque Isle, Ellsworth, Bangor, Fairfield, Rockland, Scarborough or Dixfield) during normal working hours. A copy of the application may also be seen at the municipal offices in

_____, Maine.
(*town*)

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING DIVISION

ID#:_____
Fees Paid:_____
Date Received:_____

APPLICATION FOR TRAFFIC MOVEMENT PERMIT MODIFICATION

This form shall be used to request approval of minor changes to: (a) project design or operation; or (b) the conditions of a permit as previously approved by the Department of Transportation or the Department of Environmental Protection.

A processing fee of $500.00 (check payable to Treasurer, State of Maine) is required at the time of application submittal.

If significant changes are proposed, then a complete new or amendment application may be required by the Department.

(Please type or print)

Name of Applicant:_____

Address:_____

Telephone Number:_____

Name of Contact or Agent:_____

Telephone Number:_____

LOCATION OF ACTIVITY

Name of Project:_____

Municipality or Township:_____County:_____

REQUIRED INFORMATION

1. Existing DOT or DEP Permit Number:_____

2. DOT or DEP Project Manager for previous application (if known):_____

3. Description of Proposed Change:_____

_____

_____

_____

_____

(Attach additional sheet(s), if necessary)

4. Provide all documentation necessary to support the proposed change. This documentation shall include, as appropriate, revised site plans, construction drawings and technical data. (If you are unsure of what information to include, please contact the original DOT or DEP project manager, or the Traffic Engineering Division.

5. Does your proposal involve a significant expansion of the project, change the nature of the project, or modify any Department findings with respect to any licensing criteria? _____ (if you are unsure how to answer this or if your answer is "yes", please contact the original DOT or DEP project manager, or the Division of Land Resource Regulation in either Portland, Augusta, or Bangor for assistance).

If yes, you must provide public notice (see attached form). By signing this application, you certify that the completed notice has been sent by certified mail to abutters and municipal officials; and has been published once in a newspaper circulated in the area where the project is located.

NOTE: All supporting documents summarized above must be attached to this form and sent to the nearest appropriate DOT Office located below: File the modification "Attention Division Traffic Engineer" in the appropriate Division office.

MDOT Division P.O. Box 1178 41 Rice Street Presque Isle, ME 04769 Tel: (207) 764-2060	MDOT Division 2 P.O. Box 539 High Street Ellsworth, ME 04605 Tel: (207) 667-5556	MDOT Division 3 P.O. Box 1208 219 Hogan Road Bangor, ME 04402-1208 Tel: (207) 941-4500
MDOT Division 4 Route 201 10 Mountain Ave. Fairfield, ME 04937 Tel: (207) 453-7377	MDOT Division 5 143 Rankin St. P.O. Box 566 Rockland, ME 04841 Tel: (207) 596-2230	MDOT Division 6 P.O. Box 1940 Portland, ME 04104 Tel: (207) 883-5546
MDOT Division 7 P.O. Box 817 Dixfield, ME 04224-0683 Tel: (207) 562-4228		

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment".

_____ ..... DATE:_____

SIGNATURE OF APPLICANT

_____

PRINT OR TYPED NAME

_____

TITLE

THE APPLICATION FEE IS DUE AT THE TIME OF APPLICATION SUBMITTAL. THE APPLICATION WILL NOT BE PROCESSED UNTIL THIS FEE IS PAID.

Chapter 305: RULES AND REGULATIONS PERTAINING TO TRAFFIC MOVEMENT PERMITS

1. Introduction. The Department recognizes the potential effects which many developments can have on existing traffic patterns and the need to assure that intersections and roads in the vicinity of proposed developments have the ability to provide safe and convenient access to and from the developments for traffic of all types.

   This chapter contains rules relating to the traffic movement provisions covered in 23 M.R.S.A. § 704-A. It addresses standards, submissions and terms and conditions.

2. Definitions. As used in this chapter unless the context indicates otherwise, the following terms have the following meanings.

   A. Business district. The portion of a municipality in which the dominant land use is for intense business activity. A municipality may have more than one business district.

   B. Capacity analysis. A determination of the level of service of an intersection or roadway segment using the methodology described by the Transportation Research Board (TRB), a service of the National Research Council, in the edition of the "Highway Capacity Manual", Special Report 209 referenced on the MDOT Fact Sheets received with the application.

   C. Critical Intersection. An intersection that if impacted by increased traffic could have a negative effect on the traveling public, the municipality and/or the business community.

   D. Critical rate factor. The ratio of the actual accident rate at an intersection or road to the statistically calculated critical rate.

   E. Delay. The time lost, measured in seconds per vehicle, while traffic is impeded by some element over which the driver has no control.

   F. Development area. The site proposed for development, excluding all off-site roadway segments and intersections beyond the entrance or entrances.

   G. Designated growth area. An area designated as a growth area in a locally adopted growth management plan that has been found by the State Planning Office to be consistent with M.R.S.A. title 30-A, Chapter 187.

   H. Entrance(s) and exit(s). An access way used by traffic movements of all types to or from properties abutting a highway or public way. As used herein, the terms include all driveways including private residential, commercial and other nonresidential driveways. The terms do not include a street within a subdivision. As used herein, the terms include the approaches thereto and the intersections created thereby even if such areas are state or local right of way.

   I. Estimated annual average daily traffic. An estimate of the total yearly traffic volume divided by the number of days in the year.

   J. Horizon year. The anticipated opening year of the proposed development, assuming build-out and full occupancy.

K. Impact Fees. A fee charged to an applicant for impact on a critical intersection or roadway section.

L. Level of service (LOS). A measure of the quality of the operating conditions within a traffic stream as determined from a capacity analysis, using the methodology described by the Transportation Research Board (TRB), a service of the National Research Council, in the edition of the "Highway Capacity Manual," Special Report 209 referenced on the MDOT Fact Sheets received with the application.

M. Major intersection. An intersection controlled by a traffic signal, or the intersection of a state or state aid highway and the road on which the driveways for the development are located. The driveways are not to be considered a major intersection.

N. Passenger car equivalents (PCE's). The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger car vehicles. One tractor-trailer combination is the equivalent of two passenger cars.

O. Passenger car equivalents at peak hour. The number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles, at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. See M.R.S.A. title 23 § 704 - A

P. Peak-hour. The hour of the day during which the traffic volume at an intersection or on a roadway segment is higher than the volume during any other hour of the day.

Q. Traffic accident. A motor vehicle accident that results in property damage exceeding $1000 or physical injury of any type.

R. Traffic attributable to a development. Net new traffic volumes and associated traffic patterns that is generated as a result of a proposed development.

S. Traffic movement of all types. Any mode of travel, including pedestrian, bicycle, bus, light rail, commuter rail, or automobile.

T. Traffic signal. A power-operated control device by which traffic is regulated, warned, or alternately directed to take specific actions.

U. Traffic study. A quantitative determination of the ability of existing roads and intersections in the vicinity of the proposed development to handle traffic attributable to the development.

V. Transportation demand management techniques. Measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, ridesharing, carpooling, vanpooling, mass transit and modified work schedules.

W. Trip. A single or one direction vehicle movement with either the origin or destination inside the development area.

X. Urban Compact. A built up portion of a town/city as described in M.R.S.A. title 23 § 754.

3. Permit Application Process

100 to 200 PCE Developments: The Department has 14 calendar days from date of submittal to determine if the application (sections 1 through 6) is complete. If the Department does not make a completeness determination within 14 calendar days, the application is deemed complete. However this does not preclude the Department from requesting additional information from the applicant. A scoping meeting shall be held within 30 calendar days of the date sections 1 through 6 are deemed complete. Once the application is deemed complete the Department has 60 calendar days to issue a Traffic Movement Permit provided no further study is deemed necessary. If the application is not deemed complete, the applicant is informed and the 14 calendar days to determine completion restarts upon resubmittal.

Over 200 PCE Developments: The Department has 14 calendar days from date of submittal to determine if sections 1 through 6 are complete. If the Department does not make a completeness determination within 14 calendar days, the application is deemed complete. However this does not preclude the Department from requesting additional information from the applicant. Completeness of Sections 1 through 6 allows the Department to set up a scoping meeting. A scoping meeting shall be held within 30 calendar days of the date sections 1 through 6 are deemed complete. At the scoping meeting the developer or designee and the Engineer of Traffic or his/her designee will determine the area for the Traffic Study, Section 7. The Department has 14 calendar days from submittal of the developer's traffic study to determine completeness. If the traffic study is deemed complete, the Department will have 120 calendar days to issue a Traffic Movement Permit. If the application, and accompanying traffic study are not deemed complete, the applicant is informed and the 14 calendar days to determine completion restarts upon resubmittal.

A development may be eligible for an expedited review if a noticeable difference between peak hour generator and adjacent roadway peak hour exists, or the development has a high amount of pass-by trips. If the development has either of these two conditions, the Engineer of Traffic or his/her designee, has the discretion to wave the requirement for the Traffic Study.

4. General standards. The following standards must be met for any project proposed for approval.

   A. Design and operation. In determining whether the developer has made adequate provision for traffic movement of all types into and out of the development area, and in the vicinity of the development area, the Department shall consider all relevant evidence to that effect, to ensure the safe and efficient flow of traffic. On-site design and operations are subject to review, to the extent necessary, to ensure that the development will not cause any delay, interference or cause safety problems with the operation of adjacent roadways , adjacent driveways or pedestrian walkways. The development must be located and designed so that the roads and intersections in the vicinity of the proposed development will have the ability to safely and efficiently handle the traffic increase attributable to the development at the time the development becomes fully operational.

   B. Study horizon. The period for which the traffic impacts of a proposed development are to be assessed must be the projected year of build-out and full occupancy. If the proposed development is a multi-phase project with a projected build-out date of more than five (5) years after the year of the study, Department may require a study of both the year of the opening of the first major phase and the year of build-out and full occupancy.

   C. Unreasonable congestion. Level of Service D, as determined from a capacity analysis, is considered the minimum level of service needed to provide safe and convenient traffic movement. Where a road, intersection, or any approach lane to the specific intersection or

intersections being evaluated in the vicinity of the proposed development is determined to operate at LOS E or LOS F in the horizon year, the proposed development is considered to result in unreasonable congestion, unless: Improvements will be made to raise the level of service of the road or intersection to D or above, except as otherwise provided in one or more of the paragraphs below.

(1) The level of service of the road or intersection will be raised to D or above through transportation demand management techniques.

(2) The Department finds that it is not reasonably possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year.

(3) The Department finds that improvements cannot reasonably be made because the road or intersection is located in a business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical.

(4) The development is located in a designated growth area, or in the compact area of an urban compact municipality in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues. The required improvements are limited only to those necessary to mitigate the impacts of the project (which means the applicant is only responsible for returning all approaches to an intersection or piece of a roadway to the current Level of Service).

(5) In the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or auxiliary turning lanes, as set forth in the edition of Federal Highway Administration's "Manual on Uniform Traffic Control Devices" shown on MDOT's Fact Sheets and as set forth in HRR #211 - "Volume Warrants for Left Turn Lanes at Unsignalized Intersections", (Right Turn lanes are covered in the edition of the Highway Design Guide referenced on the MDOT Fact Sheet) then the Department may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.

(6) The Development is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in M.R.S.A. title 30 - A, Chapter 187, or if a project is located within the compact area of an urban compact municipality or if a project is on a former military base pursuant to M.R.S.A. title 38, section 488, subsection 15, and when the project consists of conversion of an existing facility and the project does not have an entrance or exit on a federally classified arterial highway, the required improvements are limited only to the entrances and exits of the project.

D. Unsafe conditions. Road segments, intersections, or development entrances and exits may be deemed as unsafe when traffic encounters conditions such as, inadequate turning radii , poor geometrics, limited sight distance or high accident locations. High accident locations are road segments or intersections where eight (8) or more accidents have occurred over the most recent three (3) year period, and the "critical rate factor" is greater than one (1.0). The applicant shall submit a proposal to improve or eliminate the unsafe conditions if they exist or if they are determined to be created or exacerbated by the proposed development.

E. Baseline For Modification of Existing Permits. A development requiring a permit on or after July 1, 1997 is subject to review of all traffic generated by the development in excess of a traffic baseline of July 1, 1997, or a maximum of ten years prior to the date of the permit application, whichever period is shorter. To determine the traffic baseline for a particular use or facility as of July 1, 1997, the Department shall consider trip generation rates set forth by the edition of the Institute of Transportation Engineers (ITE), "Trip Generation," referenced on the MDOT Fact Sheets received with the application; any trip generation study prepared by the applicant to determine conditions as of the baseline date; and any other relevant information. The baseline data will be used to determine the number of PCE's generated by the development for purposes of determining jurisdiction under this chapter. The fee for modification of an existing MDOT or MDEP permit shall be $500.

5. Special provisions for Developments Generating 100-200 passenger car equivalent Trips. Any person intending to construct or operate a development that is projected to generate between 100 and 200 PCE's during its peak hour of traffic generation shall, before commencing construction or operation, file an original and two copies of an application for a "traffic movement permit" identifying the size, nature and location of the development, together with such other information as may be required by Section 6(A) of this rule.

A. Scoping meeting. Upon receipt by the Department of a traffic review application (with all information covering sections 1 thru 6 of the Specific Submission Requirements that the Department finds acceptable and complete) to construct or operate a development that meets the threshold of 100 or more PCE trips, the Department will arrange and schedule a scoping meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested, at least 7 (seven) days prior to the scoping meeting

Within 60 days of deeming section 1-6 complete, the Department shall recommend one of the following:

(1) That the applicant be issued a permit with no further study and no off-site mitigation because the development will not have a significant impact on roads or intersections in the vicinity of the proposed development. As part of the permit issued by the Department in such a case, conditions may be attached for off-site mitigation without the need for any additional traffic study; or

(2) That the application requires further review and that additional information must be submitted for an analysis of whether the applicant meets the traffic standards.

B. Vicinity for 100-200 passenger car equivalents developments. The vicinity of the proposed development, for projects generating 100-200 PCE's, is limited to the area defined by the development entrance(s) or exit(s). The department has the authority to extend the area to the first major intersection in each direction from the development entrance or entrances including intervening segments if the scoping meeting reveals potential safety, capacity, or other traffic-related issues affecting the type of review warranted.

6. Special provisions for Developments Generating over 200 passenger car equivalent Trips. Any person intending to construct or operate a development that generates over 200 PCE's during its peak hour of traffic generation shall, before commencing construction or operation, file an original and two copies of an application for a "traffic movement permit", under 23 MSRA § 704 -A, with the Department identifying the size, nature and location of the development, together with such other information as may be required by this chapter.

A. *Scoping meeting.* For an application of this type, a scoping meeting must be held prior to the submittal of the application. The Department will arrange and schedule such a meeting with the applicant to discuss the scope of potential traffic impacts to be studied and the type of proceeding warranted only after the Department has received from the applicant information covering Sections 1 thru 6 of the Specific Submission Requirements and made the findings that the information is acceptable and complete. The Department will invite representatives of the municipality, abutting municipalities, municipal planning organizations and regional councils where the project is located and the applicant or appropriate representative. The applicant is required to submit a signed copy of the "Notice Of Intent to File" to the Municipality(s) in which the proposed development is located, and to submit such form to all abutting property owners. Such notice must be sent by certified mail, return receipt requested at least 7 (seven) days prior to the scoping meeting. The "notice of intent to file" does not need to be resubmitted with Section 7 Traffic Study when the application is officially submitted. The submittal of the notice prior to the scoping meeting is sufficient. The purpose of this meeting is to help the applicant to understand the application review process, to identify particular areas of concern, to define appropriate trip generation rates, to define trip distribution, to define trip composition, to define the study area, to define appropriate traffic engineering analysis methods to be used to assess whether or not safety and/or capacity deficiencies exist today or will exist after the development is in place and to exchange information before a commitment to a final design.

B. Vicinity for over 200 passenger car equivalents developments. The vicinity of the proposed development, for projects generating more than 200 PCE's, is the area including and bordered by:

(1) The development entrance(s) or exit(s);

(2) The first major intersection in either direction from the development entrance(s) and exit(s) unless waved by the Engineer of Traffic or his/her designee at the scoping meeting; and

(3) All intersections where, during any one-hour period, traffic attributable to the proposed development equals or exceeds:

(a) 25 vehicles in a left-turn-only lane;

(b) 35 vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or

(c) 35 vehicles (multiplying the left-turn volume by 1.5) in a combined left-turn and through lane, or a combined left-turn, through and right-turn lane.

Generally, the vicinity as defined by the above criteria would be limited to a radius of 2 miles from the site unless the Department, at the scoping meeting, determines that the proposed development will impair the safe and efficient flow of traffic beyond a two mile radius due to the development's scale, location, or nature.

7. Submissions. The applicant shall provide evidence affirmatively demonstrating that adequate provision for traffic movement of all types into and out of the development site has been made and that traffic attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on roads and intersections in the vicinity of the proposed development.

A. Development generating 100-200 passenger car equivalents. In the case of a development generating between 100 and 200 PCE's during its peak hour of traffic generation, such evidence demonstrating that the project will only generate this amount of traffic must be submitted to the Department prior to scheduling the scoping meeting described in Section 5(A). The evidence submitted must include the following.

(1) Site and traffic information. All information required under Section 8(D), subsections 1-6, relating to site description, existing and proposed site use, site and vicinity boundaries, proposed uses in the vicinity (as defined in 5 B) of the proposed development, trip generation, and trip distribution.

(2) Traffic accidents. An inventory and analysis of traffic accidents occurring in the vicinity of the proposed development during the most recent 3-year period to identify high accident locations and their associated critical rate factors (see Section 4(D) of this chapter).

(3) Development entrances and exits. A description of the following;

(a) Entrance and exit location and design; and

(b) A plan view of each intersection created by the development. The plan view must show the names of the intersecting roads, the posted speed limit on the roads, the left and right sight distances, and the location of all driveways and roads located across from the development site.

(c) Entrance/Exits shall meet the following criteria:

I. Entrance/exits shall meet minimum driveway spacing and minimum corner clearance as specified in the edition of MDOT's "Access Management - Improving the Efficiency of Maine Arterials" referenced on the MDOT Fact Sheets.

II. All entrances shall be so located, that vehicles entering onto the highway will have adequate intersection sight distance in both directions along the highway. The design and location of the driveway should be such that it allows motorized vehicles, including trucks to maneuver safely and without interference with traffic. The entrance/exit location

should provide adequate sight distance so that vehicles traveling on the highway or street adjacent to the driveway will provide sufficient stopping sight distance to stop for vehicles waiting for a gap to turn left into the driveway entrance and a minimum safe sight distance must be provided for vehicles turning left from a major roadway.

III. Driveway width and other details shall be in accordance with Standard details found in the MDOT Fact Sheets; these standard details as updated by the Department shall be incorporated into these rules and regulations.

IV. The grade of entrances shall be in conformance with the edition of M.D.O.T.'s Highway Design Guide referenced on the M.D.O.T. Fact Sheets. All driveway entrance/exits within 75 feet (23 meters) of a roadway intersection shall not exceed a maximum grade of 3%.

V. Driveway entrance/exits shall comply with the standards/rules established under 23 M.R.S.A. § 704. The width of drive entrances shall not exceed twenty six (26) feet (8.0 meters) for residential use and forty two (42) feet (12.8 meters) for commercial use.

VI. Separation islands between entrances and exits where culverts are not required or are continuous between entrances shall be raised not less than six (6) inches (0.150 meters) above the surface of the adjacent drives, curbed and seeded. Some form of curbing of the separation is desirable. If an open ditch is used between driveways having separate culverts, the raised section is not necessary and the separation island shall be graded to drain to the ditch.

VII. When sidewalk, curbing or curb and gutter is to be removed, the applicant or permittee shall replace at his expense the necessary sidewalks, curbing or curb and gutter at the break points of the entrance. All curbing at the side of the entrance shall be terminal ends as shown in the curbing standard details attached to the MDOT Fact sheet.

VIII. Drainage in highway side ditches shall not be altered or impeded and the applicant and permittee must provide, at his/her own expense, suitable and approved drainage structures at all entrances. Surface drainage shall be provided so that all surface water on the areas adjacent to the highway shall be carried away from the highway and that there is no significant increase in the peak flow (50 year storm event) draining towards the roadway. The drainage opening underneath the entrances or filled areas adjacent to the highway shall be adequate to carry the water in the highway side ditches. Size, type of pipe and adequacy of proposed structures shall be approved by the Department prior to installation. The Applicant or permittee shall use Maine Department of Environmental Protection's method for determining and detaining storm water run-off. Drainage issues do not have to be completed prior to the scoping meeting. The Division Engineer or his designee shall determine whether drainage increases toward the roadway are significant. Drainage issues need to be resolved prior to project construction.

(4) Title, right or interest. The Department may consider an application only when an applicant has demonstrated sufficient title, right, or interest in all of the property which is proposed for development or use, including development entrances and exits and that no inconsistent control of access provision exists with respect to access of the property. Prior to construction, the applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements.

B. Development generating over 200 passenger car equivalents. The application for approval of a proposed development that will generate over 200 PCE's, or a development that the Department has determined under Section 5(A)(2) may have significant off-site impacts, must include the following evidence.

(1) Traffic study. A traffic study if required under Section 7(A) below, or as determined in the scoping meeting with the Department.

(2) Public or private rights-of-way. The location and width of proposed streets, easements, and other public or private rights-of-way. No entrance, approach or other improvement constructed on the Right of Way as an exercise of this permit shall be relocated or have its dimensions altered without the written permission of the Maine Department of Transportation's, Bureau of Project Development. Occupancy of the Highway Right of Way by structures, installation, or paving not connected with entrance uses is specifically prohibited.

(3) Development driveways. A detailed description of the following:

(a) Entrance and exit location and design; and

(b) A plan view of each intersection created by the development. The plan view must show the names of the intersecting roads, the posted speed limit on the roads, the left and right sight distances, and the location of all driveways and roads located across from the development site.

(4) Schedule. Estimated completion schedule for the development project.

(5) Title, right or interest. The Department may consider an application only when an applicant has demonstrated sufficient title, right, or interest in all of the property which is proposed for development or use, including development entrances and exits and that no inconsistent control of access provision exists with respect to access of the property.

8. Off-site traffic study

A. Study required. A study of roads and intersections in the vicinity of the proposed development must be conducted and submitted in report form if the development is expected to generate 200 or more PCE's during its peak hour of traffic generation or if determined necessary under Section 5(A)(2). In addition, the Department may require, that a traffic study be conducted because of traffic safety or capacity deficiencies in the vicinity of the proposed development, such as the following:

(1) Current traffic problems. Current traffic problems have been identified such as a high-accident location, inadequate intersection, an intersection in need of a traffic signal, or inadequate storage lane capacity for turning vehicles;

(2) Unsatisfactory level of service. The current or projected level of service of the roadway system adjacent to the development is unsatisfactory; or

(3) Other problems identified. Other specific problems or deficiencies have been clearly identified and documented by the Department or the municipality and may be affected by the proposed development or affect the ability of the development to be satisfactorily accommodated.

B. Preparation of traffic study. The traffic study, when required under subsection A above, must be prepared under the supervision of a Maine registered professional engineer having experience in traffic engineering.

C. Study horizon. The year for which the study results are to be characterized must be in accordance with the provisions of Section 4(B).

D. Elements of traffic study. At a minimum, the report of the traffic study must contain the following.

(1) Site Plan. All site plans shall be stamped or sealed by a Registered Maine Professional Engineer and must be at a scale of 1 inch equals no more than 200 feet (1:2000 metric) unless variations are approved by the Department prior to submission of the application. Any intersections of the development with the roadway shall be shown at a scale of 1 inch equals no more than 50 feet (1:500 metric). Survey plans, without exceptions shall be prepared, signed and sealed by a Maine Licensed Professional Land Surveyor. Plans must be folded to fit 8 1/2" X 11" folders and must be submitted in triplicate.

(2) Existing and proposed site uses. A description of the existing and proposed uses of the development area.

(3) Site and vicinity boundaries. A regional map showing the development area and each road in the vicinity of the proposed development, as defined in Sections 2(F), 5(B) and 6(B) of this chapter. This map must also show other proposed development sites in the vicinity of the proposed development, including the location of their existing and proposed driveways to the extent such information is available.

(4) Proposed uses in the vicinity of the proposed development. A description of traffic increases that are expected from sources other than the proposed development and that are highly likely to occur in the vicinity of the proposed development during the study period. At a minimum, the study must identify development or redevelopment proposals which have been approved, either locally or by the Department, provided such approvals have not lapsed, and development or redevelopment proposals for which complete applications have been filed with and accepted by a local reviewing authority or the Department provided the applicant is actively pursuing the application. If a local reviewing authority or the Department has requested from an applicant additional information or submittals necessary to complete the processing of an application but has not received such information within 90 days of the request, that applicant shall be deemed not to be actively pursuing the application.

(5) Trip generation must be calculated using the Institute of Transportation Engineers' (ITE) Trip Generation Guide, edition shown on MDOT's Fact Sheets enclosed with the application. If ITE data is not available for the proposed land use, trip generation must be estimated in accordance with a methodology approved by the Department. The trip generation data must be presented in a summary table listing each type of land use, the size involved, the trip generation rate used (total daily traffic and a.m. /p.m. peak), and the resultant total trips

generated for the design peak hour of the adjacent street, or the design peak hour of the generator, whichever is the worst case scenario for the network.

(6) Trip distribution. A description and diagram of the anticipated distribution of traffic entering and exiting the proposed development area.

(7) Trip assignment. Include a description and diagram of the anticipated utilization of roads and intersections in the vicinity of the proposed development by traffic attributable to the development. Distribution and assignment of trips must be based on population trends, surrounding land uses, the condition of roadways, market analyses and other relevant data. The technical analysis steps, basic methods, and assumptions used in this work must be clearly stated. The scope of this section must be to and including the first major intersection to either side of the development driveway(s).

(8) Existing and projected traffic volumes. A diagram of the traffic volume on roads and intersections in the vicinity of the proposed development for the estimated a.m. and p.m. peak hour traffic (including turns during the peak hour) unless determined by the Department at the scoping meeting that another approach or period of time would produce a more accurate result. Traffic diagrams must show the following.

(a) Existing traffic volume based on actual counts taken within two years of the study unless otherwise approved by the Department.

(b) Traffic attributable to other development projects that are proposed or approved but are not operational at the time the traffic counts are made. An applicant must consider:

(i) Approved projects, provided the permit has not lapsed and has not been extended more than once;

(ii) Planning permits, subject to the specific terms of those permits; and

(iii) Proposed projects for which complete applications have been filed and accepted, provided the applicant is actively pursuing the application as defined in Section 8(D)(4).

(c) Traffic attributable to the proposed development assuming build-out and full occupancy.

(d) Traffic attributable to the proposed development during its peak hour of traffic generation.

(e) Projected traffic volume for the design hour at the time the development will begin operation, assuming build-out and full occupancy of the proposed development.

Documentation, including all new traffic counts and analysis worksheets, as to how the various volumes were derived must accompany the diagrams. Computer techniques and the associated printouts can be used as part of the report.

Build-out projections must include volume projections for background traffic growth. Methods used to determine background traffic volumes include the use of existing projections in comprehensive plans and typical annual growth rates.

All traffic counts must be actual counts whenever possible. Traffic counts from the Department may be used if not more than two years old unless otherwise approved by the Department.

(9) Capacity analyses. A capacity analysis must be performed to determine the level of service for each road and intersection in the vicinity of the proposed development. Capacity calculations must be made for the estimated 30th highest hour of traffic during the build-out year, or any other appropriate design hour approved by the Department. Where it is shown that the capacity analysis methodology will not accurately measure operating conditions at a road or intersection, the Department may require an applicant to analyze operating conditions of an intersection or road using another methodology acceptable to the Department. In the case where a particular intersection being evaluated is part of an interconnected signal system the applicant may, at the discretion of the Department, be required to include the analysis of the interconnected system in the evaluation.

The Department recognizes that the level of service of some roads and intersections cannot be accurately determined using only the standard capacity analysis method. In such cases, the appropriate analytical technique will be determined in consultation with the Department.

(10) Traffic signals. The need for new traffic signals in the vicinity of the proposed development must be checked using the warrants in the "Manual on Uniform Traffic Control Devices", U.S. Department of Transportation, Federal Highway Administration, edition as referenced on MDOT's Fact Sheets enclosed with the application.

Note: The signal warrants in the "Manual on Uniform Traffic Control Devices " (MUTCD) are not the sole criteria used to determine the need for new traffic signals. Although an intersection may meet the MUTCD warrants, the Department may determine that a signal is not appropriate.

(11) Sight distance analyses. A determination of the available sight distance in all directions at each intersection in the vicinity of the proposed development must be made. Intersection sight distance is the length of roadway visible to the driver. It must be measured from the intersection (at a point 10 feet (3.0 meters) back from the edge of the travel way) to the centerline of the opposing lane(s), assuming a height of eye of 3.5 feet (1.1 meter) and a height of object of 4.25 feet (1.3 meters).

(12) Traffic accidents. An inventory and analysis of traffic accidents in the vicinity of the proposed development during the most recent 3-year period. The inventory must include:

(a) A listing of the critical rate factor for each road and intersection in the vicinity of the proposed development;

(b) Identification of high accident locations (see Section 4D of this chapter);

(c) Collision diagrams for each high accident location identified; and

(d) Identification of feasible countermeasures based on discernible accident pattern at any high accident location.

(13) Recommendations. If the study analyses indicate that unsatisfactory levels of services (see Section 4C of this chapter) or unsafe conditions exist or will occur at intersections or on roads in the vicinity of the proposed development, a description of the measures proposed to remedy the deficiencies, including the following.:

(a) Recommended improvements. A description and diagram of the location, nature, and extent of recommended improvements to roads and intersections in the vicinity of the proposed development. Of the recommended improvements, identify those proposed for implementation.

(b) Capacity analysis after improvement. A description of the anticipated results of making these improvements.

(c) Section 4(C)(4) exception. If the proposed development is entitled to an exception under Section 4(C)(4), the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(4).

(d) Section 4(C)(5) exception. If the proposed development is entitled to an exception under Section 4(C)(5), the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(5).

(e) Section 4(C)(6) exception. If the proposed development is entitled to an exception under Section 4(C)(6), the descriptions provided pursuant to (a) and (b) may be limited to the improvements necessary to provide safe conditions and the level of service required under Section 4(C)(6).

(14) Conclusion. A clear, concise description of the study findings.

9. Design requirements

A. General. The minimum design criteria of this section must be met or exceeded unless:

(1) A Conflict with municipal standards exists. Specific provisions of the design criteria of this section conflict with specific provisions of duly enacted municipal standards for roads and entrances and the applicant requests that the specific municipal standard be applied, if the applicant requests this, it must also demonstrate that the alternative follows generally accepted engineering techniques and will allow safe and efficient traffic movement; or

(2) Alternative Design Criteria will provide the same result and therefore the applicant requests a variance. The applicant demonstrates that proposals which vary from the criteria of this section will allow safe, adequate and convenient movement of traffic of all types into and out of the development site. Applications for approval of roadway and entrance plans that vary from the requirements of this section must identify the criteria that will not be met, specify the proposed alternative, and set forth such evidence as is necessary to affirmatively demonstrate that the alternative is in accordance with generally accepted engineering design practices and will allow safe and convenient traffic movement.

B. Design criteria for roads. The geometric design standards contained in the department's "Highway Design Guide" edition as referenced on MDOT's Fact Sheets enclosed with the application, must be applied to all new construction, reconstruction and major rehabilitation projects not on the National Highway System. AASHTO guidelines must be used on all new construction, reconstruction and major rehabilitation projects on the National Highway System. Route continuity must be considered when determining widths for any particular project. When using the AASHTO guidelines, the minimum AASHTO design guideline must be considered the desired guideline.

C. Design criteria for entrances and exits

(l) Identification. Entrances and exits must be clearly identified by the use of signs, curb cuts, raised medians, and landscaping as appropriate.

(2) Design approval. The entrance and exit design must be reviewed and approved by the Department if the entrance will be located on a state or state-aid highway.

(3) General design considerations. The design of all entrances and exits associated with a proposed development must include, at a minimum, consideration of the following items as per guidelines set forth in the edition of the MDOT publication "Access Management - Improving Efficiency of Maine Arterials" referenced on MDOT's fact sheet:

(a) Safe sight distance;

(b) Maximum number of driveways per lot; (see 23 M.R.S.A. § 704)

(c) Minimum distance between driveways and side streets (corner clearance);

(d) Minimum distance between driveways;

(e) Turn radius and driveway width;

(f) Approach grades;

(g) Auxiliary turning lanes (right-turn lanes, left-turn lanes); and

(h) Driveway throat length.

(4) Miscellaneous requirements

(a) Lighting. Lighting must highlight the driveways of the development. Parking areas must be designed to prevent vehicle lights from shining onto adjacent roadways by using parking orientation, buffers, or other effective measures.

(b) Interference with adjacent roadways.

(i) Sufficient parking facilities must be provided within and adjacent to the development site to meet the parking needs of the development. Parking facilities include on-street parking, access to off-street parking lots, parking lots, loading and unloading space, and circulation aisles and corridors.

(ii) Unless no other practicable alternative is available, parking areas must be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve single-family detached dwellings provided the driveway entrance is situated on a local road and not on a collector road or arterial road.

(iii) Parking stalls for the development may not be directly accessible from any public way. Ingress and egress to parking areas must be limited to driveway entrances.

(iv) No loading docks may be located on any street frontage.

10. Terms and conditions. The Department may, as a term or condition of approval, establish any reasonable requirement to ensure that the applicant has made adequate provision for traffic movement for all types of traffic, including but not limited to the following:

A. Size, time, manner and number limitations. Limitations on the size, time of operation, manner of operation, number of vehicles operating out of or into the development area, and size or configuration and operation of the development as a whole.

B. Appointment of officer. The appointment of a traffic control officer.

C. Driveway restrictions. Restrictions concerning the grade or location of driveways, and provision for the sharing of a driveway access point by two or more properties.

D. Visibility improvement. Installation of traffic warning, speed limit, and directional signs.

E. Sight Distance. Clearing of signs, brush or other obstructions near entrance-ways to insure visibility for adequate sight distances.

F. Frontage roads or turn lanes. Construction of frontage roads or turning lanes.

G. Road and intersection improvements. Improvements (i.e. changes in road access, geometry or operations) to any intersection or road in the vicinity of the proposed development when:

(1) The intersection or road has been determined to be unsafe or to operate at level of service E or F;

(2) The warrants are met for signalization; or

(3) There is inadequate storage lane capacity for turning traffic.

If the required road and intersection improvements are located on municipally owned roads, the applicant must demonstrate that the municipality has authorized them.

H. Schedule link. The development schedule be tied to transportation system improvements.

I. Time limitation upon approval. Approval restricted to those development phases projected to mature within five years of the date of approval.

NOTE: Where approval is restricted to the initial phase or phases of a multi-phase development, an updated and revised traffic study must be submitted to the Department for review and approval prior to commencement of subsequent phases. In these cases, monitoring of traffic generated by the initial phase or phases could result in adjusted traffic projections for later phases.

11. Implementation of off-site traffic improvements. Required improvements to roads or intersections in the vicinity of the proposed development must be implemented prior to initial occupancy of the development except where the following occurs as provided in (A), (B), (C) or (D) below:

A. A Municipal impact fee is applied. The applicant demonstrates the following:

(1) Impact fee ordinance. The municipality in which improvements are needed has adopted an impact fee ordinance pursuant to 30-A M.R.S.A. § 4354;

(2) Impact fee payment. The applicant has paid or will pay an impact fee pursuant to the ordinance;

(3) Impact fee use. The impact fee will be used to make the improvements required by the Department;

(4) Department approval. The improvement plan has been reviewed and approved for implementation by the Department; and

(5) Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development; or

B. A Non-municipal funding mechanism is applied. The applicant demonstrates the following:

(1) Mechanism established. A non-municipal funding mechanism has been established to apportion the cost of the needed improvements;

(2) Pro-rata share. The applicant has contributed or will contribute a pro-rata share of the cost of the improvements;

(3) Fund sufficient. The amount of the fee, together with fees reasonably expected from other developers and government agencies, will be sufficient to fully fund the improvements;

(4) Department approval. The improvement plan has been reviewed and approved for implementation by the Department;

(5) Local approvals. The improvement plan has received all necessary local approvals, including funding authorizations; and

(6) Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development.; or

C. An M.D.O.T. Imposed Impact Fee is applied.

(1) The Department may impose impact fees on developers in addition to and/or in lieu of mitigation;

(2) The Department may impose impact fees on the applicant for their impact at critical intersections; or

D. Where Improvements are to be implemented by Department. The applicant demonstrates that the necessary traffic improvements have been identified by the Maine Department of Transportation (MDOT) as improvements which MDOT will be implementing within three years of the initial occupancy of the development.

12. Reconsideration

Any interested person may request reconsideration by the Department within 30 days after notice of the Department's permit decision. This request must set forth in detail, the findings and conclusions of the Department to which the person objects, the basis of those objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the matters set forth on the request. The department shall issue and write an opinion responding to the request whether or not a hearing is held. The response shall set out the Department's reasons for either maintaining or modifying its permit decision.

The running of the time for appeal pursuant to Section 13 of this rule and the Administrative Procedure Act is terminated by a timely request for reconsideration filed under this section. The full time for appeal commences and is computed from the date of the final Department action addressing the request for reconsideration. The filing of a request for reconsideration, however, is not an administrative or judicial prerequisite for the filing of an appeal under Section 13."

13. Appeals

A final permit decision, whether subject to section 11 reconsideration or not, may be appealed as a final agency action.

14. Acceptance of Application in Establishing Application Priority

Priority of applications for 100-200 PCE developments will be established using the date when the Department has found the application complete and has accepted such application. Priority on applications for over 200 PCE Developments will be established using the date when the Department finds the traffic study (Section 7 of the Specific Submission Requirements) complete and has accepted such application. The applicant will be notified in writing when the Department has accepted the application.

15. Variances

Whenever an applicant or licensee seeks to vary from the design requirements of these rules, the applicant or licensee must present clear and convincing evidence that the project's proposed location, design, or construction is distinctive in a way that allows for compliance with the intent of these design requirements, and will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed project. Variances may be allowed for Sections 7 A(3) and Section 9. The Department maintains the discretion to accept variances for other sections dealing with design standards.

STATUTORY AUTHORITY: 23 M.R.S.A. § 704 A

EFFECTIVE DATE:
May 20, 2000