1	L.D. 1467
2	Date: (Filing No. S-)
3	TRANSPORTATION
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	126TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10 11	COMMITTEE AMENDMENT " " to S.P. 541, L.D. 1467, "Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry"
12	Amend the resolve by striking out the title and substituting the following:
13 14	'Resolve, To Establish Demonstration Projects To Promote Economic Development in the Forest Products Industry'
15 16	Amend the resolve by striking out everything after the title and before the summary and inserting the following:
17 18	' <b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
19 20	Whereas, rural communities in the State are particularly dependent upon forest products industries for employment opportunities and economic development; and
21 22	Whereas, an increase in allowed gross vehicle weight over short distances can be tolerated by Maine's roads and bridges; and
23 24 25 26	Whereas, the proposed demonstration projects in this resolve would be a desirable catalyst for improved intermodal freight connectivity and economic development in a region of the State where employment opportunities and economic development are desperately needed; and
27 28 29	Whereas, it is important to get these demonstration projects under way as soon as practicable given the need for economic development in rural communities in the State; and
30 31 32 33	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Page 1 - 126LR1989(02)-1

## **COMMITTEE AMENDMENT**

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

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

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

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

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

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

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

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

Page 2 - 126LR1989(02)-1

## **COMMITTEE AMENDMENT**

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

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

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

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

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

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## SUMMARY

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

Page 3 - 126LR1989(02)-1

## **COMMITTEE AMENDMENT**