

MAINE LOCAL ROADS NEWS

A Newsletter to Assist Maine Towns in Dealing with Local Transportation Concerns

From The Maine Local Roads Center

MAINE LOCAL ROADS CENTER

Community Services Division • MaineDOT

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Managing Town Roads (and road signs)

How does your town determine which roads will be paved every year? If you're looking for a better way, consider our new RSMS 16 software.

The cost is \$195 to new Maine municipality users, \$100 to current RSMS 11 users and \$500 to private agencies. The cost includes the software, user guide and distress field manual.

the following circumstances exists: (1) the MaineDOT standards would present an exceptional hardship or unreasonable cost, (2) all affected parties to the installation have agreed to alternative standards that adequately ensure public safety, (3) a unique situation exists that requires an adjustment to the standards in a manner that ensures public safety, or (4) the location standards exceed the limits of the available space within the right-of-way.

PASSING "EMERGENCY VEHICLES" ON ROADWAYS

LD 196 – An Act To Ensure the Safety of Public Service Vehicles.

PL 2015, c. 32. Current law requires motorists to attempt to use a nonadjacent travel lane, if safely possible, when passing certain stationary emergency vehicles in or adjacent to a roadway while attending an emergency. This bill expands the number and types of vehicles to which the requirement applies to include all "public service vehicles." A public service vehicle is defined as a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. Public service vehicles also include wreckers.

DAMAGING PUBLIC EASEMENT ROADS

LD 1074 – An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime. PL 2015, c. 258.

This Act establishes the offense of operating a motor vehicle to damage a public easement as a Class E crime as the term "public easement" is defined in law, essentially to include all local roads for which the obligation for municipal maintenance has been either formally discontinued or discontinued by abandonment and the public easement has been retained. It is not a crime if damage to a public easement is caused by a law enforcement officer or responder acting in accordance with their respective duties.

2015 LAWS

DISCONTINUING A ROAD

LD 1325 – An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road. (Sponsored by Rep. Nadeau of Winslow.)

Mandate Enacted; PL 2015, c. 464 This Act amends the law governing the process of discontinuing a "town way" to municipal maintenance in several ways. First, the Act provides more guidelines to the formal discontinuation process by providing a standard for proper notification of abutters of the town way in question (U.S. first class mail, postage prepaid) as well as the required contents of the discontinuation order to be

effecting the discontinuance, only known public easements, regarding the status of the public easement and, in the case of abandonment, the last known date of regular, publicly-funded maintenance. The Act also creates for the owner of property abutting a discontinued or abandoned road in which a public easement exists a right to bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the public easement that impedes reasonable access. Law enforcement officers and emergency responders acting within the scope of their authority are immune from such civil complaints.

ROADSIDE SIGNS

LD 1592 – An Act To Amend the Maine Traveler Information Services Law. PL 2015, c. 403.

In response to a U.S. Supreme Court decision decided in 2015 (Reed v. Town of Gilbert), this Act significantly amends the statute governing the placement of what are referred to as "categorical signs" both within and outside of the public right of way in order to regulate in a content neutral manner, as the Supreme Court decision generally required. Specifically, the Act deletes references in the current law to: (1) signs showing the place and time of service or meetings of religious and civic organizations; (2) memorial signs or tablets; (3) signs bearing political messages relating to an election, primary or referendum; (4) signs erected by a producer that directs travelers to the location where farm and food products are grown; and (5) signs erected for a farmers' market that are directional in nature.

Instead of referring to allowable signs by content, the Act provides that any temporary sign bearing a non-commercial message and not exceeding 4 feet by 8 feet in size may be placed in the right-of-way for a maximum of six weeks per calendar year. The temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially same message. Each temporary sign must be labeled with the name and address of the individual, organization or entity that placed the sign within the public right-of-way and the designated time period the sign will be maintained there. The Act similarly repeals the content-based elements of current signage law governing the placement of signs outside of the right of way and replaces the previous language with a content-neutral standard allowing the installation and maintenance of signs no greater than 50 square feet in size, without time limitation. The Act also establishes a civil violation subject to a fine of not more than \$250 against anyone who takes, defaces or disturbs a sign legally placed within the public right-of-way without the authority to do so.