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Executive Summary

The Land Use Subcommittee of the PACTS Planning Committee is developing guidelines to implement the PACTS Transportation Project Land Use Policy (the Policy), which is a product of the award winning Destination Tomorrow Plan – PACTS long-range regional transportation plan adopted in 2003. The Policy’s overarching goal is to further strengthen the connection between transportation investments and land use planning decisions in a manner that augments existing rules and policy.

The Policy (see text box) provides a flexible land use planning framework within which communities may plan for orderly and transportation efficient land use that is in keeping with the region’s traditional pattern of development. The Policy requires that proposals for major transportation investments be accompanied by an approved and integrated land use plan prior to receiving funding for final design and construction for roadway projects or implementation of new transit services. A set of quantitative and qualitative criteria – divided into a Planning Checklist and a Land Use Planning Matrix – is used to determine whether a proposed project meets the requirements of the Policy. The criteria are designed to preserve traditional New England compact, mixed-use development and promote transportation efficiency.

Transportation Project Land Use Policy

A transportation project that, by itself or as part of a program of improvements, will create significant new transportation capacity within a corridor, must be accompanied by an integrated transportation and land use plan that:

- *Preserves corridor capacity;*
- *Actively manages corridor mobility;*
- *Protects the public investment in the provision of infrastructure and public services; and,*
- *Combat sprawl by promoting compact, transportation-efficient corridor land use.*

The triggers for when the Policy is applied is modeled after portions of the MaineDOT Sensible Transportation Policy Act (STPA) and other federal, state and local planning processes. Specifically, most projects determined by the STPA Rule to be a Significant Highway Project would be subject to the Policy. New interstate interchanges and some additions to existing interchanges would also be subject to the Policy. In addition, significant public transportation projects may also be subject to the Policy. The Policy employs higher thresholds than the STPA to manage the number of projects that would be subject to the Policy.

Implementation of the Policy will be a collaborative effort between the Maine Department of Transportation (MaineDOT), PACTS and its member communities, the Maine Turnpike Authority, and other stakeholder groups. Similar to the MaineDOT STPA Rule (currently being revised) the Policy emphasizes the use of incentives for participation in the planning process.

To be efficient and effective the Policy’s guidelines are designed to be integrated to the extent possible with existing planning and funding requirements and processes at the federal,

state, regional, and local levels. It should also be used to provide guidance to actions and decisions that private landowners/developers may make.

The Policy will be linked – to the extent possible – to existing and/or proposed legislation and policy. This linkage will help to foster an increased level of collaboration and regionalism. Further, the linkage will help the Policy to be viewed not as duplicating other planning or as an undue burden but rather be seen as strengthening the planning and implementation linkage between transportation and land use.

This report represents the work to date on the development of the Policy’s guidelines. The Land Use Subcommittee recognizes that the Policy is an attempt to break new ground on a complex and potentially controversial subject. Given these intricacies – particularly in terms of future inter-agency and inter-municipal coordination – the Subcommittee feels it prudent at this time to check in with a wider agency and municipal audience.

Part I – Introduction

This report represents the work to date on the development of the PACTS Transportation Project Land Use Policy by the Land Use Subcommittee of the PACTS Planning Committee. The Land Use Subcommittee recognizes that the Policy is an attempt to break new ground on a complex and potentially controversial subject. Given these intricacies – particularly in terms of future inter-agency and inter-municipal coordination – the Subcommittee feels it prudent to stop and get the input of a wider agency and municipal audience.

There are several loose ends in this report; an explanation – set off in brackets – is given for each one. The Land Use Subcommittee deemed it more appropriate to resolve these issues after receiving input to this report.

The Land Use Subcommittee was formed to develop a work plan and implementation guidelines for the PACTS Transportation Project Land Use Policy (the Policy). The Policy’s overarching goal is to further strengthen the connection between transportation investments and land use planning decisions in a manner that augments existing rules. The Policy was adopted during the development of Destination Tomorrow – the Year 2025 regional transportation plan for the Portland Metropolitan Planning Organization (MPO) developed by the Portland Area Comprehensive Planning Committee (PACTS). In 2003, the Destination Tomorrow Plan was voted Plan of the Year by the Maine Association of Planners and by the Northern New England Chapter of the American Planning Association, in part because of its greater emphasis on the integration of land use and transportation.

The Destination Tomorrow Plan recognizes that land use development patterns are a major factor in determining where people live and where businesses locate, which modes of transportation are chosen for travel, and thus, where the demands for transportation are and how they are satisfied. The intent of the Policy is for corridor plans and capital projects to be improved and enhanced by full consideration of, and integration of, land use planning early in, and continued throughout the transportation and planning and project development phases. In addition to the Policy, the Plan contains several other recommendations to strengthen the connection between transportation investments and land use planning.

The PACTS Transportation Project Land Use Policy states that:

A transportation project that, by itself or as part of a program of improvements, will create significant new transportation capacity within a corridor, must integrate transportation and land use plans that:

- *Preserve corridor capacity;*
- *Actively manage corridor mobility;*
- *Protect public investment in infrastructure and public services; and,*
- *Combat sprawl by promoting compact, mixed-use transportation-efficient corridor land uses.*

Part II – Linkages to Existing Policies & Programs

Compatibility With, Support For and Complementary To Other Planning Processes

To be efficient and effective, the Transportation Project Land Use Policy guidelines are designed to be integrated, to the extent possible, with existing planning and funding requirements and processes at the federal, state, regional, and local levels. It should also be used to provide guidance to actions and decisions that private landowners/developers may make. Linking the Policy to existing and/or proposed legislation and policy will coordinate and build upon these earlier bodies of work, and help to foster increased collaboration and regionalism. It is also important that the Policy not be seen as an undue burden or as duplicating other planning, but rather be seen as strengthening the planning and implementation linkage between transportation and land use.

Listed below are some of the existing and/or proposed legislation, policy and programs related to the Policy. More information on these initiatives is provided in Appendix A.

- *Federal:* National Environmental Policy Act (NEPA), Clean Air Act Amendments (requirements for Air Quality Conformity of State and MPO transportation programs); ISTEA and TEA-21 (calling for more recognition of land use in the transportation planning process); Clean Water Act.
- *State:* MaineDOT: Sensible Transportation Policy Act (currently undergoing revision, with expected action by the Legislature in Spring 2005), State Implementation Plan (SIP) (air quality improvement plan), Statewide Transportation Improvement Program (STIP, the federally required three-year transportation investment plan), Integrated Transportation Decision-making (ITD) (the adopted process for project development at the MaineDOT – see Figure 1), New Access Management requirements outside of urbanized areas; State Planning Office: Planning and Land Use Regulation Act (the Growth Management Act).
- *Regional/MPO:* Unified Planning Work Program, Transportation Improvement Program, Regional Transportation Plan, GPCOG Corridor Coalition initiative, Economic Development Districts (EDD).
- *Local:* Comprehensive Plans, Zoning, Subdivision Regulations, Site Plan Review, Capital Improvement Plans (CIP), Master Plans, Utility/Infrastructure Planning.

Figure 1 depicts how the Policy is intended to inject a strong land use planning component to the existing MaineDOT Integrated Transportation Decision-making framework for project development.

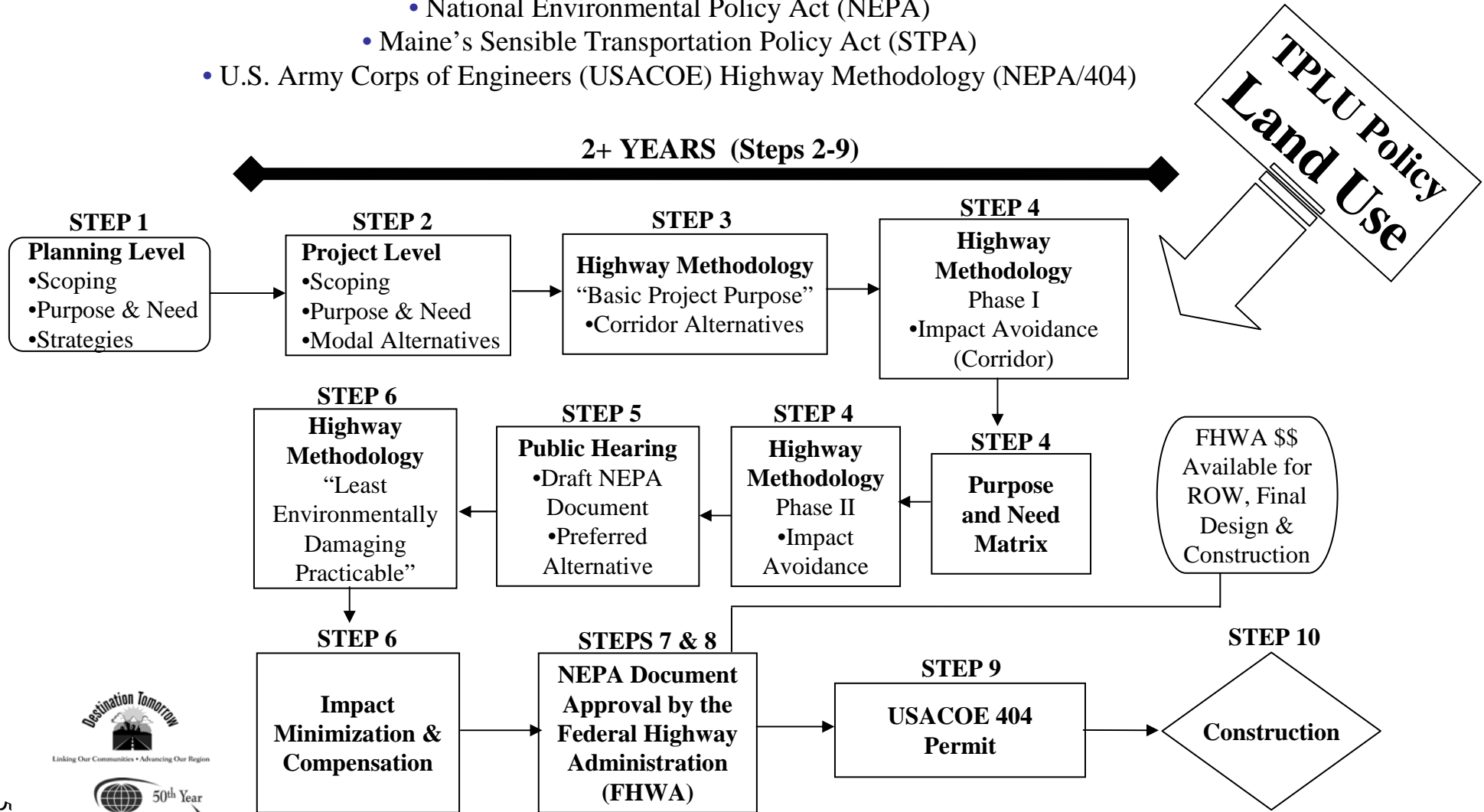
Transportation Project Land Use (TPLU) Policy

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Context

MaineDOT: Integrated Transportation Decision-Making

- National Environmental Policy Act (NEPA)
- Maine’s Sensible Transportation Policy Act (STPA)
- U.S. Army Corps of Engineers (USACOE) Highway Methodology (NEPA/404)



Source: MaineDOT, 2004.

Figure 1

Part III – Transportation Projects Subject to the Policy

The Policy will be applied to major transportation projects that:

- have the potential to shape or influence the region's future land development pattern; and/or
- can be enhanced by coordinated land use plans that meet the Policy's four objectives to: (1) preserve corridor capacity, (2) actively manage corridor mobility, (3) protect the public investment in the provision of infrastructure and public services, and (4) combat sprawl by promoting compact, transportation efficient corridor land use.

The Policy's triggers are modeled after portions of the 1992 Maine Sensible Transportation Policy Act Rule (STPA) (17-229-103). However, PACTS roadway project thresholds are higher than those of the STPA Rule in order to focus on roadway projects within a corridor that, individually or cumulatively within the foreseeable future, have the potential to influence regional land use; and/or that would benefit from integrated land use planning. The PACTS Policy will also apply to significant public transportation project proposals. The thresholds for these projects are similarly high.

Specifically, the Policy will be triggered for many transportation proposals that the STPA Rule labels as Significant Highway Projects, Interstate Interchange Projects, and for significant public transportation proposals. The MaineDOT and the Legislature are currently working on revising the STPA Rule. PACTS will adjust the Policy, as appropriate, in response to the revision. (Appendix E includes STPA Rule definitions of Significant Highway Projects and Substantial Public Interest Projects.)

Highway Projects

Examples of the types of highway projects that would be subject to the Policy are given below. (Individual projects must be assessed for their potential *cumulative* effect with other transportation projects within a corridor.)

- A new federal aid highway at least approximately 0.5 miles long in a new location. (New collector roads are exempt from the Policy if they are determined during the initial Scoping Meeting(s) to individually or cumulatively not affect regional land use patterns.)
- A project that increases capacity on an existing federal aid roadway by constructing one or more through travel lanes of at least approximately 0.5 miles in length.
- All new interchanges and some additions to existing interchanges. (The Policy is not automatically triggered for additions/modifications to existing interchanges.)

Public Transportation Projects

Currently, the STPA Rule is silent on the need to evaluate the full range of reasonable alternatives for significant public transportation projects. Consequently, PACTS has developed public transportation criteria similar to those developed for highway proposals. Application of the Policy with respect to public transportation projects is expected to be less extensive than when applied to roadway projects. It is the intent of the Policy with respect to public transportation projects to ensure that they are cost effective, and that there are supporting land use and infrastructure/policies. Specifically, the PACTS Policy will be triggered for bus transit and passenger rail transit public transportation proposals that meet the following minimum thresholds, or that may be made more effective by coordinated land use actions and complementary transit-supportive infrastructure improvements.

Bus Transit

The addition/extension of bus routes that:

- Operate at least ten hours per day for five days per week, and
- Provide headways of 30 minutes or less for at least three hours per day, and
- Cross municipal boundaries.
- Significantly increase the frequency of existing service.

Passenger Rail

The addition/extension of passenger rail service that:

- Provides headways of 60 minutes or less for at least three hours per day for five days per week.

Examples of Proposals That Would/Would Not Automatically Trigger The Policy

Would Automatically Trigger the Policy

- Widen the Turnpike from four to six lanes from Exit 44 (old 6A) to 53 (old 10)
- Build a new roadway from the Turnpike to near Foster's Corner in Windham
- Widen to four lanes (from existing two lanes) on Route 302 in Windham for two miles – as long as part of it were in the PACTS Funding Area.
- Build a bypass of the Route 22/114 Overlap in North Scarborough and Gorham (as shown in the 1999 PACTS study).
- Build an 8-mile Toll Road from Gorham to South Portland (as studied in 2001 by MaineDOT and the Turnpike Authority).
- Build a Highland Avenue Connector in South Portland from Highland Avenue to Main Street (1.5 miles) if deemed to affect regional land use patterns.

- Provide a new Portland-to-Gorham bus service that runs a bus every 30 minutes or less during at least three hours of each day, and that operates at least ten hours per day for five days per week.

Would Not Automatically Trigger the Policy as a Standalone Project

- A westward extension of the South Portland Turnpike Spur to Running Hill Road – because it would be less than 0.5 miles long. (But might trigger if part of a larger corridor improvement plan.)
- A 0.3-mile extension of Payne Road to Broad Turn Road in Scarborough if determined to not significantly influence regional land use.
- A 1-mile center-two-way-left-turn-lane on Route 1 in Saco or in Yarmouth – because it is not a through travel lane.
- Short segments of auxiliary lanes on I-295 (unless cumulatively deemed to meet Policy criteria).

Part IV – Application of the Policy throughout the Planning and Project Development Processes

Planning Guidelines and Criteria

The traditional pattern of development in the Greater Portland region may be described as a set of “polycentric nodes” comprised of the region’s urban centers, suburban districts, rural areas, and town and village centers. This pattern of development contributed to the character of the communities within the region, and was generally conducive to efficient transportation systems and to efficient public services delivery.

The Transportation Project Land Use Policy is intended to provide a flexible land use planning framework within which communities may plan for orderly and transportation efficient land use that is in keeping with the traditional pattern of development. Communities may choose from a broad palette of land use forms to fit their needs while still meeting the goals of the Policy. (Appendix B contains a more detailed discussion of these land use forms.)

Incremental development that does not respect or reinforce this polycentric nodal pattern has a tendency toward homogenization of the region with development spreading in formless manner that is commonly referred to as sprawl. Sprawl development detracts from the region’s traditional character and contributes to inefficiencies in the transportation network.

Inefficiencies include:

- increased reliance on single-purpose vehicle trips and single-occupant vehicles;
- decreased safety for pedestrians and bicyclists,

- development that cannot be efficiently served by public transportation or other alternative modes; and,
- development that cannot be efficiently served by municipal services.

The Transportation Project Land Use Policy seeks to preserve, recapture where possible, and strengthen the region's traditional development pattern by linking transportation investments with land use planning. It also seeks to encourage new development to occur in and around the traditional centers.

To achieve this, the Policy recommends the use of both quantitative and qualitative criteria to evaluate land use-transportation plans developed in tandem with major transportation projects. The criteria are directly related to the Policy's four primary objectives to: preserve corridor capacity; actively manage corridor mobility; protect public investment in infrastructure and public services; and combat sprawl with compact, mixed-use transportation-efficient corridor land uses. A land use-transportation plan that substantially meets these objectives will be deemed to meet the Policy.

It is recommended that after completion of each phase of the study/project that the PACTS Planning Committee affirm by majority quorum vote that its accompanying land use plan does or does not adequately meet the requirements of the PACTS Transportation Project Land Use Policy. Agreement through a Memorandum of Understanding may also be used in determining adequacy.

A majority quorum vote of approval by the PACTS Planning Committee is required for any project within the PACTS Funding Area prior to a project receiving funding for final design and construction. The project's proponents or any other stakeholder group may appeal Planning Committee decisions to the PACTS Policy Committee at any time during the process.

The criteria (as part of the Planning Checklist) provide a framework to objectively evaluate the adequacy of a land use plan in accomplishing the goal and intent of the Policy, and the extent to which development patterns along a transportation corridor(s) enhances transportation efficiency. The criteria also set development threshold ranges at new or enhanced nodes to increase the viability of alternative modes of transportation. The criteria are based, in part, on experience from around the country regarding the mix and intensities of land uses required to support efficient public transportation and other public services. Care has been taken to ensure that the criteria are scaled to fit the Greater Portland area.

Potential benefits to accrue from the application of the criteria include:

- extending the capacity and longevity of transportation infrastructure;
- preserving open space;
- improving access management along a corridor;
- increasing the efficiency of delivering public services such as fire, police, school busing, water, sewer, and snow plowing;

- providing options to people in choosing places to live that do not also carry the costs of sprawl;
- increasing neighborhood economic vitality, walkability and livability; and,
- improving the viability of non-automobile modes of travel and providing more mode choices.

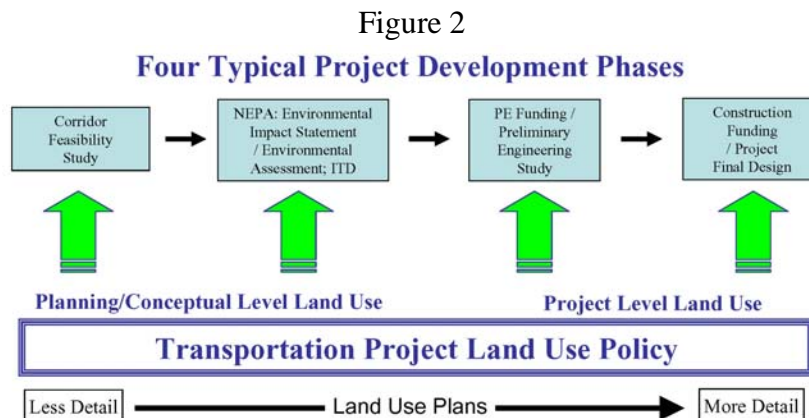
Please see Appendix C for the Planning Checklist.

Early and Continuing Planning Process

To be most effective, the transportation and land use planning considerations in the Transportation Project Land Use Policy should be integrated at the earliest possible project development phases (i.e., feasibility level planning) and continued throughout. They should not be considered an ‘after the fact’ planning hurdle that must be ‘dealt with’ to receive funding. The intent of the Policy is for corridor plans and capital projects to be improved and enhanced by full consideration of, and integration with, land use planning early in, and continued throughout, the transportation planning and project development phases.

Many proposals for implementing bus transit service may use a less formal process. If the service meets the thresholds to trigger the policy, the level of planning effort associated with the Policy should be commensurate with the size of the proposed project.

There are four primary phases in the development of typical major transportation projects (see Figure 2 below). As transportation issues and conceptual strategies become specific projects and advance through the project development process, an increased level of land use planning detail would be required.



The four typical project development phases are:

- Phase 1: Corridor Feasibility Study – a potential transportation need or deficiency along or within a corridor has been identified and a conceptual analysis is conducted.
- Phase 2: NEPA/ITD– a set of strategies that meet a Planning Level Purpose and Need Statement (outcomes of the Corridor Feasibility Study) is subjected to more rigorous environmental and transportation analysis.

- Phase 3: Preliminary Engineering – a preferred strategy (an outcome of the NEPA/ITD process) is selected for funding of a Preliminary Engineering design process that produces a refined alignment and design concept.
- Phase 4: Final Design/Construction – funding for and development of the project’s final design and construction.

Figure A-1, in Appendix A, depicts in more detail how the PACTS Transportation Project Land Use Policy is envisioned to fit within existing and recommended PACTS, MaineDOT and FHWA/FTA planning and project approval processes. The four phases described above are the topmost boxes in the chart.

Planning Level Application of the Policy

Scoping Meetings. In each of the first three project development phases, the initial step is to hold municipal, agency and other stakeholder Scoping Meetings. Specific outcomes of the Scoping Meetings for the Corridor Feasibility Study and the NEPA/ITD Study Phases are:

- Delineation of the Study Area including communities to be involved within primary and secondary impact areas.
 - Primary impact areas are those communities within the actual project (or potential project) limits (for instance, Gorham would be the primary impact area for the Gorham bypass projects).
 - Secondary impact areas are those communities that are anticipated to be within the travelshed of the corridor. The travelshed will be identified by considering several factors:
 - Communities along the corridor that fall within the principal Labor Market Area (LMA). Those communities that fall outside the principal LMA but that have a greater than agreed upon percentage of their employed residents who commute into the principal LMA.

[Loose end: What should that percentage be and who should determine it?]

- Communities with peak-hour origin and/or destination trips within a corridor(s) that are greater than an agreed upon percentage of the total number of trips within a corridor(s), based on the PACTS Model Year 2025 No Build Traffic Forecast.

[Loose end: What should that percentage be and who should determine it?]

- Communities within the median commute distance (by time) from ‘regional employment centers’ to which a corridor(s) provides access, based on a travel-time analysis using the Year 2025 No Build PACTS Model).
- Identification of a methodology for the study, scope of work, and public process.

- Identification of a potential range of transportation and land use strategies to be evaluated (e.g., new alignment roadways, roadway widening, bus transit, passenger rail, TDM/TSM, and no build) to address potential transportation needs such as corridor congestion, accessibility and intermodal connectivity. The types of strategies to be considered will determine preliminarily whether the Transportation Project Land Use Policy applies/is triggered. (During the Corridor Feasibility and NEPA/ITD phases, Public Scoping Meetings will be held early during each process at which time additional strategies may be suggested by the public and included for evaluation in the study.)

If the list of potential strategies includes concepts for new capacity transportation projects (new alignment roadways, widened existing roadways, new bus and rail transit projects) then the Policy is triggered and a *Planning-level Land Use Analysis* (defined below) is required as part of the Corridor Feasibility and NEPA/ITD Phases. This analysis would be conceptual and less detailed during the feasibility phase (land use issues identified and a range of strategies identified) and more detailed, but still conceptual during the NEPA Phase.

Planning Level Land Use Analysis (Conceptual). This is a conceptual analysis of existing land use characteristics within a corridor, and of land use issues and opportunities as they relate to potential transportation strategies. During the NEPA Phase, land use strategies that complement the transportation strategies under consideration are to be identified. These strategies will require subsequent fine tuning in concert with the selection and refinement of the preferred transportation strategy during the Preliminary Engineering Phase.

Commitments. The first two project development phases also include an explicit ‘check-in’ with the affected stakeholders to ensure that there is agreement on the problem to be solved and on a purpose and need statement, and sufficient buy-in to the outcomes and root causes before progressing to the next project phase.

If agreement on the problem and its root causes, and sufficient buy-in are not secured, the project scope or extent may need to be revisited, additional analysis or meetings conducted, or additional negotiations be held. It is expected that each municipal legislative body would formally endorse the findings and recommendations of the study before progressing to the next project development phase.

Situations when one or more ‘secondary impact area’ communities are reluctant to ascribe to the Policy’s guidelines or do not endorse the outcome of a planning phase.

(The following paragraphs are the Land Use Subcommittee’s current but unfinished thoughts on this issue that remains one the report’s loose ends.)

Several opportunities exist within the planning process. Each of these may be used to help ‘bring along’ reluctant communities or other stakeholder groups. These include:

- 1) Scoping process – Communities (or other stakeholders) have an opportunity for input into the determination of the study’s primary and secondary impact areas, and the study’s methodology, scope of work and public process.
- 2) Study process – Communities (or other stakeholders) have a seat (preferably filled by an elected official) on the study’s advisory committee. Frequent study updates should be given to reduce the potential for conflicts and “surprises.”
- 3) Community (other stakeholder) buy-in – Upon completion of each phase of development, there is a requirement, at some level, for community buy-in. For ‘primary impact area’ communities, it is recommended that the communities’ council or board formalize this requirement. For ‘secondary impact area’ communities, this requirement may be made less stringent.
- 4) Incentives – Development of a concept to use incentives to ‘bring along’ a reluctant community has not progressed too far to date. The Subcommittee has asked the MaineDOT and Maine State Planning Office for additional assistance on this concept.

Project Level Application of the Policy

The heart of the PACTS Transportation Project Land Use Policy is the development, adoption, and implementation of a transportation-land use plan that meets the Policy’s objectives. This transportation-land use plan (an outcome of the Preliminary Engineering Phase) should be “approved” by PACTS and the MaineDOT (and potentially other project partners, such as the Maine Turnpike Authority) prior to a transportation project receiving funding for Final Design and Construction (Phase 4). The regulations and policies should be implemented/adopted, or a Memorandum of Understanding (MOU) signed detailing how they will be implemented/adopted, prior to receiving funding for the Final Design/Construction Phase (Phase 4).

During the Scoping Meeting(s) in the Preliminary Engineering Phase, if the proposed project meets the Policy trigger thresholds then a *Project Level Land Use Analysis and Plan* (defined below) that is integrated with the transportation project and meets the Policy objectives is required.

Project Level Land Use Analysis and Plan (Detailed). A detailed analysis, plan and process for monitoring and/or modification of existing and planned land use characteristics within a corridor; and detailed analysis of land use issues and opportunities as they relate to the preferred transportation strategy on a site specific basis. The Project Level Land Use Plan will identify recommended corridor land uses that correspond to the land use planning framework (described below). It will also describe land use policies, regulations and investments to meet the objectives of the Policy.

Policy Implementation Checklist

The Implementation Checklist provides the framework for the transportation-land use analysis and is the primary tool used to determine the consistency of a proposed project subject to the Policy. The Checklist is a planning checklist of qualitative and quantitative measures that document existing and planned conditions within a corridor as described in a Corridor Transportation-Land Use Plan. The criteria are grouped to reflect the four main objectives of the Policy to: preserve capacity; actively manage corridor mobility; protect public investment; and combat sprawl. The Implementation Checklist is contained in Appendix C.

The Checklist will be applied to each Compact Planning Area along the corridor and to each Rural or Suburban Planning Area between each Compact Planning Area. Appropriately scaled graphics (with the level of detail increasing during the project development process) will be prepared showing both existing and planned conditions -- or, more appropriately, 'Possible Strategies' during the Feasibility and NEPA Phases).

Land Use Matrix

The Land Use Matrix is a table of quantitative land use planning guidelines for defined planning areas in the context of an integrated corridor land use-transportation plan. The plan must demonstrate its adherence to the quantitative objectives presented in the matrix. The measures in the matrix are broad measures that reflect compact, transportation-efficient land use suitable for the greater Portland area. It is not the intent of the guidelines to be overly prescriptive in nature and pre-define corridor planning outcomes. Rather, the guidelines are suggestive of the scale, form and quality of development along a corridor to help achieve the objectives of the Policy.

The Land Use Matrix is contained in Appendix D.

During the Corridor Feasibility Study and NEPA Phases, a Planning Level Land Use Analysis is to be developed that considers the land use parameters in the Land Use Matrix for existing conditions and identifies future land use opportunities (e.g., which Compact Planning Areas might be applicable in specific areas along the corridor).

During the Project Level Analysis & Plan development phases, land use parameters based on the Land Use Matrix is to be developed for each Compact Planning Area along the corridor. The parameters will be developed for both existing and planned conditions. Graphics at an appropriate scale are to be prepared for each Compact Planning Area and one corridor-level graphic will show the relationship between the Compact Planning Area and the Rural or Suburban Planning Area along the corridor. Figure 3 provides an example of a hypothetical corridor, showing the relationship between Compact Planning Areas and Rural or Suburban Planning Areas, and other potentially important corridor characteristics.

Transportation Project Land Use Policy Hypothetical Corridor

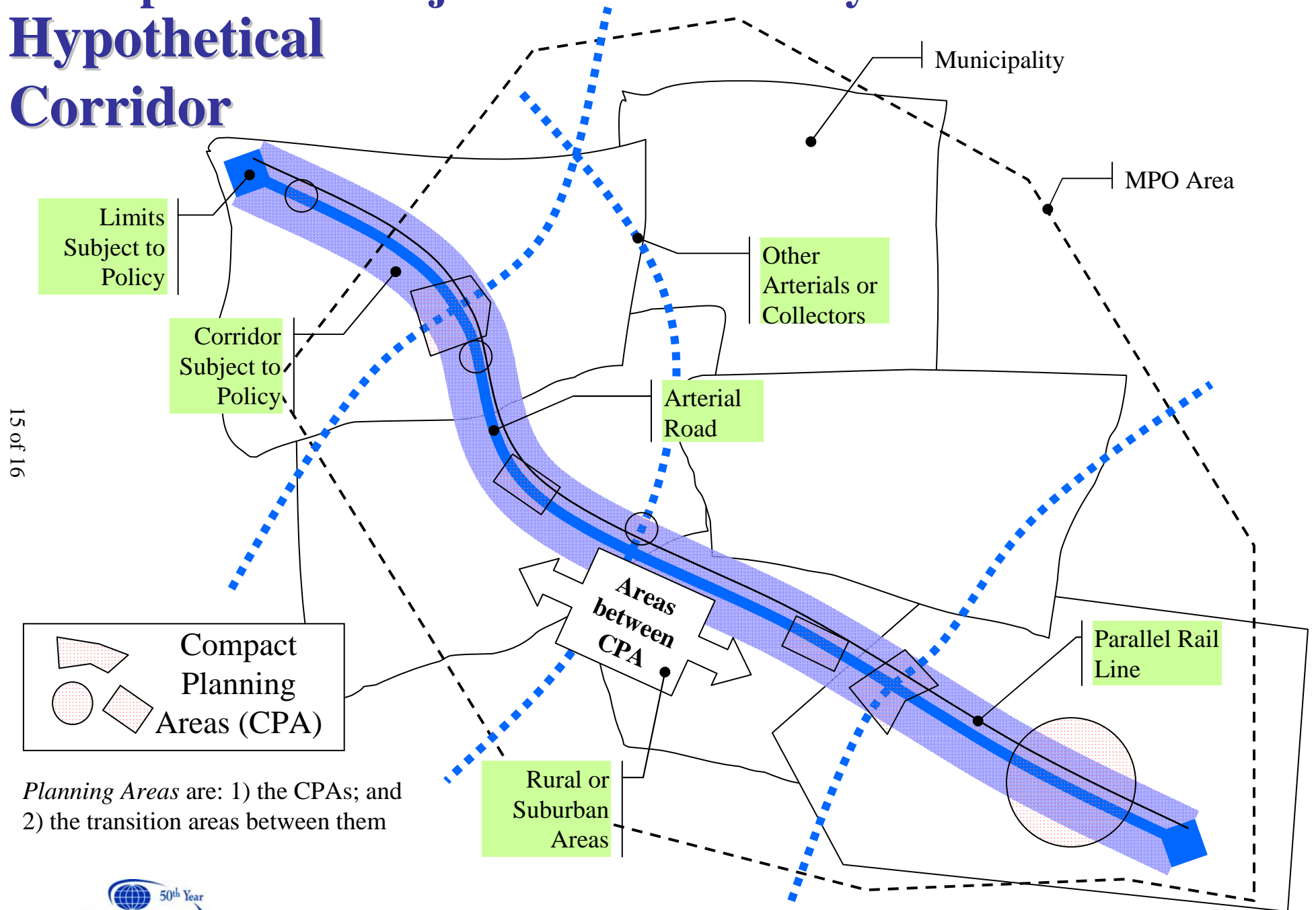


Figure 3

Part V – Available Tools

A wide variety of tools are available to communities to achieve success in corridor planning and funding infrastructure improvements. A few examples are provided below.

Federal

- FHWA: Funding programs including surface transportation, CMAQ and enhancement – and grants..
- FTA: Funding programs including urban and rural transit, and capital and operating.

State

- MaineDOT: Preference and incentives for transportation sensitive community planning and development.
- SPO: Grants (may include planning, implementation, or regional challenge).
- DECD: Grants (may include CDBG and infrastructure) and grant programs (may include public infrastructure, downtown revitalization or community planning).

Regional/PACTS

- PACTS: Transportation Improvement Program (TIP); Transportation Investment Areas (not yet implemented): Unified Planning Work Program (UPWP).
- GPCOG/SMRPC: Corridor Coalitions; Land Use/Transportation Planning Assistance; Economic Development.

Local

- Comprehensive Plans; Zoning Ordinances; Subdivision Regulations; Site Plan Review; Impact Fees, Developer Exactions; Capital Improvement Programs.

Private

- Impact Fees
- Developer Exactions.

Other Tools

1. Zoning
2. Memorandum of Understanding (MOU)
3. Transfer of Development Rights (TDR)
4. Education programs
5. Corridor plans
6. Access management plans
7. Capital improvement planning
8. Tax increment financing
9. Impact fees
10. Housing and economic development grants
11. Inter-municipal tax sharing
12. School funding formula adjustments
13. Economic and other incentives

Appendix A
Transportation Project Land Use Policy Framework:
Project Development Process

PACTS Transportation Project Land Use Policy Framework: Project Development Process

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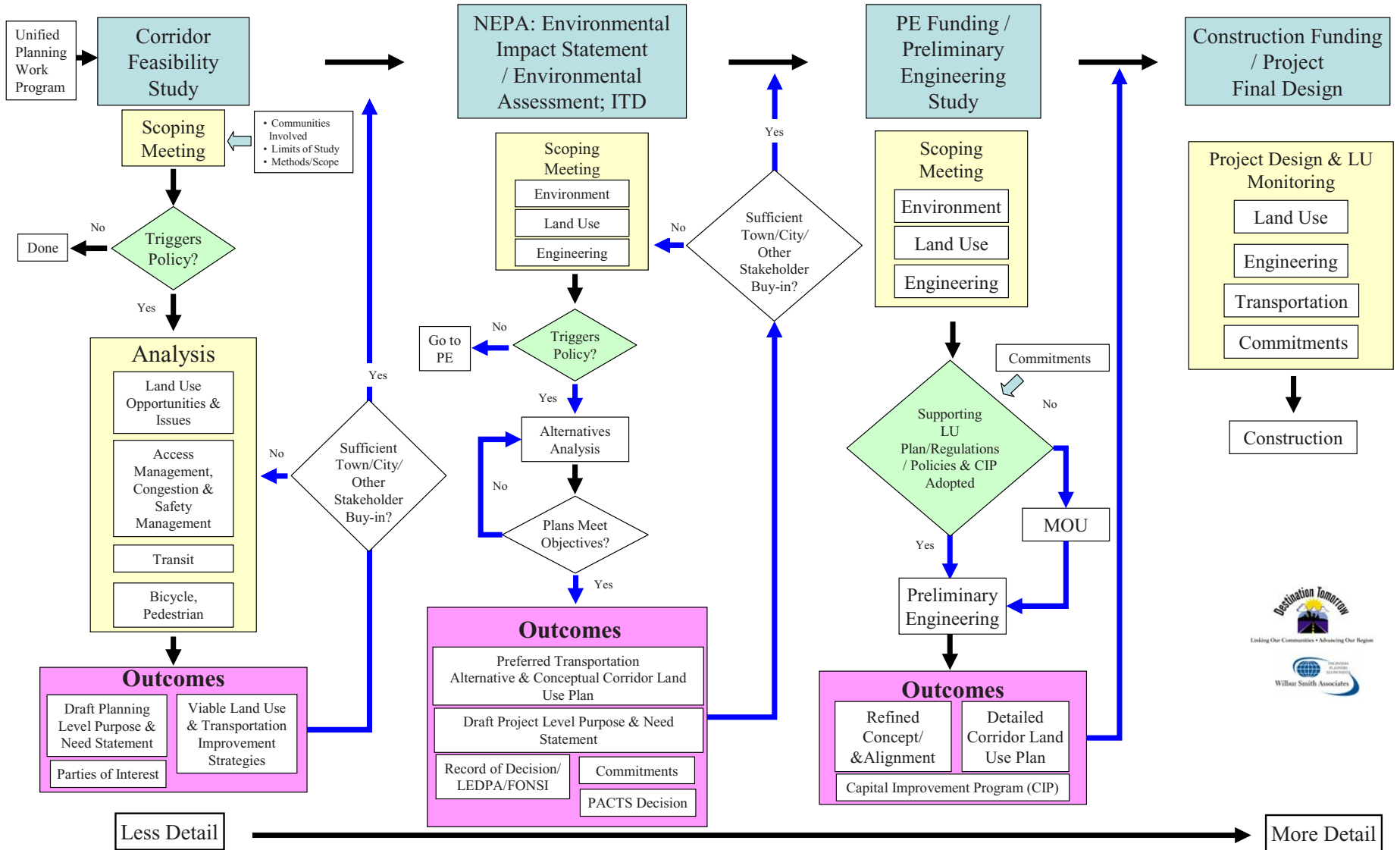
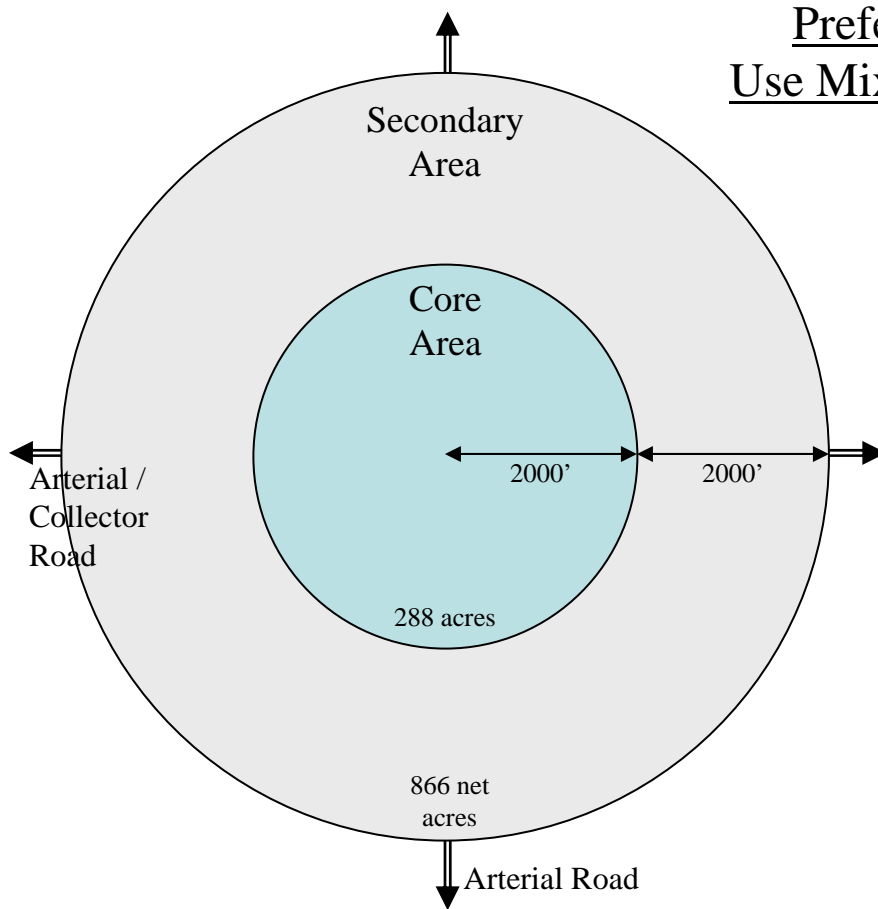


Figure A-1

Appendix B
Transportation Land Use Planning Framework

Downtown: Urban Center



Core Area: 2000' radius, 288 acres
 Secondary Area: 4000' radius, 866 net acres

Preferred Land Use Mix (by % area):

	<u>Core Area</u>	<u>Secondary Area</u>
Commercial	30%-70%	20%-60%
Residential	20%-60%	20%-60%
Public	5%-15%	5%-15%

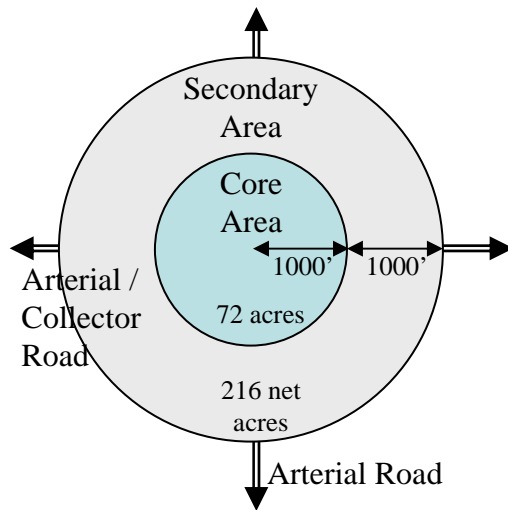
Core Area: Higher Intensity Mix of Urban Commercial and Residential Uses. Multiple story commercial buildings, supported by surface, shared, and structured parking.

Secondary Area: Moderate Intensity Mix of Complementary Commercial and Residential Uses. Multiple story commercial buildings.

Preferred Guidelines:

Minimum HU: 2500
 Minimum Jobs: 5000

Downtown: Village Center



Core Area: 1000' radius, 72 acres
 Secondary Area: 2000' radius, 216 net acres

Preferred Land Use Mix (by % area):

	<u>Core Area</u>	<u>Secondary Area</u>
Commercial	30%-70%	15%-30%
Residential	20%-60%	50%-80%
Public	10%-15%	10%-15%

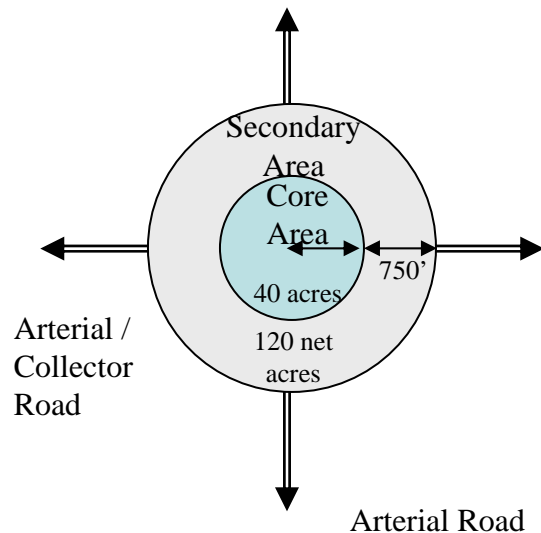
Core Area: Moderate Intensity Mix of Urban Commercial and Residential Uses. Multiple story commercial buildings, supported by surface and shared parking.

Secondary Area: Moderate (but lower) Intensity Mix of Complementary Commercial and Residential Uses. Some multiple story commercial buildings.

Guidelines:

- Minimum HU: 500
- Minimum Jobs: 500

Neighborhood Center



Core Area: 750' radius, 40 acres
 Secondary Area: 1500' radius, 120 net acres

Desirable Land Use Mix (by % area):

	<u>Core Area</u>	<u>Secondary Area</u>
Commercial	20%-60%	15%-30%
Residential	30%-70%	50%-80%
Public	10%-15%	10%-15%

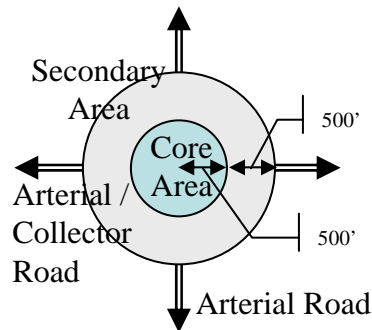
Core Area: Moderate Intensity Mix of Urban Commercial and Residential Uses. Mostly multiple story commercial buildings, supported by surface and shared parking.

Secondary Area: Moderate (but lower) Intensity Mix of Complementary Commercial and Residential Uses. Some multiple story commercial buildings.

Guidelines:

- Minimum HU: 150
- Minimum Jobs: 200

Hamlet



Core Area: 500' radius, 18 acres
 Secondary: 1000' radius, 54 net acres

Preferred Land

<u>Use Mix (by % area):</u>	<u>Core Area</u>	<u>Secondary Area</u>
Commercial	10%-40%	5%-15%
Residential	50%-80%	50%-80%
Public	10%-15%	10%-15%

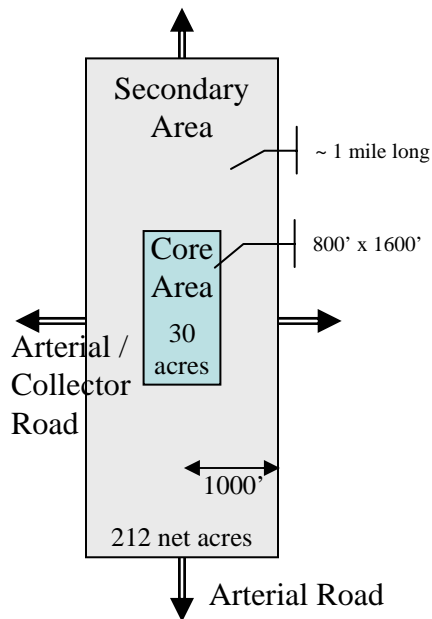
Core Area: Moderate Intensity Mix of Commercial and Residential Uses. Some multiple story buildings supported by surface and shared parking.

Secondary Area: Lower Intensity Mix of Complementary Commercial and Residential Uses. Multiple story buildings.

Guidelines:

Minimum HU: 100
 Minimum Jobs: 100

Suburban Center



Core Area: 800'x1600', 30 acres
 Secondary Area: 1000'x1mi, 212 net acres
 (centered lengthwise along major corridor)

Preferred Land Use Mix (by % area):

	<u>Core Area</u>	<u>Secondary Area</u>
Commercial	10%-40%	5%-15%
Residential	50%-80%	50%-80%
Public	10%-15%	10%-15%

Core Area: Moderate (but lower) Intensity Mix of Suburban Commercial and Multi-family Residential Uses. Some multiple story commercial buildings, supported by surface and shared parking. Transition to structured parking where feasible (e.g., within larger Suburban Centers).

Secondary Area: Lower Intensity Mix of Mostly Residential Uses.

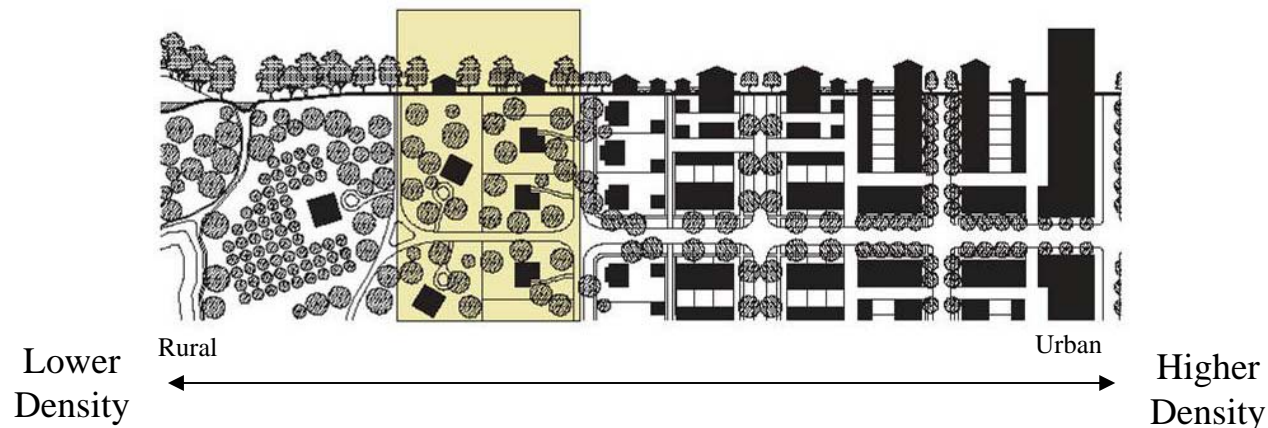
Guidelines:

Minimum HU: 300

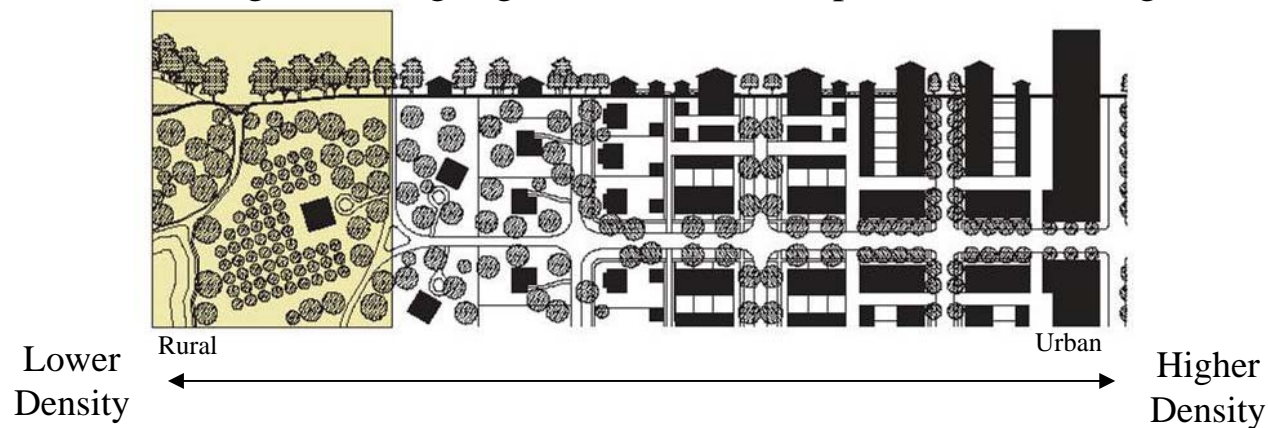
Minimum Jobs: 400

Illustration of the Transect Approach

Suburban Planning Area (Highlighted): Relationship to other Planning Areas



Rural Planning Area (Highlighted): Relationship to other Planning Areas



Appendix C
Planning Implementation Checklist

PACTS Transportation Project Land Use Policy
Policy Implementation Checklist

1. Preserve Arterial Capacity	Existing	Planned	Comments
Curb Cut Density	Low/Mod/High	Low/Mod/High	Average Curb cuts per mile (or simple ave. # Exist & Planned)
Meets MaineDOT Arterial Design	Yes/No	Yes/No	Travel lane and shoulder widths; Access Mgt Guidelines
Level of Street Connectivity/Hierarchy	Low/Mod/High	Low/Mod/High	Street density; Arterial & collector spacing
<i>Travel Demand Related</i>			<i>[Note: Wanted some land use related in these early categories.]</i>
Travel Demand Management Programs	Low/Mod/High	Low/Mod/High	Level of Programs Offered
Jobs:Persons Ratio	Below/Within/Over	Below/Within/Over	Lower Value / Higher Value (matrix)
Retail Jobs:Non-retail Jobs Ratio	Below/Within/Over	Below/Within/Over	Lower Value / Higher Value (matrix)
2. Actively Manage Corridor Mobility	Existing	Planned	Comments
<u>Quality of Service (QOS):</u>			
Peak Hour Automobile Travel	Low/Mod/High	Low/Mod/High	Corridor Travel Time Index = Actual Speed / Theoretical Speed
Peak Hour Transit	Low/Mod/High	Low/Mod/High	Transit frequencies: ~60 min (L)/~30 min (M)/~15 min (H)
Off Peak Transit	Low/Mod/High	Low/Mod/High	Transit frequencies: ~60 min (L)/~30 min (M)/~15 min (H)
Bicycle Access/Accommodations	Low/Mod/High	Low/Mod/High	Expert Only (L) / Experienced (M) / Youth-Child-Paths (H)
Pedestrian Environment	P / F / G / E	P / F / G / E	See QOS Quality Guidelines (poor/fair/good/excellent)
Intermodal Connections	Low/Mod/High	Low/Mod/High	Coordination of Services and Facilities
(see also many 'Minimize Sprawl' items)			(These contribute to mobility, accessibility and transit viability.)
3. Protect Public Investment	Existing	Planned	Comments
Life Cycle Costs	n/a	Higher/Same/Lower	'No Build' compared to 'Build' life cycle costs (or \$/year costs)
Benefit Cost Ratio	n/a	Low/Mod/High	Specify Ranges of B/C ratios
Level of Access Control	Low/Mod/High	Low/Mod/High	
Proximity to Supporting Infrastructure/Facilities	Yes/No	Yes/No	Public water & sewer, public safety (fire & police), schools
Proximity to Existing Development	Yes/No	Yes/No	Adjacent to existing development (Y) / 'Leapfrog' development

PACTS Transportation Project Land Use Policy
Policy Implementation Checklist

4. Combat Sprawl Thru Compact Devel.	Existing	Planned	Comments
<u>Land Use</u>			
Area Size	Below/Within/Over	Below/Within/Over	(matrix)
Core Area Identified	Yes/No	Yes/No	(matrix)
Secondary Area Identified	Yes/No	Yes/No	(matrix)
Mix of Uses (By % of Gross Area)			
<i>Core Area</i>			
Commercial Uses, % of area	Below/Within/Over	Below/Within/Over	(matrix)
Residential Uses, % of area	Below/Within/Over	Below/Within/Over	(matrix)
Public Uses, % of area	Below/Within/Over	Below/Within/Over	(matrix)
<i>Secondary Area</i>			
Commercial Uses, % of area	Below/Within/Over	Below/Within/Over	(matrix)
Residential, % of area	Below/Within/Over	Below/Within/Over	(matrix)
Public, % of area	Below/Within/Over	Below/Within/Over	(matrix)
<i>Core Area</i>			
Jobs/Acre	Below/Within/Over	Below/Within/Over	(matrix)
HU/Acre	Below/Within/Over	Below/Within/Over	(matrix)
<i>Secondary Area</i>			
Jobs/Acre	Below/Within/Over	Below/Within/Over	(matrix)
HU/Acre	Below/Within/Over	Below/Within/Over	(matrix)
<i>Critical Mass</i>			
Population	Below/Within/Over	Below/Within/Over	(matrix)
Housing Units	Below/Within/Over	Below/Within/Over	(matrix)
Jobs Critical Mass	Below/Within/Over	Below/Within/Over	(matrix)
Floor Area Ratio			
Floor Area Ratio	Below/Within/Over	Below/Within/Over	(matrix)
Multi-Family:Single Family Ratio	Below/Within/Over	Below/Within/Over	Lower Value / Higher Value (matrix)

PACTS Transportation Project Land Use Policy
Policy Implementation Checklist

4. Minimize Sprawl (continued)	Existing	Planned	Comments
<i>Urban Design in Regulations</i>			
Street Design Standards	Yes/No	Yes/No	Compact Development/Pedestrian-oriented policies & stds
Street Connectivity	Yes/No	Yes/No	Compact Development/Pedestrian-oriented policies
Buildings: Placement, Footprint & Scale	Yes/No	Yes/No	Compact Development/Pedestrian-oriented policies
Integration of Uses: Vertical and Horizontal	Yes/No	Yes/No	Compact Development/Pedestrian-oriented policies (density bonuses, etc)
Functional Open/Public Spaces	Yes/No	Yes/No	Compact Development/Pedestrian-oriented policies
Parking: Amount, Design & Location	Yes/No	Yes/No	Compact Development/Pedestrian-oriented policies
<i>Relationship to Community Planning</i>			
Designated Growth Area	Yes/No	Yes/No	Is the Planning Area a Designated Growth Area?
Designated Rural Area	Yes/No	Yes/No	Is the Planning Area a Designated Rural Area?
Incentives for/Emphasis on Infill/Redevelopment vs Greenfield / Leapfrog Development	Yes/No	Yes/No	
Conformity with Future Land Use Map	n/a	Yes/No	
Compact Residential Development Policies	Yes/No	Yes/No	Trad. Neighborhood Dev.; Open Space Subdiv; Cluster Dev.

Appendix D
Land Use Planning Matrix

PACTS Transportation Project Land Use Policy
Land Use Planning Guidelines Matrix

Ranges & Thresholds	Compact Planning Areas				
	Downtown		Neighb. Center	Hamlet	Suburban Center
	Urban Center	Village Center			
<i>Area size: Preferred (approximate)</i>	Range of Desirable Area Size				
Acres	400-1200	100-400	50-200	25-125	75-250
<i>Core Area</i>	Range of Mix of Desirable Land Uses (% of Area)				
Commercial	30%-70%	30%-70%	20%-60%	10%-40%	60%-85%
Residential	20%-60%	20%-60%	30%-70%	50%-80%	5%-25%
Public/Open Space	5%-15%	10%-15%	10%-15%	10%-15%	5%-10%
<i>Secondary Area</i>	Range of Mix of Desirable Land Uses (% of Area)				
Commercial	20%-60%	15%-30%	15%-30%	5%-15%	5%-15%
Residential	20%-60%	50%-80%	50%-80%	50%-80%	80%-85%
Public/Open Space	5%-15%	10%-15%	10%-15%	10%-15%	5%-10%
<i>Jobs/acre (gross)</i>	Range of Intensities of Jobs (per Acre)				
Core Area	80+ to 40	60 to 40	30 to 50	40 to 20	40 to 10
Secondary Area	40+ to 30	30 to 20	30 to 10	25 to 10	20 to 5
<i>Housing Units/acre (gross)</i>	Range of Intensities of Housing Units (per Acre)				
Core Area	14+ to 4	12 to 4	12 to 4	8 to 4	14 to 4
Secondary Area	8+ to 2	8 to 2	6 to 2	4 to 2	6 to 2
<i>Critical Mass</i>	Minimum Jobs and Housing Thresholds				
Minimum Housing Units	2500	500	150	100	300
Minimum Persons	5000	1000	300	200	600
Minimum Jobs	5000	500	200	100	250
<i>Floor Area Ratio</i>	Range of Floor Area Ratios				
Net Bldg Sq Ft to Total Land Area (Commercial only)	1.0	1.0	0.75	0.5	0.5
<i>Minimum Ratios (lower value divided highvalue)</i>	Minimum Pop.:Jobs; Retail:Non-retail Jobs; HU Ratios				
Population to Jobs (within Core)	0.33	0.33	0.33	0.33	0.2
Retail to Non-retail (within Core)	0.2	0.2	0.2	0.2	0.2
Multi-Family to Single Family HU	0.2	0.2	0.2	0.2	0.2

Source: Adapted from Calthorpe, *The Next American Metropolis*, 1993; *Multimodal Transportation Districts and Areawide Quality of Service Handbook*, FL DOT, 2003.

Notes: Values in this table are adapted from various sources. They are intended to provide guidance and flexibility for communities to meet the objectives of the Arterial Land Use Policy. There are additional guidelines and context provided in Appendices B & C. Many of these ranges are 'minimums' and values above these ranges are often desirable (e.g., residential & job densities).

Appendix E
STPA Rule

17-229 DEPARTMENT OF TRANSPORTATION
 CHAPTER 103: RULE FOR THE SENSIBLE TRANSPORTATION POLICY ACT

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RULE FOR THE SENSIBLE TRANSPORTATION POLICY ACT

17-229-103

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MAINE DEPARTMENT OF TRANSPORTATION
 RULE FOR THE SENSIBLE TRANSPORTATION POLICY ACT

17-229-103

SUBCHAPTER I

Section 1: SUMMARY

This rule is adopted pursuant to the Sensible Transportation Policy Act, 23 M.R.S.A. §73. The decisions made in the transportation sector are of critical importance to the people of Maine. The field of transportation is diverse ranging from pedestrian to motorized vehicles to telecommunications. This rule reflects the diversity in the decision-making which occurs in the planning and development of Maine's transportation network.

The rule provides a framework for examining a range of choices. It recognizes there are benefits and costs (financial, energy, and environmental) to transportation. Mobility is no longer treated as an inexhaustible resource but rather as a resource that needs to be both supplied as well as conserved. The rule identifies policies and management strategies for the analysis of these diverse issues.

This rule has been developed in response to a specific state law, the Sensible Transportation Policy Act. There are other state and federal statutes that significantly affect the Maine Department of Transportation's activities. These statutes (e.g. 23 USC §101 et. seq., Intermodal Surface Transportation Efficiency Act of 1991, ((ISTEA)) Pub. L. No. 102-240, 105 Stat 1914, the National Environmental Policy Act, 42 U.S.C. §4321 et. seq.; Clean Air Act, 42 U.S.C. §7401 et. seq. and the Clean Water Act 33 U.S.C. §1251 et. seq.) have specific processes and evaluations which may require a substantial commitment of resources by the Maine Department of Transportation (MDOT). To the extent possible MDOT shall utilize the processes and evaluations set forth in this rule to meet its obligations under other state and federal laws and to avoid duplication.

Section 2: SCOPE

This rule applies to the transportation planning decisions, capital investment decisions, and project decisions of the Maine Department of Transportation.

The Maine Turnpike Authority's (MTA)'s governing statute is set forth in 23 M.R.S.A. 1961 et. seq. (as amended). This rule also applies to the transportation planning decisions, capital investment decisions and project decisions of MTA.

Section 3: DEFINITIONS

The following definitions will apply to the terms used in this rule:

- A. Abbreviations. The following abbreviations are used in the text of this rule:
- | | |
|-------|--|
| ISTEA | Intermodal Surface Transportation Efficiency Act |
| MDOT | Maine Department of Transportation |
| MPO | Metropolitan Planning Organization |
| MRSA | Maine Revised Statutes Annotated |
| MTA | Maine Turnpike Authority |
| TIP | Transportation Improvement Program |
| USC | United States Code |
- B. Auxiliary Lane. An auxiliary lane is the portion of the roadway adjoining the traveled way for parking, speed change, turning, storage for turning, passing, truck climbing, and other purposes supplementary to through-traffic movement.
- C. Capacity. Capacity is defined as the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse major distribution areas during a given time period under prevailing roadway, traffic and traffic control conditions.
- D. Interchange. An interchange is a system of interconnecting roadways with one or more grade separations that provide for the movement of traffic between roadways on different levels. Interchanges include related bridges, overpasses, underpasses, ramps, and associated controlled access roads to the nearest state highway as defined by 23 M.R.S.A. §53.
- E. Life Cycle Costs. Life Cycle Costs are the expected costs of building and maintaining a facility over the design life of that facility. These traditionally include:
- (1) initial capital cost of construction;
 - (2) future capital costs of rehabilitation (overlays, reconstructions, etc.);
 - (3) maintenance costs recurring through design period;
 - (4) salvage at end of design life (a "negative cost");
 - (5) engineering and administration; and
 - (6) costs of investment.
- F. Maintenance. Maintenance is to preserve and repair vehicles, machinery, equipment, and transportation facilities to their designed or accepted standards. It may be scheduled, planned, progressive, or periodic (preventive maintenance), or it may be unscheduled or corrective.
- G. Major distribution areas. Major distribution areas are highway interchanges, major routes and arterials, or communities. The criteria used to determine whether a highway is a major route or arterial will include land use, relative annual daily traffic, trip length, network configuration and continuity, and route spacing.

H. Minor addition of a through travel lane. A minor addition of a through travel lane is a non incremental, localized project which does not connect major distribution areas and which does not require an environmental impact statement pursuant to the National Environmental Policy Act, 42 U.S.C. §4321 et. seq.

I. Preference. Preference means to choose to fund and implement reasonable transportation alternatives before increasing highway capacity.

To give preference requires the Department to consider and implement only those alternatives that are cost-effective and that adequately respond to the identified deficiency. It is, however, the Department's policy to implement transportation demand management and alternative mode options that are cost-effective, even if the highway capacity option is necessary, where those transportation demand management and alternative mode options improve and/or conserve the capacity of the highway system.

J. Reasonable Transportation Alternatives. Reasonable transportation alternatives are ones which adequately respond to the identified deficiency or need in the transportation network, are cost effective, and are capable of being implemented within a reasonable time period necessary to meet the transportation deficiency or need. Reasonable transportation alternatives must be easily accessible, affordable to the general public, available during high use hours and serve to reduce congestion on the highways.

K. Significant Highway Projects. Significant highway projects are ones which increase capacity by constructing:

- (1) one or more through travel lanes;
(A minor addition of a through travel lane is not a significant highway project.)
- (2) a new highway on new location;
(Minor relocation of highway is not new location.)
- (3) a new bridge on new location;
(Minor relocation of a bridge is not new location.)

Any highway project which requires an environmental impact statement pursuant to the National Environmental Policy Act, 42 U.S.C. §4321 et. seq. shall be deemed to be significant. Highway projects which require an environmental impact statement but do not increase capacity may not require a transportation demand management or transportation system management analysis.

Interchanges are generally deemed to be substantial public interest projects, but some interchanges may also be significant highway projects. Any interchange which requires an environmental impact statement pursuant to the National Environmental Policy Act, 42 U.S.C. §4321 shall be deemed to be a significant highway project. If the comprehensive traffic analysis as required in Section 7

for the new interchange indicates that within the reasonably foreseeable future any of the adjacent highways connected by the interchange are likely to require additional through travel lanes due to the interchange, the proposed interchange shall be deemed to be a significant highway project. If the connector to the proposed interchange provides access beyond the nearest state highway, the proposed interchange shall be deemed to be a significant highway project.

[The evaluation of significant highway projects by MDOT and the regional transportation advisory committees is set forth in Subchapter 1, Sections 6 and 7 of this rule, and by MTA in Subchapter 2, Sections 2 and 3.]

- L. Through Travel Lanes. Through travel lanes are the portions of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.
- M. Transportation Demand Management. Transportation Demand Management means actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional highway capacity. Methods may include, but are not limited to, ride-sharing and vanpool programs, trip-reduction incentives and congestion mitigation pricing. These methods will generally be evaluated on a regional basis rather than a project by project basis.
- N. Transportation Mode. A transportation mode is a particular form of travel such as traveling by foot, automobile, bus, passenger and freight intercity rail, urban light rail, waterborne passenger and freight vessels, air transport and bicycle.
- O. Transportation System Management Options. Transportation system management options are techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its number of through travel lanes. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians, parking removal, channelization, access management, ramp metering, restriping for high occupancy vehicle lanes.

Section 4: PLANNING

A. Introduction

Adequate, safe and efficient transportation facilities and services are essential to the economy and well being of the State. These facilities and services should serve the diverse mobility needs of the State and should be planned and developed through effective public participation. Transportation planning should be integrated with social, environmental, and economic objectives. Planning for these facilities and services should be done to improve transportation system efficiency, improve the efficiency of vehicles and vehicle usage, and reduce waste and unnecessary energy use.

MDOT is the state agency charged with the overall responsibility for balanced transportation policy and planning. Implementation of MDOT's plans and policies is achieved through a continuing planning process which creates and maintains

a long-range, multimodal statewide transportation plan and associated transportation improvement program.

Under the umbrella of transportation planning several levels of effort are commonly found, namely: statewide systems planning, regional planning, corridor planning and project planning. It is important to note that each of these planning activities may involve different levels of complexity and require different levels of public involvement. The results of each of these efforts will be incorporated into the MDOT's overall transportation plan as they become available.

Transportation planning within Maine's four urbanized areas is the responsibility of each respectively designated Metropolitan Planning Organization (MPO). These MPOs, which carry out their planning activities in cooperation with MDOT, are subject to the same planning goals, policies, processes and requirements as MDOT. The transportation plans and transportation improvement programs developed by the MPOs are incorporated into MDOT's long-range plans and improvement programs.

B. Policy Objectives

The following policies shall be used by MDOT in its planning, capital investment and project development decision making:

- (1) Promote the coordinated and efficient use of all available and future modes of transportation.
- (2) Meet the diverse transportation needs of the people of the State, including rural and urban populations and the unique mobility needs of the elderly and disabled.
- (3) Ensure the repair and necessary improvements of roads and bridges throughout the State to provide a safe, efficient, and adequate transportation network.
- (4) Minimize the harmful effects of transportation on public health and on air and water quality, land use and other natural resources.
- (5) Reduce the state's reliance on foreign oil and promote reliance on energy efficient forms of transportation.
- (6) Be consistent with the purposes, goals and policies of the Comprehensive Planning and Land Use Regulation Act. (The title to the growth management laws was repealed by P.L. 1991, ch. 622, §F-15, (effective December 23, 1991.))
- (7) Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on transportation concerns.

C. Coordination with Regional Transportation Advisory Committees and Metropolitan Planning Organizations

To have a better understanding of regional needs outside the MPO areas MDOT will determine appropriate geographic regions for transportation planning and will form regional transportation advisory committees for each region. (In the MPO areas, the MPOs will perform all functions of the regional transportation advisory committees set out in this rule.) The regional transportation advisory committees will be composed of local and state officials and interested citizens from within the region who broadly and fairly represent the concerns of planners, environmentalists, business and commerce, different transportation modes, historic preservation, the elderly, the disabled, and other diverse interests.

MDOT in cooperation with each regional transportation advisory committee will develop and coordinate a public participation process providing for early and effective public involvement in local and regional transportation planning. This will provide MDOT with an improved perspective of local needs, values and preferences on alternatives. This involvement is intended to improve the integration of land use planning with transportation planning and will use locally adopted comprehensive plans consistent with the Comprehensive Planning and Land Use Regulation Act as an important resource. The regional transportation advisory committees will advise the department on the following:

- (1) transportation issues and goals;
- (2) regional transportation needs and deficiencies;
- (3) transportation improvement priorities;
- (4) multimodal system options;
- (5) social, environmental and economic issues and goals; and
- (6) land use issues and goals.

Each regional transportation advisory committee will submit its recommendations to MDOT in a written report in time to be considered effectively in the development of the Statewide Transportation Plan.

In addition to the regional transportation advisory committees, MDOT may work directly with existing regional planning entities. The functions of these regional entities may include:

- (1) Providing staff support to regional transportation advisory committees;
- (2) Coordinating and facilitating public hearings;
- (3) Conducting regional outreach programs;
- (4) Identifying local/regional transportation needs and deficiencies;
- (5) Assimilating local and regional transportation data;
- (6) Identifying local and regional land use concerns and goals;
- (7) Developing regional and community transportation goals;
- (8) Determining consistency of transportation plans and projects with local comprehensive plans;
- (9) Coordinating opportunities for review and comment on the Statewide Plan and the Transportation Improvement Program;
- (10) Assisting in regional transportation planning;

- (11) Assisting in implementing transportation demand measures;
- (12) Integrating transportation planning into local land use and comprehensive plans;
- (13) Developing and assisting in implementing access management rules;
- (14) Identifying cultural and historic resources; and
- (15) Other functions that are mutually agreed upon.

Section 5: STATEWIDE TRANSPORTATION PLAN

A. Introduction

The Statewide Transportation Plan will be MDOT's basic planning document. It will incorporate a comprehensive, cooperative and continuous planning process that considers all modes of transportation. It will be based on the policy objectives set forth in section 4-B of this rule. The plan will identify the State's multimodal transportation needs and deficiencies and will consider the current and forecasted transportation system deficiencies and needs identified by the Metropolitan Planning Organizations, regional transportation advisory committees, regional planners, local officials, and the public through a broad public participation process. It will then outline the strategies for addressing the identified deficiencies and needs and will describe funding methods and allocations to implement these strategies.

The first Statewide Transportation Plan will be completed by January 1, 1995. This and subsequent plans will have as a minimum a ten year planning horizon. A longer planning horizon may be used as appropriate. Each plan will contain projects and programs in various phases of planning development. The plan will be periodically updated (at least every five years) as new needs and issues are developed using the same process that is described in this section of the rule.

B. Transportation System Inventory

As part of the statewide planning process MDOT in cooperation with the MPO's and the regional transportation advisory committees will develop and maintain an inventory of the existing transportation systems including highways, bridges, pedestrian walkways, bicycle facilities, rail rights of way, public transit, air, ferries and ports. This inventory will be comprehensive and will include such elements as system usage, system characteristics and system condition.

C. Travel Demand Forecast

The Plan will forecast statewide travel demand for both people and goods based on regional travel patterns and projections of future land use and social and economic projections. Regional level travel demand forecasts will be developed in cooperation with MPO's and regional transportation advisory committees.

D. Development of Functional Standards

MDOT will develop transportation system functional standards which relate to performance, operations, safety and design for all existing modes of

transportation which will be used as the basis to identify the nature and extent of the transportation system deficiencies and needs. These functional standards may change as new standards evolve or are developed.

E. Development of Multimodal Needs and Deficiencies

Based upon an analysis which considers, at a minimum, transportation system inventories, the travel demand forecast, functional standards, and identified state/regional/local transportation goals and policy objectives as set forth in Section 4-B of this rule, MDOT will identify the nature and extent of current and future transportation system deficiencies and needs. This effort will provide a framework for the development of alternative transportation improvement strategies and project priorities.

F. Plan Development

MDOT, in cooperation with the MPOs and the regional transportation advisory committees, will develop a long range statewide multimodal transportation plan. This plan will incorporate multimodal projects and programs to address priority safety needs, system preservation needs, system rehabilitation needs and system efficiency needs and projects or programs to meet, manage and reduce current and forecasted travel demand. In developing this Plan improvement options and alternatives will be considered which adequately address the identified needs, are cost effective, and promote the established Plan objectives. Options to be evaluated will include, at a minimum, the following:

- (1) maintaining, improving, and expanding the current highway system;
- (2) implementing, improving and expanding bus service;
- (3) implementing, improving and expanding intercity and local passenger rail (or trolley) service;
- (4) maintaining, improving and expanding bicycle lanes, paths and facilities;
- (5) maintaining, improving and expanding sidewalks and pedestrian paths;
- (6) improving and expanding ports and airports as well as access to these facilities;
- (7) transportation system management techniques;
- (8) improving and expanding freight rail service;
- (9) transportation demand management techniques such as high-occupancy vehicle lanes, ridesharing programs, and other methods to increase vehicle occupancy levels; and
- (10) implementing current and emerging technological innovations relative to transportation that will further the objectives of the Plan.

The Plan will, if applicable, identify potentially effective combinations of options and discuss the evaluation process including life cycle costs and funding availability.

Significant obstacles to development and implementation of various options shall be identified and discussed. Such obstacles might include: funding restrictions, land use patterns, environmental constraints and lack of sufficient demand.

G. Draft Statewide Transportation Plan

MDOT will prepare a draft Statewide Transportation Plan in cooperation with the MPOs and the regional transportation advisory committees. MDOT in developing its draft plan may seek the assistance of other state agencies which have specialized expertise such as the Department of Environmental Protection, State Planning Office, Maine Historic Preservation Commission and the Department of Economic and Community Development.

MDOT will have a public hearing process to provide the public a reasonable opportunity to comment on the draft plan. A draft of the Plan will be made available for public review and comment for 20 working days before scheduled hearings and the public will be given reasonable notice of availability of the draft plan.

At these public hearings MDOT will:

- (1) Explain the statewide planning process and MDOT's system for evaluating multimodal transportation deficiencies and needs;
- (2) Give a broad overview of the funds available to MDOT and an explanation for the allocation of funds to the various modes of transportation;
- (3) Identify needs and alternative solutions and recommendations;
- (4) Give an explanation of the known or anticipated environmental impacts of proposed projects or alternatives;
- (5) Describe the system options evaluation process, options considered, and the potential for each option or combination of options to promote the Plan objectives and to meet, reduce or manage projected demand; and
- (6) Solicit constructive suggestions and concerns for the Plan in general as well as for specific projects which may be identified.

H. Finalization of the Statewide Transportation Plan

At the completion of the public participation process, MDOT will formulate and issue a final multimodal plan. In the plan or in a separate report issued concurrently, MDOT will address public comments and suggestions and will

explain its rationale for adopting or rejecting suggested changes. Similar comments need not be addressed individually.

Section 6: SIGNIFICANT HIGHWAY PROJECTS

A. Introduction

23 M.R.S.A. §73(3)(B) of the Sensible Transportation Policy Act requires that the department evaluate the full range of reasonable transportation alternatives for significant highway construction or reconstruction projects and give preference to those alternatives prior to increasing highway capacity through road building activities. The determination of whether a project is significant is an important yet potentially complex decision. Individual projects or segments may not appear to be significant highway projects when viewed in isolation, but may cumulatively constitute significant highway projects. This rule is not intended to permit a process by which incrementally planned highway projects ultimately result in constructing a significant highway project without undergoing the evaluation and process required by this section. This rule is also not intended to permit the conversion of existing highway right of way not currently used as through travel lanes (e.g. auxiliary lanes, breakdown lanes, sidewalks) into travel lanes without undertaking the evaluation and process required by this section.

The regional transportation advisory committees may assist MDOT in making determinations concerning segmentation or conversion by advising MDOT whether they consider a project to be a significant highway project. In addition the regional transportation advisory committees may advise MDOT on any potential highway project which they consider to be a significant highway project. The regional transportation advisory committees, however, shall review all proposed minor additions of travel lanes and the proposed replacement of an existing bridge with a structure which can potentially accommodate additional through travel lanes and advise MDOT whether the proposed project is considered a significant highway project.

(The regional transportation advisory committees may also advise MDOT whether any proposed project involves issues of substantial public interest as provided in Section 7.)

B. Alternative Evaluation

When a transportation need or deficiency has been identified, and before significant highway construction or reconstruction is undertaken, MDOT will through its planning process evaluate a full range of reasonable transportation alternatives. The alternatives to be evaluated will include:

- (1) new facilities and services, including different modes of transportation or combinations of modes that could reasonably meet identified transportation needs. The different modes of transportation that should be included where appropriate under the alternative evaluation include but are not limited to:

- (a) highway and bridge
 - (b) air
 - (c) transit
 - (d) rideshare options
 - (e) water
 - (f) rail
 - (g) bicycle
 - (h) pedestrians
 - (i) intermodal facilities
- (2) transportation system management options;
 - (3) transportation demand management options;
 - (4) a no-build option; and
 - (5) other reasonable alternatives generated through the public participation process.

Consideration of reasonable transportation alternatives may take place on a regional or statewide basis as opposed to a project by project basis. Information gathered from a regional analysis may be used on multiple projects within the region or along a corridor.

The Department does not need to study or evaluate transportation alternatives that have been found to be unacceptable or infeasible along a corridor or in a region. This finding must be based on sufficient objective data, which should include consideration of public and legislative acceptability.

Significant highway projects that are proposed primarily to promote economic development and not to alleviate traffic congestion should not be delayed while the Department considers the effectiveness of transportation demand management, alternative modes or other transportation alternatives. Projects which are proposed primarily to promote economic development may move forward with preliminary engineering and design in an expedited fashion and at the same time that the alternative analysis takes place. In this way critical economic development projects will not be delayed by the requirements of the Sensible Transportation Policy Act.

The State is not required to study or evaluate a transportation alternative(s) along a highway corridor or in a region if the transportation alternative(s) is in place and functioning and if sufficient data exists to accurately assess the adequacy of the alternative. The Regional Transportation Advisory Committee may advise the Department on

whether it feels the transportation alternatives are adequate, in place and functioning.

C. Planning Hearings

In developing the range of reasonable alternatives to significant construction or reconstruction projects, MDOT will develop a public participation process which generates creative and innovative solution ideas from the public. In doing so MDOT or its designated regional or municipal representative will hold a planning hearing. Thirty days prior to the hearing MDOT shall make available to the public any written reports and studies it may present at the hearing by providing these reports to local officials. The public will be given timely notice of the availability of these documents.

At the planning hearing MDOT or its designated representative will:

- (1) Outline the transportation deficiency and need in terms of safety, congestion, substandard infrastructure, or other appropriate measures;
- (2) Suggest various alternative solutions to the transportation deficiency or need;
- (3) Describe available information concerning projected life-cycle costs and operational costs of the alternatives;
- (4) Describe available information concerning the social, economic, energy, and environmental impacts of the various alternatives including the range of mitigation measures and transportation enhancement measures which could minimize such impacts;
- (5) Solicit public comment on the suggested alternatives;
- (6) Invite alternative ideas from the public; and
- (7) Where appropriate, invite the public to form an advisory committee to meet regularly with MDOT.

D. Land Use Consistency Reports

In developing the range of alternatives MDOT will determine whether the alternatives under consideration are consistent with the local comprehensive plan and if there is no local plan whether they are consistent with the goals of the Comprehensive Planning and Land Use Regulation Act. As an alternative to MDOT's doing this analysis, MDOT may request that the municipality or a regional entity prepare a report to MDOT indicating whether the alternatives under consideration are consistent with the local comprehensive plan, or if there is no local plan whether they are consistent with the goals of the Comprehensive Planning and Land Use Regulation Act. In the event that a project is found to be

inconsistent with a local comprehensive plan, MDOT shall seek the advice of the municipality or regional entity as to how to avoid or mitigate the impact.

MDOT may also request from the regional or municipal entity a statement outlining local values or resources to be respected during project implementation such as historic neighborhoods, historic buildings, wildlife habitat, trees, and stone walls and scenic vistas.

E. Draft Analysis

After receiving the publicly generated alternative project suggestions MDOT will evaluate the alternatives. The alternatives will be reviewed to determine if they can meet the identified transportation deficiency or need in a safe manner at a reasonable cost with available technology. The evaluation will also be based on the available life cycle costs and operational costs of each alternative and its potential to reduce vehicle miles traveled. It will also include a planning level evaluation of the social, economic, environmental, land use, and energy impacts of each reasonable alternative including the no-build alternative.

MDOT will give preference to those reasonable alternatives that best meet the identified transportation deficiency or need and best meet the policy objectives set forth in Section 4-B of this rule before undertaking highway construction or reconstruction which would increase highway capacity.

MDOT will notify local officials, regional entities, and the public of the draft alternatives evaluation and analysis. The draft analysis will be made available for public review at convenient locations. The public will be given a reasonable period of time to comment on the draft analysis. If MDOT determines that a substantial public interest continues to exist, it may hold additional public hearings.

F. Final Analysis

Upon completion of the public participation process MDOT will issue a final alternatives analysis, describing its analysis and addressing public comments. Similar comments need not be addressed individually.

Section 7: SUBSTANTIAL PUBLIC INTEREST PROJECTS

A. General

If MDOT determines that a transportation construction or reconstruction project is not a significant highway project, but involves issues of substantial public interest, MDOT will develop a public participation program tailored to that project. This program will allow for early notice to the affected public and will allow the public the opportunity to comment on the project as it is being planned and developed. MDOT will be responsive to such comments as the project is planned and developed. This public participation program will be developed and run by either MDOT or its designated municipal or regional representative. If

appropriate, this program may include an evaluation of reasonable transportation alternatives, transportation demand management options and transportation system management options. A report documenting the proposed project's consistency with a local comprehensive plan and a statement outlining local values and resources to be respected may be requested. MDOT will seek advice from the regional and municipal entities on how to avoid or mitigate those impacts which are found to be inconsistent with the local comprehensive plan and will be responsive to such comments as the project is planned and developed.

The regional transportation advisory committees may advise MDOT whether a project has substantial public interest.

B. Interchanges

Since the establishment of an interchange usually is of strong interest to the public and may have potentially significant impacts on land use, all new interchanges shall be deemed to be substantial public interest projects. MDOT will perform a comprehensive traffic analysis for each proposed new interchange to assess the impact of the interchange on the traffic on the adjacent highways connected by the interchange.

In consultation with the applicable MPO or regional transportation advisory committee, MDOT will identify and assess all significant land use impacts of the proposed interchange to determine whether the proposed interchange is consistent with the local comprehensive plan adopted pursuant to the Comprehensive Planning and Land Use Regulation Act, or if there is no local plan, whether it is consistent with the goals of the Act. As an alternative to MDOT's doing this analysis, MDOT may request that the affected municipality or a regional entity perform this analysis. MDOT will notify local officials, designated regional representatives and the public of the draft evaluation and analysis. In the event that the proposed interchange is found to be inconsistent with a local comprehensive plan or the goals of the Act, or if its land use impacts are found to be adverse, MDOT shall seek the advice of the municipality or regional entity as to how to avoid or mitigate the inconsistency or adverse impact.

MDOT or the municipality or regional entity shall hold a public hearing and the public will be given a reasonable period of time to comment on the draft analysis. Additional public hearings may be held if MDOT determines that a substantial public interest continues to exist. Upon completion of the public participation process MDOT will issue a final report describing its analysis and addressing public comments. Similar comments need not be addressed individually. The public will be advised of the availability of this report.

Section 8: CAPITAL INVESTMENT DECISIONS

TRANSPORTATION IMPROVEMENT PROGRAM:

MDOT's capital investment decisions are reflected in its transportation improvement program ("TIP"). This TIP is drawn from the Statewide Transportation Plan and is presented to the legislature every two years for funding approval. MDOT will incorporate into its statewide TIP the TIPs developed by the Metropolitan Planning Organizations as required by ISTEA. MDOT will select projects in nonmetropolitan areas in consultation with local officials and regional transportation advisory committees. The TIP will be multimodal and include appropriate transportation demand management and system management options. MDOT will seek to include innovative improvements for bicycle transportation, pedestrians, public transit and rail in the TIP.

Projects and programs selected for inclusion in the TIP will be those that best promote and implement the policy objectives set forth in Section 4-B, are responsive to the identified transportation system deficiencies and needs, ensure the necessary maintenance and preservation of the existing transportation system, and are consistent with financial resources available to the Department. In selecting projects and programs for the TIP, MDOT will also consider the degree of public support for the project, the project's ability to promote the attainment of environmental goals and the project's consistency with locally adopted comprehensive plans and the goals of the Comprehensive Planning and Land Use Regulation Act.

In developing its biennial TIP, MDOT will make available to the public its draft TIP and provide citizens, regional entities, MPOs, affected public agencies and other interested parties with an opportunity to review and comment on the proposed program. Where substantial public interest exists, MDOT will hold a public hearing on its draft TIP. MDOT will respond to comments on its draft TIP either individually or through a published report.

MDOT may add, change scope, transfer, or delete a project from one biennium to another as necessary and appropriate to best meet the overall policy objectives set forth in Section 4-of this rule. Newly proposed significant highway projects will be subject to the evaluation and process set forth in Section 6 of this rule. Projects which are not significant but which were not previously included in the Statewide Transportation Plan may be implemented under an abbreviated public participation process in cooperation with the regional transportation advisory committees as necessary to meet the critical needs of the State. The addition of maintenance projects will not require a public participation process. The Maine Department of Transportation will periodically update the Regional Transportation Advisory Committees on the status of their projects in the TIP.

Section 9: TRANSPORTATION ENHANCEMENT

As part of the planning and project development process all projects except maintenance projects will be reviewed for their transportation enhancement potential. If needed, MDOT will utilize the services of an architectural historian, a landscape architect/designer, an archeologist, an architect, an artist, an urban planner, or any other required expertise. MDOT may also seek the advice of municipal officials and advisory committees such as the regional transportation advisory committee or regional entities. The extent of this review will be dependent upon the scope of the project. Not every project will have a transportation enhancement component. Transportation

enhancement can include provision of facilities for pedestrians and bicycles, acquisition of scenic easements and historic sites, landscaping, historical preservation, operation of historic transportation buildings and facilities, preservation of abandoned railroad corridors and mitigation of water pollution due to highway run off.

The transportation enhancement review will consider, as appropriate, the following principles in project design:

- (1) Scenic views and vistas shall be preserved and accentuated in the layout of roads;
- (2) Flexibility in applying standards shall be utilized if aesthetic benefits can be gained without compromising design safety so as to enhance neighborhoods, preserve landmarks such as stone walls, and preserve a stand or avenue of trees;
- (3) Vegetation adjacent to water bodies shall be retained in its natural state to the extent practicable;
- (4) The integrity of historic buildings and their settings, historic landscapes, and historic districts will be retained to the maximum extent practicable;
- (5) Wetland areas shall be avoided to the maximum extent practicable;
- (6) Loss of aquatic and wildlife habitat shall be avoided where practicable;
- (7) Loss of other natural resource values as set forth in a comprehensive plan shall be avoided where practicable;
- (8) Lighting standards shall be established and implemented as appropriate for the project area. These standards will limit the extent of sky-lighting by street lights and emphasize energy-efficient lighting. Consideration shall be given for specific lighting fixtures for historic districts and neighborhoods; and
- (9) To the extent practicable, options for trail development shall be retained along logical open space corridors such as abandoned rail rights-of-way and rivers.

Section 10: PROJECT DEVELOPMENT

Upon finalization and approval of the two year Transportation Improvement Program, MDOT will begin to implement specific projects identified in the TIP.

When a significant transportation construction or reconstruction project has been determined to be the best solution to the designated transportation deficiency or need, MDOT will hold a public hearing at which it will:

- (1) Explain the scope of the project and how the selected alternative was decided upon;
- (2) Explain the impact of the construction on the community;

- (3) Explain any mitigation and transportation enhancement measures;
- (4) Explain the acquisition and eminent domain process which will be incorporated into the project development process;
- (5) Solicit individual comments and concerns of those persons impacted by the project;
- (6) Be available to respond to individuals affected by the project; and
- (7) Incorporate citizen concerns and suggestions in the project design as appropriate.

After the hearing, MDOT will issue a written report addressing public input received and explaining the rationale for adopting or rejecting suggestions and comments.

For nonsignificant transportation construction or reconstruction projects MDOT will strive to:

- (1) Notify abutters either individually or through public notice of MDOT's intent to develop the project;
- (2) Provide abutters either individually or through public notice with an outline of the time table and extent of the project;
- (3) Receive public comment resulting from this public notice;
- (4) Respond to written comments either individually or through a published report; and
- (5) Incorporate citizens concerns and suggestions into the project design or time table as appropriate.

Section 11: TRANSITION PERIOD

Most transportation projects require a significant amount of time from the planning phase to actual construction. This process usually takes several years. Therefore, this rule cannot be implemented at once but must be phased in over a period of time.

The Statewide Transportation Plan is a new requirement of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. No. 102-240, 105 Stat. 1914). That law requires MDOT to adopt its first plan by January 1, 1995.

The Transportation Improvement Program is prepared every two years. As this rule is being written MDOT is in the process of developing its TIP for 1994-1995. The TIP for 1994-1995 will be developed pursuant to this rule to the extent possible upon adoption of the rule. MDOT will develop the 1996-1997 TIP in conjunction with the first Statewide Transportation Plan to be adopted by January 1, 1995 to the greatest extent possible. Subsequent TIPs will be developed in full implementation of this rule.

At any given time MDOT has several hundred projects either being planned or built. Projects which already have a substantial commitment toward completion shall be exempt from the operation of this rule. Those projects shall be ones for which an opportunity for hearing has been given or a hearing has been held by the effective date of this rule. Projects which exist on the effective date of this rule and which are not exempt from the rule shall be phased into the operation of the rule based on the project's level of completion. (See Appendix D which contains a list of projects and their hearing status as of the effective date of this rule.)

SUBCHAPTER II - MAINE TURNPIKE AUTHORITY

This subchapter applies to the transportation planning decisions, capital investment decisions and project decisions of MTA. The definitions set forth in Section 3 of Subchapter I apply to this Subchapter. To the extent an MPO for a region is designated by MDOT to perform the functions of a regional transportation advisory committee for that region, references in this Subchapter to a regional transportation advisory committee shall include such MPO.

Section 1: PLANNING.

MDOT is the state agency charged with overall responsibility for balanced transportation planning and policy as reflected in the provisions of Subchapter II governing the development of the Statewide Transportation Plan. MTA has responsibility for the development, management and operation of the Turnpike and related transportation systems in accordance with its enabling act, 23 MRSA §§1961, et seq. In connection with the development and adoption of the Statewide Transportation Plan by MDOT, MTA shall develop and submit an MTA Planning Report that will be based on the policy objectives set forth in Section 4-B of Subchapter I and will include:

- (1) An inventory (meeting the applicable requirements of Section 5-B of Subchapter I) of transportation systems under MTA jurisdiction;
- (2) Forecasts of travel demand (meeting the applicable requirements of Section 5-C of Subchapter I) for transportation systems under MTA jurisdiction that are based on the regional travel patterns, projections of future land use and social and economic considerations, including but not limited to those that are available as a result of the activities of MDOT and the regional transportation advisory committees under Subchapter I;
- (3) Functional standards for transportation systems under MTA jurisdiction which relate to performance, operations, safety and design for all existing modes of transportation related to transportation systems under MTA jurisdiction (these functional standards may change as new standards evolve or are developed);
- (4) Identification of the nature and extent of (i) current and future deficiencies and needs of transportation systems under MTA jurisdiction, and (ii) any other current and future transportation system deficiencies and needs related to or connected with the transportation systems under MTA jurisdiction, all based on

an analysis which considers, at a minimum, the information developed by MTA under this section, information available from the activities of MDOT and the regional transportation advisory committees under Subchapter I and identified state/regional/local transportation goals and policy objectives set forth in Section 4-B of Subchapter I; and

- (5) MTA's recommendations for transportation improvement strategies, project priorities and multimodal projects and programs within its jurisdiction that should be considered by MDOT in preparing and approving the Statewide Transportation Plan in order to address priority safety needs, system preservation needs, system rehabilitation needs and system efficiency needs and projects or programs to meet, manage and reduce current and forecasted travel demand.

The MTA Planning Report shall be considered by MDOT in developing the Statewide Transportation Plan. The MTA Planning Report will be updated periodically (at a minimum every five years) as new needs and issues are developed using the same process that is described in this Section 1.

Section 2: SIGNIFICANT HIGHWAY PROJECTS.

MTA shall have responsibility, in coordination with MDOT, to perform the functions and activities required to be performed by MDOT under Section 6 of Subchapter I for any significant highway project under MTA jurisdiction that has been identified as a possible response to a transportation system need or deficiency. For such purpose, the provisions of Section 6 of Subchapter I (with all references therein to MDOT being understood to refer to MTA) hereby are incorporated in this Section 2.

Section 3: SUBSTANTIAL PUBLIC INTEREST PROJECT.

If MTA determines that a transportation construction or reconstruction project under jurisdiction of MTA that has been found by MTA not to be a significant highway project but does involve issues of substantial public interest, MTA will perform or arrange for project analysis as provided in Section 7 of Subchapter I and will develop a public participation process tailored to that project that meets the requirements set forth in Section 7 of Subchapter I. For such purposes, the provisions of Section 7 of Subchapter I (with all references therein to MDOT being understood to refer to MTA) hereby are incorporated in this Section 3.

Section 4: CAPITAL INVESTMENT DECISIONS; MTA CAPITAL INVESTMENT PLAN

MTA shall prepare annually a capital investment plan (the "MTA Capital Investment Plan") for MTA's capital investment decisions that will be comparable in scope and content to the TIP prepared by MDOT. MTA will select projects in consultation with local officials and regional transportation advisory committees. The MTA Capital Investment Plan will be multimodal and include appropriate transportation demand management and system management options. Where appropriate, MTA will seek to include innovative improvements for bicycle transportation, pedestrians, public transit and rail in the MTA Capital Investment Plan.

Projects and programs selected for inclusion in the MTA Capital Investment Plan will be those that best promote and implement the policy objectives set forth in Section 4-B of Subchapter I, are responsive to the identified transportation system deficiencies or needs, ensure the necessary maintenance and preservation of the existing transportation system and are consistent with financial resources available to MTA.

Prior to adopting an MTA Capital Investment Plan, MTA will make available to the public its draft Capital Investment Plan and provide citizens, regional councils, affected public agencies and other interested parties with an opportunity to review and comment on the draft Capital Investment Plan. Where substantial public interest exists, MTA will hold a public hearing on its draft Capital Investment Plan. MTA will respond to comments on its draft Capital Investment Plan either individually or through a published report. MTA will consider all comments in developing the final MTA Capital Investment Plan.

MTA may add, change scope, transfer, or delete a project from one MTA Capital Investment Plan to another as necessary and appropriate to best meet the overall policy objectives set forth in Section 4-B of Subchapter I of this Rule. Newly proposed significant highway projects will be subject to the evaluation and process set forth in Section 2 of this Rule. Projects which are not significant but which were not previously included in the MTA Capital Investment Plan may be implemented under an abbreviated public participation process in cooperation with the regional transportation advisory committee as necessary to meet the critical needs of the State. The addition of maintenance projects will not require a public participation process.

Section 5: TRANSPORTATION ENHANCEMENT.

As part of the planning and project development processes conducted by MTA under this Subchapter, projects (except maintenance projects) will be reviewed for their transportation enhancement potential in accordance with the requirements set forth in Section 9 of Subchapter I. For such purposes, the provisions of Section 9 of Subchapter I (with all references therein to MDOT being understood to refer to MTA) hereby are incorporated in this Section 5.

Section 6: PROJECT DEVELOPMENT.

Upon finalization and approval of the MTA Capital Investment Plan, MTA will begin to implement specific projects identified in the MTA Capital Investment Plan in accordance with the requirements of Section 10 of Subchapter I. For such purposes, the provisions of Section 10 of Subchapter I (with all references therein to MDOT being understood to refer to MTA) hereby are incorporated in this Section 6.

Section 7: INTER-AGENCY COOPERATION.

Recognizing that the activities of MTA under this Subchapter and those of MDOT under Subchapter I might sometimes be conducted more advantageously or economically on a joint basis, those agencies may agree that one or more of the activities described in this Subchapter and/or the parallel provisions of Subchapter I may be conducted by one of

the agencies on behalf of both, with each agency retaining ultimate authority and responsibility for transportation planning decisions, capital investment decisions and project decisions under its jurisdiction. In discharging its responsibilities under this Subchapter, MTA may rely upon one or more of the evaluations, assessments or decisions reached or developed by MDOT under Subchapter I.

Section 8: TRANSITION PERIOD.

Transportation planning decisions, capital investment decisions and project decisions of MTA shall be subject to this Rule as follows:

- (1) The first MTA Planning Report shall be adopted by MTA in accordance with the provisions of this Rule and submitted to MDOT no later than June 30, 1994;
- (2) The MTA Capital Investment Plan for capital expenditures to be made in MTA's fiscal year beginning January 1, 1995, shall be developed, to the greatest extent possible, by MTA in conjunction with MDOT's first Statewide Transportation Plan which is to be adopted by that same date. Subsequent MTA Capital Investment Plans will be developed in full implementation of this Rule;
- (3) The following project decisions are considered to have been made prior to the effective date of this Rule and therefore shall be exempt from the requirements of this Rule:
 - (a) Phase I and Phase II construction of a new interchange in the Town of Scarborough, including improvements to Payne Road (Phase I is now under construction);
 - (b) Reconstruction of the Wells interchange (now under engineering design);

and
- (4) Projects which exist on the effective date of this Rule and which are not exempt from this Rule shall be phased into the operation of this Rule based on the project's level completion.

The following interchange projects on the Maine Turnpike shall be phased into the operation of the Rule either as substantial public interest projects or as significant highway projects, as appropriate:

Congress St., Portland

Westbrook

South Main/Route 136 Auburn

Grove Street, Sabattus/Lewiston

State Route #9, Sabattus/Lewiston

EFFECTIVE DATE: December 20, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION): April 24, 1996

AMENDED: October 27, 1996 - Subchapter 1, Section 3, paragraph I; Section 6, paragraph B(1 and 5 and rest of B).

NON-SUBSTANTIVE CORRECTIONS: November 20, 1996 - minor punctuation and spelling.

PACTS Transportation Project Land Use Policy
Land Use Planning Guidelines Matrix

Ranges & Thresholds	Compact Planning Areas				
	Downtown		Neighb. Center	Hamlet	Suburban Center
	Urban Center	Village Center			
<i>Area size: Preferred (approximate)</i>	Range of Desirable Area Size				
Acres	400-1200	100-400	50-200	25-125	75-250
<i>Core Area</i>	Range of Mix of Desirable Land Uses (% of Area)				
Commercial	30%-70%	30%-70%	20%-60%	10%-40%	60%-85%
Residential	20%-60%	20%-60%	30%-70%	50%-80%	5%-25%
Public/Open Space	5%-15%	10%-15%	10%-15%	10%-15%	5%-10%
<i>Secondary Area</i>	Range of Mix of Desirable Land Uses (% of Area)				
Commercial	20%-60%	15%-30%	15%-30%	5%-15%	5%-15%
Residential	20%-60%	50%-80%	50%-80%	50%-80%	80%-85%
Public/Open Space	5%-15%	10%-15%	10%-15%	10%-15%	5%-10%
<i>Jobs/acre (gross)</i>	Range of Intensities of Jobs (per Acre)				
Core Area	80+ to 40	60 to 40	30 to 50	40 to 20	40 to 10
Secondary Area	40+ to 30	30 to 20	30 to 10	25 to 10	20 to 5
<i>Housing Units/acre (gross)</i>	Range of Intensities of Housing Units (per Acre)				
Core Area	14+ to 4	12 to 4	12 to 4	8 to 4	14 to 4
Secondary Area	8+ to 2	8 to 2	6 to 2	4 to 2	6 to 2
<i>Critical Mass</i>	Minimum Jobs and Housing Thresholds				
Minimum Housing Units	2500	500	150	100	300
Minimum Persons	5000	1000	300	200	600
Minimum Jobs	5000	500	200	100	250
<i>Floor Area Ratio</i>	Range of Floor Area Ratios				
Net Bldg Sq Ft to Total Land Area (Commercial only)	1.0	1.0	0.75	0.5	0.5
<i>Minimum Ratios (lower value divided highvalue)</i>	Minimum Pop.:Jobs; Retail:Non-retail Jobs; HU Ratios				
Population to Jobs (within Core)	0.33	0.33	0.33	0.33	0.2
Retail to Non-retail (within Core)	0.2	0.2	0.2	0.2	0.2
Multi-Family to Single Family HU	0.2	0.2	0.2	0.2	0.2

Source: Adapted from Calthorpe, *The Next American Metropolis*, 1993; *Multimodal Transportation Districts and Areawide Quality of Service Handbook*, FL DOT, 2003.

Notes: Values in this table are adapted from various sources. They are intended to provide guidance and flexibility for communities to meet the objectives of the Arterial Land Use Policy. There are additional guidelines and context provided in Appendices B & C. Many of these ranges are 'minimums' and values above these ranges are often desirable (e.g., residential & job densities).