Managing Town Roads (and road signs)

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

It was designed to be simple and easy to use. We now have a major upgrade to our former RSMS11 software. It can be found at www.rsms.info. This new version will now use a town map to illustrate your town road conditions PLUS it also allows towns to collect town wide sign inventory and condition details. Data can be collected in the field for subsequent entry into the program or you can use an inexpensive GPS antenna.

Once you collect the road or sign information, RSMS 16 will visually display the road maintenance categories on a town map. Each road section is color-coded based on its current maintenance category (no maintenance, routine, preventive, rehabilitation and reconstruction). It also displays aerial imagery, Google maps and MaineDOT’s Mapviewer.

The cost is $195 to new Maine municipality users, $100 to current RSMS 11 users and $500 to private agencies. The cost includes the software, user guide and distress field manual, and free technical assistance. Over 125 Maine towns, cities, and other agencies have bought this software already. This is a powerful, very low cost approach to local road management compared to similar options costing much more.

New 2015 & 2016 Laws Relating to Transportation

DIG SAFE (NON-MEMBER) CONTACT TO THE PUC LD 200 - Emergency Passed; Resolves 2015, c. 9 (4/14/15). As finally authorized, among the several amendments to the PUC rule, there is a provision that requires any operator of underground facilities who is not a member of Dig Safe (a nonmember operator), such as a municipal water or wastewater system operator, to notify the PUC within 10 days of any change with respect to the contact person’s contact information for the purpose of updating the Commission’s OKTO DIG database.

...LAWS continued on page 6
“Deadly fixed objects” on Maine Roads

Do your town roads have hazardous mailboxes, trees, walls, and fences just off the road?

Based on 3-year crash data (2013-2015) available from the MaineDOT, on average, 68 people in Maine are killed annually and another 2,800+ are injured in crashes where vehicles leave the road and hit a roadside fixed-object. These “lane departures” account for approximately 50% of all Maine fatalities.

When it comes to improving safety for crashes, the primary objective is to keep the vehicles from leaving the road in the first place through measures such as signs, pavement markings, delineator posts, etc. In reality, however, some road departures will still occur due to other reasons like driver distraction, weariness, etc. To help make the road safer for these motorists, roadides should be designed and/or retrofitted when possible, to have a sufficient “clear zone” free of any hazardous fixed-objects.

What is a clear zone?

A “clear zone” is defined as “the unobstructed, traversable area provided beyond the edge of the though traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bike lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes.” It further states that the clear zone distance varies depending on the traffic volumes, speed, and roadside geometry.

For instance, on a low-speed, low volume rural roadway, the clear zone distance can be as little as 7 feet, whereas on a high-speed, high-volume freeway the distance can be greater than 50 feet. In urban areas, however, where the speeds are much lower and there are sidewalks, on-street parking, street furniture, the minimum lateral distance from the face of the curb to the obstruction is 1-1/2 feet, although 4 to 6 feet is preferred.

Potential roadside hazards include:

- Ditches
- Curbs
- Utility poles
- Median barriers
- Sign posts
- Guardrails
- Trees
- Fences/Gates
- Bridge rails
- Culverts ends/bridge piers
- Embankments
- Mailboxes
- Edge drop-offs

What fixed objects are hit the most frequently in Maine?

According to 2013-2015 crash data published by MaineDOT, the highest number of fixed-object crashes per year involved trees with an annual average of 1,560 crashes, ditches with an annual average of 1,284 crashes, followed by utility poles at 1,219 crashes, embankments at 789 crashes, and guardrails at 769 crashes.

Examples of Dangerous Fixed Objects:

- Ditches that are unusually steep or deep.
- Sign posts that are not crash worthy (wood posts larger than 4x4 inch with no weakening holes) or not breakaway (metal posts).
- Trees with trunks 4 inches or more in diameter.
- Mailboxes with wood posts that are larger than 4” by 4”.
- Mailboxes with metal post that are embedded more than 2 feet in the ground and are stronger than 2 inch diameter standard steel.
- Mailboxes which are “creative” welded steel or brick-encased, or granite posts.
- Pavement edge drop-off greater than 2-1/2 inches.

What to do about roadside hazards?

Before you take any action on how to treat an existing fixed-object along a roadside, ask yourself the following questions:

- Is the fixed object located in the town right-of-way?
- Is the fixed object located in the clear zone?
- Is it considered hazardous?
- Is the owner easy to work with or not?
- If you cannot remove, relocate, or modify the hazard, is adding guardrail feasible? If not... Would delineation help. Guide drivers around the hazard, particularly at night and in low visibility conditions?

Examples of delineation include retroreflective tapes on utility poles; and object markers at the end of culvert headwalls.

Since the municipality may be liable for injuries caused by obstructions in town ways, the primary concern is to remove the obstruction. This can often be accomplished by notifying the person responsible for creating the obstruction, and demanding immediate removal. If this fails, and if the obstruction is located in the traveled portion of the town way, the road commissioner or municipal officers should have the obstruction removed and should seek to recover expenses of removal from the responsible party.

A number of Maine laws provide for municipal authority to deal with obstructions. If, however, the obstruction (such as a post or column) is located within the right-of-way, but outside of the traveled portion of the town way (in the road shoulder, for example), and the abutter refuses to remove the obstruction when requested to do so by the municipality, the municipality should not attempt to exercise “self-help” and remove the obstruction. Instead, the municipality should file suit seeking to have the abutter who constructed or placed the obstruction when requested to do so by the municipality, the municipality should not attempt to exercise “self-help” and remove the obstruction. Instead, the municipality should file suit seeking to have the abutter who constructed or placed the obstruction in the right-of-way ordered to remove it. Otherwise, the abutter could sue the municipality, alleging that its property was taken without due process of law and without payment of just compensation. The municipality also might remind the abutter, in the written notice to remove the obstruction, that the abutter could be liable for property damage and personal injury caused by the obstruction.

Conclusion

Roadsides can be just as dangerous as the roads themselves if they are not well designed or maintained. Towns and cities should become aware of the roadside hazards in their boundaries and take steps to eliminate or protect them.
Some Maine towns & cities have been asking “will salt be outlawed?’ or “will sand/salt applications be regulated in Maine in the near future?”

The answers are unknown at this point and are likely to be “no” in the immediate future. However, many “MS4 towns” in Maine have already been dealing with this subject relative to stormwater runoff. It was this sort of concern that lead to the creation of this new Manual over the last few years. It was prepared by many Maine personnel including many municipal officials, soil & water conservation folks, a few DOT folks, and many more.

The purpose of this manual is to present tools and best practices for snow and ice control, when they should be used, and their limitations. The manual establishes clear and consistent guidelines for municipalities and contractors to achieve an acceptable level of service balanced with cost and environmental impacts of chlorides and abrasives on Maine’s land and water resources. It promotes the understanding of the tools, best practices, and limitations for snow and ice control.

The manual will also help snow and ice control professionals increase their understanding of when to use, and when not to use, these tools and practices. In addition, it encourages progressive changes in snow and ice control practices that will help reduce salt/sand use and environmental impacts while meeting the safety and mobility needs of roadway users. By adopting and following the standards, snow and ice control professionals can show due diligence in their snow removal practices. This manual provides options for consideration and presents decision makers with a set of best management practices (BMP) that have the potential to reduce the misuse of chlorides and potentially limit the impacts of chlorides or abrasives on infrastructure investments, such as equipment, vehicles and the environment without reducing the level of service.

What does the manual cover?
This field handbook includes suggestions for improved practices, such as anti-icing, pre-wetting, and pretreating, and standard best practices in quality snow and ice control programs that are likely to result in identifying the right amount of product being spread and minimizing reaplication requirements.

This manual provides the following information for each BMP:
• What is the BMP?
• How does it work?
• How is the BMP implemented?
• What are the planning or technical considerations?
• What are the potential benefits?
• What is the cost to implement the BMP?

If you or your town is interested in getting one or more copies, please send an email to local.web@maine.gov or call the Center at 1-800-498-9133. It is also on the website at www.maine.gov/mdot/csd/mlrc/technical/winterplowsand/index.htm

NOW AVAILABLE!
Written for Maine Towns, Cities or Contractors
It’s FREE!
If you or your town is interested in getting one or more copies, please send an email to local.web@maine.gov or call the Center at 1-800-498-9133. It is also on the website at www.maine.gov/mdot/csd/mlrc/technical/winterplowsand/index.htm
## 25th Annual Skowhegan Highway Congress • June 2, 2016

**“Time-Out for Training” Prize Winners**

<table>
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...WINNERS continued on page 5
Looking for help or advice or want to be notified???

Check out our Local Roads Center website for technical info on:

- Paving specs and figuring quantities
- Gravel road grading or ditching specs
- Street name signs • Plowing/sanding/salting • Drainage issues • Speed limits
- Posting roads for weight • Trees in the right-of-way • And MUCH more!

Go to... www.maine.gov/mdot/csd/mlrc/technical/index.htm

Looking for updates from the MaineDOT or when the Maine Local Roads Center announces Workshops.

Go to...
www.maine.gov/mdot/
and enter your email, press go and whenever there is a change made to the website, like MLRC announcing a workshop, you will be notified by email.

WINNERS
Richard Rogers
Rick Clawson
Robert Quirion
Ryan Bradstreet
Ryan Campbell
Sean Farnsworth
Shane Ireland
Shaughn Millett
Steve Harrington
Steve Kimball
Steve Stone
Steve Taylor
Terence Robichaud
Timothy Coston
Travis Davis-Morin
Tyson Tash
Warren Smith
William Davis

LOCATION
Winslow
Monson
Winslow
Winslow
MDOT Guilford
MDOT
MDOT Ashland
Lincoln
MDOT
Dexter
MDOT
MDOT
Bangor
Auburn
Windsor
Auburn
Lincoln
Livermore Falls
Richmond

PRIZE
$25 LL Bean Gift Card
$15 DD Gift Card
Jacket
TBD
$25 Gift Card
2 sets Box Seats Sea Dogs
TBD
$25 Hannaford Gift Card
Light Bar
First-Aid kit
Hat
$25 Lowe’s Gift Card
$25 DD Gift Card
BBQ Grilling Set
Gift Card
$25 DD Gift Card

COMPANY
Auction International
Gilly’s Grader
Daigle & Houghton
Northland JCB/Nitco
Sebago Technics, Inc.
Messer Truck Equipment
Northland JCB/Nitco
Portland North Truck Center
Hews Company, LLC.
DJ’s Municipal Supply Inc.
Jordan Equipment
Beauregard Equipment, Co.
AEBI New England, LLC
Pine Tree Orthopedic Lab Inc.
Portland North Truck Center
Airgas, USA
DJ’s Municipal Supply Inc.
O’Connor Motors
Jordan Equipment

....WINNERS continued from page 4

Sign Up for notifications
1. Click “Get Notified”
2. Then click “Alerts”
3. Select MaineDOT Specific Notices
GAS PIPELINE INSTALLATIONS

LD 1124 - An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines. PL 2015, c. 216. This Act establishes construction standards for the installation of natural gas pipelines that would be applied to all gas utilities. The Act: (1) expressly requires a gas utility to provide notice of an installation to all other owners of facilities within the right-of-way if it applies for an installation permit to the municipality or other permitting authority; (2) authorizes the owners of the other infrastructure buried in the right-of-way to file objections with the permitting authority within 14 days; and (3) provides that the MaineDOT Utility Accommodation Rules serve as the minimum rules governing the gas line installation standards in the compact areas of urban compact municipalities and as the default construction standards with respect to all other local roads unless otherwise specified by municipal ordinance. The minimum separation standard in the MaineDOT rule is 3 feet (horizontal) and 1 foot (vertical), with pipe crossings to be as close to 90 degrees as possible. The Act provides that the local licensing authority that is relying on the MaineDOT Rules may grant exceptions to the standards upon a finding that one or more of the following circumstances exists: (1) the MaineDOT standards would present an exceptional hardship or unreasonable cost; (2) all affected parties to the installation have agreed to alternative standards that adequately ensure public safety; (3) a unique situation exists that requires an adjustment to the standards in a manner that ensures public safety; or (4) the location standards exceed the limits of the available space within the right-of-way.

PASSING "EMERGENCY VEHICLES" ON ROADWAYS

LD 196 - An Act To Ensure the Safety of Public Service Vehicles. PL 2015, c. 32. Current law requires motorists to attempt to use a nonadjacent travel lane, if safely possible, when passing certain stationary emergency vehicles in an adjacent to a roadway while attending an emergency. This bill expands both the number and types of vehicles to which the requirement applies to include all "public service vehicles." A public service vehicle is defined as a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. Public service vehicles also include wrecker.

DAMAGING PUBLIC EASEMENT ROADS

LD 1074 - An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime. PL 2015, c. 258. This Act establishes the offense of operating a motor vehicle to damage a public easement as a Class E crime as the term "public easement" is defined in law, essentially to include all local roads for which the obligation for municipal maintenance has been either formally discontinued or discontinued by abandonment. The Act also provides for damages and injunctive relief against a person who causes damage to the public easement that impedes reasonable access. Law enforcement officers and emergency responders acting within the scope of their authority are immune from such civil complaints.

ROADSIDE SIGNS

LD 1592 - An Act To Amend the Maine Traveler Information Services Law. PL 2015, c. 403. In response to a U.S. Supreme Court decision decided in 2015 (Reed v. Town of Gilbert), this Act significantly amends the statute governing the placement of what are referred to as "categorical signs" both within and outside of the public right-of-way in order to regulate in a content-neutral manner, as the Supreme Court decision generally required. Specifically, the Act deletes references in the current law to: (1) signs showing the place and time of service or meetings of religious and civic organizations; (2) memorial signs or tablets; (3) signs bearing political messages relating to an election, primary or referendum; (4) signs erected by a producer that directs travelers to the location where farm and food products are grown; and (5) signs erected for a farmers' market that are directional in nature.

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

2015 LAWS

DISCONTINUING A ROAD

LD 1325 - An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road. (Sponsored by Rep. Nadeau of Winslow.) Mandate Enacted; PL 2015, c. 464 This Act amends the law governing the process of discontinuing a "town way" to municipal maintenance in several ways. First, the Act provides more guidelines to the formal discontinuation process by providing a standard for proper notification of abutters of the town way in question (U.S. first class mail, postage prepaid) as well as the required contents of the discontinuation order to be considered by the municipal legislative body (e.g., town meeting or town or city council). The Act also requires one public meeting of the municipal officers to discuss the discontinuation order as well as a subsequent public hearing to be held at least 10 days before the discontinuation order is taken up by the municipal legislative body. More directly than is the case in current law, the Act requires the municipality to file the discontinuation order in the registry of deeds after it is approved by the legislative body. Second, the Act requires the municipal officers to file in the registry any determination that they may make identifying a town way or segment of a town way that has been discontinued by abandonment (i.e., after 30 years of non-maintenance), and provide a copy of that recording to the MaineDOT. The Act stipulates that the absence of such a filing cannot be construed as evidence against the road's abandoned status. Third, the Act encourages municipalities to develop or update inventories relating to all town ways or segments of town ways formally discontinued or discontinued by abandonment, and to share such inventories with the MaineDOT. The inventories being encouraged are expected to include sufficient descriptions of the former town ways, the date of discontinuance, the governmental entity effecting the discontinuance, any known judicil determinations regarding the status of the public easement and, in the case of abandonment, the last known date of regular, publicly-funded maintenance. The Act also creates for the owner of property abutting a discontinued or abandoned road in which a public easement exists a right to bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the public easement that impedes reasonable access. Law enforcement officers and emergency responders acting within the scope of their authority are immune from such civil complaints.
Traffic Signs–how does your town manage them?

The National MUTCD is the standard for all signs, pavement markings, etc. for all roads open to public travel in Maine and every state. Every town/city should have a copy of this Manual for frequent reference. It is also online at www.mutcd.fhwa.dot.gov. The Center has sold many of these Manuals to Maine towns and have many more for sale at the “wicked good” price of only $40.

In May 2012, the Federal Highway Administration (FHWA) completed its review of nationwide public comments relative to certain deadlines for sign reflectivity for all types of roadway signs. The effective date of their ruling was June 13, 2012 and all agencies had 2 years to adopt a method. Specific details on sign reflectivity can be found in the MUTCD Table I-2 in the Introduction, and Table 2A-3 in Section 2A.08.

For Maine towns and cities, it’s important to understand that compliance with this standard is achieved by having an “assessment or management method” in place. In other words, someone needs to review the quality of road signs along your municipal roads. The best way to review all your signs is to develop an inventory… hopefully computer-based. This Standard does NOT imply all signs need to be replaced. The intent is to identify and replace signs that no longer meet the needs of nighttime drivers. Are they still reflective or are they so old that no one can see them at night (or maybe during the day too)?

The MaineDOT Traffic Division has chosen the Management Method entitled “expected sign life”. Typically this means that individual signs are labeled with small stickers to mark the date of fabrication or installation. There are a variety of means of “assessment” from visual inspection of signs all the way up to computerized programs and using retroreflective meters.

The Center now has easy to use sign inventory software for municipal use to help towns/cities meet this requirement. See “Managing Town Roads” on page 1. “The “bottom line”, Identify and replace old or nonreflective signs!”
The Maine Local Roads Center is part of the Local Technical Assistance Program (LTAP)-a nationwide effort jointly funded by the Federal Highway Administration (FHWA), the various state departments of transportation, and state universities. Its purpose is to decode technical information on roads, streets, bridges and public transportation and put it into a form that is understandable for local government personnel.

The Maine Local Roads Center is sponsored by the Maine Department of Transportation (MaineDOT). This newsletter is intended to keep you informed about training opportunities in the form of workshops and seminars and about publications, techniques or products that might help you in your work. The newsletter is intended to keep you informed about training opportunities in the form of workshops and seminars and about publications, techniques or products that might help you in your work. The newsletter is intended to keep you informed about training opportunities in the form of workshops and seminars and about publications, techniques or products that might help you in your work.

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Other resources which are available from the Center include:

- Several software programs for managing road maintenance
- A traveling "Road Ranger" who can provide local training or advice
- A large library of videotapes and publications which are either free or available at a very nominal cost
- Exchange workshops on a wide variety of subjects
- The "Maine Roads Scholar" program
- Practical advice and technical support by phone, email, or website

Any findings, conclusions or recommendations presented in this newsletter are those of the authors and do not necessarily reflect those of FHWA or MaineDOT.