**17 DEPARTMENT OF TRANSPORTATION**

**229 OFFICE OF THE COMMISSIONER**

**Chapter 110: COMPACT AREA DEFINITION RULE**

**SUMMARY**: This rule establishes the procedures by which the Department will set urban compact boundaries around urban compact areas as defined by 23 MRSA §754 and §2.

**Section 1: Definitions**

1. **Commissioner**. “Commissioner” means the Commissioner of the Maine Department of Transportation, or his or her designee.
2. **Department**. “Department” means the Maine Department of Transportation.
3. **Municipality**. “Municipality” includes cities, towns and plantations.
4. **State Highways**. “State Highways” means all state highways and state-aid highways designated by the Department pursuant to 23 M.R.S.A. §53 and 17-229 CMR, Chapter 304.
5. **Structure**. “Structure” means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner, or any combination of materials to form a construction for occupancy, use, protection, recreation or ornamentation whether installed on or above, the surface of a parcel of land. The term “structure” includes all houses, commercial buildings, garages, constructed buildings, driveways with E-911 names, all public ways, parking lots, and certain utility buildings. It may also include other features that are associated with or located to serve a particular structure or group of structures. Such features may include, but are not limited to, accessory fences, supports, signs, accessways, lighting fixtures, drainage facilities, and public utility or similar facilities."
6. **Town**. As used herein, “Town” has the same definition as in Title 23, Section 2.

**Section 2: General**

 Urban compact areas in Maine have been in existence since the early 20th century. Current Maine law, 23 MRSA §754, requires that all state and state-aid highways within compact areas of urban compact municipalities must be maintained in good repair by the town in which the highways are located at the expense of the town. Whenever a municipality meets the criteria set forth in 23 MRSA §754 (B) for designation as an urban compact municipality, the “compact or built-up section” boundaries need to be established by the Department pursuant to statute. These boundaries determine the highway maintenance boundary between the Department and the municipality along with jurisdictional control of driveway entrance permitting and highway utility opening and location permitting. This Rule creates a set of guiding criteria for determining those boundaries based on structure density.

**Section 3: Defining the compact or built-up section of highway**

 The Department shall use the following criteria:

1. the 200 foot distance will be interpreted to be an average of 200 feet between structures over a minimum of 0.25 miles when reviewing both sides of a road;
2. the 200 foot distance will be measured along centerline between offsets that are 90 degrees from centerline to the outside edge of structures;
3. structures can have access drives from the highway in question but may be accessed from nearby side streets;
4. structures would generally not include distant apartment complexes/developments (300 feet +/- away from road) but the access driveway may be considered a structure;
5. gaps may occur within the 0.25 mile section such as streams, fields, woods, or other natural features;
6. intermittent compact sections can be connected by features that are not structures and include, but not be limited to, lawns/fields, graveyards, airports, gated properties, access-controlled sections, or natural features;
7. noncompact sections well within a contiguous urban compact area would be considered compact.

The actual compact line could be placed at intersecting roads, or other turnaround areas to maximize maintenance efficiencies of both the Department and municipality. Once the boundaries are set, the Department and municipality may mutually agree to swap sections for operational efficiency.

The Commissioner shall have final determination of these boundaries.

STATUTORY AUTHORITY: 23 M.R.S.A. §52 and §4206.

EFFECTIVE DATE:

 March 21, 2016 – filing 2016-047