

Chapter VIII

Transportation Inventory

This transportation inventory collects the information necessary to develop a plan of action for Acton's future transportation system. Sources include: local knowledge and transportation data provided by the Maine Department of Transportation (MaineDOT), the Southern Maine Regional Planning Commission (SMRPC) and other entities.

ROADS

Jurisdiction

Acton's road network is comprised of public and private roads as shown in Figure 1. **(The maps on the following pages were taken from the Maine DOT database and may contain inaccuracies as compared to the town road database).** The jurisdiction of a road defines the entity responsible for routine maintenance, including improvements to the road base, shoulders, drainage structures and pavement *and* snow removal. MaineDOT is responsible for State Highways (Route 109). The Town of Acton is responsible for winter maintenance on State-Aid Highways (Foxes Ridge Road and Milton Mills Road), and MaineDOT provides summer maintenance on these roads.

Based on Maine DOT data, the Town is also responsible for maintenance on roads indicated as "Townways" in Figure 1. Those listed as "Townway (summer)", according to DOT, are not plowed by the Town. Private and abandoned roads are also shown in Figure 1. For many years, the town of Acton has plowed and maintained many of the private camp roads. In 2003, a Road Ordinance was enacted, providing criteria for Town involvement in road maintenance. Starting in 2006, the Town will no longer plow or maintain private roads unless they meet the criteria set forth in the ordinance.

Abandoned Roads

The *Maine Municipal Roads Manual*, published by the Maine Municipal Association (MMA), details state statutes and best practices regarding the development and management of municipal roads. Chapter 3, "Disposing of Municipal Roads," details the procedures and legal concerns regarding the discontinuance and abandonment of roads.

There are three legal ways in which Maine municipalities may dispose of municipal roads: (1) statutory discontinuance, (2) statutory presumption of abandonment, and (3) common-law doctrine of abandonment by non-use. The two statutory means of disposal both concern whether or not a town continues to *maintain* a road, while the common-law approach concerns whether or not a road is *used* by the public. This distinction is key as it determines the approach a town should take in dealing with the disposal of roads.

Discontinuance is a formal procedure by which a municipality's legislative body approves an article to officially abandon public maintenance of a given road. A discontinuance article must

be voted upon at Town Meeting, and an appropriation to pay damages to abutting property owners must be made at the time of the vote. Damages paid to abutters must be estimated by an independent appraiser and should be measured by the reduction in fair market value caused by the discontinuance of public maintenance. The right-of-way of any road discontinued after September 3, 1965 will continue to exist as a public easement unless the article of discontinuance specifically rejects doing so.

Statutory abandonment applies if a road is not kept passable by public expense for 30 years or more. No vote is necessary to make this determination, and no damages must be paid. Deeming a road to be abandoned must be based on a review of factual evidence, which can include town records, requests for state aid, road maintenance logs, and written statements from local residents. Once a municipality has established the presumption of abandonment through factual evidence, the burden of proof shifts to the party or parties who are seeking to prove that the road in question has not been abandoned. Isolated acts of maintenance over a period of time do not count as ongoing maintenance. The party challenging the town must demonstrate consistent upkeep in order to counter the presumption of abandonment. If the 30-year period of abandonment ended after September 3, 1965, a public easement remains.

The 1997 Maine Supreme Judicial Court ruling *Shadan v. Town of Skowhegan* established that, after 20 years of public non-use of a road, the road shall be considered abandoned. Non-use is the standard for this type of abandonment, not lack of public maintenance. If a road is deemed abandoned in this manner, no public easement remains, and ownership transfers to abutters, who are granted ownership to the former centerline of the road.

Functional Classification

The functional classification of a road is based on how the road is used and reflects the balance between providing mobility versus providing access to abutting property. MaineDOT uses Federal Functional Classifications to prioritize and assign funding as well as to design road improvements. Design choices for highway projects typically depend upon the road's functional classification. For example, arterials, which serve primarily through traffic and often carry heavy vehicles, will typically have thicker pavement, wider lanes and shoulders, increased sight distance, minimal horizontal and vertical curves, and limited access points or curb cuts. Local roads tend to be narrower, windier, and more accessible from abutting property.

Federal Functional Classifications are determined based on a statewide network of highways and include arterials, collectors, and local roads. However, all local roads do not necessarily provide the same level of mobility within a community. Acton Ridge Road, H Road, Sanborn Road, and Hopper Road are classified by Maine DOT as local roads, but function as collectors locally. Figure 2 shows both the Federal and local Functional Classifications of Acton's road network.

Road Design and Effect on Development

The 1991 Comprehensive Plan stated, "Roads that are rated either 'poor' or 'deteriorating' should be avoided as future development areas until they are improved." At the time, this included: Goding Road, Mann Road, Orchard Road (formerly Winchell Orchard Road), Peck

Road, Sam Page Road (formerly Old Route 109), Tattle Street, and Young's Ridge Road. The 1991 Plan continued, "This listing does not include the significant number of camp roads in town, some of which are maintained at public expense." Since 1991, approximately half of the building permits issued were for development on these roads.

As of June 2003, the following minimum design standards are required for three classes of roads:

- Class A Roads are *new roads built after June 2003* that are built to the standards defined for Class A roads. Class A Roads can remain private or be brought before Town Meeting for acceptance as *Town Ways*.
- Class B Roads are *private roads* (as shown on the 2000 Acton 911 emergency dispatch maps) that can be brought before Town Meeting for acceptance as *Town Ways* after they are upgraded to the standards defined for Class B roads.
- Class C Roads are *private roads* (as shown as private on the 2000 Acton 911 emergency dispatch maps) that can be brought before Town Meeting for acceptance of a *Public Easement* after they are upgraded to the standards defined for Class C roads.

As a result, new private roads must be built to Class A Town standards, and existing private roads need to be upgraded to Class B Town standards in order to be accepted by Town Meeting as a Town Way or Public Easement. However, there is no requirement to upgrade existing private roads in order for the adjacent land to be developed.

Also, Acton's Zoning Ordinance requires residential lots in the General Purpose District to have 250 feet of frontage. The ordinance defines frontage as: "the horizontal distance between the intersections of the side lot lines with the front lot line." This definition makes no statement regarding what type of road upon which a lot fronts. In other words, no distinction is made between public or private roads, active or abandoned roads, paved or unpaved roads, et cetera.

Therefore, there is no regulatory guidance at this time that allows the Town to limit development on certain roads, such as substandard private roads, roads that the Town does not maintain year-round, or roads that have been abandoned or discontinued by the Town.

BRIDGES

The Maine Department of Transportation (MaineDOT) Bridge Management Program lists eleven (11) publicly owned bridges in Acton. Maintenance responsibility is determined by the Maine Department of Transportation's (MaineDOT's) Local Bridge Program, which became law in July of 2001. Bridges of at least 20 feet in length on town or state-aid roads are the responsibility of MaineDOT. Minor spans, which are bridges that are at least 10 but less than 20 feet in length, that are on town roads are the responsibility of the municipality. If a minor span is located on a state or state-aid road, maintenance responsibility falls with MaineDOT. As such, the Town of Acton is responsible for the maintenance of three (3) bridges.

MaineDOT inspects all Bridges and Minor Spans on public ways every two years in accordance with the Federal Highway Administration (FHWA) and MaineDOT's Bridge Management Coding Guides. The inspections result in a Federal Sufficiency Rating (FSR) for each bridge, which is calculated by analyzing the condition of each of the bridge's components, such as the deck, the substructure, the superstructure, etc. Table 1 describes the FSR scale.

Table 1. Federal Sufficiency Ratings

FSR Range	Condition Description	FSR Range	Condition Description
90-100	Excellent	40-49	Poor
80-89	Very Good	30-39	Serious
70-79	Good	20-29	Critical
60-69	Satisfactory	1-19	Imminent Failure
50-59	Fair	0	Failed

Source: MaineDOT Bridge Management Division

Acton's bridges were last inspected in 2002. The three (3) town maintained bridges resulted in FSRs of 30.3, 39.1, and 78.1 as shown in Figure 1.

USE & SAFETY

Population Growth and Commute Trends

Nearly half of Maine's growth in population over the last decade occurred in York County placing a tremendous burden on the regional transportation network. Not only are there more people using the roads, but they are driving more miles. In the last decade, York County experienced a 13.5% increase in population¹, while the total number of Vehicle Miles Traveled increased by just over 20%.²

Changes in commuting patterns have increased the number of cars on town roads. U.S. Census figures show that between 1990 and 2000 there was a dramatic increase in commute time for Acton residents, especially when compared to neighboring communities and York County as a whole as indicated in Table 2.

¹ U.S. Census 2000

² Maine Department of Transportation (MaineDOT)

Table 2. Regional Population and Commute Time Patterns

	1990 Population	1990 Commute Time	2000 Population	2000 Commute Time	Population Change 1990-2000	Commute Time Change 1990-2000
Acton	1,727	28.1	2,145	36.1	418	8.0
Lebanon	4,282	27.4	5,083	30.2	801	2.8
Newfield	1,042	31.1	1,328	37.8	286	6.7
Sanford	20,385	19.3	20,806	23.0	421	3.8
Shapleigh	1,911	29.0	2,326	34.9	415	5.9
York County	164,587	21.8	186,742	25.8	22,155	4.0

Source: US Census Transportation Planning Package (CTPP)

Also notable, the survey conducted for the development of this Comprehensive Plan indicated that 36% of the respondents considered proximity to employment “not at all important.” Table 3 lists the top 20 places where Acton residents work, as documented by the US Census.

Table 3. Place of Work of Acton Residents

Place of Work of Residents	Number	Percent Of Total
Sanford	204	21.7%
Acton	152	16.1%
Other Locations	115	12.2%
Rochester, NH	52	5.5%
Saco	47	5.0%
Wells	36	3.8%
North Berwick	32	3.4%
Kennebunk	28	3.0%
Biddeford	25	2.7%
Dover, NH	25	2.7%
Lebanon	21	2.2%
Shapleigh	20	2.1%
Portsmouth, NH	20	2.1%
Alfred	19	2.0%
York	17	1.8%
South Portland	16	1.7%
Kittery	15	1.6%
Portland	14	1.5%
Ogunquit	14	1.5%
Waterboro	10	1.1%

Source: US Census

Table 4 shows the decrease in the number of people carpooling, bicycling, or walking to work.

Table 4: Mode of Transportation to Work for Acton Workers 16 Years and Older

Transportation Mode	1990	2000
Drove Alone	75.8%	83.5%
Carpooled	17.6%	11.9%
Public Transportation (including taxicab)	0.4%	0.0%
Bicycle or Walked	2.2%	0.7%
Motorcycle or other Means	0.3%	0.0%
Worked at Home	3.8%	3.8%

Source: US Census Transportation Planning Package (CTPP)

There are limited alternatives to the personal vehicle for Acton residents. There are three informal park-and-ride lots in town: at 12th Street and Route 109, on Twin Ridge, and in the schoolyard. For transit, York County Community Action Corporation (YCCAC) provides limited service to Acton residents on only one day per week.

Traffic Volumes

Traffic counts measure the number of vehicles traveling by a fixed spot in a given time period. Typically, a volume is recorded every 15 minutes and totaled for the day. The Maine Department of Transportation (MaineDOT) regularly counts traffic throughout the state. The counts are factored based upon the time of year the actual count was taken, which results in an Average Annualized Daily Traffic (AADT) volume. Table 5 shows recent AADTs from MaineDOT and those included in the 1991 Comprehensive Plan.

Table 5: Historical Traffic Volumes, Average Annualized Daily Traffic (AADT)

	1987 AADT	1991 Growth Rate	2000 (projected AADT)	2000 (actual AADT)
Canal Road near NH State Line	720	4.2%	1,229	N/A
Foxes Ridge Road near Lebanon TL	900	3.8%	1,462	N/A
Foxes Ridge Road near NH State Line	900	3.8%	1,462	660
H Road north of Route 109	460	4.6%	825	700
Milton Mills Road near NH State Line	370	2.4%	504	790 (1997)
Milton Mills Road east of Sanborn Road	N/A	N/A	N/A	1,100
Milton Mills Road west of Route 109	1,430	5.4%	2,833	N/A
Route 109 near Shapleigh Town Line	4,640	3.8%	7,535	4,561
Route 109 north of Milton Mills Road	2,720	3.4%	4,201	2,980
Sam Page Road east of Route 109	1,480	5.1%	2,826	N/A

Source: Maine Department of Transportation, 1991 Acton Comprehensive Plan

Safety

Although the Maine Department of Transportation (MaineDOT) has not classified any intersections or road segments in Acton as a “High Crash Location,” there are a number of locations in town identified by the Comprehensive Planning Committee as safety concerns. These are:

- Route 109/Milton Mills Road has experienced an increase in traffic volume, largely due to the store located at the corner. Vehicle crashes are common at this location. Driver behavior is thought to be a major part of the problem.
- Route 109/Sanborn Road
- Route 109/Young’s Ridge Road has limited site distance looking west from Young’s Ridge Road.
- Milton Mills Road/Sanborn Road has been the site of a couple of major vehicle crashes.
- Route 109 at the base of Mousam Lake has limited site distance and has experienced increased traffic volumes.

Access Management

The Maine Department of Transportation (MaineDOT) adopted a set of access management rules in 2002 in response to the enactment of An Act to Ensure Cost Effective and Safe Highways in the State by the Legislature in 2000, which addressed arterial capacity, poor drainage, and the high number of driveway-related crashes. The rules regulate sight distance, corner clearance, spacing, width, setbacks, parking, drainage, and mitigation requirements. They can be viewed in detail at <http://www.state.me.us/mdot/planning/bureauweb/accesslinks.htm>. Under these rules, in order to obtain a permit from MaineDOT, any new or changed driveway or entrance on state and state-aid highways located outside urban compact areas must meet specifications described in the rules.

The rules are organized into a four-tier system with regulation of driveways and entrances increasing for roads with higher mobility importance and poorer safety records. The following designations for Acton’s highway network are shown in Figure 3.

1. Basic Safety Standards apply to all state and state-aid roads. (Fox Ridge Road, Lebanon Road, Milton Mills Road, and Route 109)
2. Major Collector and Arterial Standards provide more regulation for *entrances* onto major collector and arterial roads. (Route 109)
3. Mobility corridors connect service centers and/or urban compact areas and carry at least 5000 vehicles per day along at least 50% of the corridor’s length. (none in Acton)
4. Retrograde arterials are mobility corridors where the number of crashes related to a driveway or entrance exceeds the statewide average for arterials with the same posted speed. (none in Acton)

SUMMARY DISCUSSION

- A thorough review of Town records is needed to determine the legal status of those roads depicted as “abandoned” in Figure 1.
- Acton Ridge Road, H Road, Sanborn Road, and Hopper Road are classified by Maine DOT as local roads, but function as collectors locally. The Town could develop another class of local design standards for these roads to be able to handle more traffic than the local roads. The Town could also request that MaineDOT review these roads to see if the Federal Functional Classification should be revised.
- There is no regulatory guidance at this time that allows the Town to limit development on certain roads, such as substandard private roads, roads that the Town does not maintain year-round, or roads that have been abandoned or discontinued by the Town. Since 1991, approximately half of the building permits issued were for development on camp roads and roads in “poor” or “deteriorating” condition. As more new residences are built on poor or deteriorating roads, and seasonal residences on camp roads are converted to year-round use, the demand for better roads follows. Requests to pave roads that are currently gravel, upgrade private roads to Town standards, and maintain (plow) roads that were formerly closed in winter months all increase the public’s cost and could encourage more development in areas of town where limiting development is desired.
- Two bridges in Acton, which are maintained by the Town, are in “serious” condition (Federal Sufficiency Ratings of 30.3 and 39.1 on a scale of 0-100).
- US Census data indicates that Acton residences are driving longer to get to work, indicating a need to maintain mobility on major routes out of town, especially Route 109. It may also be beneficial to consider commuter alternatives such as park-and-ride lots and economic development strategies that would provide an in-town livelihood to more Acton residents.
- Traffic volume information for Acton is very limited. Milton Mills Road, near the New Hampshire State Line, is the only documented location in Acton where traffic growth exceeded the 1991 projections for the year 2000.
- Continuing coordination with MaineDOT regarding the locations having local safety concerns should take place to determine if transportation improvements such as signage, intersection realignments, or other activities that would improve site distance would have a positive affect on public safety.
- Depending upon the density and types of uses that will be encouraged in Acton’s Village and Transition areas, MaineDOT’s Access Management rules may conflict with the community’s desired build-out scenario. Consideration needs to be given to preserving right-of-way and encouraging the development of service roads if commercial and/or high-density residential development is anticipated.