**17 DEPARTMENT OF TRANSPORTATION**

**229 OFFICE OF THE COMMISSIONER**

**Chapter 310: RULES FOR PERMITTING OVERLIMIT COMMERCIAL MOTOR VEHICLES OF SPECIFIED CONFIGURATIONS TO TRAVEL DESIGNATED ROUTES**

**SUMMARY:** This rule implements the Special Haul Route Permit program authorized by Title 29‑A M.R.S.A. §2354-D that provides for the operation of certain commercial motor vehicles that exceed weight limits and vehicle dimension standards to operate on a designated route of travel.

**SECTION 1. DEFINITIONS**

 Generally, unless the context clearly indicates otherwise, undefined terms used in this rule have the same meaning as in Title 29-A M.R.S.A.

1. **APPLICATION**: means the original or renewal document submitted as part of the procedure outlined in these rules to be granted the privilege of moving permitted vehicles on the public highways.

2. **APPLICANT**: means a motor carrier seeking authorization from the Overlimit Permit Unit of the Department of Motor Vehicles to operate commercial motor vehicles of a specified configuration at a specified maximum weight limit over a designated special haul route pursuant to a Memorandum of Agreement with the Maine Department of Transportation as set forth in Section 5, Sub-section 4

3. **APPORTIONED OR PRORATED FOR THE STATE OF MAINE**: means registration based on a proportional payment of registration fees determined through the IRP which includes a fair allotment for Maine.

4. **B-TRAIN DOUBLE**: means a truck tractor semitrailer-semitrailer combination vehicle in which the two trailing units are connected with a B-train assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer that allows for a 5th wheel connection point for a second semitrailer. The configuration has eight total axles arranged as follows: steering axle; tandem axle; tri-axle; tandem.

5. **BEHAVIOR ANALYSIS AND SAFETY IMPROVEMENT CATEGORIES (BASICs):** means the seven carrier and driver behavior categories used by the Federal Motor Carrier Safety Administration’s Safety Measurement System (SMS) to quantify the on-road safety performance of carriers and drivers to identify candidates for interventions, discover and target specific safety problems unique to a carrier or driver, and monitor safety problems throughout the intervention process. The seven BASICs are as follows:

A. **Unsafe Driving** - operation of commercial motor vehicles by drivers in a dangerous or careless manner.

B. **Fatigued Driving** - operation of commercial motor vehicles by drivers who are ill, fatigued, or in non-compliance with the Hours of Service regulations.

C. **Driver Fitness** - operation of commercial motor vehicles by drivers who are unfit to operate a commercial motor vehicle due to lack of training, experience, or medical qualifications.

D. **Controlled Substances/Alcohol** - operation of commercial motor vehicles by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications.

E. **Vehicle Maintenance** - failure to properly maintain a commercial motor vehicle.

F. **Cargo-Related** - failure to properly prevent shifting loads, spilled or dropped cargo, overloading, and unsafe handling of hazardous materials on a commercial motor vehicle.

G. **Crash Indicator** – commercial motor vehicle operation with a history or pattern of high crash involvement, including frequency and severity.

6. **BUREAU**: means the Maine Bureau of Motor Vehicles.

7. **CARRIER**: See MOTOR CARRIER.

8. **CHIEF ENGINEER**: means the chief engineer of the Department of Transportation, as appointed in accordance with 23 M.R.S.A. § 201, or another qualified person designated by the Commissioner to perform the duties thereof in the absence of the appointee.

9. **COMBINATION (OF) VEHICLE(S)**: means a truck or truck tractor used in combination with a trailer(s) and/or a semitrailer(s).

10. **COMMISSIONER**: means the Commissioner of the Maine Department of Transportation or any Deputy Commissioner of the Maine Department of Transportation.

11. **COMPLIANCE, SAFETY, ACCOUNTABILITY (CSA)**: means the Federal Motor Carrier Safety Administration (FMCSA) initiative to improve large truck and bus safety in order to reduce crashes, injuries, and fatalities that are related to commercial motor vehicles. CSA uses inspection and crash results to measure safety performance and identify carriers whose behaviors could reasonably lead to crashes. The Safety Measurement System (SMS) quantifies the on-road safety performance of carriers and drivers and allows FMCSA to more effectively evaluate safety performance and address high-risk behavior with interventions specifically tailored to a carrier’s safety problems.

12. **DEPARTMENT**: means the Maine Department of Transportation

13. **DESIGNATED ROUTE**: means the public and private ways between the origin and destination points described in a request upon which the requestor seeks allowance for the operation of specified overlimit vehicle configurations.

14. **FEASIBLE**: means that a Request will promote economic development while ensuring public safety, is capable of being implemented without unreasonable or excessive cost to the public, and does not involve vehicle configurations or routes that are prohibited by statute.

15. **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)**: means the Federal Agency responsible for developing, compiling, and enforcing interstate motor carrier safety regulations. FMCSA establishes each motor carrier’s safety rating, and advises each state of those carriers with unsatisfactory safety ratings.

16. **GROSS WEIGHT (GW)**: means the weight in pounds of an empty vehicle or axle plus the weight of the maximum load to be carried by the vehicle or axle.

17. **GROSS VEHICLE WEIGHT (GVW)**: means the actual total weight of the vehicle and load.

18. **GROSS VEHICLE WEIGHT RATING (GVWR)**: means the weight rating of the vehicle and maximum load as determined by the final stage manufacturer.

19. **INTERNATIONAL FUEL TAX AGREEMENT (IFTA)**: means the base state fuel tax compact headquartered in the State of Arizona. See Chapter 165, Rules of the Secretary of State.

20. **INTERNATIONAL REGISTRATION PLAN (IRP)**: means the uniform reciprocal agreement for the registration of commercial motor vehicles used in interstate commerce. The IRP provides for the proportional collection and distribution of jurisdictional registration fees based on the percentage of miles traveled in each member jurisdiction. See Chapter 162, Rules of the Secretary of State.

21. **INTERSTATE COMMERCE**: means trade, traffic, or transportation in the United States between:

A. a place in a State and a place outside of such State (including a place outside of the United States); or

B. places in a State through another State or a place outside of the United States.

22. **JURISDICTION**: means either:

A. one of the States of the United States of America:

B. the District of Columbia; or

C. a Canadian Province.

23. **MOTOR CARRIER SAFETY IMPROVEMENT PROCESS (MCSIP)**: means the data-driven process that uses current safety event information such as crashes, inspections, driver violations, compliance review data and other data to assess and monitor motor carrier safety performance. Safety events are assigned to the motor carrier responsible for the safety of the motor vehicle and are weighed according to severity, frequency and time since the occurrence. This FMCSA program is designed to improve the safety performance of carriers with demonstrated poor safety performance through accurate identification, performance monitoring and treatment.

24. **MOTOR CARRIER**: means a person (an individual, partnership, association, corporation, business trust, or any other organized group of individuals) who is responsible for the safety fitness of a commercial motor vehicle engaged in commerce on roads and highways.

25. **MOTOR CARRIER MANAGEMENT INFORMATION SYSTEM (MCMIS)**: means the Federal Motor Carrier Safety Administration’s (FMCSA) computerized systems whereby the FMCSA maintains a comprehensive record of the safety performance of the motor carriers and hazardous materials shippers who are subject to the Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations.

26. **MOTOR VEHICLE LAWS**: means those laws concerning motor vehicles as found in Title 29‑A M.R.S.A., the *Code of Maine Rules*, the *United States Code* or the *Code of Federal Regulations*.

27. **OVERLIMIT PERMIT UNIT**: means the unit within the Bureau of Motor Vehicles, Office of Motor Carrier Services with the authority and responsibility to routinely process permits authorizing operation of overweight/overlimit commercial motor vehicles on the public highways of this State.

28. **ORIGINATION FACILITY**: means the physical location or locations where the overlimit vehicles to be permitted hereunder are loaded, inspected and weighed prior to entering the designated route of travel.

29. **OWNER**: means a person, firm, corporation, or other legal entity, other than a lien holder, holding legal title or legal possession to a vehicle.

30. **OWNER/OPERATOR**: means someone who owns a truck or truck tractor, but who leases the motor vehicle with driver to a motor carrier.

31. **PERMIT**: means a credential issued by the Overlimit Permit Unit of the Maine Bureau of Motor Vehicles authorizing the operation of commercial motor vehicles of a specified configuration at a specified maximum weight limit over a Special Haul Route pursuant to a Memorandum of Agreement with the Maine Department of Transportation as set forth in Section 5, Sub-section 4. A separate permit is required for operation over each designated Special Haul Route.

32. **PERMIT VIOLATION**: means any performance of an act outside the scope of the permit that is prohibited by federal or state statute, rule, regulation, or ordinance; or the failure to perform an act required by statute, rule, regulation, or ordinance, including traffic infractions.

33. **PERMITTEE**: means the entity to which a permit has been granted in accordance with this rule.

34. **POWER UNIT**: means the control and pulling vehicle for trailers and/or semitrailers.

35. **REGISTERED WEIGHT (RW)**: means the weight for which a vehicle is licensed or registered within a particular jurisdiction.

36. **REGISTRANT**: means a person, firm, or corporation in whose name a vehicle is properly registered in compliance with all laws, rules, and policies relating to vehicle registration.

37. **REGISTRATION**: means the granting by a jurisdiction of the privilege to operate a vehicle on the public highways. Registration identifies a specific vehicle, and determines operational control of the vehicle.

38. **REQUEST**: means a document and any accompanying related or supplementary documentary materials submitted to the Department by an entity seeking an allowance to operate commercial motor vehicles of a specified configuration that exceed established commercial motor vehicle weight limits or vehicle dimension standards over a limited, specifically described and designated segment of the State’s public ways.

39. **REQUESTOR**: means the person or entity submitting a Request to the Department.

40. **REVOCATION**: means the permanent termination of permit privileges for cause.

41. **SAFETY MEASUREMENT SYSTEM (SMS)**: means the automated, data driven analytical system designed to quantify a motor carrier’s relative performance in any of seven Behavior Analysis and Safety Improvement Categories (BASICs) using data from roadside inspections, including all safety-based violations, State-reported crashes, and the Federal motor carrier census. A carrier’s measurement for each BASIC depends on the number of adverse safety events, the severity of violations or crashes, and when the adverse safety event occurred. More recent events are weighted more heavily. After a measurement is determined the carrier is placed in a peer group consisting of carriers with a similar number of safety events. The SMS computes a percentile ranking based on a 0-100 scale for each BASIC by comparing the carrier’s measurement to the measurements of all other carriers in the peer group. A percentile rank of 100 indicates the worst performance. Carriers with percentiles above a certain threshold and meeting minimum data sufficiency requirements in a BASIC are targeted for specific safety interventions designed to reduce the at-risk behavior(s) that are frequently associated with commercial motor vehicle crashes.

42. **SECRETARY**: means the Maine Secretary of State, or any designee duly authorized to act on behalf of the Secretary of State to administer this rule.

43. **SEMITRAILER**: means a vehicle without motive power, designed to be drawn by a motor vehicle, and constructed so that some part of its weight and its load rests upon or is carried by the motor vehicle.

44. **SERIOUS VIOLATION**: means a violation where non-compliance is so severe that it requires immediate corrective action by a motor carrier (e.g., failing to implement an alcohol and/or controlled substance testing program) or a violation which relates directly to the carrier's management and/or operational controls and is indicative of breakdowns in a carrier's management controls (e.g., false report of records of duty status).

45. **SPECIAL HAUL ROUTE**: means a specifically described and delimited segment or portion of the State’s public highway system over which the Department has granted an allowance to operate commercial motor vehicles of a specified configuration that exceed established commercial motor vehicle weight limits or vehicle dimension standards.

46. **SUSPENSION**: means a temporary rescission of the privileges of operation granted by permit issued pursuant to these rules.

47. **THREE AXLE SEMITRAILER**: means a semitrailer with a rear tri-axle unit.

48. **TITLE 29-A**: any reference to Title 29-A means Title 29-A of the Maine Revised Statutes Annotated (M.R.S.A.).

49. **TRAILER**: means a vehicle without motive power, designed to carry persons or property and to be drawn by a motor vehicle, not operated on tracks, and so constructed that no part of its weight and its load rests upon the towing vehicle.

50. **TRUCK**: means a motor vehicle designed and used primarily to carry property. A truck may be used to tow trailers and/or semitrailers.

51. **TRUCK TRACTOR**: means a motor vehicle designed and used exclusively to draw other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and the load drawn.

52. **UNIFIED CARRIER REGISTRATION AGREEMENT (UCR AGREEMENT OR UCRA)**: means the interstate agreement developed under the UCR Plan governing the collection and distribution of registration information and UCR fees paid by motor carriers, motor private carriers, brokers, freight forwarders and leasing companies pursuant to 49 U.S.C. Section 14504a.

53. **USDOT NUMBER**: also known as a census number, means a motor carrier identification number issued by FMCSA, provided for under 49 CFR §390.19(h)(1). Safety events are accumulated under the carrier’s or registrant’s USDOT Number.

54. **VEHICLE**: means a device for conveyance of persons or property on a public or private way, excepting devices moved by human power or used exclusively upon rails or tracks.

55. **VEHICLE IDENTIFICATION NUMBER (VIN)**: means the unique set of numbers and letters assigned to a vehicle by the manufacturer.

**SECTION 2. SYNOPSIS**

This rule defines the manner in which an entity may submit a request to operate commercial motor vehicles of a specified configuration that exceed established commercial motor vehicle weight limits or vehicle dimension standards over a designated specific limited portion of the state’s public ways (a "Special Haul Route"); the process by which the Department will receive, consider, approve and/or deny such requests; the process to be administered by the Bureau of Motor Vehicles for the credentialing of specific commercial motor vehicles of approved configurations to operate over such Special Haul Routes at sanctioned weight limits; and the procedures and conditions under which the privileges granted hereunder may be suspended or rescinded. This rule is authorized and adopted pursuant to 29-A MRSA §2354-D, which provides that the process defined herein is not applicable to any portion of the Interstate Highway System as defined in the *Federal Aid Highway Act of 1956*.

**SECTION 3. PRELIMINARY REQUEST**

1. **Preliminary Requests for a Special Haul Route Permit** may be submitted to the Department and must be in writing.

2. **Purpose**

A. A Preliminary Request presents a conceptual Request describing a Special Haul Route and the Requestor’s intended use in sufficient detail to enable the Department to determine if a Request is feasible by performing an initial assessment of the status and ownership of, and jurisdictional responsibility for, all of the public ways intended to be utilized, and an inventory of the components of public highway infrastructure potentially affected by the Request. Detailed plans and specifications are not required at this point.

B. To the greatest extent practicable, the Preliminary Request should not contain proprietary or other information that would be considered exempt from disclosure under *Maine's Freedom of Access Act* (1 MRSA 401 *et seq*.) or the *Federal Freedom of Information Act*.

3. A Preliminary Request shall include the following information:

1. Requestor’s name, address, contact information, and background, including that of any existing or potential partners;
2. A synopsis of the overall business process or project for which the overlimit allowance is being sought, including commodities to be transported and a description of existing and proposed origination and destination facilities;
3. Identification of known or anticipated interconnections with existing or planned transportation facilities that will be required if the project is approved;
4. Proposed start and end points (including coordinates in decimal degrees, WGS 1984) of the proposed route, any intermediate stopping points and total length;
5. A topographic map with a scale of 1:2,000, or other appropriate scale, that delineates the location of the proposed Route;
6. A preliminary list of any existing or additional local, state, or federal agency permits or approvals expected to be required in order to develop or operate the business project for which the allowance is being sought and a projected schedule for obtaining such permits or approvals;
7. A listing of all municipalities, plantations, townships, unorganized or deorganized areas in a county, and reservations or trust land of a federally recognized Indian tribe in this State, that are traversed by the proposed route, and a letter of support from the appropriate local political entity, or its designated governing body, having jurisdiction over the area encompassing the designated public way or ways included in the proposed route;
8. A preliminary description of the specified commercial motor vehicle configuration or configurations for which the Requestor seeks allowance to operate on the specified route of travel;
9. Proposed starting date of project operations (timeframe);
10. Expected frequency of trips per day and at what times during the day those trips will occur.
11. Legal status of the Requestor and preliminary information concerning the Requestor’s legal and financial capacity to carry out the Request;
12. A description of each of the public and private ways to be included in the designated route by official name(s), alternate and historic name(s), present and former route designation(s) and any additional descriptive information that would tend to promote increased public awareness of the specific route included in the Request;
13. Whether the proposed route will be utilized as a non-stop, point-to-point travel route or will involve intermediate stopping points at locations other than origin/destination points.
14. A declaration as to whether the Requestor will also be the registered owner of the commercial motor vehicles to be utilized, and information regarding the legal status and relationship to the Requestor of the registered owner(s) commercial motor vehicles to be utilized if different from the Requestor;
15. A description of any public or private sector facilities that will likely be utilized by, or are anticipated to be necessary or desirable for the use of, the specified commercial motor vehicles or their operators. Examples of this would include hill climbing or special truck lanes, rest or parking areas, truck stops, restaurants, fueling facilities and communications facilities.
16. A description of how the Project intends to address issues caused by the operation of vehicles as they transition from gravel to paved surface roads, including the spread of mud onto paved surfaces by tires and debris from materials being transported over the route.
17. A detailed analysis of the public benefits of the project and how the project meets the overall statutory purpose of promoting economic development while ensuring public safety and protecting the public investment in the public transportation infrastructure; and,
18. Any additional information that may help the Department or the public more fully understands the design, purpose, impacts and benefits of the project.

4. **Review**

A. The Department will acknowledge receipt of a Preliminary Request in writing and after review will either deem the Request complete or return it as incomplete and specify in writing the reasons it was returned.

B. If the Preliminary Request has been deemed incomplete, the Department shall request any additional information from the Requestor that may be necessary to determine if the Request is feasible.

C. Whenever these rules require or allow the filing of any paper or submission, that filing is complete upon receipt by the Department.

D. Once the Preliminary Request is deemed complete, the Department will review it and make a feasibility determination on the Preliminary Request. A Preliminary Request will normally be deemed feasible if the Department determines that the proposed route will promote economic development while ensuring public safety, is capable of being implemented without unreasonable or excessive cost to the public, will not expedite the deterioration of the impacted transportation asset(s), will not interfere with the use, maintenance or operation of the highway corridor, and will not involve vehicle configurations or routes that are prohibited by statute.

E. If the Preliminary Request is deemed not feasible, the Department will issue a decision setting out the reasons for this determination. Department staff will be available to meet with the Requestor to answer any questions. The issuance of a determination that the Preliminary Request is not feasible does not prejudice the Requestor’s ability to modify its Preliminary Request or file a new proposal at some time in the future.

5. **Formal Requests**

A. If the Preliminary Request is deemed feasible, the Requestor will file a Formal Request on a Request Form provided by the Department as provided in this section. The Request Form will, at minimum, call for any and all information that will assist the Department in evaluating the Request. The following technical information will be required for each vehicle type: truck type, axle spacing and load distribution on axles, overall load (GVW), average operating speed, wheel configurations, tire pressure, tire width and contact area, and time of year loads will be applied (annually, summer, winter, etc.).

B. A Formal Request from a corporation must be submitted in the corporation’s registered corporate name, and must include either a Certificate of Good Standing or a statement signed by a corporate officer affirming that the corporation is in good standing.

C. **Initial Fee**

Prior to submittal of a Formal Request, the Requestor shall pay a minimum fee of $2,500.00 to the Department. The fee may increase depending on the anticipated complexity of the Technical Review. This fee is separate from, and will not be credited towards, any of the costs for which the Requestor is responsible under the terms of any future Memorandum of Agreement with the Department. Upon receipt of the fee, the Department will send the Requestor specific requirements for submitting a detailed Formal Request.

D. Formal Requests must be submitted by May 1 of a given year for potential inclusion in the Department's annual Work Plan for the following year.

**SECTION 4. Technical Review**

1. Upon receipt of a Formal Request the Department will conduct a Technical Review as described below.

A. **Purpose**

The purpose of the Technical Review is to identify or address any of the following issues:

1. Whether commercial motor vehicles of the proposed configuration and weight can be safely operated on the proposed route of travel. To address this issue the Department shall solicit input on the Request from the Department of Public Safety and the Department of the Secretary of State.
2. The useful life of the existing components of the public highway transportation infrastructure to be utilized.
3. The level of improvements that must be undertaken to accommodate the proposed commercial motor vehicle configuration or configurations for which the Requestor seeks allowance to operate
4. The potential availability of matching funding to support the request
5. The concerns or considerations of any local, State or federal governmental entity having ownership interest in, or control over, transportation or other facilities located on or along the proposed route of travel. Examples would include MaineDOT, the Federal Highway Administration, the Government of Canada or any of the Canadian Provinces and municipal or county governments.
6. The concerns or considerations of any state or federal entity having a regulatory role over any aspect of the Request.
7. Any other questions or concerns that the Department may deem pertinent to a final decision.

B. **Duration**

The Department will complete the Technical Review as expeditiously as possible. However, the Department will take the time necessary to ensure that all of the above questions are adequately and thoroughly answered.

C. **Cancellation**

If, at any point during the Technical Review, the Department determines that a Formal Request is not feasible or cannot be reasonably implemented at the proposed location, the Department may end the Technical Review by notifying the Requestor of its decision. Similarly, if the Requestor determines that the Formal Request is no longer feasible or in its best interest, it may withdraw the proposal.

D. **Decision Regarding Request**

The Department may approve a Formal Request upon finding that it is technically feasible and promotes economic development while ensuring public safety. Upon approval of a Request, the Department will issue a written decision as described in Section 5. Approval of the Request shall be subject to and contingent upon the execution of a Memorandum of Agreement and a Project Financing Agreement by the Department and the Requestor and satisfaction of such other conditions as may be required by the Department.

E. **Authority to Reject**

The Department may reject any Formal Request that cannot be implemented without excessive cost or undue risk to the public or without causing unacceptable deterioration to the public infrastructure.

**SECTION 5. Decisions**

1. At the conclusion of the Technical Review, the Department will issue a written decision approving, approving with conditions or rejecting a Formal Request. Such decision must include the following:

A. A finding by the Chief Engineer that vehicles of the proposed configuration and weight can or cannot be safely operated on the proposed route of travel, or that such vehicles can with certain restrictions be safely operated on that proposed route; and

B. A finding by the Chief Engineer that the public ways and bridge infrastructure affected by the proposed route of travel can withstand, can be improved and maintained to withstand, or cannot withstand the proposed configuration and weight.

C. If the Chief Engineer finds that vehicles of the proposed configuration and weight can be safely operated on the proposed route of travel with certain restrictions, he or she shall describe such restrictions in sufficient detail to inform the Requestor and the public of their nature.

D. If the Chief Engineer finds that the public ways and bridge infrastructure affected by the proposed route of travel can be improved and maintained to withstand the proposed configuration and weight, he or she shall describe the improvements and necessary additional maintenance regimen in sufficient detail to inform the Requestor and the public of their nature, and shall also include an estimate of the cost to make such improvements and conduct such additional maintenance necessitated by the Request. The estimate of necessary improvements shall include initial capital improvements, future maintenance, future capital improvements and any other improvements necessary to maintain the safety and integrity of the affected transportation infrastructure.

E. The improvements need not be limited to the actual proposed route of travel but may include improvements to any transportation infrastructure deemed by the Department to be affected by the Request.

2. **Local Governmental Input or Approval**

A. Within fifteen (15) days of receipt of a Formal Request submitted in accordance with these rules seeking an allowance for the operation of specified commercial motor vehicles configurations on a specified route of travel that includes a public way that traverses a municipality, unorganized or deorganized area in a county, or a reservation or trust land of a federally recognized Indian tribe in this State, the Department will provide actual written notice of such receipt and provide copies of all documents submitted in connection with a Request to the appropriate governmental entity or entities with jurisdiction over the area encompassing the designated public way or ways. The Department shall request written approval from the appropriate governmental body with authority to grant such approval.

B. In the event that the approval or input requested in accordance with paragraph A. above is not provided within thirty (30) days of notice, the Department may proceed with its approval as if such approval or input had been provided.

C. Except as provided in paragraph B. above, approval shall not be granted by the Department if the appropriate local governmental entity opposes the Formal Request.

3. **Notice of appeal rights**

Each decision approving or denying a Formal Request must be accompanied by a plain statement of the appropriate rights of administrative and judicial review and the time within which those rights must be exercised. Correspondence notifying the applicant of the Department’s denial must be made by certified mail, return receipt requested. Any person with standing may seek judicial review of a final Department decision by filing a petition in Superior Court in accordance with 5 M.R.S.A. Section 11001 *et seq*. and M.R.Civ.P. 80C.

4. **Assurances**

A. In the event approval is granted, the Department and the Proposer shall enter into a Memorandum of Agreement setting out all of the terms and the conditions of the approval of the Special Overlimit Routing Request and Project Financing Agreement providing assurance satisfactory to the Department that at least 50% of the cost for any infrastructure improvements determined necessary pursuant to the Technical Review will be provided by the Proposer. Among other things, the Memorandum of Agreement will address the following: funding levels; requirements for public input; preauthorization of the project in the Department’s work plan; the assignability of the Requestor’s obligations; the term of the agreement and expiration date; the Requestor's responsibilities with regard to recordkeeping, reporting, audits and access to information by the Department; and the Requestor’s responsibility for additional costs including those incurred as a result of State Police enforcement efforts. The execution of these agreements is a condition precedent to the final acceptance of the Formal Request.

B. If feasible the Department may provide the balance of the funding for those improvements.

**SECTION 7. ISSUANCE OF SPECIAL HAUL ROUTE OVERLIMIT PERMIT**

1. Conditioned on the execution of the Memorandum of Agreement and Project Financing Agreement, motor carriers operating overweight trucks can apply to the Overlimit Permit Unit of the Maine Bureau of Motor Vehicles for Special Haul Route Overlimit Permits.

 2. **COMMUNICATIONS**

1. All written communications and documents should be addressed to the “Bureau of Motor Vehicles, Motor Carrier Services – Overlimit Permit Unit, 29 State House Station, Augusta, Maine, 04333-0029.”
2. All communications and documents are deemed to be officially received when delivered to the Overlimit Permit Unit at the Bureau of Motor Vehicles’ Main Office, 101 Hospital St, Augusta, Maine.

 C. The contact information for the Overlimit Permit Unit is as follows:

 1) Telephone: (207) 624-9000 ext. 52134 or TTY: 877-456-8195

 2) Fax: (207) 622-5332

 3) Email: overpermits@maine.gov

 4) Online information: <http://www.maine.gov/sos/bmv/commercial/>

2. **PAYMENTS AND REMITTANCES**

1. Remittances must be in the form of a money order, bank draft, or credit card authorization (please see restrictions below). Money orders and checks should be made payable to the Maine Secretary of State.
2. Personal checks will be accepted subject to collection.
3. The Bureau will accept a VISA or MasterCard payment. Credit cards issued by other vendors can only be accepted if processed through a third party vendor (ComChek). Transactions processed through the third party vendor will incur a processing fee.
4. All remittances must be in U.S. currency.
5. Cash payments will be accepted from walk-in customers. Remittances in currency are wholly at the risk of the remitter. The Bureau assumes no responsibility for any loss of currency sent by mail.
6. In the event that a check is returned for insufficient funds or for any reason, the registrant’s right to operate commercial vehicles in the State of Maine will be suspended. The Overlimit Permit Unit will not accept any additional applications until the permittee has completely satisfied the delinquency and associated reinstatement fees.
7. A permittee who has had a check returned for any reason will be required to pay all subsequent fees with certified funds.

3. **LEGAL NAME AND ADDRESS**

A. The legal name listed on the application for a Special Haul Route Overlimit Permit must be consistent with the legal name provided on other applications for motor carrier credentials as well as with any applicable state and federal filings (for example: a state corporate filing). The applicant may be required to rectify any legal name discrepancies before a CWL permit will be processed.

B. Applicants must provide a contact name, phone number, and business address. If the address is a rural route, the applicant must include a box number.

C. An application for a permit without sufficient name, address, or contact information may be returned to the applicant for completion prior to processing the application.

4. **NAME AND ADDRESS CHANGES**

A. **Name Change**

1) Any change in name will require written notification of the change within 30 days of the change.

2) Notification must be made in writing or by other means approved by the Secretary of State, to the Overlimit Permit Unit.

3) A permittee may change their name from an individual to a newly formed corporation provided there is no change in ownership or control of the company.

4) When a permittee is a motor carrier required to file census information with the FMCSA, the name change notification must be submitted in conjunction with an updated Form MCS-150 reporting the name change.

B. **Address Change**

1) A carrier must report any changes to its principal place of business or mailing address within 30 days of the change.

2) Notification must be made in writing or by other means approved by the Secretary of State, to the Overlimit Permit Unit.

3) When a permittee is a motor carrier required to file census information with the FMCSA, the address change notification must be submitted in conjunction with an updated Form MCS-150 reporting the address change.

5. **LIMITATIONS AND RESTRICTIONS**

A. Violation of any statute, ordinance, rule, or regulation of the State, any State agency or political subdivision of the State, or operation beyond the scope of the permit is unlawful. The motor carrier must comply with all statutory provisions and regulations as to permits, vehicle registrations, fuel tax, vehicle equipment, and operation. Failure to comply with all motor vehicle-related laws and rules may result in the denial of future permit requests.

B. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation or falsification, the motor carrier may be denied additional permits.

C. A permit will be denied to a motor carrier with an unsatisfactory safety rating, as determined by the FMCSA.

D. An applicant may be denied the issuance of permits based on their failure to appear in court to answer any motor vehicle summons or failure to pay a fine, or for any other motor vehicle-related infractions.

6. **SPECIAL HAUL ROUTE OVERLIMIT PERMIT APPLICATION**

A. The applicant must be a motor carrier.

B. The applicant shall make a vehicle-specific and route-specific application consisting of five parts: permit information; motor carrier information; vehicle information; fee calculation; and the applicant’s name and signature. The Secretary may accept applications by mail, fax, e-mail, or in person at the BMV Main Office, 101 Hospital St, Augusta, Maine.

1) **Permit Information**

(a) Permit type (new, renewal, or transfer).

(b) Location.

(c) Permit Effective Date.

(d) Permit Expiration Date.

2) **Motor Carrier Information**

(a) Legal name.

(b) Principal street and mailing addresses.

(c) USDOT Number. The applicant must provide the USDOT Number issued by FMCSA to the legal name on the application. The USDOT Number must be an active, interstate number in good standing with FMCSA as reported on MCMIS.

(d) IRP Account Number.

(e) IFTA Account Number.

(f) Contact name of an officer, owner, or person duly authorized to conduct business on behalf of the applicant.

(g) Principal telephone number where the applicant can be reached.

(h) Fax number to receive a permit if paying a fax fee.

3) **Vehicle Information**

(a) Registrant’s name, if different from the applicant.

(b) Estimated number of trips. The applicant must estimate the anticipated number of trips by vehicle over the permit’s term. This estimate will be used for statistical purposes only.

(c) Power unit registration plate number and jurisdiction; make; year; and VIN.

(1) Maine registered weight or Maine apportioned weight must be 100,000 pounds.

(d) Vehicle configuration.

4) **Fee Calculation**

(a) The applicant must indicate the total fee they are intending to pay based on permit type, vehicle configuration, and permit term.

(b) If paying with a credit card, this section must include a credit card number; credit card expiration date; card holder’s printed name; and card holder’s signature.

5) **Signature**

(a) Except as otherwise provided, all permit applications must be signed.

(b) Anyone signing an application must also disclose their position title in which is vested the authority to sign the application.

(c) If the motor carrier is an individual, the application must be signed by that individual.

(d) If the motor carrier is a corporation, the application must be signed by a corporate officer or an employee duly authorized to act in an administration capacity on behalf of the corporation.

(e) Notwithstanding the above, an authorized agent exercising power of attorney may sign on behalf of the motor carrier. A copy of the document authorizing the power of attorney must be on file with the Overlimit Permit Unit.

**SECTION 8. AUTHORIZED ROUTES**

1. Authorized routes are the Special Haul Route(s) authorized in the MOA.

2. An authorized route may not include any portion of the Interstate Highway System as defined in the *Federal Aid Highway Act of 1956*.

**SECTION 9. AUTHORIZED CONFIGURATIONS**

Allowable vehicle configurations are limited to those described in the MOA.

**SECTION 10. SAFETY**

1. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components for which a manufacturer's rating is available may not be exceeded.

2. In order to be eligible for permits, the motor carrier must not be prioritized for an FMCSA safety intervention or have an unsatisfactory FMCSA safety rating, in that they must not have a CSA Behavior Analysis and Safety Improvement Category (BASIC) score that exceeds 75 in any category.

3. Any other provisions of this rule notwithstanding, the haulage of any materials the transportation of which would be unlawful or would require the licensing by, or permission of, an agency of the Federal Government or the State of Maine pursuant to environmental laws or regulations, is prohibited under permits issued hereunder.

**SECTION 11. CREDENTIALS**

1. The Secretary shall issue a vehicle-specific and route-specific credential that must be carried in the power unit during the move.

2. State of Maine Standard Permit Form for Intra/Interstate Travel for Non-Divisible Oversize and/or Overweight Loads (MV225) is the official credential issued for all approved Special Haul Route Overlimit Permit requests.

**SECTION 12. FEES**

1. The fee for any permit granted pursuant to these rules is $10/month up to a maximum of twelve months. The annual fee is $120.

2. Fees are calculated from the permit effective date to the last day of the expiration month. A partial month is treated as a full month.

3. **Miscellaneous fees**

A. **Transfer fee** - a permit may be transferred from a vehicle being disposed of to another vehicle controlled by the motor carrier for a fee of $10.

B. **Fax fee** - the fee to fax a permit is $3.

C. **Reinstatement fee** - the fee to reinstate a revoked permit is $50.

4. An applicant requesting a permit for operation over multiple Special Haul Routes and/or multiple vehicles must submit separate applications for each Special Haul Route and/or vehicle and pay the fee for each permit.

**SECTION 13. REFUNDS**

No portion of the permit fee is refundable.

**SECTION 14. REVOCATION**

1. The Commissioner of Transportation may revoke the special privileges of operation granted in accordance with these rules to a commercial motor vehicle, owner or motor carrier, for:

A. exceeding allowed gross vehicle weight limits;

B. operating overlimit outside the Special Haul Route;

C. operation contrary to the Safety measures, practices or prohibitions set forth in Section 10; or

D. any other serious violations of the motor vehicle laws or these rules.

2. A motor carrier with three or more permit violations in a 12-month period shall have their permit(s) revoked.

3. The violation date shall be used to determine if the motor carrier committed three or more violations in a 12-month period.

4. Revocation voids all permits issued to the motor carrier.

5. The motor carrier may petition the Commissioner to have their privilege to obtain permits restored.

6. The Commissioner may accept a recommendation from the Secretary regarding whether to restore a carrier’s privilege to obtain permits. The Secretary may hold an administrative hearing to determine if a permittee’s privilege to obtain permits should be restored.

7. Motor Carrier hearing requests should be submitted in writing and sent to the “Bureau of Motor Vehicles, Motor Carrier Services, 29 State House Station, Augusta, ME 04333-0029.” Request should include name, date of birth, daytime telephone number, current mailing address, USDOT Number, and a brief statement regarding the basis for the hearing request.

**SECTION 15. SUSPENSION**

1. The Commissioner of Transportation may suspend the privileges of operation granted hereunder at any time without notice upon a determination by the chief engineer that the continuing exercise of those privileges would pose an unreasonable or unforeseen risk to:

 A. the integrity of the transportation infrastructure;

 B. public safety; or

 C. the safety and convenience of the travelling public

STATUTORY AUTHORITY: 29-A MRSA §2354-D

EFFECTIVE DATE:

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