

**17-229 Chapter 308:
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE COMMISSIONER**

**RULES TO ESTABLISH SEASONAL LOAD RESTRICTIONS ON CERTAIN STATE
AND STATE AID HIGHWAYS**

SUMMARY: The following rules define the heavy load restrictions on posted State and State Aid Highways between November 15 to June 1, pursuant to the Department of Transportation's authority under Title 29-A M.R.S.A., Section 2395

SECTION 1. DEFINITIONS

1. The definitions contained in Title 29-A, Section 101 of the *Maine Revised Statutes Annotated* are hereby included.
2. **Limited Load Permit** - A written permit issued by the Maine Department of Transportation authorizing the transport of certain commodities under certain specified circumstances as defined in this chapter.
3. **Exemption Certificate** – A permit that was issued by the Maine Department of Transportation prior to the establishment of Limited Load Permits and allows for a partial load defined by axle configuration.
4. **Perishable Product** – Any commodity (typically food items) that require expeditious transportation in a controlled atmosphere for protection against heat or cold to prevent deterioration.
5. **Special mobile equipment.** "Special mobile equipment" means a motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property. "Special mobile equipment" includes, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and for other duties pertaining to winter maintenance, including sanding and salting, well drillers and wood-sawing equipment or similar types of equipment.
6. **Special Commodity** – Includes any of the following:
 - a) Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);
 - b) Petroleum products;
 - c) Groceries;
 - d) Bulk milk;

- e) Bulk feed;
- f) Solid waste;
- g) Animal bedding;
- h) Returnable beverage containers;
- i) Sewage from private septic tanks or porta-potties;
- j) Medical gases;
- k) United States mail; or
- l) Compost (nutrient-rich organic matter produced by the controlled decomposition of plant and animal materials, used in agriculture to improve soil fertility, structure, and moisture retention).

SECTION 2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Maine Department of Transportation Commissioner (MaineDOT) may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No heavy vehicles shall travel over closed ways except those permitted by this rule.

SECTION 3. NOTICE

Notice shall be given by erecting an orange poster at each end of a closed highway indicating the following: (1) the date of the posting, (2) a description of the highway that is closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Department's Representative, and (5) the applicable statutory and regulatory references.

SECTION 4. EXEMPTION – FROZEN HIGHWAYS

This rule shall not apply to a closed highway which is frozen. A highway is considered "frozen" if the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks of the road. Alternatively, if the air temperature is 32 degrees Fahrenheit or below and there is water showing in the cracks of the highway, the highway will be considered "frozen" if the adjacent gravel driveways, shoulders, or lawns remain frozen.

SECTION 5. EXEMPT VEHICLES

The following vehicles are exempt from this rule and do not require any type of permit from MaineDOT:

1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.

2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
3. MaineDOT vehicles or other vehicles authorized by MaineDOT to maintain the roads under their authority.
4. Authorized emergency vehicles as defined in 29-A MRSA §2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
5. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities defined herein may operate without a permit.

SECTION 6. ELIGIBILITY FOR LIMITED LOADS

A Limited Load Permit specifies a reduced weight for a truck based upon its axle configuration and tire width. Applications for a Limited Load Permit must include a copy of the vehicle registration and a certified weigh slip for the empty weight of the vehicle. Applications are located on MaineDOT's Posted Roads website found at <https://www.maine.gov/dot/programs-services/local-roads-and-projects/posted-roads>. A Limited Load Permit is valid for as long as it is used to transport the same commodity and is owned by the same owner.

1. A Limited Load Permit is available for vehicles with a Gross Vehicle Weight Rating over 34,000 pounds and carrying a Special Commodity (Vehicles with a GVW from 23,000 pounds and up to 34,000 pounds are covered in Section 5). These vehicles must be carrying a partial load and the total vehicle with load weight equal to or less than that indicated on the Limited Load Permit issued by MaineDOT. This permit shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried.
2. "Exemption Permits" issued prior to the implementation of this rule remain valid as long as the vehicle owner and registration number on the permit are still consistent with the vehicle's registration.

SECTION 7. OBTAINING TRIP TICKETS TO HAUL BULK PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS

Trip Tickets are used to move bulk perishable items one time. Entities interested in obtaining a Trip Ticket must use the following process:

1. Entities intending to haul bulk perishable products over seasonally closed ways must secure a Trip Ticket from MaineDOT through its applicable region office. Information

regarding the MaineDOT regions, office locations and contact information may be found on the MaineDOT web site at www.mainedot.gov .

2. Upon receipt of information regarding the requested route, vehicle axle configuration, and commodity being moved, MaineDOT will have up to 72 hours to review the request and may charge a reasonable fee for its administration of Trip Tickets.
3. Any Trip Ticket issued will be valid for a single move by a 5 axle or more combination vehicle and will be limited to a combined maximum weight of 80,000 pounds. The Trip Ticket may be further limited by time, route, and/or weather conditions.
4. The trip ticket must be kept with load at all times.
5. Additional trip tickets will not be issued to shippers that are in violation of any of the required conditions and rules.
6. At its sole discretion, MaineDOT may close any posted road to the hauling of bulk perishable products.

SECTION 8. EXCEPTIONS

MaineDOT, in its sole discretion, may allow heavy loads over posted roadways during times of emergency or in such instances where singular, nonrecurring moves are deemed to be unique, essential, and reasonably unforeseen. Permission for such moves will be made in writing specifying the limitations, and shall accompany the vehicle at all times.

STATUTORY AUTHORITY: 29-A MRS §2395; 23 MRS §§ 52, 4206

EFFECTIVE DATE:

December 18, 2016 – filing 2016-225

AMENDED:

November 5, 2019 – filing 2019-190