# **29 DEPARTMENT OF THE SECRETARY OF STATE**

**250 BUREAU OF MOTOR VEHICLES**

**Chapter 164: THE ADMINISTRATION OF OVERWEIGHT OCEANGOING CONTAINERS (OGC) PERMITS**

**SUMMARY**: This rule outlines the procedures and standards allowing for the discretionary permitting of overweight oceangoing containers. This rule is experimental and permits are issued on a case by case basis. Permits are issued pursuant to 29-A MRSA section 2382.

**SECTION 1. DEFINITIONS**

1. COMBINATION OF VEHICLES: means a power unit used in combination with one or more trailers, semitrailers, or auxiliary axles.
2. COMMISSIONER: means the Commissioner of the Maine Department of Transportation, or any Deputy Commissioner of the Maine Department of Transportation.
3. DIVISIBLE: means a load which can be reduced to legal limits without destroying its value.
4. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA): means the agency of the United States Department of Transportation whose primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses.
5. GROSS VEHICLE WEIGHT (GVW): means the actual weight of the vehicle and load.
6. HIGHWAY: means all public ways, roads, including the Maine Turnpike, streets, avenues, alleys, boulevards, parks, squares, ferries, bridges, and approaches here to within the state.
7. LEGAL (as in LEGAL HEIGHT, LEGAL LIMIT): means a dimension or weight that does not require an overlimit permit.
8. MCS-150: means the Federal Motor Carrier Safety Administration's Motor Carrier Identification Report.
9. OCEANGOING CONTAINERS (OGC’s): means freight carrying containers designed to travel on a two (2) or more axle semi-trailer chassis. For purposes of this rule, OGC’s are deemed to be non-divisible. The term applies to both exported and imported oceangoing containers which meet the following conditions:
	1. Exported oceangoing containers
		1. are loaded and sealed at a shipping point within the State of Maine for shipment outside of the United States;
		2. are accompanied by the appropriate permit carried in the vehicle (see Section 9);
		3. remain sealed throughout the route of travel to the oceangoing vessel; and
		4. are removed from the vehicle chassis only at either
			* 1. a dock facility for direct loading on board a ship; or
				2. a railhead for rail shipment directly to the dock facility of the oceangoing vessel.
	2. Imported oceangoing containers
		1. originate outside the United States;
		2. are delivered to a manufacturing facility within the State of Maine;
10. contain only raw materials or components to be used to produce final products in the State of Maine at least 60% of which are exported outside the United States;
11. are accompanied by the appropriate permit carried in the vehicle (see Section 9); and,
12. remain sealed during the entire route of travel from the point of unloading at the vessel to the final destination in the State of Maine.
13. OVERLIMIT PERMIT: means a document approved by the Overlimit Permit Unit allowing the legal transport of overlimit loads and/or vehicles upon public highways within a certain time frame, and under certain conditions.
14. OVERLIMIT PERMIT UNIT: means the unit within the Bureau of Motor Vehicles, Office of Motor Carrier Services with the authority and responsibility to process overlimit and overweight permits.
15. OVERSIZE/OVERDIMENSIONAL/OVERLIMIT: means height, length, or width that exceeds the legal limit.
16. OVERWEIGHT: means weight that exceeds the legal limits established in 29-A M.R.S.A. Chapter 21.
17. OVERWEIGHT PERMIT: means a document approved by the Overlimit Permit Unit allowing the legal transport of overweight loads and/or vehicles upon public highways within a certain time frame, and under certain conditions. OGC Permits are overweight permits.
18. SECRETARY: means the Maine Secretary of State, or any Deputy Secretary of State.
19. SEMITRAILER: means a vehicle without motive power that is designed to be drawn by a motor vehicle and is constructed so that a part of its weight rests upon or is carried by a towing vehicle.
20. TRACTOR: means a motor vehicle designed and used primarily for drawing other vehicles, but not so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.
21. USDOT NUMBER: means the motor carrier identification number issued by FMCSA, also known as a census number, provided for under CFR 49 Subpart B Section 390.21 Subsection (B)(3).
22. VEHICLE: means a device used to transport persons or property on a highway, excepting devices moved by human power or used exclusively upon rails or tracks.

**SECTION 2. SYNOPSIS**

1. Through joint action of the Maine Department of Transportation and the Secretary of State, carriers transporting sealed oceangoing containers on roads or bridges maintained by the Maine Department of Transportation may, under certain predefined conditions, be issued Oceangoing Container Permits authorizing operation at weights in excess of the legal weight allowed for the transporting vehicle configuration. OGC Permits are vehicle and route specific; issued for a predetermined number of trips; and expire one year from the date of issue. An annual administrative fee is charged along with a highway system impact fee based on the road mile distance within the State of Maine between the container’s port of entry/exit or railhead removal point and its destination or origin point. This rule does not preclude the necessity to obtain additional permits for the use of other roads, including the Maine Turnpike, as many municipalities also have their own restrictions in place.

**SECTION 3. COMMUNICATIONS**

1. All written communications and documents should be addressed to:

Bureau of Motor Vehicles

Motor Carrier Services – Overlimit Permit Unit

29 State House Station

Augusta, ME 04333-0029

1. Every permit holder in addressing communications to the Secretary must use the name shown on the holder’s permit.
2. The contact information for the Overlimit Permit Unit is as follows:
	1. Telephone number: (207) 624-9000 ext. 52134
	2. Fax: (207) 622-5332
	3. Email: overpermits@maine.gov
	4. Online: <http://www.maine.gov/sos/bmv/commercial/index.shtml>

**SECTION 4. LEGAL NAME AND ADDRESS**

1. Applicants must provide their full legal name, address, and telephone number as filed with the United States Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA).
2. The legal name as listed on the application must be consistent with the legal name as provided on other applications for motor carrier credentials as well as with any applicable corporate filing. The applicant may be required to rectify any legal name discrepancies before an OGC permit will be issued.
3. Federal Identification Numbers (FID's), such as the USDOT Number or the Motor Carrier Number (MC Number), will be used to identify and track all applicants.
4. An application without sufficient name, address, or contact information may be returned to the applicant.
5. Any change in name or either the principal place of business address or the mailing address must be reported to the Overlimit Permit Unit within ten (10) days.
6. Any name or address change will require a written signed statement requesting the change and the submission of an updated MCS-150 reflecting the permit holder's new name or address information.

**SECTION 5. APPLICATIONS**

1. Applications for the multi-trip OGC permit shall be made on company letterhead and must include the following information:
	1. the applicant's legal name, address, and telephone number;
	2. the applicant's USDOT Number;
	3. the route(s) to be taken;
	4. the road miles within the State of Maine from the container’s port of entry/exit or railhead removal point to the point of origin or destination;

E. the number of trips to be taken on each proposed route;

F. the make, year, and vehicle identification number of the power units to be used in moving the OGC’s; and

G. the combination type, gross vehicle weight, axle weights and axle distances of the vehicle(s) to be permitted.

**SECTION 6. PERMIT CONDITIONS**

1. The Commissioner reserves the right to deny, modify, or revoke the OGC permit, once granted. Overweight container moves exceeding the requirements of this rule may be made only with the advice and consent of the Commissioner.
2. OGC permits will only be issued to the carrier transporting the OGC's.
3. The permit is granted only for travel on roads or bridges maintained by the Maine Department of Transportation. It is the responsibility of the motor carrier to obtain any necessary permits or permissions for the use of other roads from the appropriate jurisdiction. A separate permit must be obtained for overweight movements on the Maine Turnpike. Municipalities also may have their own restrictions and permit systems in place.
4. Oceangoing containers may be carried only on a combination of vehicles consisting of a three (3) axle tractor towing a tandem axle or tri-axle chassis semitrailer under the following conditions:
5. Five Axle Vehicle Combination
	1. The maximum gross vehicle weight of the combination is 93,000 pounds;
	2. The maximum tandem axle weight is 46,000 pounds;
	3. The power unit must be registered for at least 80,000 pounds;
	4. The vehicle combination and load is not oversize.
6. Six Axle Vehicle Combination
	1. The maximum gross vehicle weight of the combination is 100,000 pounds;
	2. The maximum tandem axle weight is 46,000 pounds;
	3. The maximum tri-axle weight is 54,000 pounds;
	4. The power unit must be registered for 100,000 pounds;
	5. The distance between the extreme axles of the vehicle combination, excluding the steering axle, must be at least 32 feet;
	6. The vehicle combination and load is not oversize.
7. Posted highway and bridge regulations must be observed at all times.

**SECTION 7. FEES**

1. There shall be a $15.00 annual administrative charge along with a per trip highway system impact fee for each permit issued.
2. The impact fee shall be based upon the shortest road mile distance within the State of Maine between the container’s port of entry/exit or railhead removal point and its destination or origin point, as appropriate.
3. The distance used for the purpose of the impact fee determination shall not include miles traveled on the Maine Turnpike or on roads under local jurisdiction.
4. The impact fees are as follows:

|  |  |
| --- | --- |
| **Shortest Road Mile Distance** | **Impact Fee** |
| Greater than 0 miles up to 100 miles | $ 5.00 |
| Greater than 100 miles up to 200 miles | $ 7.50 |
| Greater than 200 miles | $10.00 |

1. Payment of the permit fees will be due at the beginning of the permit year and reconciliation will take place after the permit expiration date.

**SECTION 8. REMITTANCES**

1. Remittances to the Secretary must be in the form of a money order, bank draft, or credit card authorization (see restrictions below). Money orders and checks should be made payable to the Secretary of State.
2. Personal checks will be accepted subject to collection.
3. The Secretary will accept a VISA or MasterCard payment. Credit cards issued by other vendors can only be accepted if processed through a third party vendor (VitalChek Network). Payment transactions processed through a third party vendor will include an incremental processing fee based on the amount due.
4. All remittances must be in United States funds.
5. Remittances in currency or coin are wholly at the risk of the remitter. The Secretary assumes no responsibility for the loss of currency or coin sent by mail.
6. In the event that an applicant's check is returned for insufficient funds or for any other reason, the applicant's permit and right to operate commercial vehicles in the State of Maine will be suspended if, after proper notice, the applicant has not remitted all fees associated with the returned check to the Secretary. The Overlimit Permit Unit will not accept any additional applications until the applicant has completely satisfied the delinquency and associated reinstatement fees by credit card or bank/cashiers check.
7. An applicant who has had a check returned for any reason will be required to pay subsequent OGC permit fees with certified funds.

**SECTION 9. PERMIT**

1. The permit carried in the vehicle will be the standard MV-225 (standard application and permit form) completed as is appropriate for these movements.
2. All OGC permits expire one (1) year from the issue date.

**SECTION 10. MISUSE**

1. Any violation of 29-A M.R.S.A. Section 2382, or of these rules, or of the permit conditions may result in the cancellation of permits issued, or of the right to obtain additional or renewal permits.
2. The Secretary reserves the right to deny or revoke any overweight OGC permit if the Secretary determines that there is inadequate record keeping for audit purposes.

**SECTION 11. AUDITING**

1. Audits or verifications will be performed at the discretion of the Commissioner by persons of the Commissioner’s choosing. The permittee shall pay the costs of the audit or verification.
2. Under charges or over charges will be reconciled at the end of the permit year.
3. Only those documents pertaining to OGC movement will be audited for the program.
4. Auditors may have access to the shipper, motor carrier, and dock handler records.

**SECTION 12. APPEAL**

1. The motor carrier has the right to appeal the fee-assessment to the Secretary and the basis behind the fee to the Commissioner.
2. All appeal requests must be in writing.

**SECTION 13. MUNICIPAL FISCAL IMPACT**

1. This Rule will have no fiscal impact on Municipalities.

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