

Department Of Transportation

RULES AND REGULATIONS RESTRICTING HEAVY LOADS ON CLOSED WAYS

SUMMARY: The following rules and regulations restrict heavy loads on posted State and State Aid Highways from November 15 to June 1, pursuant to the Department's authority under Title 29-A M.R.S.A., Section 2395.

1. DEFINITIONS

A. The definitions contained in Title 29-A, Section 101 of the Maine Revised Statutes Annotated shall govern the construction of the words contained in this regulation.

B. Gross weight is the combined weight of the vehicle and its load.

C. Special Mobile Equipment. "Special Mobile Equipment" shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which is operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Director of Bureau of Maintenance and Operations or the Division Engineer in whose Division the highway lies may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No vehicles shall travel over closed ways except those permitted by this regulation.

3. NOTICE

Notice shall be given by erecting at each end of the closed highway a poster indicating the following: (1) the date of the posting, (2) a description of the highway closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Division Engineer and (5) statutory and regulatory references.

4. EXEMPTION - FROZEN HIGHWAYS

This regulation shall not apply to any closed highway which is solidly frozen. The highway is considered "solidly frozen" only when the air temperature is 32 degrees Fahrenheit or below *and* no water is showing in the cracks of the road. *Both* conditions must be met.

5. EXEMPT VEHICLES

The following vehicles are exempt from this regulation:

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

B. 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.

C. Maine Department of Transportation highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission of the Department engaged in emergency maintenance of public highways or appurtenances thereto.

D. Passenger cars, pickup trucks, emergency vehicles, school buses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair. See: Amendment, Posted Road Rules

E. Any vehicle transporting home heating fuel (oil, gas, coal, stove-size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may apply for an exemption certificate (included). These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included. Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

F. Any combination vehicle of five axles or more weighing 80,000 pounds gross or less hauling perishable products. A permit issued by the Department of Transportation shall accompany any load of perishable products. (See STATE OF MAINE Trip Ticket for Perishable Products).

G. Division Engineers, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves. Such permission shall be made in writing and shall accompany the vehicle at all times.

6. PROCEDURES FOR OBTAINING AND USING TRIP TICKETS FOR HAULING PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS

A. It is now possible for a shipper to haul perishable products over seasonally closed ways by securing a *permit* from the Maine Department of Transportation at any one of MDOT's seven Division Offices.

B. The permit issued will be in the form of individual pre-numbered trip tickets for hauling of perishable products by *5-axle-or-more combination vehicles* and will be limited to a combined weight of 80,000 lbs. and may, on occasion, be further limited by time, route, and temperature.

C. These trip tickets for hauling perishable products over seasonally closed ways will cost \$5.00 each. (Checks payable to Treasurer, State of Maine). These trip tickets will consist of three copies each with the following distribution: (1) original copy (white) - for driver, (2) second copy (green) - to be returned immediately to the Maine Department of Transportation, and (3) third copy (pink) - to be retained by the shipper.

D. The shipper or shipper's agent will call the appropriate Division Office and complete his/her form simultaneously with, and under guidance of the Permit Clerk. The customer is to have all the information that is required on the trip ticket *before he/she makes the call*. Trip tickets are to be made out in ink.

E. After routing check and verification, the customer will be given a permit number which must be entered on the form in order to make it valid for law enforcement purposes. When the required information is entered and the call is completed, the Permit is issued and the move may be made. The original trip ticket *must* accompany the load.

F. Each time a trip ticket is filled out, the *green* copy must be mailed immediately to the Maine Department of Transportation.

G. MDOT clerks will be available to take information for these trip tickets between the hours of 8 A.M. and 4 P.M., Monday through Friday at the appropriate Division Office.

H. Additional trip tickets will not be issued to shippers in continual violation of any of the required procedures.

I. The Department will retain the right to close any posted road to the hauling of perishable products in extreme circumstances.

EFFECTIVE DATE: _____, 1996

SIGNED _____

JOHN G. MELROSE, COMMISSIONER
MAINE DEPARTMENT OF TRANSPORTATION

Amendment, Posted Road Rules. The Commissioner concurred in the action taken by Marc H. Guimont, Director, Bureau of Maintenance and Operations when on March 3, 1998, he amended the Posted Roads Rules to specifically exempt tow trucks from hauling otherwise legal vehicles over a posted road. Such a combination of vehicles will not be considered a loaded vehicle for purposes of subsection D of the exemptions. Subsection D is amended to read: "Passenger cars, pickup trucks, emergency vehicles, 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 plant maintenance and repair."

3/04/98

ITEM FOR COMMISSION RECORD

2/20/91

The Commissioner repealed rule 17-229-303 "Rules And Regulations Restricting Heavy Loads On Closed Ways" as last amended on June 26, 1985.

The Commissioner has enacted a new rule pursuant to M.R.S.A. Title 29, Sections 902 and 903 entitled "Rules and Regulations Restricting Heavy Loads On Closed Ways." This new rule replaces the old rule and is not being adopted under the Administrative Procedures Act rulemaking process because the new rule is now exempt from that process as provided by M.R.S.A. Title 29, Section 903. The old rule is rescinded and the new rule is effective as of February 20, 1991.

Approved by Commissioner of Transportation 2/20/91

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING - CAPITOL STREET
AUGUSTA, MAINE 04333

APPLICATION FOR EXEMPTION CERTIFICATE

TO: MAINE DEPARTMENT OF TRANSPORTATION

_____ requests consideration for an EXEMPTION Certificate, for the vehicle listed below to operate on State and State-Aid Highways which have been posted with "HEAVY LOADS LIMITED" signs, under the provisions of Department of Transportation, Rules and Regulations Restricting Heavy Loads on Closed Ways, Section 5, E:

Any vehicle transporting home heating fuel (oil, gas, coal, stove-size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may apply for an exemption certificate. These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included.

Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

The applicant understands:

1. The weight limitation as indicated on the certificate, vehicle with load, does not apply when the closed sections of the highway are solidly frozen.
2. The vehicles will be subject to weighing by the Maine State Police.
3. The owner of any vehicle operating on any closed section of highway, the gross weight (vehicle and load) of which exceeds the weight indicated on the certificate will be in violation of any EXEMPTION CERTIFICATE ISSUED.
4. A violation of the requirements on the CERTIFICATE may lead to revocation.
5. The CERTIFICATE granted as a result of this application will be valid for the vehicle described below unless the registration number or ownership changes. In such cases a new application must be submitted.

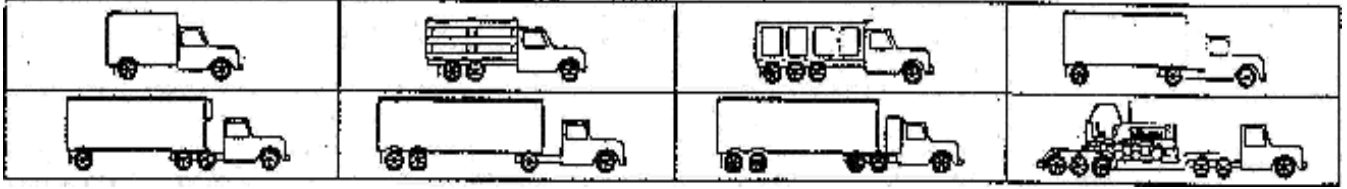
This application is for the following vehicle.

REGISTRATION _____ MAKE AND
YEAR _____

VEHICLE I.D. NO. _____ REGISTERED
G.V.W. _____

EMPTY WEIGHT _____ COMMODITY
TRANSPORTED _____

VEHICLE CONFIGURATION (CIRCLE ONE)



TIRE SIZE: _____ (Use the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.)

I will instruct all operators and employees transporting the above indicated commodity to comply with the provisions of the Departmental Rules and Regulations and of the EXEMPTION CERTIFICATE.

COMPANY _____ SIGNED BY _____
 _____ DATE _____

ADDRESS _____ TITLE _____

PHONE NO _____

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
 BUREAU OF MAINTENANCE & OPERATIONS
 HIGHWAY MAINTENANCE DIVISION
 STATE HOUSE STATION 16
 AUGUSTA, ME 04333
 TELEPHONE (207) 287-2661

NUMBER _____

EXEMPTION CERTIFICATE

In accordance with the provisions of Department of Transportation, Rules and Regulations Restricting Heavy Loads on Closed Ways, Section 5E., the vehicle described below is authorized to be operated loaded as indicated below on all sections of State or State-aid Highways which have been posted with "HEAVY LOADS LIMITED" signs.

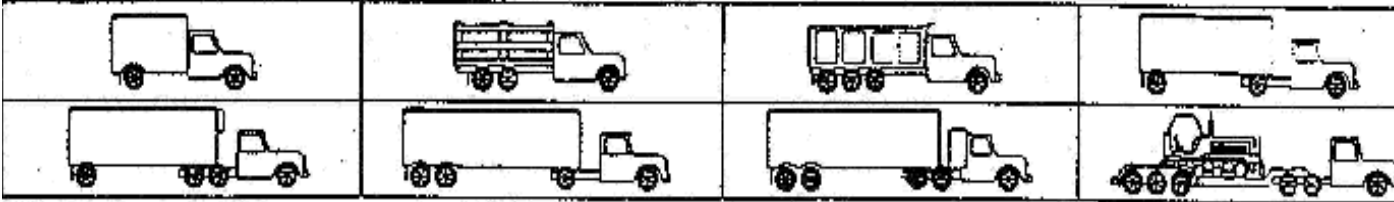
OWNER _____ REGISTRATION _____

MAKE & YEAR _____ VEHICLE I.D. NO. _____

REGISTERED GVW _____ EMPTY WEIGHT _____

COMMODITY TRANSPORTED: _____

VEHICLE CONFIGURATION: (check one)



TIRE SIZE: _____ (The most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.)

MAXIMUM PERMITTED PAY LOAD _____

MAXIMUM PERMITTED GROSS WEIGHT _____

This certificate is subject to the following conditions:

1. The gross weight (vehicle with load) shall not exceed that indicated above.
2. The loads shall be limited to the commodity indicated above.
3. The driver of the vehicle shall have available a copy of this certificate and delivery slips or bills of lading covering the entire amount of the commodity being transported and must present them to any investigating officer on request.
4. A violation of the requirements of this certificate may lead to revocation.
5. This certificate is valid for the above described vehicle unless the registration number or ownership changes or the tire size is not as indicated above. In such cases, a new certificate must be obtained.

Certificate is issued on: _____, 20____.

By: _____
Brian W. Pickard, Highway Maintenance Eng.

Gross Vehicle Weight Allowances For Exemption Certificate

(Weights are in Lbs.)

equation:

GVW from chart - Empty weight = Payload

Notes: (1) All axles must have four tires except for the steering axle which normally has two tires.

(2) The tire width used in the above table shall be the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.

STATE OF MAINE TRIP TICKET for Perishable Products

GIVE PERMIT OFFICE THIS NO.

No- 801

ENTER PERMIT NO. YOU RECEIVE HERE _____

DATE _____

APPLICANT _____

ADDRESS _____

VIA ROUTES _____

MOVING _____ OWNED BY _____

REGISTRATION NO. _____ REGISTERED WGT. _____ NO. OF
AXLES _____

Limited to 80,000 lbs. on a 5 axle or more Combination Vehicle.

Other limitations _____

Permission granted to haul perishable products over seasonally closed ways. Must obey
Motor Vehicle & Public Utility Laws and MDOT's Procedures for Obtaining and Use of
Permits for Hauling Perishable Products over Seasonally Posted Roads.

DATE OF MOVE _____ Signed by _____