

TO BE RESCINDED

5501:2-1-16 **Special oversize and overweight permits for sealed containerized loads.**

(A) For purposes of this rule:

- (1) "Sealed containerized load" means a freight container as defined by the "International Standards Organization, Series 1, Freight Containers--Classification," dimensions and ratings, ISO668-1988 [E], which may or may not have wheels.
- (2) "Continuing permit" means any permit granting a special privilege which allows an unlimited number of movements of the same vehicle, including any approved load, axle weight, and axle spacing, between the same two specific locations over the same specified route for forty-five calendar days or ninety calendar days. If a continuing permit is issued pursuant to this rule, a location shall include an "Approved Ohio Intermodal facility."
- (3) "Destination point" means the location where the packer's seal or U.S. customs' seal is broken.
- (4) "Point of origin" means the location where the packer's seal is affixed.
- (5) "Approved Ohio Intermodal facility" means a facility where sealed international containers will be transferred from a commercial motor vehicle to a rail car; barge; ship; or cargo plane.

(B) Sealed containerized cargo units that are part of international trade and moved on the highways due to exportation to another country shall qualify as a "non-divisible" load in Ohio when:

- (1) The sealed container is being moved by a semi-tractor-trailer combination, qualified to do so under the provisions of this rule, from an Ohio point of origin to an approved Ohio intermodal facility with a destination point outside of the United States;
- (2) The container retains throughout its transit, until reaching its point of destination, the original unbroken seal, or a replacement seal affixed by a federal or state enforcement official pursuant to an inspection of its contents; and
- (3) Contents of the container will be transported intact from the point of origin to the point of destination.

- (C) Unless the conditions in paragraph (B) of this rule are met, no sealed containerized load movements will be permitted for overweight loads moved by a commercial motor vehicle from one point to another within the state or from a point within the state to a point in another state.
- (D) The operators of vehicles transporting sealed containerized loads under the provisions of permits issued pursuant to this rule shall at all times have on board and under their control and available for inspection a bill of lading as defined in paragraph (C) of rule 5501:2-1-01 of the Administrative Code.

The bill of lading shall include the following readily identifiable information: consignor; point of origin; consignee; point of destination; and the number of the packer's cargo seal. The required documentation shall be in the form of a hard copy having a signature authenticating the document or a certification signed and dated or by an authorized agent of the permit holder stating that the attached document is authentic. The bill of lading may be either an original or a copy. An original document shall bear original signatures and copies shall bear original signatures unless they bear a copy of a signature made before copying

- (E) All vehicles operating under this section must be of a legal width, length, and height as established in section 5577.05 of the Revised Code.
- (F) Vehicles operating under a permit issued pursuant to this rule shall not exceed an overall gross vehicle weight of ninety-four thousand pounds. Vehicles operating under a permit pursuant to this rule shall not exceed:
- (1) A single axle weight of twenty-nine thousand pounds;
 - (2) An overall tandem axle group weight of forty-two thousand pounds;
 - (3) An overall Tridem or quad axle group weight of sixty thousand pounds;
- (G) All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five full-time, load-bearing axles. All vehicles operating under a permit issued under this rule shall have an outer bridge length of fifty-one feet or greater as established in division (C) of section 5577.04 of the Revised Code. All vehicles operating under this rule shall have an inner bridge length of thirty-six feet or greater as established in division (C) of section 5577.04 of the Revised Code.
- (H) Before any permit will be issued for a sealed international container, the commercial motor vehicle and route must first pass an analysis conducted by the department.
- (I) No provisions of this rule shall apply to the transport of hazardous materials. As used in this section, "hazardous material" means any material that is designated as such

under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C. 5101 to 5128, and regulations adopted under it.

- (J) Pursuant to rules 5501:2-1-03 and 5501:2-1-15 of the Administrative Code, the department shall not share with, or convey to, any person (including any state employee) or governmental agency any information provided by the applicant, unless disclosure is required by law or the applicant gives prior written approval for such disclosure. The department agrees to keep all the trade secret information it may acquire concerning the applicant's commercial activity in confidence and use that information only in connection with the business purposes of the department.
- (K) Permits for sealed international container movements shall be limited to continuing permits.
- (1) If applying for a forty-five day permit, the applicant shall provide an estimated number of movements to be made on the continuing permit.
- (2) If applying for a ninety day permit, the applicant shall provide an estimated number of movements to be made on the continuing permit.
- (L) Sealed international container movement permits with a forty-five day duration shall cost two hundred fifty dollars (including a basic processing fee). A permit for a maximum duration of ninety days shall cost five hundred dollars (including a basic processing fee). Permits issued pursuant to this rule are subject to an additional ten dollar fee for any permit revisions as established in paragraph (D)(2)(e) of rule 5501:2-1-10 of the Administrative Code.
- (M) Any Ohio Intermodal facility may request to be designated an "Approved Ohio Intermodal facility." Every facility making a request to be an approved facility shall send a letter to the department stating such request. When a facility demonstrates to the director or the director's designee any verification of movement the department may require, the director or the director's designee may designate the facility as an "Approved Ohio Intermodal facility." Any approved facility may have its approved facility designation suspended or revoked for cause.

For thirty days following notification of the denial of a request or the suspension or revocation of an approval, the facility so notified has the right to request a formal hearing before the director, or a representative designated by the director, for the purpose of showing cause as to why the "Approved Ohio Intermodal facility" status should be approved or re-instated. If a formal hearing is requested, the director will set the date, time and place for such hearing and so notify the facility requesting the review. If a hearing is not requested within thirty days of the notification, the decision of the director becomes final.

Effective:

Five Year Review (FYR) Dates: 7/16/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4513.34
Rule Amplifies: 4513.34
Prior Effective Dates: 10/28/2010, 01/27/2014