

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

RONALD LAROSE, Driver
MULLEN TRUCKING, LP, Company
Petitioner(s),

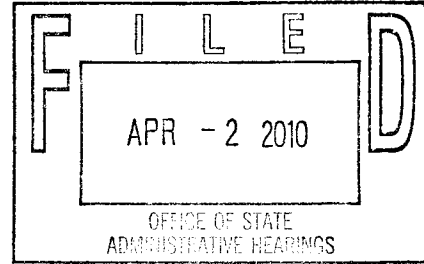
v.

DEPARTMENT OF PUBLIC SAFETY,
Respondent.

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Docket No.: OSAH-DPS-OWOS-1021581-60-Woodard

Citation No.: 101-10-801376



FINAL DECISION

I. Introduction

The above matter came before the undersigned Administrative Law Judge (Judge) on March 29, 2010, at the Office of State Administrative Hearings (OSAH) in Atlanta, Georgia. The issue in dispute is whether Respondent correctly assessed a fine in the amount of \$2,953.75 based on Petitioner's operating a trailer on a Georgia interstate highway with a measured length between axles that exceeds the length allowed under a single-trip permit. For the reasons stated below, the fine is **AFFIRMED**.

II. Findings of Fact

The Administrative Law Judge has considered the entire evidence in this case, and based upon a preponderance of the credible evidence makes the following specific findings of fact:

1. Mullen Trucking, LP (hereafter "Petitioner") is based in Aldersyde, Alberta, Canada. Its driver, Ronald Larose of Calgary, Alberta, was operating a tractor-trailer on Interstate 75 in Catoosa County, Georgia, on July 21, 2009. The vehicle consisted of a tractor and trailer with a total of 11 axles. The load, a bulldozer chassis, was to be transported from Savannah to the Tennessee border. Petitioner obtained a single-trip permit which allowed for the transport of a "superload" of up to 200,000 pounds, spread over the vehicle's 11 axles.
2. Mr. Larose stopped at the Respondent's weigh station in Ringgold, Georgia. The total vehicle weight was measured on the DPS scales at \$197,260 pounds, which complied with the single-trip permit. The vehicle's length was measured by a two-person crew led by SFC Jerry Jude. The length between axles 1 and 11 was measured at only 108'8", while the permit specified that the total length between these axles should be 109' feet or more. Further, the distances between several individual axles were shorter than the permit allowed, some by one-half foot. **Fn 1**
3. SFC Jude determined that the distance between axles 1 and 11 did not comply with the permit, and therefore the vehicle's weight was unevenly distributed. SFC Jude calculated a citation of \$2,953.75, which is based on 47,260 pounds overweight, or the difference between the total vehicle weight and Georgia's superload limit of 150,000 pounds rather than the usual interstate highway limit of only 80,000 pounds.

Fn 1 Petitioner tendered into evidence two detailed blueprints of the trailer assembly, which was custom-built for Petitioner. A ruling on the admissibility of these documents was reserved. Upon further consideration, the judge concludes that both documents should be admitted under OSAH Rule 616-1-2-.18(1), which allows consideration of evidence "not otherwise admissible...if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their business."

III. Conclusion of Law

Based upon the foregoing findings of fact, the Judge makes the following conclusion of law:

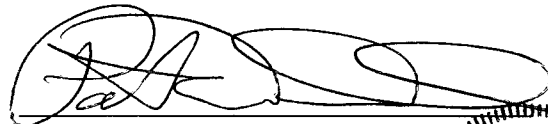
The total length between axles 1 and 11 was less than 109 feet, as required by the otherwise valid single-trip permit issued by the Department of Public Safety. Therefore, the operator of the vehicle operated a tractor-trailer that was in violation of the permit, and in violation of O.C.G.A. §32-6-26(f).

IV. Decision

IT IS HEREBY ORDERED that the overweight or oversize assessment made in this case be **AFFIRMED**.

Petitioner or its driver may file a motion for reconsideration of this decision within 10 days of the entry of the decision pursuant to OSAH Rule 616-1-2-28.

SO ORDERED, this 2ND day of April 2010.



M. PATRICK WOODARD JR.
Administrative Law Judge

