**17 DEPARTMENT OF TRANSPORTATION**

**229 OFFICE OF THE COMMISSIONER**

**Chapter 601: RULES RELATING TO THE MAINE STATE FERRY SERVICE**

**SUMMARY**: This rule provides for the safe and secure transport of medical samples in a Lockbox on vessels owned by the Maine State Ferry Service (MSFS), in accordance with U.S. Coast Guard regulatory requirements.

1. **Definitions**
   1. **Island Medical Clinic**. Island Medical Clinic means those medical facilities that serve residents on the islands serviced by the MSFS pursuant to 23 M.R.S.A. §4401.
   2. **Hazardous Material Regulations (HMR)**. Hazardous Material Regulations refer to those regulations contained in the *Code of Federal Regulations* (CFR) 49, Parts 100-185, which govern the transportation of hazardous materials in all modes of transportation - air, highway, rail and water.
   3. **Maritime Security Level (MARSEC)**
      1. The Maritime Security Level (MARSEC) refers to the level set to reflect the prevailing environmental threat to the marine elements of the national transportation system, including ports, vessels, facilities, and critical assets and infrastructure located on or adjacent to waters subject to the jurisdiction of the U.S. MARSEC Levels apply to vessels, Coast Guard­regulated facilities inside the U.S., and to the U.S. Coast Guard pursuant to 33 CRF §101.100 *et seq*.
      2. The U.S. Coast Guard employs a three-tiered system of MARSEC Levels designed to easily communicate to the U.S. Coast Guard and our maritime industry partners pre-planned scalable responses for credible threats.
         1. MARSEC Level 1 means the level for which minimum appropriate security measures shall be maintained at all times.
         2. MARSEC Level 2 means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a transportation security incident.
         3. MARSEC Level 3 means the level for which further specific protective security measures shall be maintained for a limited period of time when a transportation security incident is probable, imminent, or has occurred, although it may not be possible to identify the specific target.
   4. **Medical Diagnostic Samples**. Medical Diagnostic Samples means those medical samples designated by an Island Medical Clinic for transport by a Medical Sample Currier utilizing a MSFS Vessel Lockbox. For the purpose of Medical Diagnostic Sample transport on MSFS vessels, samples will be characterized as Division 6.2 Materials (Infectious Substance) - "Biological Substance, Category B". A Category B Infectious Substance is considered an "infectious substance that is not in a form generally capable of causing permanent disability or life threatening or fatal disease in otherwise healthy humans or animals when exposure to it occurs."
   5. **Medical Sample Currier**. A Medical Sample Currier is a person who has been approved by an Island Medical Clinic to transport Medical Diagnostic Samples to/from a Vessel Lockbox on a MSFS Vessel.
   6. **Vessel Lockbox**. A Vessel Lockbox is a dedicated and secure storage system installed on vessels owned and operated by the MSFS to accommodate and safely transport medical diagnostic samples.
   7. **Transportation Worker Identification Credential (TWIC)**. TWIC is the Transportation Worker Identification Credential (or TWIC) program administered by the Transportation Security Administration (TSA) and U.S. Coast Guard. The TWIC program provides a tamper-resistant biometric credential to maritime workers requiring unescorted access to secure areas of port facilities, outer continental shelf facilities, and vessels regulated under the *Maritime Transportation Security Act of 2002* and all U.S. Coast Guard credentialed merchant mariners. To obtain a TWIC, an individual must provide biographic and biometric information such as fingerprints, sit for a digital photograph and successfully pass a security threat assessment conducted by TSA.

H. **MSFS Vessel**. MSFS Vessel means a ferry boat owned and operated by the Maine State Ferry Service for the purpose of transporting vehicles, freight and passengers pursuant to 23 M.R.S.A. §4401.

1. **Lockboxes on MSFS Vessels**
2. MSFS Vessels shall be outfitted with a Vessel Lockbox for the safe and secure transport of medical samples.
3. A Vessel Lockbox shall be positioned in a location that is functional from an operational, security, and customer safety standpoint. A Vessel Lockbox shall never be left unlocked while unattended by a Medical Sample Currier. A Vessel Lockbox shall be considered a 'secure' area and will be identified as such in applicable MSFS Security Plan(s).
4. **Transport of Medical Diagnostic Samples Between Islands and Mainland**
5. Transport of Medical Diagnostic Samples utilizing a Vessel Lockbox as provided for below may only occur with a MARSEC Level 1. If the MARSEC Level is raised to Level 2 or 3, transport of Medical Diagnostic Samples via Vessel Lockbox is suspended. The MSFS Manager, at his or her sole discretion, may provide either free walk-on tickets or vehicle priorities to support medical diagnostic sample transport until MARSEC Level 1 is returned.
6. Island Medical Clinics that choose to transport Medical Diagnostic Samples via MSFS vessels must create and provide a list of approved Medical Sample Curriers to the MSFS. Island Medical Clinics must provide updated lists to the MSFS as changes to the approved Medical Sample Currier list are made by the Clinics.
7. A Medical Sample Curriers must have a valid TWIC card before an Island Medical Clinic can add the person to the approved Medical Sample Currier list.
8. Island Medical Clinics are responsible for ensuring that all Medical Diagnostic Samples are packaged and labeled in accordance with Hazardous Material Regulations (HMR). If Medical Diagnostic Samples are not packaged and labeled in accordance with the HMR, the Medical Sample Currier will not be given clearance to board a MSFS Vessel.
9. A Medical Sample Currier must bring the Medical Diagnostic Sample package to a MSFS terminal agent at least 15 minutes prior to scheduled vessel departure.
10. Medical Sample Curriers must present a TWIC card to the MSFS terminal agent to confirm they are on the list of approved Medical Sample Curriers.
11. A Medical Sample Currier shall open the package for inspection and verification by the MSFS terminal agent to confirm that the package contains medical diagnostic samples only and that the samples are packaged and labeled in accordance with Hazardous Material Regulations. Any packages that cannot be visually verified as containing medical diagnostic samples shall not be transported on a MSFS Vessel.
12. Once verified, the MSFS terminal agent will contact the MSFS Vessel Captain to inform that a Medical Sample Currier is depositing a Medical Diagnostic Sample package into the Vessel Lockbox. The Medical Sample Currier must stay in line of sight of the MSFS terminal agent or in the walk-on passenger loading line.

I. Once MSFS vessel passenger loading begins, the Medical Sample Currier must show a TWIC card to MSFS vessel security personnel to receive authorization to place the Medical Diagnostic Sample in the Vessel Lockbox.

J. The Medical Sample Currier shall insure that the Medical Diagnostic Sample is property secured in the Vessel Lockbox and must then depart from the vessel.

K. The procedures above are repeated for a Medical Sample Courier to retrieve a Medical Diagnostic Sample from a Vessel Lockbox.

STATUTORY AUTHORITY:

The MaineDOT is authorized by Resolve 2015 ch. 86 and 23 M.R.S. §52 to adopt rules for the safe and secure transport of medical sample in a lockbox on Maine State Ferry Service Vessels.

EFFECTIVE DATE:

September 29, 2018 – filing 2018-208