

Transportation Update

MAY 2009

For Illinois Farmers — Compiled by Illinois Farm Bureau®



Agriculture's Trucking Exemptions Under Fire

[Source: AFBF]

In late April, the Commercial Vehicle Safety Alliance (CVSA) issued a press release calling for the repeal of agriculture's exemptions from Federal Motor Vehicle Regulation hours of service (HOS) requirements and the sunset of all motor carrier safety exemptions. The press release can be seen at: http://www.cvsa.org/news/2009_press.aspx.

CVSA bases the call on a study issued by the U.S. Department of Transportation's (DOT's) Volpe National Transportation Systems Center. The DOT Volpe Study states that: "In 2005 through 2007, agricultural carriers with 100 percent of drivers operating within a 100-mile radius had higher crash rates than those with 100 percent of drivers operating beyond a 100-mile radius, indicating that carriers whose operations were exempt from HOS regulations had a higher

crash rate than those whose operations were non-exempt." The study has not been released officially by DOT. It was not vetted by USDA.

CVSA describes itself as: "an international not-for-profit organization comprised of local, state, provincial, territorial and federal motor carrier safety officials and industry representatives from the United States, Canada and Mexico. Our mission is to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. In addition, CVSA has several hundred associate members who are committed to helping the Alliance achieve its goals; uniformity, compatibility and reciprocity of commercial vehicle inspections, and enforcement activities throughout North America by individuals dedicated to highway safety and security."



USDOT Number Enforcement Expanding

More and more each week, reports are coming in about enforcement of the requirement that carriers in interstate commerce be registered with a USDOT Number.

Enforcement can come in two forms: roadside, and in carrier compliance reviews, often called "DOT audits." These audits are automatic for carriers who are "new entrants" into interstate trucking.

Roadside enforcement seems to be the more

rapidly growing. Law enforcement in Illinois now looks for the USDOT Number to be displayed on out-of-state trucks and on Illinois trucks delivering product to interstate shippers--including most grain elevators. Illinois truckers traveling in other states are reporting a similar crackdown there.

It's not just the big guys being scrutinized. Even pickup-and-trailer combinations are being

(Continued on page 3)

Illinois' Transportation Network:

| | |
|--|---------------|
| Public roads: | 138,372 miles |
| Interstate highway: | 2,165 miles |
| Road bridges: | 25,497 |
| Class I railroad : | 8,088 miles |
| Inland waterways: | 1,095 miles |
| Public use airports: | 114 |
| (17 certificated for air carrier operations) | |
| (As of 2000) | |

Inside this issue:

| | |
|----------------------|---|
| USDOT# & UCR | 2 |
| New Entrant Audit | 2 |
| CDL "Required" | 2 |
| Special Haul Vehicle | 3 |
| Dyed Diesel Fuel | 3 |
| Medical Card / CDL | 3 |
| MRC on IL River | 4 |
| Stimulus Projects | 4 |
| FY2010 Corps Budget | 4 |
| NH3 Data Plates | 5 |
| Sharing the Road | 5 |
| Marking Farm Eq. | 5 |
| CDL Fast Pass | 6 |

USDOT Number is Nothing New—Unlike the UCR

It seems to many farmers that the government is pumping out new regulations every day. Well, that might be true. But, the requirement for farmers to register for and display a USDOT Number is not one of the recent ones.

Registration and assignment of the USDOT Number has been a requirement of interstate carriers—including farmers—since the 1980's. However, enforcement has generally been lax.

There's been little incentive to enforce that rule on farmers before now. There is no revenue for the government associated with it and most farmers operated with only one or a handful of trucks in their operation.

Why enforce it now? To better understand, consider the purpose of the program.

What has prompted the current enforcement is the advent...of the UCR.

Individual carriers can have a number of trucks in their operation. In order to track the overall safety record for the carrier, the government has to be able to track the safety records of each vehicle it operates and attribute that record back to the appropriate carrier.

That's why only one USDOT Number is assigned to each carrier and that same number is to be placed on every vehicle the carrier operates.

What has prompted the current level of enforcement is the advent of a separate but associated regulation, the Unified Carrier Registration (UCR.) The UCR's predecessor program had not applied to private carriers (includes farmers.) However, when the UCR made its debut in 2007, farmers and other private carriers were added.

The UCR is basically a revenue generator. The funds are used to enforce motor carrier safety regulations — the same regulations that the USDOT Number is intended to track. Thus the two regulations are linked, but separate.

They're linked in other ways, as well. Before a carrier can register for the UCR, he/she must first have registered for the USDOT Number.

And, both registrations are triggered by the same two conditions. A carrier must comply with the requirements of both the USDOT# and the UCR if you are: 1) a commercial carrier; and, 2) operating in interstate commerce. In short, if you need one registration, you'll also need the other.

For more information, see: <http://www.ilfb.org/viewdocument.asp?did=14032>



New-Entrant Audit to Change

Until now, new entrants into interstate trucking could expect that the federally-mandated audit they would be put through (within 18 months of registering for a USDOT#) would be little more than an educational/instructional experience. A new federal regulation will change that.

Under the new rule--beginning December 16, 2009--certain violations could result in an automatic failure of the audit.

The Federal Motor Carrier Safety Administration (FMCSA) is amending the New Entrant Safety Assurance Program regulations to raise the standard of compliance for passing the new-entrant safety audit (also known as a "Compliance Review.")

The general areas for review include, but are not limited to, the following:

- (a) Driver qualification;
- (b) Driver duty status;
- (c) Vehicle maintenance;
- (d) Accident register; and
- (e) Controlled substances and alcohol use and testing requirements.

[67 FR 31984, May 13, 2002]

Under the new rule, the agency identifies 16 regulations as essential elements of basic safety management controls necessary to operate in interstate com-

merce and will make a carrier's failure to comply with any one of the 16 an automatic failure of the safety audit.

General information about the audit is available at: www.ilfb.org. USDOT's final rule for new entrants is available at: <http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/E8-29253-New-Entrant-Safety-Assurance-Process-Final-Rule-12-16-08.pdf>



CDL "Required"

With the wave of "New-Entrant Audits" being conducted on Illinois farmers (spurred by registration for the USDOT#), a change has been brought to light regarding IDOT's recent interpretation of the "requirement" to hold a Commercial Drivers License (CDL.)

IDOT has argued that farm vehicle drivers are given the option to hold a Non-CDL, but if they chose not to have the Non-CDL then they are "required" to have a CDL.

(Continued on page 6)

Special Haul Vehicles

Used, short wheelbase semis have been a popular purchase for farmers in recent years. They've been relatively cheap and can add efficiency to moving grain off the farm.

A special permit available at the time of license plate renewal can make them even more efficient.

A *Special Haul Vehicle Permit* may be purchased for any combination of vehicles having 5 axles, with a distance of 42

To be eligible for a *Special Haul Vehicle Permit*, the combination vehicle must have 5 axles spaced 42' or less, first to last.

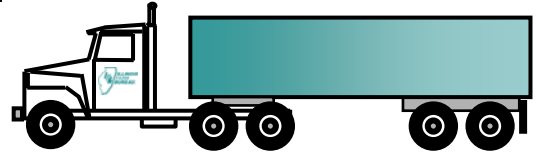
feet or less between extreme axles.

The owner of the combination can elect to pay (in addition to the registration fee) \$125 to the Secretary of State for the permit, valid throughout the registration year.

That permit allows the vehicle to operate at 72,000# GVW in Illinois.

Semi trucks of that configuration might otherwise be limited to as little as 64,000# GVW without the permit.

The permit may be purchased at any time of the year, but the permit will expire at the end of the registration period and the cost is not prorated. You'll pay



the same for the permit in July as you would in January, though the year might be half gone.

NO STICKERS will be issued for the 2010 registration year. A printed line on your registration will indicate payment.

For specifics, check with the Commercial and Farm Truck Division of the Secretary of State's Office at 217-785-1801 or see Page 5 of the IRP manual at http://www.cyberdriveillinois.com/publications/pdf_publications/cft_irp25.pdf.



Dyed Diesel Fuel

Diesel fuel for off-highway use can be purchased free of motor fuel taxes. To be able to identify that fuel, federal and state regulations require it to be dyed red.

Never put dyed fuel in the tank of a highway vehicle. If done accidentally, you'll need to drain and thoroughly rinse the tank and fuel lines. Even a trace of dye in the tank of a highway vehicle is a finable offense.

State fines for misuse are steep: \$2,500

for a first offense, \$5,000 for subsequent offenses.

Storage and transfer tanks containing dyed diesel fuel must be clearly labeled. (See graphic below.)

For more information, contact the Illinois Department of Revenue at 217-782-2291 or visit the website at <http://www.revenue.state.il.us/Motorfuel/>.



Dyed Diesel Fuel Non-Taxable Use Only

This wording must be displayed on any storage tank containing dyed diesel fuel — including transfer tanks. State penalties for non-compliance with notice requirements are \$500 for first offense, \$1,000 for subsequent offenses.

Enforcement

(Continued from page 1)

cited, too.

Fines reported generally range from \$75 to \$300. But the real penalty could be being forced to park an unregistered truck until it is registered.



Medical Card

Contrary to widespread misconception, the requirement to have a medical card has not been tied to the CDL. That's likely change.

The Federal Motor Carrier Safety Regulations (FMCSRs) are being amended to require interstate CDL holders subject to the physical qualification requirements of the FMCSRs to provide a current original or copy of their medical examiner's certificates to their State Driver Licensing Agency.

This change has been in the works since mandated by an act of Congress a decade ago. It still requires the medical card for most drivers of vehicles over 10,000#. However, it now adds that farmers driving straight trucks (who had been exempted from the medical card requirement) must have it if they will be operating in interstate commerce and are to be issued a CDL.

The rule will could take one to three years to implement.



MRC to Inspect Illinois River

For the first time in its 130-year history, the Mississippi River Commission (MRC) will "inspect" the entire length of the Illinois River and Waterway, from Lake Michigan to the Mississippi River!

The inspection will begin in Chicago on August 9, 2009 and will end at the Mississippi River on or about August 13.

According to Colonel Robert Sinkler, Commander of the Corps' Rock Island District, *"This is a big deal. An event like this takes months to plan properly, and may not occur again for decades. (It) has the potential to impact the Illinois River Basin for years (and decades) to come."*

The Illinois River Basin contains about 90% of the State's population, and about half of the State's agricultural land. Over 30 million tons of products and commodities each year are transported on the waterway (1.2 mil semi-truck equivalents). There is more tonnage moved by barge in two Chicagoland counties than on the 250 miles of the

Army Corps Releases List of Navigation Projects to Receive Stimulus Funding

[Source: Waterways Council, Inc.]

The long-awaited list of Army Corps of Engineers' Civil Works projects to receive stimulus funds under the American Recovery and Reinvestment Act (ARRA) of 2009 was released in late April. Of the total \$4.6 billion in Corps of Engineers stimulus bill funding, \$2 billion is for construction projects and \$2.075 billion is for O&M projects.

Within the construction project category, \$403.1 million has been allocated to inland waterway system lock and dam

Mississippi River south of the Twin Cities. And, more tonnage is moved on the 300 miles of the Illinois Waterway than on the 600 Mississippi River miles south of the Twin Cities.

Also, the National Academy of Sciences identified the Illinois River as one

(Continued on page 6)

modernization projects, none of which require cost-sharing from the Inland Waterway Trust Fund under ARRA. The list is as follows:

| | |
|------------------------|----------|
| L&D 3 Major Rehab: | \$70.2 m |
| L&D 11 Major Rehab: | \$4.1 m |
| L&D 25 Major Rehab: | \$3.0 m |
| Mel Price Major Rehab: | \$2.0 m |
| L&D 27 Major Rehab: | \$27.7 m |
| Lockport Major Rehab: | \$88.9 m |
| Emsworth Major Rehab: | \$13.0 m |
| Markland Major Rehab: | \$10.1 m |
| Olmsted: | \$4.9 m |
| Kentucky: | \$29.4 m |
| Chickamauga: | \$57.5 m |
| John T. Myers: | \$8.3 m |
| Lower Mon 2-4: | \$84.0 m |

The complete list of Construction account projects, as well as all of the other specific projects in the O&M and other Corps accounts, can be found at <http://www.usace.army.mil/recovery/Pages/Projects.aspx>



More Details Out on FY2010 Corps Budget

[Source: Waterways Council, Inc.]

President Obama's FY2010 proposed budget requests federal funding for the U.S. Army Corps of Engineers Civil Works program of \$5.125 billion and is divided as follows:

- \$1.718 billion, Construction
- \$2.504 billion, Operations & Maint.
- \$248 million, Mississippi River & Tributaries
- \$41 million, Flood Control & Coastal Emergencies
- \$100 million, Investigations

- \$190 million, Regulatory
- \$134 million, Formerly Used Sites Remedial Action Program
- \$184 million, Expenses
- \$6 million, Office of the Asst. Sec. of the Army, Civil Works

The FY2010 budget indicates an estimated \$85 million will be spent from the Inland Waterways Trust Fund for priority lock and dam projects, but the Office of Management and Budget still has not approved specific lock and dam or other types of project amounts within the Corps' Construction account. The

budget document also states that "The Administration is proposing the adoption of an alternative funding source, which would replace the fuel tax."

Estimates project an estimated \$75 million in additional revenues to be collected in FY 2010 from "User Fees, Inland Waterways Trust Fund-legislative proposal subject to PAYGO." Nothing in the recently-released document describes or otherwise characterizes details associated with the new user fees/alternate funding source.



NH₃ Nurse Tanks to Have Data Plates

Transporting anhydrous ammonia on public roads means that certain regulations apply.

Farmers who own their own anhydrous ammonia nurse tanks are reminded that data plates must be attached and legible.

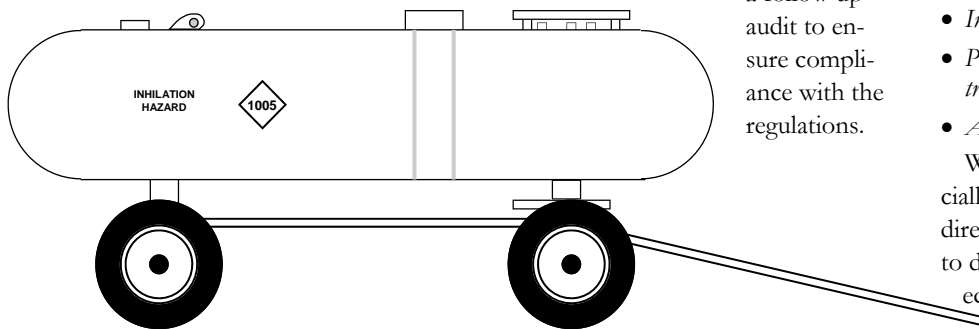
The Illinois Department of Transportation (IDOT) will be inspecting those tank wagons along with the US DOT.

If the plate is missing or in any way illegible, you might need to enroll the tanks in the Nurse Tank Inspection Pro-

gram for testing.

DOT auditors will also be looking for the inspection reports associated with any tank that has been pressure tested, thickness tested and visually inspected for exemption status.

According to DOT, the minimum fine can be as much as \$2,000 per day per violation. DOT justifies inspection of these tanks because they are a pressurized vessel being transported upon public highways; therefore public safety is a major issue. DOT has made it clear that if any violations are found, there will be a follow up audit to ensure compliance with the regulations.



Sharing the Road

A new informational piece to remind both farmers and motorists about safely sharing the road with farm equipment will soon be widely distributed.

Over 100,000 copies of the card will be going out to driver licensing offices and county Farm Bureaus[®] with words of wisdom for both farmers and the non-farm motorist. Among them:

- Properly mark & light your equipment
- Plan travel to avoid busiest roads & times
- Turn on hazard lights, turn off field work lights when on the road
- Minimize the width of equipment
- Install wide rear view mirrors
- Pull to the right when safe to do so to allow traffic behind you to pass
- Always use turn signals/hand signals

When making left-hand turns, be especially careful to ensure traffic from both directions is clear before turning. Failure to do so often results in serious farm equipment/car collisions.



Check Farm Equipment for Proper Markings

Before taking your equipment to the field for spring planting, make it part of your routine to be sure your highway safety markings are up-to-date.

The simplest measure is to be sure all lights and markings are clean. Secondly, check to ensure that reflective materials are not faded and that all lights are functioning. Third, review the marking array to be sure all required lights and reflectors are in-place and properly mounted.

Since 2003, Illinois farmers have had to understand two versions of marking and lighting their equipment: one for new equipment (manufactured in 2003 or later) and another for older equipment

(manufactured prior to 2003.)

The older equipment marking system is the same as it has been for over 30 years and is relatively simple: an SMV emblem is required day and night. After sunset, the equipment must also display 2 white headlights, 2 red taillights and at least one flashing amber visible to the rear.

Requirements for marking newer equipment is much more complex. Generally, the same types of lights are required but there are to be at least 2 flashing amber lights, and those are to be



Illinois law requires that you use only SMV emblems labeled for standard S276.5 (or higher.)

visible both front and rear.

The new standard also requires that reflective markings be added front and rear—and to the sides for longer equipment.

Next time you're driving by your dealer's lot, stop and take a look at how the major manufacturers are lighting and marking new equipment. That's how you'll need to do it, too.

Be Seen, Be Safe!





CDL Fast Pass Schedule Your Appointment

Drivers can schedule their own appointment for a CDL road test.

On the Secretary of State's website, www.cyberdriveillinois.com, in the menu on the right side of the screen; click on: "Schedule a CDL Appointment."

Earlier this year in a 60-day period, 4,299 CDL road exams were scheduled. 1,351 of those (31.4%) were made by the applicant themselves.

This allows you to make the appointment in your own time. You can pick which facility, which day, and any available time slot you choose.



MRC

(Continued from page 4)

of the few large floodplains with the biological integrity to be restored.

The MRC was established by an Act of Congress on June 28, 1879. A seven-member organization appointed by the President and confirmed by the Senate, it is charged with the mission to develop plans to improve the condition of the Mississippi River [Basin] . . .

The MRC is headquartered in Vicksburg, Mississippi and provides water resources engineering direction and policy advice to the Administration, Congress, and the Army (for a drainage basin that covers 41 percent of the United States and parts of two Canadian provinces) by overseeing the planning and reporting on the improvements on the Mississippi River.

The intent behind the mission of the MRC today is the same as the mission placed on the commission upon its creation—to lead sustainable management and development of water-related resources for the nation's benefit and the people's well-being.



CDL

(Continued from page 2)

That view means that farmers who hold a CDL—even though they are eligible for an exemption from it—would be made to comply with all regulations as though they were required to have the CDL.

A prime example of the fallout from that is IDOT inspectors' insistence that farmers who hold a CDL be enrolled in a drug & alcohol screening program.

Federal regulations—upon which Illinois regulations are based—appear to invalidate IDOT's interpretation. Federal guidance states that: "*A State which gives (drivers) the choice of obtaining either a CDL or a non-commercial license has exercised the option not to require CDLs.*"

In fact, federal regulators have told IDOT officials directly that the State's interpretation does not conform to federal guidelines.

Illinois Farm Bureau is working with IDOT officials to correct the problem.

