

TRANSPORTATION UPDATE

JANUARY, 2014



MAP-21 exemptions begin

A portion of the new provisions are in place, more pending

In the summer of 2012, Congress passed the Moving Ahead for Progress in the 21st Century Act (MAP-21.) Some of MAP-21's provisions providing farmers with exemptions from certain trucking regulations are now in place in Illinois following IDOT's adoption of new rules at the state level. While the exemptions are generous, they often duplicate existing exemptions, minimizing any new freedoms farmers might hope to find. Additionally, the standard for qualifying for these exemptions is relatively high, meaning they won't be applicable in all situations.

The new rules were published in the Illinois Register in December. They fall short of incorporating all MAP-21 changes. Not included are exemptions regarding the CDL. Those will require legislative

changes, expected to be considered by the General Assembly this spring.

The MAP-21 exemptions, though helpful, will overlay existing exemptions, not replace them. That will take an already complex set of rules and compound that complexity.

Perhaps the thing that sets this new set of MAP-21 exemptions apart from existing farmer exemptions the most is the qualification hurdle. To qualify for most of the existing farm exemptions, the vehicle used has had to:

- Be controlled and operated by a farmer;
- Be used to transport farm products, equipment or supplies;

(See Exemptions on page 4)

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New laws for 2014

Laws and regulations effective January 1, others just weeks away

With the new year comes a range of new laws and regulations that will impact farm truck drivers. Here's a selection of what you need to keep in mind.

Hand-Held Cell Phone Ban - The ban that kicked-in for automobile drivers in Illinois on January 1, 2014 also applies to farm equipment when operated on a public road. The same goes for any other motor vehicle, such as an ATV—when operated on a public road. Virtually the same ban

has been in place for truck drivers for more than a year. The fine for the first offense is \$75 and then fines rise for subsequent offenses.

Medical Card Certification - The deadline for CDL drivers to certify the status of their medical card remains January 30, 2014. The Federal Motor Carrier Safety Administration (FMCSA) released a new rule on January 10 that had been specu-

(See New on page 3)

Ammonia training for farmers is available online. It covers all aspects of ammonia properties, transportation, handling, emergency response and first aid. Funded by the Illinois Nutrient Research & Education Council and developed by IFCA and IDA, it is available at <http://www.ifca.com>

GLMRIS addresses invasive species

New report lists eight options to keep Asian Carp from entering the Great Lakes from the Illinois River.

The Great Lakes and Mississippi River Interbasin Study (GLMRIS) report containing options to address invasive species such as Asian carp has been released for public consumption ([full report here](#)). The options as presented by the GLMRIS report are:

1. Continuing current efforts (i.e., the electric barriers) with “No New Federal Action – Sustained Activities.”
2. Nonstructural control technologies (i.e., education, monitoring, herbicides, ballast water management).
3. A technology concept involving a specialized lock, lock channel, electric barriers and ANS treatment plants at two mid-system locations in the CAWS.
4. A technology concept (CAWS buffer zone) using the same technologies as number 3, preventing downstream passage from Lake Michigan at five points and preventing upstream passage at a single point at Brandon Road Lock and Dam.
5. Lakefront hydrologic separation with physical barriers separating the basins at four locations along the lakefront of Lake Michigan.
6. Mid-system hydrologic separation with physical barriers separat-

(See GLMRIS on page 6)

Water resources bill pending

Promising early beginnings now stalled in conference

The US House passed its Water Resource, Reform and Development Act (WRRDA) in October, 2013 by an overwhelming vote of 417-3. The US Senate had passed its Water Resource Development Act (WRDA) in May of that year on a vote of 83-14. Despite that strong support, the compromise version of the two bills is still being hammered out in conference committee.

Among the issues still being debated are the expenditures from the Harbor Maintenance Trust Fund, the method by which projects are to be authorized, and the Senate’s Water Infrastructure Finance and Innovation Authority (WIFIA) program.

The National Waterways Conference reports that in December, the Administration had weighed in, on various WRDA issues. The Administration objects to the project streamlining processes in both the House and Senate bills, and opposes any financial or procedural penalties for

failure to meet project delivery timelines. The Administration also objects to various cost-sharing provisions, including the Olmsted adjustment in both bills, the use of HMTF revenues for activities that are not currently a Federal responsibility, and the Operations and Maintenance shift from 45ft to 50ft channel deepening—all factors that the commercial navigation industry supports.

The Administration would support adding fish and wildlife protection as an authorized purpose for all Corps’ dams, and thus objects to section 2014 in the Senate bill (dam optimization) and section 143 in the House bill, which would prohibit adding other authorized purposes.

Just when Congress will be able to compromise on a final bill is anyone’s guess, but some Washington insiders are hopeful it will be done by February.



Pinnacle removal

Barge traffic on the Mississippi River near Thebes, IL, will be restricted for the next several weeks as the Army Corps of Engineers removes rock from the navigation channel.

The Corps’ St. Louis District is working on the river at Thebes, IL, to remove rocks that pose a threat to navigation during low river stages. This is an extension of work that began last winter.

The Corps reported that contractors will remove about 2,800 cubic yards

of rock from the bottom of the Mississippi River. Impacts to navigation are one-way river traffic in the work area and a limit of 15 barges per tow up/down bound, and a no-wake restriction.

The Corps is working with the U.S. Coast Guard and the barge industry to minimize the impact on river navigation. Work will occur during daylight hours and traffic is expected to be restricted initially to one-way.



TRUCKING

Highway funding drawing attention, more to come

Everyone knows that something will need to be done before September to fund the nation's surface transportation program. But it seems almost no one is willing to do much about it, save one.

Representative Earl Blumenauer (OR-03) introduced H.R. 3636, The Update, Promote, and Develop America's Transportation Essentials

(UPDATE) Act. The bill would phase in a 15 cent/gallon tax increase over the next three years on gasoline and diesel.

Blumenauer notes, "The gas tax hasn't been increased since the beginning of the Clinton administration. Today, with inflation and increased fuel efficiency for vehicles, the average motorist is paying about half as

much per mile as they did in 1993. It's time for Congress to act.

A 2009 estimate by the Federal Highway Administration noted that over \$70.9 billion worth of repairs were needed just to maintain safe infrastructure; of course, that number has gone up. The American Society of Civil Engineers estimates that surface transportation in the US needs

New

(Continued from page 1)

lated to delay that deadline. It did not. Instead, it extended by one full year the requirement for drivers to carry their medical cards on their person, now required through January 30, 2015. If not certified by January 30, 2014, the CDL privileges of the license will be rescinded. Drivers will then have just 30 days to get their medical card certified in order to have their CDL reinstated. If not done by that time, the CDL will be permanently lost and the driver would have to start from scratch to get a new one.

Certified Medical Examiners - After May 20 of this year, DOT medical exams cannot be conducted by any medical examiner that has not been certified with the USDOT. That is likely to limit the number of available examiners, as not all physicians will want to trouble themselves with the extra red tape. A national registry of certified medical examiners is available online at <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

70 MPH speed limit - This revised upper limit affects about 90 percent of Illinois' interstate highway system. It does not affect a good portion of the Chicago metropolitan area nor the metro East St. Louis

region, both of which will retain the 55 MPH speed limit. Also, in certain cities such as Springfield, Peoria, Effingham, Mt. Vernon and Rockford, speed limits will not increase due to heavy traffic or construction.



Watch the speed limit signs - until they are changed, the posted speed limit will continue to be enforced. It will take a few weeks for IDOT to replace all the 65 MPH signs with the new 70 MPH signs.

Keep your cigarette butts to yourself - No more flicking that cigarette butt out the window. A new Illinois law includes cigarette butts in the definition of litter. If you get caught you can be fined \$50 for the first offense. A third offense could result in a class 4 felony.



Exemptions

(Continued from page 1)

- Not be operated for-hire;
- Be used within 150 air miles of the farm; and,
- Be used in a nursery or ag operation.

That set of standards fit most farmers handily, qualifying them under almost all forms of farm trucking.

To qualify for the MAP-21 exemptions, the vehicle will first have to qualify as a “Covered Farm Vehicle”, known as a “CFV” for short.

Qualifiers

The MAP-21 qualifying standards are more complex and restrictive than the existing ones. Two major additional qualifiers—added to the old ones—will render some exemptions useless to farmers for some everyday trucking needs.

First, virtually all of the existing qualifiers will have to be met before a vehicle can qualify as a CFV and be eligible for MAP-21 exemptions.

**CDL drivers must
certify their
medical card status
by January 30 or
lose their CDL!**

Secondly, any CFV will have to be “farm” plated. Seemingly a manageable requirement, there are a number of pitfalls as listed below.

Thirdly, MAP-21 stipulates that the CFV not be required to be placarded because of a hazardous material cargo. All anhydrous ammonia nurse tanks, and vehicles hauling diesel fuel tanks with more than a 119-gallon capacity are required to be placarded, eliminating another substantial range of farm trucking chores from the exemption.

Because there are two separate sets of exemptions for farmers—existing and MAP-21—farmers will be able to operate under the exemption that best fits their needs at the time.

“Farm” plate problems

Illinois law limits the number of “farm”-plated vehicles a farmer may have—a maximum of five trucks, not more than two of which may be semis. Farms operating lots of trucks will have to forego the MAP-21 exemptions on at least some of their vehicles.

Where a truck and trailer are combined, they will each have to be “farm” plated to qualify for the CFV exemption. The smallest available “farm” plate for trucks is 16,000 pounds, creating additional expense for pickup and dually owners.

Another problem, the licensed weight for those small trucks could throw the truck-trailer combination into the class of vehicles (over 26,000 pounds) subject to IFTA requirements.

And finally, a pickup truck sporting a 16,000-pound license plate will draw the attention of motor carrier safety regulation enforcement officers. Those rules kick in at 10,001 pounds GVWR.

Types of exemptions

If the vehicle qualifies as a CFV, then there are some generous exemptions available.

- The driver generally would not have to undergo a physical exam or carry a medical card.*
- The driver would generally be exempt from Hours of Service restrictions.*
- The vehicle would be exempt from federal inspection, repair and maintenance regulations.*

** Note: Certain provisions in the Illinois Vehicle Code could still apply, such as periodic inspections for vehicles operated in intrastate commerce, and basic physical qualifications for the driver.*

Watch for more

Yet to be addressed are exemptions from the CDL and drug testing provisions. The federal CDL provisions were originally adopted in Illinois way back in 1990 through passage of statutory law. So, to incorporate any new exemptions for farmers, that statute will have to be changed.

We anticipate that the Illinois Secretary of State’s Office will be proposing legislation this spring to incorporate the necessary changes. If successful, expect that the new provisions might kick-in the first of next year.

States have until July, 2015 to incorporate the federally-mandated exemptions.



Propane emergency extended

Hours of service exemption for drivers

Darin G. Jones, Field Administrator of the Federal Motor Carrier Safety Administration, declared an emergency exists that warrants issuance and extension of the State Regional Emergency Declarations continuing the exemptions granted in accordance with §§ 390.23 and 390.25 from Part 390 through 399 of the Federal Regulations (Federal Motor Carrier Safety Regulations),

The emergency declarations were in response to the extreme cold experienced throughout the Midwestern states from the polar vortex and the possible continuing effects of the arctic cold on people and property, including an immediate threat to human life or public welfare in the Midwestern United States.

The concern is about weather conditions causing shortages and interruptions in the availability and/or delivery of propane and other home heating fuels throughout the States

affected in the Midwestern Region to include the following: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin.

This declaration provides for the regulatory relief for commercial motor vehicles operations while providing direct assistance supporting the delivery of propane and home heating fuels into the affected areas and consumers in the above mentioned states during the emergency. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort.

This extends yet again an exemption that had begun last fall during the grain drying season and has been add to several times since then.



Funding

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over \$2 trillion of investment in order to remain economically competitive.

In recent years, Congress has supplemented the General Fund deficit by transferring over \$50 billion of General Fund revenue to the underperforming Highway Trust Fund in order to keep it afloat. To maintain current funding levels in the coming years, the Highway Trust Fund will need almost \$15 billion a year in addition to current gas tax receipts. If Congress simply maintains the current levels, we'll see a 30 percent drop in federal transportation spending by 2024.

The UPDATE Act would raise around \$170 billion over ten years.

Expect to see lots more ideas tossed out in the months ahead as the end of the current highway funding provision approaches – August 31.

DATE	CITY	FACILITY & ADDRESS	TIME
Jan. 27 (Mon)	Bourbonnais	U of I Extension building, 1650 Commerce Drive	6:00 p.m.
Feb. 04 (Tue)	Vandalia	Fayette County Farm Bureau®, 1125 Sunset Drive	1:00 p.m.
Feb. 04 (Tue)	Marion	Southern FS facility	6:30 p.m.
Feb. 05 (Wed)	Jonesboro	Union County Farm Bureau®, 104 West Broad Street	8:00 a.m.
Feb. 12 (Wed)	Polo	Barnacopia, 2570 N. Westbranch Road	7:00 p.m.
Feb. 20 (Thr)	Jacksonville	U of I Extension building, 104 N. Westgate Ave.	7:00 p.m.
Mar. 03 (Mon)	Mt. Vernon	Farm Credit Services Building, 410 Potomac Blvd.	Noon
Mar. 04 (Mon)	Ullin	Shawnee Community College (River Room)	6:00 p.m.
Mar. 05 (Tue)	Benton	Franklin County Farm Bureau®, 1210 Highway 14 West	7:30 a.m.
Mar. 07 (Fri)	Arthur	Community Center, 120 East Progress Street	9:00 a.m.
Mar. 11 (Tue)	Yorkville	Kendall County Farm Bureau®, 111 E. Van Emmon St.	1:00 p.m.
Mar. 12 (Wed)	Grayslake	Lake County Farm Bureau®, 70 US Highway 45, Ste. 120	1:00 p.m.
Mar. 13 (Thr)	Effingham	Effingham County Farm Bureau®, 1102 West Evergreen Ave	7:00 p.m.

On the Road Seminars

Please contact the host county Farm Bureau® for information and advance registration.

Freight Infrastructure Reinvestment Act

Bill targets freight infrastructure

Source: Rep. Smith's office

On January 10, Congressman Adam Smith reintroduced H.R. 3825, the Freight Infrastructure Reinvestment Act of 2014 (FIRA), a bill that will support improvements to infrastructure and transportation in the national freight mobility network.

“Our nation’s freight transportation system plays a significant role in our ability to grow the economy and compete globally,” said Congressman Smith. “With our nation’s freight expected to double by 2040, it is critical to start making investments in freight and transportation infrastructure now to keep America competitive internationally for years to come.”

FIRA would establish the National Freight Mobility Infrastructure Improvement Program through the U.S. Department of Transportation (DOT) that would provide competitive grants to states and designated entities to improve the efficiency and capacity of freight networks. These entities would work in collaboration with their communities to identify projects of national or regional significance and apply for the grants. The Secretary of Transportation would award funds based on the project’s ability to improve freight infrastructure, cost effectiveness, and its economic impact.

GLIMRIS

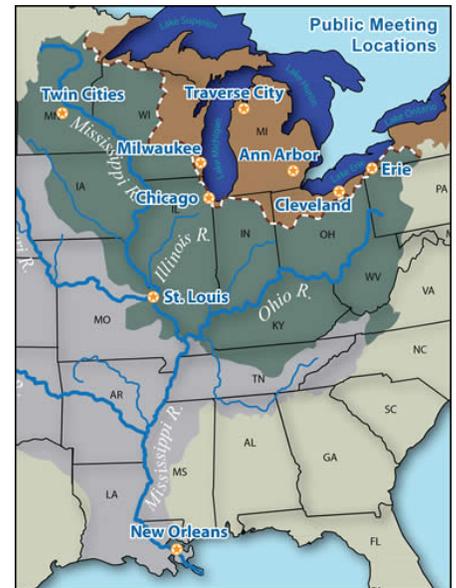
(Continued from page 2)

ing the basins at two mid-system locations.

7. A hybrid of technology and physical barriers at four mid-system locations, leaving the Cal-Sag channel open.

8. A hybrid of technology and physical barriers at four mid-system locations, leaving the Chicago Sanitary and Ship Canal open.

See map of study area at right.



“Our multimodal freight transportation system is a national asset that we have failed to appreciate and support. Nowhere is this need more pressing than in the freight system that provides for our nation’s commerce,” said Port of Tacoma Commissioner Don Meyer. “Without strategic corridor investments to expand capacity and increase efficiency, U.S. productivity and global competitiveness will suffer, costs will increase and investment will lag. We applaud Congressman Smith’s efforts to make this vision of strategic freight mobility a reality.”

The legislation would fund these competitive grants through a user fee on the shipment of freight cargo within the United States. The fee would be 1 percent of the total cost of transport and all the fees collected would go directly to the National Freight Mobility Infrastructure Fund, a dedicated source of funding for freight mobility im-

provement projects.

“More and more our government and business leaders are agreeing that freight infrastructure is key to economic growth and merits public support,” said Leslie Blakey, Executive Director of the Coalition for America’s Gateways and Trade Corridors. “Currently absent from the menu of transportation investment mechanisms is a freight-specific grant program and a dedicated funding source. Congressman Smith’s proposal is truly creative and we applaud his vision.”

The bill has been cosponsored by Representative Albio Sires, Representative Steve Cohen, and Representative Janice Hahn and has now been sent to the House Committee on Transportation and Infrastructure for further consideration.

