

Transportation Update

JANUARY 2011

— Compiled by Illinois Farm Bureau®



Congress extends SAFETEA-LU

In Mid-December, Congress approved the Continuing Appropriations and Surface Transportation Extensions Act of 2011. That continuing resolution is intended to fund federal programs, including those administered by the [U.S. Department of Transportation](#), at fiscal-year 2010 levels through March 4, 2011.

The bill includes an extension of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The previous extension of that Act was set to expire Dec. 31. This is the sixth time SAFETEA-LU has been extended since it was originally authorized with an expiration date of Sept. 30, 2009.

Reportedly, Rep. John Mica (R-Fla.), the new chairman of the House Transportation

and Infrastructure Committee, indicated that a new, long-term authorization bill will be a top priority for early in this session.

Federal funding options for the package have generated some controversy. In recent years, Congress has had to supplement the Highway Trust Fund from General Revenue Fund in order to cover all obligations of the original 6-year package.

But the Motor Fuel Tax (MFT), the major source of trust fund revenue, is not keeping pace with today's highway needs. A major factor is that the per-gallon rate for federal MFT has not been increased in over 17 years. Also contributing to that shortfall is the fact that today's fleet of newer vehicles is more fuel efficient—

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CSA 2010 launched in December Used to track safety record of all with USDOT#

You might have been hearing about CSA for the past several years. It's the **Compliance, Safety, Accountability** program—rolled out at the federal level in December 2010—that replaces SAFESTAT. But some of the rumors about the program have been far off the mark.

CSA is a new safety measurement and enforcement system. It is not a new set of regulations.

All carriers who have a USDOT number will have their safety record tracked over a rolling, two-year period under CSA. That's not a new concept; for years carriers have been given safety ratings under SAFESTAT based on findings and compliance audits. But CSA is more automated and robust.

All inspections (roadside, offsite, and onsite), all violations, and all crashes will

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HIGHWAYS

Hours of service rules face tighter limits

[Docket# FMCSA-2004-19608]

The Federal Motor Carrier Safety Administration (FMCSA) has issued a Notice of Proposed Rulemaking (NPRM) regarding Hours of Service (HOS) rules.

FMCSA proposes to amend the regulations for HOS for drivers of property-carrying commercial motor vehicles (CMVs). The proposed rule is intended to provide flexibility for drivers to take breaks when needed and reduce safety and health risks associated with long hours.

Generally, farmers enjoy exemptions from the most stringent of existing HOS rules, but those exemptions—and exemptions enjoyed by others—are under scrutiny.

The proposed rule would make seven changes from current requirements. First, it would limit drivers to either 10 or 11 hours of driving time following a period of at

least 10 consecutive hours off duty; FMCSA currently favors a 10-hour limit, but its ultimate decision will include consideration of comments and data received.

Second, it would limit the standard “driving window” to 14 hours, while allowing that number to be extended to 16 hours twice a week.

Third, actual duty time within the driving window would be limited to 13 hours.

Fourth, drivers would be permitted to drive only if 7 hours or less have passed since their last off-duty or sleeper-berth period of at least 30 minutes.

Fifth, the 34-hour restart would be retained, subject to certain limits: the restart would have to include two periods between midnight and 6 a.m. and could be started no sooner than 168 hours (7 days) after the beginning of the previously designated restart.

Sixth, the definition of “on duty” would be revised to allow some time spent in or on the CMV to be logged as off duty.

Seventh, the oilfield operations exception would be revised.

DATES: You may submit comments on the Proposed HOS rule no later than **February 28, 2011**

ADDRESSES: Submit comments, identified by docket number FMCSA-2004-19608 by any of the following methods

- **Federal eRulemaking Portal:**
www.regulations.gov.
- **Fax:** 202-493-2251.
- **Mail:** Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001.



SAFETEA-LU

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traveling more miles on fewer gallons.

Add to that the fact that more vehicles are operating on something other than gasoline or diesel fuel, not paying the standard MFT for their fuel such as electric-powered vehicles. Finally, the overall economic downturn has decreased travel, but not—in the short-term—maintenance needs.



CSA materials now available at truck stops

Beginning, January 12, 2011, CSA brochures and pocket cards for Commercial Motor Vehicle (CMV) drivers will be available at hundreds of travel centers across the country. These materials provide important information to CMV drivers about the new CSA Safety Measurement System (SMS). They will be available in “Info to Go” racks at large travel center chains, and in countertop containers at independent truck stops.

The pocket cards and brochures are also posted electronically on the CSA outreach website on the Outreach and Media page:

<http://csa.fmcsa.dot.gov/outreach.aspx#factsheets>.

Local Roads

Weight Limit Postings

Local road jurisdictions continue to wrestle with the questions surrounding the new statewide 80,000# weight limit.

Fulton County Farm Bureau® met with county and township officials in early January to discuss options. The county Board had passed an ordinance in October reducing weight limits on the majority of county highways to 73,280# year-round. That board is now reconsidering the restrictions.

Other counties have had to consider this same set of questions, balancing the need for businesses and the ag community to move their goods versus the cost of maintaining roads.

Counties across the state are facing the same questions—whether to allow 80,000# trucks or post roads for some lesser weight limit

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CSA

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be included in the new CSA information gathering process. Automated storage, retrieval and data manipulation will give administrators greater ability to track safety performance.

A part of the resulting safety rating for each carrier will be based on the safety records of the drivers who work for that carrier. Drivers, too, will be rated, though the system

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Safety Measurement System

Source: FMCSA

Within the Compliance, Safety, Accountability (CSA) Operational Model, the [Safety Measurement System \(SMS\)](#) quantifies the on-road safety performance of carriers and drivers to identify candidates for interventions, determine the specific safety problems the a carrier or driver exhibits, and to monitor whether safety problems are improving or worsening. SMS has replaced SafeStat in the new Operational Model.

SMS uses a motor carrier's data from roadside inspections, including all safety-based violations, State-reported crashes, and the Federal motor carrier census to quantify performance in the following Behavior Analysis and Safety Improvement Categories (BASICS).

Unsafe Driving — Operation of commercial motor vehicles (CMVs) by drivers in a dangerous or careless manner. (FMCSR Parts [392](#) and [397](#))

Fatigued Driving (Hours-of-Service) — Operation of CMVs by drivers who are ill, fatigued, or in non-compliance with the Hours-of-Service (HOS) regulations. This BASIC includes violations of regulations pertaining to logbooks as they relate to HOS requirements and the management of CMV driver fatigue. (FMCSR Parts [392](#) and [395](#))

Driver Fitness — Operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. (FMCSR Parts [383](#) and [391](#))

Controlled Substances/Alcohol — Operation of CMVs by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications. (FMCSR Parts [382](#) and [392](#))

Vehicle Maintenance — Failure to properly maintain a CMV. (FMCSR Parts [393](#) and [396](#))

Cargo-Related — Failure to properly prevent shifting loads, spilled or dropped cargo, overloading, and unsafe handling of hazardous materials on a CMV. (FMCSR Parts [392](#), [393](#), [397](#) and HM Violations)

Crash Indicator— Histories or patterns of high crash involvement, including frequency and severity. It is based on information from State-reported crashes.

A carrier's measurement for each BASIC depends on the following:

- The number of adverse safety events (violations related to that BASIC or crashes)
- The severity of violations or crashes
- When the adverse safety events occurred (more recent events are weighted more heavily).

After a measurement is determined, the carrier is then placed in a peer group (e.g., other carriers with similar numbers of inspections). Percentiles from 0 to 100 are then determined by comparing the BASIC measurements of the carrier to the measurements of other carriers in the peer group. A percentile 100 indicates the worst performance.

MEASUREMENT
On-Road Safety Performance
(BASICS)

- Unsafe Driving
- Fatigued Driving (Hours-of-Service)
- Driver Fitness
- Controlled Substances/Alcohol
- Vehicle Maintenance
- Cargo-Related
- Crash Indicator

Intervention Findings

Obama's Asian Carp plan released Locks to remain open . . . for now

Source: *Waterways Council, Inc.*

In Mid-December, the Obama administration announced that lock closures would not be considered for the coming year in considering options to keep the Asian carp out of the Great Lakes. The 2011 "Asian Carp Control Strategy Framework" was released only 3 hours before Michigan's attorney general announced his intent to continue pressing the courts to close the Chicago area locks.

The administration's approach calls for increased development and testing of the electronic barriers and other deterrents. Also included in the approach is the use of the controversial "eDNA" testing, tracking traces of fish DNA and extrapolating the presence of a fish in that area. Highly suspect, environmental DNA has yet to be peer reviewed.

John Goss, Asian Carp Director for the White House's Council on Environmental Quality, said in a

press release, "This framework builds on the successes we accomplished in 2010 by leveraging cross-government regional coordination on immediate preventative actions and multi-tiered strategies for the longer term.

[Use this link to view the 63-page framework.](#)

Meanwhile, other recent developments in the courtroom have been occurring. A preliminary injunction request by some Great Lakes states was denied (late last year.) This, the third failed attempt to urge the courts to close the locks, is surely not the last.



Water Resources Development Act Update

Source: *Waterways Council, Inc.*

Some initial activity is beginning to be seen concerning a new Water Resources Development Act (WRDA) in this Congress.

Matt Woodruff, WCI Board and Inland Waterways Users Board member, testified on November 17 before the Senate Environment & Public Works (EPW) Committee on the critical role of the Nation's waterways and on the Inland Waterways Capital Development Plan. In line with the Committee's earlier request, he submitted responses last week to follow-up questions from the EPW Committee concerning WRDA matters.



Continuing resolution in effect until March 4

Source: *WCI's eBRIEF*

At the end of the 111th Congress, no agreement was reached for the enactment of any appropriations bills. And while a proposed Omnibus Appropriations bill was floated in the Senate, it failed to win support. Ultimately, another Continuing Resolution (C.R.) was passed at the end of December to fund the Federal government through March 4, 2011.

Like most Federal programs covered by the C.R., funding for the Corps of Engineers is at last year's (FY2010) level through March 4th. As a result, the Corps' Operations & Maintenance (O&M) funding level, at least through March 4th, is higher than what had been originally requested by the President in his FY2011 budget.

Concerning funding for FY2012, the President's budget request to the Congress will be released during the week of February 14, and proposed funding reductions in the Corps' Civil Works program are expected in that request.



Governmental Affairs Leadership Conference

February 23-24

Springfield, IL

Contact your county
Farm Bureau for details.

BTS Releases North American Surface Trade Numbers for October:

October 2010 Surface Trade with Canada and Mexico Rose 14.9 Percent from October 2009

Source: Bureau of Transportation Statistics

Trade using surface transportation between the United States and its North American Free Trade Agreement (NAFTA) partners Canada and Mexico was 14.9 percent higher in October 2010 than in October 2009, reaching \$70.6 billion, according to the Bureau of Transportation Statistics (BTS) of the U.S. Department of Transportation. The value of U.S. surface transportation trade with Canada and Mexico in October 2010 remained 2.9 percent below the October 2008 level despite the 2009-2010 increase.

BTS, a part of the Research and Innovative Technology Administration, reported that the value of U.S. surface transportation trade with Canada and Mexico rose 3.3 percent in October 2010 from September 2010. Month-to-month

changes can be affected by seasonal variations and other factors.

U.S.–Canada surface transportation trade totaled \$40.7 billion in October, up 12.2 percent compared to October 2009. U.S.–Mexico surface transportation trade totaled \$29.9 billion in October, up 18.8 percent compared to October 2009.

Surface transportation consists largely of freight movements by truck, rail and pipeline. In October, 86.1 percent of U.S. trade by value with Canada and Mexico moved on land.

See [BTS Transborder Data Release](#) for summary tables, state rankings and additional data. See [North American Transborder Freight Data](#) for historic data.



Funding shortage for dredging threatens imports and exports

In December, the Corps had announced that it would curtail dredging on the Lower Mississippi due to a lack of funding.

In the past, when the Corps had hit such shortfalls, they would divert funds intended for other projects. But the funding need is so dire for those other projects that diversions are no longer possible.

The deepwater ports—normally maintained at a depth of 47 feet, could silt in requiring lighter loads, shallower drafts, and reduced lanes. All of this would affect international shipments.

At least two proposals are before Congress to address the funding shortfall.

[Read more about the funding shortfall in this *Wall Street Journal* article.](#)



Possible Progress on the US-Mexico Trucking Dispute

Source: US Meat Export Federation

On January 6, the U.S. Department of Transportation unveiled an initial concept document that could form the basis for resolving the U.S./Mexico trucking dispute that resulted in the placement last August of a 5 percent import tariff on U.S. pork hams and shoulders and a 20 percent duty on imports of cooked U.S. pork skin.

Mexico had applied the tariffs starting in 2009 after the U.S. Congress

halted a demonstration program in which a limited number of trucks were permitted to cross the border into the U.S. interior.

Transportation Secretary Ray LaHood announced the program concept that he said emphasizes safety "while satisfying the United States' international obligations."

The initial response from the Mexican government has been positive. Humberto Trevino, Mexico's deputy transport minister, told re-

porters that his government would review the proposal and respond.

If an agreement is reached, he indicated that the series of retaliatory tariffs Mexico imposed on U.S. goods would be lifted. "It could be within weeks," he said, although reports out of Washington, D.C., indicated that this is the beginning of a negotiation process that would more likely take several months to resolve.



CSA

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makes no provision to take them off the road for low ratings. However, drivers' performance will affect carrier ratings.

Scoring

Both timing and severity are factors in reaching a score for the carrier. The severity of each infraction will be rated 1 through 10. Then each will be weighted based on recency:

- Within 6 months 3x
- 6 to 12 months 2x
- 12-24 months 1x

Each month, the score is totaled, then factored for each individual carrier based on their number of power units, mileage travelled and the number of inspections completed.

Size and weight violations are not scored, though law enforcement officers will be notified of prior violations.

Carriers will need to check their own information from time-to-time to ensure there are no errors! Bad information can ruin your rating—be sure the CSA information is accurate!

Rating

Carriers will be rated "on the curve." The best carrier will be rated at zero (0), the worst at 100. All others will be rated based on their scores relative to the highest and lowest scores.

Intervention

One of the greatest differences

between CSA and SAFESTAT is the new ability of FMCSA to intervene with a carrier based on early warning signs.

Exceeding the threshold rating on any of the BASICs will trigger intervention. This is an attempt by FMCSA to spot poor performance trends of a carrier that could lead to more serious problems and nip them in the bud.

The lowest level of intervention will be a warning letter pointing out problem areas. Interventions can progress through targeted roadside inspections, on-site inspections, comprehensive reviews, all the way up to fines.

Under the old system, fewer than 2% of carriers were contacted by FMCSA. Under CSA, that number is expected to be much higher.

Infractions from 2009 and 2010 are already built into the system, so the first warning letters are expected out sometime early this year.

Check Ratings

The ratings of carriers are available online. Each carrier can use their PIN to access complete data on their own record. The public can access ratings, but some data will be blocked. Shippers will likely review the ratings in selecting carriers they want to hire.

Web access to check ratings for both the public and carriers is available at: <http://ai.fmcsa.dot.gov/SMS/Default.aspx>. Since the system is new, data might not yet be available for all carriers.

For more information about CSA, visit the FMCSA website at <http://csa.fmcsa.dot.gov/>



Weights

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on all or certain roads.

Posting Standards

The Illinois Farm Bureau® (IFB®) Board of Directors recently adopted a short list of state legislative priorities for 2011. Among those priorities is the directive to:

"Investigate and develop the establishment of standards for the posting of non-state roads for weight limits. This will include collaborating with other groups and entities to establish these standards and to gain a better understanding of the issue."

IFB staff will be working with local road officials and county Farm Bureaus in reviewing the options for such a standard. It is likely to include not only engineering considerations, but also the process used at the local level for reaching weight limit posting decisions.

Spring Thaw

Soon, local jurisdictions will be putting up temporary weight limits to cover the spring thaw period. Farmers should work closely with road officials to move critical loads.



DeWitt County, Illinois