

Transportation Update

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— Compiled by Illinois Farm Bureau®



Ninth Extension for STA

House's 10th extension includes Keystone pipeline approval

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For the ninth time since the original act expired in September, 2009, Congress has failed to reach agreement on a new Surface Transportation Act (STA.) Instead, before it expired once again, Washington simply applied a three-month extension to the five-year Safe, Accountable, Flexible, Efficient Transportation Equity Act—a Legacy for Users (SAFETEA-LU), initially passed in 2005.

Speaker John Boehner had wanted for House members to consider its own version of a long-term surface transportation legislation. Meanwhile, Senate Democrats had been calling on House members to vote on the Senate's two-year plan known as MAP-21.

On Thursday, April 19, the House approved a

10th extension of the Act, this one would take it through the end of the federal fiscal year, September 30.

This latest extension includes an approval of the Keystone XL Pipeline and a modified version of the Senate's RESTORE Act (re: BP oil spill.) The White House has threatened veto of this extension because of that provision.

The House Rules Committee had included three amendments to the bill (HR 4348), one of which would guarantee spending of Harbor Maintenance Trust Fund receipts. The accumulation of those dedicated funds has aggravated harbor interests who want to see dredging done.



FMCSA shelves driver training

"Substantive issues" put brakes on significant proposal

The Federal Motor Carrier Safety Administration (FMCSA) is halting plans for new entry-level driver training regulations. They note that "substantive issues" were raised in the comment period, highlighting the need for more analysis of the proposed regulation's impacts on both safety and cost.

The rulemaking would require significant behind-the-wheel and classroom training for those who must have a commercial driver license (CDL) to operate a vehicle.

Minimum training requirements for entry-level drivers had been issued in 2003, but those were overturned by a U.S. Court of Appeals. The rules at that time hadn't require on-the-road training.

The current draft rules require substantial training time, both in the classroom and behind the wheel.

Farmers' need for part-time seasonal help would be made all the more difficult to satisfy

(See *Training* on page 4)

462,867

Number of CDL Drivers in Illinois

HIGHWAYS

Treasury Secretary calls for long-term transportation investment

U.S. Treasury Secretary Timothy Geithner, in a speech in April, said the United States needs to invest in a long-term surface transportation plan and not just “limp along” with temporary extensions to SAFETEA-LU,

Geithner was outlining the economy’s current challenges. He was describing the action needed to “help speed the recovery and repair the remaining damage from the [financial] crisis.”

“To make us more competitive, we have to be willing to make larger long-term investments in infrastructure,” he said. “Cutting government investments in education and infrastructure and basic science is not a growth strategy.”

His comments came about a week after President Obama signed off on the ninth extension to SAFETEA-LU, and only a few days before the House passed its version of a tenth extension.

While that’s ironic, Geithner’s comments also come at a time when Congress has failed to provide ongoing funding for major waterway projects, forcing projects costing hundreds of millions of dollars to be managed year-to-year, starting and stopping construction, awaiting uncertain annual funding from Congress.

Add to that, the failure of Congress to keep revenue streams in-line with the growing transportation demand. It’s been 19 years since the per-gallon rate of motor fuel tax has been raised at the federal level.



Congress selects highway bill conference negotiators

Durbin & Costello will represent Illinois

Both the House and the Senate have named their negotiators for the Conference committee that will hold its first meeting on May 8. That committee will have the chore of balancing the interests of those two chambers regarding authorization of highway, transit and transportation safety programs.

Among the negotiators, representing Illinois, will be senior senator Richard Durbin and Rep. Jerry Costello.

The House and Senate negotiators will try to hammer out a long-term reauthorization bill for programs that have operated under a series of nine extensions since the last long-term law expired in 2009. The current extension runs through June.

The Senate negotiators named are:

Republicans: - James Inhofe of Oklahoma, ranking member on EPW; - David Vitter of Louisiana; - Orrin Hatch of Utah, ranking member of the Finance Committee; - Richard Shelby of Alabama, ranking member of the Banking panel; - Kay Bailey Hutchison of Texas, ranking member of the Commerce committee; - John Hoeven of North Dakota.

It’s worthwhile noting that among the Democrats is Baucus, who supports the

Keystone pipeline—a part of the House-passed bill.

Democrats: - Barbara Boxer of California, chairwoman of the Environment and Public Works Committee; - Max Baucus of Montana, chairman of the Senate Finance Committee and the EPW Subcommittee on Transportation

and Infrastructure; - John Rockefeller of West Virginia, chairman of the Commerce, Science and Transportation Committee; - **Richard Durbin** of Illinois; - Tim Johnson of South Dakota, chairman of the Banking, Housing and Urban Affairs Committee; - Charles Schumer of New York; - Bill Nelson of Florida; - Robert Menendez of New Jersey.

The House negotiators named are:

Republicans: House Transportation and Infrastructure Com-

mittee Chairman John Mica (Fla.), Don Young (Ark.), John Duncan (Tenn.), Bill Shuster (Penn.), Shelley Moore Capito (W.V.), Rick Crawford (Ark.), Jaime Herrera Beutler (Wash.), Larry Buschon (Ind.), Richard Hanna (N.Y.), Steve Southerland (Fla.), James Lankford (Okla.), Reid Ribble (Wis.), Fred Upton (Mich.), Ed Whitfield (Ky.), Doc Hastings (Wash.), Rob Bishop (Utah), Ralph Hall

Illinois Conferees share views on major factors

In a conference call on May 1, both Senator Durbin (D) and Representative Costello (D) expressed their support for the Senate version of the bill. Costello pointed out that he supports the Keystone Pipeline provision in the House version, but says that should be considered separately to avoid the controversy and not allow it to hold up passage of a transportation package. They both want to see the President sign a bill before we’re too far into the highway construction season.

(See Conference on page 8)

Overwhelming demand for TIGER grants

Highlights need for investment in an America built to last

U.S. Transportation Secretary Ray LaHood has announced that the overwhelming demand for TIGER (Transportation Investment Generating Economic Recovery) grants has again far surpassed the available funding.

Applications to the U.S. DOT for TIGER 2012 grants totaled \$10.2 billion, far exceeding the \$500 million set aside for the program. The Department received 703 applications from all 50 states, U.S. territories and the District of Columbia.

“On November 18, 2011, the President signed the FY 2012 Appropriations Act, which provided \$500 million for Department of Transportation infrastructure investments. Like the first three rounds, TIGER 2012 grants are for capital investments in surface transportation infrastructure and will be awarded on a competitive basis. This is the fourth round of TIGER funding.

The previous three rounds of the TIGER

program provided \$2.6 billion to 172 projects in all 50 states, the District of Columbia and Puerto Rico. Demand for the program has been overwhelming, and during the previous three rounds, the Department of Transportation received more than 3,348 applications requesting more than \$95 billion for transportation projects across the country.

Illinois DOT has applied for \$48 million under TIGER IV to be used toward completion of the high speed rail link from St. Louis to Chicago. The State had received significant funding in TIGERs I and II, but failed in its third bid for a grant under TIGER III.



House passes another 90-day extension

On April 18, the House passed a second 90-day extension of the surface transportation law in less than a month. This one would extend SAFETEA-LU through the end of September.

The measure passed 293-127 with the support of 69 Democrats. However, President Obama has threatened to veto the measure because it contains a mandate to construct the controversial Keystone oil pipeline from Canada to the U.S. Gulf Coast.

The legislation would allow programs to

continue through the fiscal year and provide predictability during the summer construction season.

It also contains environmental streamlining provisions that could eliminate duplication by providing a single system to review decisions, reducing bureaucratic delay by requiring concurrent—instead of consecutive—project reviews and setting deadlines for the completion of environmental reviews.

This extension will go to conference.



Highway at-grade rail crossing closures

Who controls the process?

Road districts and small communities are sometimes faced with the possibility of closing a road or street crossing over a railroad. When that happens, who has final say in the process?

Generally, it is the Illinois Commerce Commission (ICC) who is the ultimate authority in railroad crossings. That agency works with a number of tools, and within a set of guidelines to carry out that role.

One of those tools is enticement. The ICC can tap a pool of money to encourage local road jurisdictions to close a crossing. Based on the traffic counts on the road, that enticement can be many tens of thousands of dollars. Railroads typically contribute to that offer.

Compared to the multiple hundreds of thousands of dollars for some crossing signalizations—and continuing maintenance—that enticement becomes a taxpayer and railroad bargain. But nearby residents, farms and businesses are the ones impacted by any closure.

These are usually cases involving low traffic volumes but the rules and standards don't favor closure; however, the cost of maintaining the crossing with signalization does.

If an enticement is offered, then it becomes the local road jurisdiction that is faced with the decision to accept the ICC offer (money goes to the local government unit) or to refuse it and keep

(See Crossings on page 6)

TSA Drops Price for Fingerprint Portion of FBI Background Check

Source: *Keep on Trucking*

As of March 19, 2012, the TSA fee for a hazardous materials endorsement security threat assessment has been reduced from \$89.25 to \$86.50.

The TSA Hazardous Materials Endorsement Threat Assessment Program conducts a security threat assessment for any driver seeking to obtain, renew, or transfer a hazardous materials endorsement (HME) on a state-issued commercial drivers license (CDL). The program

was implemented to meet the requirements of the PATRIOT Act.

The risk assessment includes checks of criminal history records, legal status, and relevant international databases.

TSA rules require you to begin applying for the security threat assessment at least 30 days prior to the expiration of your CDL.



Training

(Continued from page 1)

under the rule as currently proposed. Putting a new driver in a truck with the required CDL could require weeks of training and testing and be relatively expensive—all for short-term employment.

As recently as November, FMCSA officials indicated that work on a new rule would be completed in 2012. Now, no one seems to know when that might happen.



Driver Declarations

The November, 2011 edition of *Transportation Update* discussed the new requirement that all CDL holders visit a Secretary of State CDL licensing facility by January of 2014 to declare their status as an interstate driver and their need for a medical card. As of early May, just 9.5% (44,211) of Illinois' more than 460,000 CDL drivers have done that.

The declaration breakdown of that group is as follows:

| | | |
|-----------------------------------|--------|-------|
| NI: Non-exempt, Interstate | 21,604 | 48.9% |
| EI: Exempt, Interstate | 9,635 | 21.8% |
| NA: Non-exempt, Intrastate | 9,037 | 20.4% |
| EA: Exempt, Intrastate | 3,935 | 8.9% |

Remember, in this case, the Illinois Secretary of State's Office is defining the driver as "interstate" only if the driver actually drives a truck outside of Illinois.

ILLINOIS CDL HOLDERS

As of February 27, 2012

Total — 462,867

Breakdown by classification of license:

Class A — 299,017

Class B — 152,179

Class C — 11,671

NUMBER CARRYING ENDORSEMENTS

Hazardous Materials — 66,892

Doubles & Triples — 79,437

Tanker — 87,664

Passenger — 104,043

ILLINOIS Non-CDL HOLDERS

(Farmers, firefighters, military, personal use)

Total — 64,772

Non-CDL breakdown by classification of license:

Class A — 4,644

Class B — 58,189

Class C — 1939

FMCSA finalizes rule on medical examiner certification

This could make it harder to find examiners in some areas of Illinois

U.S. DOT Secretary Ray LaHood has announced a new safety rule that requires healthcare professionals who perform medical examinations for truck and bus drivers to be trained, tested and certified on the specific physical qualifications that affect a driver's ability to safely operate the vehicle.

These are the doctors and other health care providers that do the biannual physical for drivers and issue what is commonly known as the "Medical Card."

This final rule also creates a national online database of medical examiners who have completed the Federal Motor Carrier Safety Administration's (FMCSA) certification process.

FMCSA developed the National Registry of Certified Medical Examiners final rule as part of the agency's oversight of interstate drivers intended to prevent commercial vehicle-related crashes, injuries and fatalities.

Timeline

In May, FMCSA will post its uniform training and testing standards for medical examiners at <http://nrcme.fmcsa.dot.gov/>. At that time, health care professionals, drivers, employers, law enforcement officers and the public can review the training standards and sign up to receive updates on the implementation of the rule.

By May 21, 2014, all certified medical examiners must be on the National Registry database. Drivers will then be mandated to obtain any DOT-required medical examination from a certified examiner.

To allow time for testing and training centers to prepare their curricula and receive FMCSA approval, healthcare professionals seeking to become certified examiners can begin registering

But that higher bar also likely means more paperwork, fewer options.

Medical examiners perform approximately three million examinations on commercial truck and bus drivers each year. A Department of Transportation medical exam looks at a range of conditions to determine a driver's medical fitness, including cardiovascular disease, respiratory and muscular functions, vision and hearing.

Some farmers are exempt

*FMCSA regulations provide an exemption for **certain farm vehicle drivers** from the requirement to have the bi-annual physical. To qualify, they must conform to the stipulations found in [§ 391.2](#).*

*In this case, **farm vehicle driver** means a person who drives only a commercial motor vehicle that is—*

- *(a) Controlled and operated by a farmer as a private motor carrier of property;*
- *(b) Being used to transport either—(1) Agricultural products, or (2) Farm machinery, farm supplies, or both, to or from a farm;*
- *(c) Not being used in the operation of a for-hire motor carrier;*
- *(d) Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with §177.823 of this subtitle; and*
- *(e) Being used within 150 air-miles of the farmer's farm.*

However, this exemption does not apply to farmers who drive an articulated (combination) commercial motor vehicle.

In short, if you drive a combination vehicle of more than 10,000 pounds (truck + trailer) for a farming operation, you'll need to get the bi-annual physical and carry a medical card.

on the National Registry website this summer.

Regulated Standard

FMCSA Administrator Anne S. Ferro says that "By holding medical examiners accountable to high standards of practice, we raise the bar for safety."

Availability

While this new regulation might help to eliminate unscrupulous examiners, it will also likely drive away some good examiners, reducing the available pool — especially in rural areas .

If you now have your own physician do your biannual physical, you might have to look elsewhere in two years. Though your doctor is likely medically qualified to do the exam, he or she might not want to go through the hassle and red tape of complying with this new federal rule.

More and more, the role of conducting DOT physicals is likely to coalesce around clinics or individual examiners who specialize in that

exam. Those are more often found in urban settings than in rural areas.

To learn more about the National Registry of Certified Medical Examiners final rule, visit <http://nrcme.fmcsa.dot.gov/>.



Cost over-run at Olmsted to be \$3 billion

That's a billion dollar escalation in just one year!

Source: Waterways Council, Inc.

In testimony offered by the U.S. Army Corps of Engineers to the House Appropriations Committee on March 7, the cost over-run amount at the Olmsted Lock and Dam project on the Ohio River has now been revealed to be \$3.099 billion, a whopping \$1 billion cost escalation in just one year.

At the Corps' budget briefing of February 13, 2011, the Assistant Secretary of the Army for Civil Works stated that the project cost would be \$2.099 billion, or an \$800 million increase. This cost over-run is borne by commercial users of the system who pay for half of the cost of construction and major rehabilitation, and also by U.S. taxpayers.

The Olmsted project was originally authorized under the Water Resources Development Act (WRDA) in 1988 at a cost of \$775 million, with a seven-year construction period. Since authorization, this project has seen multiple, significant cost over-runs.

"The implications of this Olmsted cost over-run to the national economy, to jobs and to exports are enormous. No other meaningful investment in modernization of the aging inland waterways infrastructure will be made for a decade, or more, if the Olmsted project continues down its current path. Noth-

ing for the authorized projects on the Upper Mississippi River, no investment for the Illinois, the Ohio, the Tennessee, the Cumberland, the Monongahela, or any other construction on any other part of the system. And that means no new/additional jobs, no chance to grow exports, and no transportation cost-savings returned to consumers from these shelved projects," WCI President/CEO Michael J. Toohey said in an earlier press release.

"The national economy will lose \$700 million per year in benefits foregone by the delay in the Olmsted project alone, as estimated by the Corps of Engineers' own economists. Our Nation will be placing a risky 10-year bet in relying on the 'Roaring 20s'-era facilities at locks 52 and 53, which Olmsted was to have already replaced" he continued.



WRDA in limbo

No solution in sight for major waterway package

It's been five years since Congress passed a Water Resources Development Act (WRDA.) That's the one that authorizes building and maintenance of locks, dams, levees, waterway navigation channels, ports, levees and other major water projects. Some question whether we'll see another one.

Steve Stockton, director of civil works at the Army Corps of Engineers says "It's impossible to put one together in the current rules that the House and Senate are operating under." Interest groups have been working for years for a new WRDA, but you can write off passage in 2012—an election year.

Congress is already gridlocked on a number of issues and WRDA carries some long-term commitments and a multi-billion dollar price tag that's too controversial for consideration.

In the 1980s Congress worked to pass a WRDA every two years. But in the past 20 years, only four WRDAs have passed; 2007 was the last one. Since then, a ban on earmarks and extensive partisan politics have stymied further efforts at passing another one.

Problems will first need to be worked out. Olmsted has become the poster child of things wrong with management of major waterway infrastructure construction projects. Funding demands far outstrip available revenues as dozens of already-authorized waterway projects await appropriations. And a clear picture of the future for waterway infrastructure will have to be agreed upon before Congress will elevate the priority of such projects to the level that demands action.



Crossings

(Continued from page 3)

the crossing open.

For county roads and city streets, it's the governing board who will decide. For township road districts, it's up to the highway commissioner. In all cases,

a public hearing is required, but the outcome of that hearing is non-binding on the local decision maker.

In such chases, generally, the ICC will honor the local decision.



BNSF viaduct replacement

IDOT to fund IL Rt. 29 project in Chillicothe

The [Illinois Department of Transportation \(IDOT\)](#) will provide \$2.2 million to complete engineering and design plans for replacing the [BNSF Railway Co.](#) viaduct over Illinois Route 29 in Chillicothe.

The project calls for replacing the two existing viaducts with a single structure featuring three mainline tracks, a yard track, service road and pedestrian walkway. IDOT also will widen state highway 29 to two lanes in each direction between. Engineering and design is expected to take three years, and construction is estimated at \$22 million.

"These improvements will add much-needed road and rail capacity in the Peoria area," said Illinois Transportation Secretary Ann Schneider in a prepared statement.

The funding will be provided through the six-year, \$31 billion *Illinois Jobs Now!* Program, which the state created in 2009.



Union Pacific

Celebrates

150 Years

President Abraham Lincoln signed the Pacific Railway Act on July 1, 1862, which established the original Union Pacific. Today, Union Pacific Railroad is the principal operating company of Union Pacific Corporation, linking 23 states in the western two-thirds of the country by rail

Illinois Gov. Pat Quinn and the Illinois General Assembly have proclaimed that July 1 will be Union Pacific Railroad Day in Illinois to honor the Class I's 150th anniversary.

New CTA station

First in 18 years

On April 30, [Chicago Transit Authority \(CTA\)](#) officials marked the completion of a new station at Oakton Street and Skokie Boulevard, the first new station to open along the "L" rail system in 18 years.

The \$20 million project was funded with a \$14 million federal Congestion Mitigation and Air Quality grant and \$6 million from the village of Skokie.

Currently, the Yellow Line, which runs between the Dempster-Skokie and Howard stations, provides more than 5,000 rides daily and an average of more than 40,000 rides on weekends. Between 2010 and 2011, the Yellow Line added 13,000 additional riders, growing to an annual ridership of more than 1.5 million.

The station is located next to the Illinois Science and Technology Park, a 24-acre research campus that employs 1,400 people.



WATERWAYS

Pittsburg reporter pens informative waterway series

Articles cover far more than Pennsylvania issues — worth a read

In late March, the *Pittsburgh Post-Gazette* published a four-part series of articles on the condition of the Pittsburgh region's 23 locks and dams. Titled, "Locked and Dammed," the links to each article in the series are at right. Reporter Len Boselovic has done an exceptionally thorough job outlining the many challenges of modernizing our

locks and dams. He interviewed a number of waterway industry personnel and has spoken to many Corps of Engineers

officials and Members of Congress.



<http://old.post-gazette.com/pg/12078/1217742-113.stm> First part

<http://old.post-gazette.com/pg/12079/1217879-113-0.stm> Second part

<http://old.post-gazette.com/pg/12080/1218128-113.stm> Third part

<http://old.post-gazette.com/pg/12081/1218291-455.stm> Fourth part

North American surface trade numbers for February up 17.4 percent in past year

Imports way up — exports up even more since 2002

Source: *BTS*

Trade using surface transportation between the United States and its North American neighbors, Canada and Mexico, was 17.4 percent higher in February 2012 than in February 2011, totaling \$78.1 billion, according to the Bureau of Transportation Statistics (BTS) of the U.S. Department of Transportation.

BTS, a part of the Research and Innovative Technology Administration, reported that the February 2012 value of U.S. surface transportation trade with Canada and Mexico, the United States' North American Free Trade Agreement (NAFTA) partners, rose 12.6 percent from February 2008, which was two

months after the start of the recession, and 63.0 percent from February 2009, in the middle of the recession.

The value of U.S. surface transportation trade with Canada and Mexico in February increased by 87.3 percent compared to February 2002, a period of 10 years. Imports in February were up 75.9 percent since February 2002, while exports were up 102.8 percent. See [Transborder Press Releases](#) for historical data.

Surface transportation includes freight movements by truck, rail, pipeline, mail, Foreign Trade Zones, and [other](#). In February, 87.4 percent of U.S. trade by value with Canada and Mexico

moved via land, 8.7 percent moved by vessel, and 3.9 percent moved by air.

U.S.-Canada and U.S.-Mexico surface transportation trade in February 2012 both increased compared to February 2011 with U.S.-Canada reaching \$45.4 billion, a 13.7 percent increase, and U.S.-Mexico reaching \$32.7 billion, a 23.0 percent increase. For trade statistics by mode, see Table 4 for Canada and Table 6 for Mexico.

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

Secretary of the Army approves/recommends Inland Waterway Users Board participants

After nearly a year delay, the Secretary of the Army has approved, recommended and notified representatives to serve on the Inland Waterways Users Board (IWUB). Alter Logistics Co., American Commercial Line, AEP River Operations, Brownsville Marine Products, CGB Enterprises, CONSOL Energy, Ingram Barge Company, Kirby Inland Marine, Parker Towing Company, and Tidewater Barge Line have been selected.

These recommended representative companies have been approved to serve interim one-year terms, which will expire February 22, 2013. After that time, the Corps will begin the normal 2-year process, but companies will nominate themselves and identify someone to represent them.

Under new rules, the representatives and companies can serve on IWUB for two consecutive, 2-year terms, after which they can't be represented during

at least one intervening 2-year term.



Conference

(Continued from page 2)

(Texas), Chip Cravaack (Minn.), Dave Camp (Mich.) and Patrick Tiberi (Ohio).

Democrats: Nick Rahall (W.V.), Peter DeFazio (Oregon), **Jerry Costello** (Ill.), Jerrold Nadler (N.Y.), Corrine Brown (Fla.), Elijah Cummings (Md.), Leonard Boswell (Iowa), Tim Bishop (N.Y.), Henry Waxman (Calif.), Ed Markey (Mass.), Eddie Bernice Johnson (Texas), Earl Blu-

menauer (Oregon) and Eleanor Holmes Norton (D.C.).

The first meeting reportedly will address the scope of issues to be considered during the conference. One contentious issue will relate to a provision, included in the House's latest extension of the SAFETEA-LU bill, which would approve the permit to build the Keystone XL oil pipeline.

