

TRANSPORTATION UPDATE

FEBRUARY, 2014



Off-highway vehicles

A storied past runs headlong into a shifting future

The rules associated with the use of ATV's and other off-highway vehicles have been changing over the past several years. Today, three pieces of legislation are the focus of attention. Legislation from 2010 is now converging with a new law from last year and another proposed law change in 2014. They are combining to create confusion. To sort it all out, we'll need to go back seven years.

Farmers' on-road use

In 2007, with Illinois Farm Bureau's support, Illinois farmers had been granted authority to operate ATVs on county and township roadways for purposes of farming. In 2008, we were able to have Gator-type vehicles

(known as Recreational Off-Highway Vehicles [ROHVs]), included in that authority.

However, in 2009—after a push by other sport riding groups—legislation was passed that inadvertently erased that authority.

In 2010, Illinois Farm Bureau was successful in promoting legislation restoring that farmer authority, which remains in-place today. So, farmers may once again operate an ATV or ROHV on a county or township roadway—but only for production farming.

OHV Stamp

In 2012, in a bid to generate revenue

(See Stamps on page 4)

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DePaul reviews GLMRIS report

Chamber-commissioned study finds additional costs

Based on information from the Illinois Chamber of Commerce, Infrastructure Council

On January 6th, the U.S. Army Corps of Engineers (USACE) released the Great Lakes and Mississippi River Interbasin Study (GLMRIS). (We had reported on that release in the January issue of *Transportation Update*.)

That report identified eight alternatives to address the issue of invasive

species while maintaining or improving water quality, and flood mitigation in the Chicago region.

Just a few days later the USACE had the first listening session in Chicago. From there, the Corps set out to visit other parts of the region and the nation to discuss GLMRIS.

At the Chicago session, the Infrastructure
(See GLMRIS on page 6)

When the new Panama Canal opens in 2015, it will accommodate ships up to 1,200 feet long and 160 feet wide. A rectangle that size would cover over 4.4 acres.

Emergency regulation provides relief for LP truckers and others

Extended yet again due to cold weather

Based on a press release from the Governor's office.

In late January, Governor Quinn announced emergency actions to alleviate the short supply and high prices of liquefied propane gas and heating oil in Illinois. The actions make it quicker and easier to transport these fuels from other states into Illinois.

The actions were intended to quickly bring more propane and heating oil into Illinois to help make sure families can safely and affordably heat their homes during the historic cold stretch.

Quinn issued a disaster proclamation to allow Illinois licensed truckers to travel through other states to obtain these fuels and deliver them to Illinois without applying for additional licenses. The declaration also allows drivers to remain behind the wheel longer in order to retrieve heating fuel from other states and bring it back to Illinois. These actions increase the number of drivers available to bring propane into Illinois from other states.

In addition, the tax for out-of-state trucks that use Illinois

Local road systems looking for farmer cooperation this spring

Issues include spring thaw and road ditch overspray

This winter's unusually cold temperatures have driven the frost line deeper than it's been for a long time in Illinois. That, along with the relatively late thaw and the abundance of moisture, will undoubtedly combine to dramatic effect on local roads during the inevitable spring thaw.

Farmers should exercise extra care during that thaw period to keep heavy equipment off local roads—most of which don't have the extensive base found under the State's all-season pavements.

Local road officials also have concerns about overspray by in-field applicators. Herbicide overspray into road ditches can destroy the vegetation needed

to maintain those ditches. That, in turn, leads to erosion costing the road jurisdiction (spell that: t-a-x-p-a-y-e-r) additional maintenance dollars and disrupting drainage.

Killing the ditch's cover vegetation can also lead to volunteer weed growth, spreading unwanted seeds. Tall weeds and brush create visibility issues for drivers at intersections and by hiding traffic signs.

Be careful along roadways not to overspray when applying herbicides. And if you hire that done, remind the applicator operator, too.

They're your roads. Help to preserve them.



roads is being temporarily suspended by the Illinois Department of Revenue for trucks that are delivering heating fuels to Illinois. The U.S. Department of Transportation has also issued an emergency declaration that also provides for federal regulatory relief for motor vehicles delivering LP gas and heating fuels to affected areas.

A higher than usual nationwide demand for the fuels is being caused by a much colder than normal winter that is gripping large parts of the nation, includ-

ing areas that don't normally experience extreme cold. This is compounded by a wet harvest season that required an unusually heavy use of propane gas to dry grain.

The Illinois waivers are in-place as long as the emergency lasts, or until March 1. They had begun already last fall in response to the high LPG demand by farmers for grain drying, with the exemption being extended several times throughout the fall and winter.



FMCSA Proposes National Drug and Alcohol Testing Clearinghouse for Commercial Truck and Bus Drivers

Employers would be required to check clearinghouse before hiring and annually

Based on USDOT Press Release:

WASHINGTON - On February 12, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced a proposed rule to establish a drug and alcohol clearinghouse for all national commercial driver's license (CDL) holders. The clearinghouse would help improve roadway safety by making it easier to determine whether a truck or bus driver is prohibited from operating a commercial motor vehicle for failing to comply with federal drug and alcohol regulations, including mandatory testing.

Current federal regulations require employers to conduct mandatory pre-employment screening of a CDL driver's qualifications based upon his or her driving record. However, there has not been a single federal repository recording positive drug and alcohol tests by CDL holders that employers would be able to search to ensure that the driver is able to perform safety-sensitive duties.

The proposed rule would create such a repository and require employers to conduct pre-employment searches for all new CDL drivers and annual searches on current drivers.

Under the proposal, FMCSA-regulated truck and bus companies, Medical Review Officers,

Substance Abuse Professionals, and private, third party USDOT drug and alcohol testing laboratories would be required to record information about a driver who:

- Fails a drug and/or alcohol test;
- Refuses to submit to a drug and/or alcohol test; and
- Successfully completes a substance abuse program and is legally qualified to return to duty.

Testing laboratories also would be required to report summary information annually. This information would be used to help identify companies that do not have a testing program.

To ensure the privacy of drivers involved, each CDL holder would need to provide his or her consent, before an employer could access the clearinghouse.

Drivers who refuse to provide this information could still be employed by the truck or bus company; however, they could not occupy safety-sensitive positions, such as operating a commercial motor vehicle.

It is a violation of federal regulations to drive a truck or bus under the influence of controlled substances or alcohol. Federal safety regulations require that truck and bus com-

panies that employ CDL drivers conduct random drug and alcohol testing programs. Carriers must randomly test 10 percent of their CDL drivers for alcohol and 50 percent of their CDL drivers for drugs each year.

In addition to random testing, truck and bus companies are further required to perform drug and alcohol testing on new hires, drivers involved in significant crashes, and whenever a supervisor suspects a driver of using drugs or alcohol while at work.

The proposed rule was directed by Congress in the most recent transportation bill, the Moving Ahead for Progress in the 21st Century Act (MAP-21.)

For a copy of the Federal Register announcement, see: www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/rule-programs/rule_making_details.aspx?ruleid=471.

Public comment will be accepted up to 60 days following the proposed rule's publication in the Federal Register (TBD.)

Because the rule is based on a Congressional mandate, there are likely to be few if any changes to the concepts within the proposed rule.



Stamps

(Continued from page 1)

for the agency, the Illinois Department of Natural Resources (IDNR) successfully pushed legislation requiring that most Off-Highway Vehicle (OHV) owners be required to annually purchase and display a special \$15 stamp. Included among the vehicle types subject to the permit are: ATVs, UTVs, off-highway motorcycles, and golf carts. That last one applies for those golf carts used as a Neighborhood Vehicle. The fee will not be applied to golf carts owned by a golf course for on-course use.

Illinois Farm Bureau saw to it that the annual permit does not apply to farm equipment used for farming. Neither is the permit required of snowmobiles, motorcycles or watercraft nor of OHVs used by governmental units.

An owner that rides his/her OHV on the property on which they permanently reside are excused from having to buy the permit. Same for the guests they invite to ride the homeowner's OHV on that property.

However, this current homeowner exemption does not apply to other properties owned by that individual.

Originally slated to begin July 1, 2013, the start date for the permit requirement has been pushed back to April 1, 2014. By that date, all OHVs subject to the permit must have it displayed on the front half of the vehicle.

Since January 1 of this year, OHV owners have been able to purchase the stamp from virtually any point-of-sale vendor that sells hunting and fishing licenses. Those private businesses selling the permit are allowed to charge a \$.50 fee, so you'll likely see a total cost of \$15.50, unless purchasing directly from the IDNR.

Vehicles subject to the OHV Stamp must display it by April 1, 2014

Every stamp will expire on March 31 of the year following the calendar year in which it was purchased. Stamps issued early in a calendar year (i.e. January through March) will be good for more than a year, expiring March 31 of the following calendar year. Stamps purchased late in a calendar year (April through December) will be good for less than a year, expiring the following March 31. The \$15 fee will not be prorated for less-than-full-year purchases.

Pending changes

Even before the OHV Stamp program is up and running, legislation has been introduced that would make significant changes. Senate Bill 2633—now pending in the Senate—would reduce the cost of the permit to \$10 for small (youth) ATVs (75cc and under.)

If passed, it would also create additional exemptions for:

- Standard golf carts;
- OHVs operated on any property owned by the vehicle owner
- OHVs operated for bona fide commercial business purposes—including farming
- OHVs operated by a person with certain physical disabilities
- OHVs operated at a commercial riding park
- OHVs already registered by the Secretary of State.

The bill's changes are supported by IDNR, so they're likely to make their way through the General Assembly.

IDNR indicates that funds generated through the OHV Usage Stamp will be used to develop public-access trails for OHV use in Illinois, and to utilize more than \$1 million in federal funds currently available for motorized trail development and maintenance through available matching dollars.

For additional information regarding farmer use of ATVs, visit the Illinois Farm Bureau website at: <http://www.ilfb.org/policy-and-issues/current-issues/transportation-and-infrastructure.aspx>

For a listing of locations that can sell the OHV Stamp, visit IDNR's website at: <http://www.ilfb.org/policy-and-issues/current-issues/transportation-and-infrastructure.aspx>



TRAINING

IFCA offers ammonia safety training video for farmers

Even experienced farmers need to be reminded

The Illinois Fertilizer and Chemical Association (IFCA) encourages farmers to use the on-line ammonia training video on its website.

IFCA developed the program in 2013 for the sole purpose of providing an easy-to-access tool for farmers and anyone who picks up nurse tanks or handles ammonia.

There is no cost to use the program, and it addresses all aspects of ammonia properties, transportation, personal protective equipment, in-field application and emergency response.

The fertilizer industry is only as strong as its weakest link in the product supply chain. The reality is that when accidents occur,

especially with the loss of life, there are often reactions from lawyers, lawmakers and regulators that affect the industry.

IFCA is working with the Illinois Department of Agriculture (IDA) and Illinois Farm Bureau to promote ammonia safety awareness and the availability of ammonia training for farmers.

IFCA and the IDA are also offering ammonia training classes in late February, many of which are already full and the others filling up fast. Go to www.ifca.com to access the IFCA website to see the ammonia class schedule and to access the on-line ammonia training program for farmers.



On the Road Seminars

This winter's series covers at least a half dozen new laws impacting farmers and trucking

You'll learn about:

- CFV exemptions for farmers –both current and pending;
- Cell phone & texting ban;
- New entrant audit changes;
- DOT physicals;
- ATV permits;
- Proposed regulations
- The old standbys: CDL, USDOT Number and weight limits.

These topics and more are included in the scheduled seminars. Plan to attend.



DATE	CITY	FACILITY & ADDRESS	TIME
Feb. 20 (Thr)	Jacksonville	U of I Extension building, 104 N. Westgate Ave.	7:00 p.m.
Feb. 21 (Fri)	Vandalia	Fayette County Farm Bureau®, 1125 Sunset Drive	1:00 p.m.
Mar. 03 (Mon)	Mt. Vernon	Farm Credit Services Building, 410 Potomac Blvd.	Noon
Mar. 03 (Mon)	Marion	Southern FS facility, Chase Lane	6:30 p.m.
Mar. 04 (Tue)	Jonesboro	Union County Farm Bureau®, 104 West Broad Street	8:00 a.m.
Mar. 04 (Mon)	Ullin	Shawnee Community College (River Room)	6:00 p.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 W. Evergreen Ave	7:00 p.m.
Jun. 27 (Fri)	Freeport	HEAVY Equipment, 2290 US 20 Business Route	10:00 a.m.
Aug 05 (Tue)	Carlinville	Macoupin County Farm Bureau® building, 220 N Broad St.	7:00 p.m.

On the Road Seminars

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

Next surface transportation act starts in the hole

Moving Ahead for Progress in the 21st Century (MAP-21) to expire September 30

The Transportation & Infrastructure Committee of the U.S. House of Representatives held a hearing in mid-January to get the ball rolling on the replacement of MAP-21 before it expires this September.

Washington is generally optimistic that something will happen before August but with WR(R)DA still in the air, that could prove to be a false hope.

House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.) aims to get surface transportation reauthorization legislation onto the House floor for consideration by August.

In the coming months, Shuster plans to hold more hearings and discussions about what the bill should address. He hopes the committee will be ready to act on reauthorization by spring or early sum-

mer, with the goal to be on the House floor before Congress takes its August recess so that there will be time to conference the House bill with the Senate's version, he said.

MAP-21 had proposed to streamline the process of bringing a project to completion. Reduced costs from that efficiency was intended to offset lower appropriations. However, the new rules to allow that streamlining are still pending, and there's concern about how that will affect a future Surface Transportation Act. That adds to the uncertainty in the business community—both within and outside the transportation construction sector.

In the meantime, the Congressional Budget Office (CBO) has projected that a new six-year transportation bill would require \$100 billion in new revenue such as tax increases or fund transfers from the U.S. Treasury's General Fund to maintain current spending levels.

Already by fiscal year 2015, the Highway Trust Fund's (HTF) won't have enough funds to meet obligations, according to a report on the American Association of State Highway and Transportation Officials' (AASHTO) website.

It's even possible the HTF could run out of money before the end of this fiscal year, Sept. 30. Over the next 10 years, according to CBO estimates, the trust fund will total about \$17 billion less than its spending per year.

GLMRIS

(Continued from page 1)

ture Council and other groups expressed concerns about alternatives that physically separate the two water basins.

Many groups in favor of physical separation were very quick to push those alternatives, despite the study only being a few days old. Additionally, the USACE worked within an expedited timeline and did not fully dive into the environmental and monetary costs of all options.

To aid in understanding GLMRIS and the alternatives, the Illinois Chamber of Commerce Foundation commissioned a study by DePaul University to assess additional factors within the alternatives.

The DePaul study confirmed the Chamber's concerns; cost estimates are upwards of \$34 billion while the 25-year implementa-

tion time remaining consistent with USACE estimates.

While other assessments of GLMRIS are likely ongoing, this additional information assists in understanding the breadth of consequences of the alternatives.

The Infrastructure Council is just one of many organizations assessing the non-separation alternatives in order to address the threat of invasive species while allowing for the continuation of commerce and without threatening our flood control abilities or water quality.

[Full GLMRIS report and appendices](#)

[DePaul University: Gaining Insight into GLMRIS](#)



Senate joint resolution on waterways

Supports flood control measures, Comprehensive Plan, and M-35 designation

Sen. John M. Sullivan (D-Rushville) has introduced SJR54 calling for support for three river-related causes.

The resolution supports the USDOT designation of the "M-35" from St. Louis, Missouri to St. Paul, Minnesota and the "M-55" from Chicago via

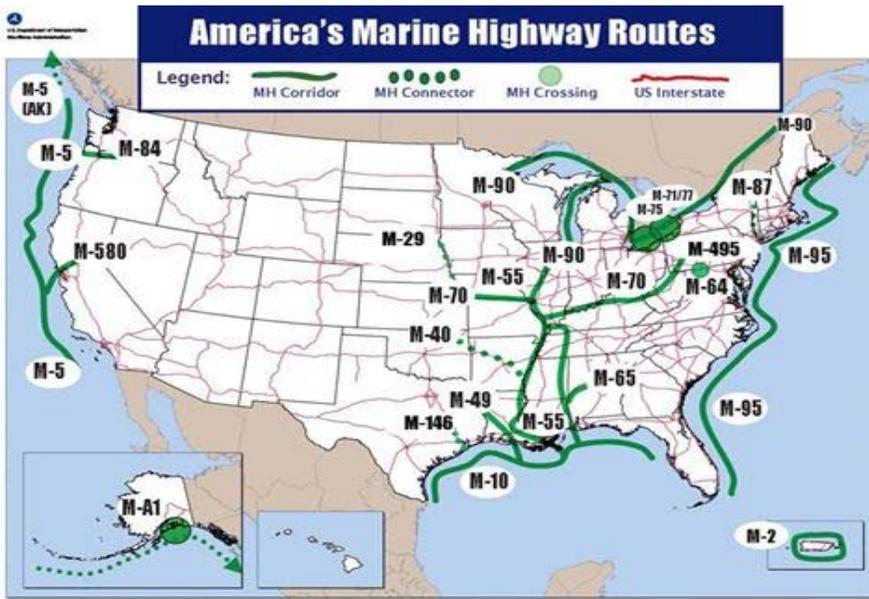
St. Louis, Missouri to New Orleans, Louisiana as "Marine Highway Corridors." That designation should help to boost chances for federal navigation project funding along those waterway routes.

The resolution also encourages support for the local drainage sponsors and the United States Army Corps of Engineers' Upper Mississippi River Comprehensive Plan, as approved by the Mississippi River Commission, for systemic flood control planning and implementation.

Finally, it supports the streamlining of the State Levee Permitting process to encourage and facilitate both flood control and navigation improvements to Illinois levee systems. Without being specific, this is an effort to allow levee improvements of modest impact without the requirement for full-blown impact audits.

Rep. Jil Tracy (R-Quincy) is set to carry the legislation in the House once it leaves the Senate.

All the provisions are supported by the concepts within Illinois Farm Bureau policy.



The America's Marine Highway Program is a U.S. Department of Transportation-led program to expand the use of our Nation's navigable waterways to relieve landside congestion, reduce air emissions, and generate other public benefits by increasing the efficiency of the surface transportation system.

The Marine Highway Program does not develop or operate Marine Highway services—that is left to the private sector or state/local governments. The Program was designed to integrate the commercially operated Marine Highway services into the nation's surface transportation system. Once integrated, these Marine Highway services would connect seamlessly with all modes of transportation for freight and passengers, thus providing a convenient transportation alternative alongside congested landside transportation corridors.