

Transportation Update

APRIL 2010

— Compiled by Illinois Farm Bureau®



80,000# weights are here!

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Now into the latter half of April, spring thaw weight limit postings are coming off local road systems and the advent of the 80,000# bridge formula begins in earnest.

Though the new weight limits officially took effect January 1, for the past three months they've been largely on-hold pending the end of the spring posting period.

General discussions with road officials give reason to expect that many will give the new weight formulas a chance to play out. That's contrary to earlier predictions that speculated a large number of local systems would see permanent weight limit postings.

That's not to say that there won't be limits posted. Some road authorities—

especially at the road district level—plan to post at least some problem roads immediately. Others might even post limits system-wide.

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UCR renewals still weeks away

Holders of a US DOT Number have yet to be provided with a renewal notice for the 2010 Unified Carrier Registration (UCR), and they won't be getting one anytime soon.

Federal regulators still haven't finalized the fee and registration rules for 2010. Though the proposed changes have been through the public review phase, they are now back under the review of the Office of Management and Budget (OMB.) That agency has a statutory deadline of June 1 to complete its review, though a decision could come sooner.

When the logjam breaks, the Illinois Commerce Commission (ILCC) will be notified and will send out the renewal notifications. All carriers who applied for and received a US DOT Number within the past three years and all carriers who were registered for the UCR in 2009 will receive a written notification for the 2010 UCR renewal.



Missouri River Authorized Purposes Study (MRAPS)

The Army Corps of Engineers has been directed by Congress to review the original project purposes established by the 1944 Flood Control Act. MRAPS is a review of the legislation that created the system of dams and reservoirs on the Missouri River and major tributaries. The study will determine if changes in these purposes and the existing federal water resource infrastruc-

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HIGHWAYS

Federal farm equipment marking rule pending

For the past six months, Congressional legislation has been pending that would establish federal standards regarding the visibility of farm equipment.

If passed, standards would be developed by US DOT, based on

American Society of Agricultural and Biological Engineers (ASABE) designs and would be applicable to equipment manufactured one year after the effective date.

H.R.3720 directs the Secretary of Transportation to promulgate a rule

to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road. The chief sponsor is Rep. Phil Hare [IL-17]. There are nine co-sponsors. Currently, the bill sits in the House Subcommittee on Highways and Transit.

The bill directs the Secretary of Transportation to promulgate a rule: (1) to improve the daytime and nighttime visibility of agricultural equipment operating on public roads; and (2) that establishes minimum lighting and marking standards for such equipment.

It requires the Secretary to review and revise the standard at least once every five years to reflect the latest edition of the American Na-

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Assistance from highway commissioners

Agriculture's working relationship with local road officials was strengthened last month when highway commissioners stepped in to assist local farmers.

For years, Illinois Farm Bureau has been cultivating relationships with township highway commissioners (HCs) and fostering joint efforts on projects and issues. An example of that played out in March in northwestern Illinois.

Livestock farmers in one township there were struggling with an oppressive spring thaw weight limit posting of 12 tons GVW, apparently, only on roads serving a handful of livestock farms. Getting feed to the farms was prohibitive, much more so getting livestock and milk to market. The local HC reportedly refused to budge on permits or a temporary lifting of the limit to accommodate these farmers.

The county Farm Bureau® put the farmers in touch with Illinois Farm Bureau staff, who in-turn called on some of the state and regional lead-

ership among HCs.

The HC community has always extended an offer to intercede in such situations where it appears that a fellow HC's policies might be unresponsive to local needs. As a group, they want to avoid being tagged as uncooperative, so they are willing to assist in finding solutions where practical.

In this case, they did just that.

While several of the HCs contacted were willing to assist, the contact was ultimately delivered by Danny Hanning, HC in Huntsville Township in nearby Schuyler County. Hanning spent the better part of a day traveling to the problem spot and working out a solution.

Within a day or two, the livestock producers were again allowed to move those loads critical to the health and welfare of the livestock.

Thanks to Hanning—and all HCs across the state, for their cooperation in resolving these problems!



Today's motorists on rural roadways can expect to mainly encounter agricultural equipment with presentations of lighting and marking that conform to the standards applicable at the time the host product was produced. That principle alone yields substantial variety by evolution. The motoring public should also expect to see agricultural equipment, especially in daytime use, without lighting and marking or with only the lighting and marking dictated by local requirements enforced in the area.

Murray Madsen
University of Iowa

Surface transportation fund extended through 2010

On March 12, the US Senate passed the HIRE Act, which extends the Highway Trust Fund through year's end and provide billions of dollars for mass transit and highway infrastructure projects. Previously passed by the House and supported by the American Public Transportation Association, the bill was signed into law by President Obama.

The HIRE Act releases funding for public transportation in the 2010 appropriations bill and extends the deadline for federal surface transportation legislation until Dec. 31. Since the last surface transportation act expired in the fall, Congress had been granting only short-term extensions.

The Highway Trust Fund extension will enable states and local agencies to advance mass transit

and highway projects, creating and preserving 1 million jobs, said Sen. Barbara Boxer (D-Calif.), who chairs the Senate Environment and Public Works Committee.



80,000

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As use patterns evolve throughout the year, the capacity of local roads to handle the new legal weights will be made self-evident. Then, road officials will adjust postings to fit those needs.

Bridge postings will play a key role in establishing traffic flow patterns. And, since bridge limits can be set independent of pavement postings, truckers might not be warned in advance of a bridge posting, creating—in effect—a weight-induced dead end alley in some cases. Drivers will have to check in advance for potential problem spots along the route.

The ag community is hopeful that experience will bear out what some have claimed; that these heavy trucks have been plying local roads for years and legalization of those weights won't cause road damages to dramatically increase.

Farmers are encouraged to communicate with their own local road officials about problem areas, and to work with and through county

HOS Waiver for NH₃ Shipments

The Federal Motor Carrier Safety Administration (FMCSA) has granted a limited 90-day waiver from the Federal hours-of-service (HOS) regulations for the transportation of anhydrous ammonia from any distribution point to a local farm retailer or to the ultimate consumer, and from a local farm retailer to the ultimate consumer, as long as the transportation takes place within a 100 air-mile radius of the retail or wholesale distribution point.

The Agency has determined that the waiver would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, based on the terms and conditions imposed. This waiver pre-empts inconsistent State and local requirements applicable to interstate commerce.

DATES: The waiver is now in effect and is set to expire on June 21, 2010.



Markings

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tional Standards Institute (ANSI)/ASABE standard entitled "Lighting and Marking of Agricultural Equipment on Highways" (S279.14.) [Illinois currently requires S279.11 on equipment manufactured in 2003 or later.]

Retrofitting of older equipment to the newer standard would not be required under the law as proposed.



Farm Bureaus[®] for consistency and additional leverage.

All are reminded to respect these new limits; allow them work as they should.

Besides, along with increased maximum weights, last year's legislation provided that overweight fines are double what they were in 2009.



Asian Carp issue draws attention in Illinois

Illinois Chamber of Commerce news release

[Editor's Note: This study follows an effort by the State of Michigan to have federal courts order the closure of locks on the Illinois waterway in an effort to prevent Asian Carp from reaching Lake Michigan.]

(In early April) DePaul University released an economic study conducted by the Chaddick Institute for Metropolitan Development which outlines the devastating impact of Chicago area lock closures to prevent Asian carp migration from the Mississippi River System to Lake Michigan. Even on a modified schedule such a closure would have a minimum economic impact of \$4.7 billion

The study, commissioned by the Illinois Chamber of Commerce, is preliminary and does not consider employment-related effects, for example. The study also underscores the considerable environmental impact of more air pollution

and highway congestion that would result from transferring cargo currently shipped on water by barge onto trucks.

The Chamber and the American Waterways Operators have urged the Corps of Engineers to implement and test the effectiveness of the following nine actions to prevent Asian carp migration into the Great Lakes before any lock closures are considered as a way continue to allow waterborne commerce that benefits the nation's economy, environment, and quality of life:

- Construction of bubble, light or acoustic barriers;
- Commercial fishing, electro-fishing, netting, and targeted fish sampling done in a planned and scheduled time frame with clear objectives;
- Sampling of barges and other vessels for potential carp eggs or small fish;

- Assessment of further restrictions or law enforcement options to preclude the importation of Aquatic Invasive Species;
- Research to develop biological control agents;
- Expedited completion of Barrier IIB;
- Explore creation of a virtual eco-barrier through release of de-oxygenized water in a stretch of the waterway;
- Conducting tagged fish research to validate the effectiveness of barriers; and,
- Expedited and immediate completion of structures to guard against carp entering the Great Lakes when floods occur.



MRAPS

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ture managed by the Corps and Bureau of Reclamation might be warranted.

The \$25 million study is ostensibly designed to take a look at the authorized uses of the river to see if priorities need to be rearranged. But freight shipping interests see its motivation as an attempt to eliminate navigation on the Missouri River.

Illinois agriculture can be im-

pacted by this seemingly out-of-state battle. Changes to flows on the Missouri River can dramatically impact the Middle Mississippi (between the confluence of the Missouri River and that of the Ohio) where the former often contributes up to 2/3 of the flow.

A case study occurred in 2003, when a court order forced the Corps to reduce flows on the Missouri to protect endangered birds. Just 17 days after flow cutoff, the

Coast Guard had to halt barge traffic on the middle Mississippi River because of low water.

There are 30 public scoping meetings scheduled on this topic. The two nearest Illinois are July 9 in St. Louis and July 27 in Rock Island. Both are from 5 to 8 p.m.

More can be found at:

<http://www.mraps.org/>



Federal board endorses navigation investment strategy

Waterways Council, Inc. (WCI) news release

The Inland Waterways Users Board unanimously adopted the final report that accompanies the new comprehensive, consensus-based package of recommendations formulated by an industry and Corps of Engineers working group to improve the continued vitality of the U.S. inland navigation system over the next 20 years.

The report and recommendations are being sent to Congress and the Administration and if adopted, will better address the needs of the entire inland waterways navigation system and provide more dollars for greatly needed infrastructure improvements.

This proposal is supported by 150 industry stakeholders (*including Illinois Farm Bureau*) as a way to fund the navigation system. It would be in lieu of the imposition of a lockage fee that has been unsuccessfully offered in the last two fiscal year budgets and is strongly opposed by Waterways Council, Inc. (WCI), the American Waterways Operators, and the National Waterways Conference, as well as many Members of Congress.

These recommendations were developed over a year-long period by the Inland Marine Transportation System Investment Strategy Team, composed of key Corps of Engineers personnel and members of the Users Board. Many in Congress have been very supportive of the process to create this set of recommendations.

The proposed recommendations and report prioritize navigation projects across the entire system, im-

prove the Corps of Engineers' project management and processes to deliver projects on time and on budget, and recommend a funding mechanism that is affordable and meets the system's needs.

The recommendations:

--would preserve the existing 50/50 (50% industry/50% federal) cost-sharing formula for new lock construction and major rehabilitation projects costing \$100 million or more, while adjusting the current model to provide that dam construction and smaller rehabilitation projects would be 100% federally funded. These adjustments recognize the value derived by other beneficiaries of dams and the pools

created by dams.

--add a cost-share cap on all new lock construction projects that would preserve the Inland Waterways Trust Fund by preventing the industry from having to fund significant cost overruns.

--would necessitate an increase in the 20-cents-per-gallon fuel tax currently paid by the barge and towing industry, the only users of the system who are taxed, but such an increase is viewed as an investment by industry in order to improve the future viability and efficiency of America's inland waterways system.



EARMARKS DEBATED, CORPS' BUDGET COULD INCREASE

Source: WCI eBRIEF

The Corps of Engineers' Civil Works budget for FY 2011 is \$4.939 billion, down nearly \$450 million from FY 2010's \$5.38 billion. The Corps' Construction account for FY '11 was cut 17% to \$1.69 billion, down from FY '10's \$2.031 billion. Those cuts will likely be restored as the appropriations process moves ahead.

As part of that process, Congress is debating Earmark Reform. Rep. David Obey, Chairman of the House Appropriations Committee, sent a letter to the Committee saying that he will not consider any earmarks for "for-profit" organizations during the FY2011 appropriations cycle. Last Thursday, the Republican Caucus voted that they also will not submit any earmark requests for the FY 2011 appropriations bills in the House. However, Senate Appropriations Committee Chairman Daniel Inouye and the Ranking Committee Member, Senator Thad Cochran have said they will allow earmarks for now. It is unclear how the earmark debate will be resolved.

Regarding the Appropriations process, Senator Inouye said he is committed to moving all 12 Appropriations bills in the Senate before the August Recess. In all likelihood, there will be at least one Continuing Resolution bill, maybe more.

Surface Transportation Board Reauthorization Act of 2009 (S.2889) Abridged from an article by the Soy Transportation Coalition

Late last year, the Senate Commerce, Science, and Transportation Committee favorably reported out S.2889, "The Surface Transportation Board (STB) Reauthorization Act of 2009." The bill seeks to increase rail industry competition, improve federal oversight, and enhance rail customer access to regulatory relief.

The full text of S.2889 is at <http://commerce.senate.gov>.

The Surface Transportation Board is the regulatory agency created in 1995 by the United States Congress to resolve railroad rate and service disputes and review proposed railroad mergers. The STB is administratively affiliated with the U.S. Department of Transportation and is comprised of three commissioners – each nominated by the president and confirmed by the Senate for a five year term of office.

The STB is the successor agency to the Interstate Commerce Commission (ICC).

According to the Soybean Transportation Coalition, S.2889 should be viewed by agricultural shippers as a step in the right direction, claiming, the bill "provides greater balance between the interests of railroads and rail customers. Overall, S.2889 provides for a more proactive, effective Surface Transportation Board, a more accessible process for resolving rail rate and service disputes, and greater transparency within the rail industry."

Key provisions of S.2889

Restructuring the Surface Transportation Board

- The STB will increase from three to five commissioners. Two must have private sector "professional or business experience."
- S.2889 directs the STB to be a proactive agency, rather than a reactive or adjudicatory organization, permitting the board to initiate investigations into rail practices and procedures rather than having to wait for a formal complaint.
- Fees for filing a complaint with the STB would be limited to \$350 – the same filing fee in U.S. District Courts.
- The STB would be removed from the USDOT and would become an independent federal agency.

- The STB would be directed to create a new position – rail customer advocate – charged with investigating and assisting with rail rate and service disputes.

Redefining National Rail Transportation Policy

- Promoting competition within the rail industry would be included among the STB's goals.
- In the absence of competition, the STB is directed to ensure rail rates are reasonable. This is balanced by another STB goal to "ensure that rail carriers can earn adequate revenues to provide and sustain consistent, efficient, and

reliable transportation services and to maintain and expand rail infrastructure, equipment, and technology."

Rail Rate Disputes

- Rate cases would have to be settled in less time and with increased maximum eligible rewards.
- The STB would establish a binding arbitration process to resolve disputes over rates, common-carrier obligations, and service concerns.

Paper Barriers

- Shippers would have greater access to challenging interchange commitments ("paper barriers") unless such commitments are "reasonable and in the public interest." Paper barriers restrict the ability of a purchasing or leasing railroad to interchange traffic with a railroad other than the selling or landlord railroad.

Bottleneck Rates

- On many occasions, only one railroad (the "bottleneck carrier") serves either an origin or a destination of a potential movement (the "bottleneck segment"). However, another railroad may serve a portion of that movement between origin and destination. Currently, shippers are not permitted to request a separate rate for the bottleneck segment. S.2889 would require railroads to quote so called "bottleneck rates" provided that it does not pro-



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STB

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duce any economic hardship to the railroad.

Reciprocal Switching and Terminal Access

The STB would be authorized to require railroads to provide access to its terminals to a competing railroad provided that:

- 1.) it would not significantly adversely affect the operations of the terminal,
- 2.) it would not negatively affect the railroad's network efficiency,
- 3.) it would not negatively impact service to other rail customers, and
- 4.) it is in the public interest.

STB Studies

- The STB will be directed to perform studies of Uniform Rail Costing System, replacement cost accounting for railroads, performance metrics, and rail car interchanges.

Next steps in the legislative process for S.2889

The bill will likely be modified as it is considered by the full Senate in 2010. It is possible language could be inserted that would amend the rail industry's limited antitrust exemptions. It is expected that the House Transportation and Infrastructure committee, chaired by Congressman James Oberstar (D-MN), will produce a version of rail reform legislation in 2010. S.2889, if passed by the full Senate in 2010, would ultimately need to be reconciled with any version considered and passed by the House of Representatives.



150+ mph high speed rail commission proposed

SB2571, which would create the Illinois and Midwest High Speed Rail Commission, has moved to the Illinois House.

The Illinois Senate passed the bill with a vote of 51-2. The 12-member commission would issue a road map by March 2011 on how best to structure a public-private partnership to design, build and operate a high speed rail system at speeds of 150 miles per hour and up. It also would issue recommendations on how to fund the network and integrate the new bullet trains with airports, Amtrak service and public transportation systems throughout the Midwest.



Construction of a New River Bridge at St. Louis

got underway on April 19. The 4-lane, cable-stayed structure with 400-foot pier towers should ease traffic on the Poplar Street bridge, which now handles three interstates.

The joint project between IDOT and MoDOT—including bridge and additional highway interchanges in the area—will cost an estimated \$670 million and be completed in 2014.



RR crossings available online

Thanks to ICC's Information Technology Services [direct access](#) to the ICC's Crossing Database is now available. The link below will allow you to conduct a countywide search for all open public crossings:

<http://www.icc.illinois.gov/railroad/search.aspx>

The search will provide a list of all open crossings in a particular county, in either a *Map View* or a *Table View*. In *Map View*, all crossings in a selected county will be presented.

By clicking on a particular balloon, the basic crossing location information will be displayed, including a thumbnail photo.

In addition, a "View Details" link will be displayed. When clicking on the *View Details* link, all the Crossing Information and all the Crossing Photos from the ICC database will be displayed.

In *Table View*, all crossings in a selected county will be displayed in a table.

By clicking on the Crossing Number (DOT; left-hand column), all the Crossing Information and all the Crossing Photos from the ICC database will be displayed

Please take a moment to visit the site and provide any comments/suggestions to:

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Federal officials announce program to expand use of America's marine highways

Government to Promote Waterways to Cut Emissions and Reduce Highway Traffic

U.S. Transportation Secretary Ray LaHood unveiled a new initiative to move more cargo on the water rather than on crowded U.S. highways. Under the "America's Marine Highway" program, the Department's Maritime Administration (MARAD) will help identify rivers and coastal routes that could carry cargo efficiently, bypassing congested roads around busy ports and reducing greenhouse gases.

"For too long, we've overlooked the economic and environmental benefits that our waterways and domestic seaports offer as a means

of moving freight in this country," said Secretary LaHood, speaking to transportation professionals at the 7th Annual North American Marine Highways and Logistics Conference in Baltimore, MD. "Moving goods on the water has many advantages: It reduces air pollution. It can help reduce gridlock by getting trucks off our busy surface corridors."

Under the new regulation, regional transportation officials will be able to apply to have specific transportation corridors – and even individual projects—designated by the Department of Transportation as a marine highway if they meet certain criteria. Once designated, these

projects will receive preferential treatment for any future federal assistance from the department or MARAD.

The Marine Highway initiative stems from a 2007 law requiring the Secretary of Transportation to "establish a short sea transportation program and designate short sea transportation projects to mitigate surface congestion."

Earlier this year, Secretary LaHood announced \$58 million in grants for projects to support the start-up or expansion of Marine Highways services, awarded through the Department's TIGER grants program. Congress has also set aside an additional \$7 million in grants which MARAD will award later this year.

The final rule announced April 9 can be found [here](#) and is expected to be published in the federal register.



Illinois announces \$12.84 billion multi-year highway plan

April 15, 2010. Governor Pat Quinn and Illinois Department of Transportation Secretary Gary Hanig unveiled a \$12.84 billion Multi-Year Highway Improvement Program for Fiscal Years 2011-2016.

The entire Multi-Year Plan (MYP) is expected to create an estimated 167,000 direct jobs over the next six years.

The \$12.84 billion program for FY 2011-2016 is based upon conservative estimates of federal, state and local funding, with \$7.292 billion in federal funds, \$4.888 billion in state funds including \$142 million in bonds from the Governor Quinn's Illinois *Jump Start Capital Plan*, \$2.49 billion for the *Illinois Jobs Now!* bond program and \$660 million in local funds.

The six-year highway improvement program includes \$10.103 billion for improvements to the state highway system with \$2.737 billion available for local roads.

It is anticipated that Illinois will have some \$5 billion worth of projects simultaneously underway in FY2011. That's compared to only \$3 billion a couple of years ago.

The FY 2011-2016 Proposed Highway Improvement Program will provide funding to maintain 4,739 miles of highways and replace or rehabilitate 763 bridges. The entire FY 2011-2016 MYP is available online at the Illinois Department of Transportation website at www.dot.il.gov.



ATV legislation

Efforts to re-establish the ability for farmers to operate ATVs on county and township roads for purposes of farming are moving ahead.

Of the four bills pending in the Illinois General Assembly, HB6094 (Rep. McAsy) (Sen. Wilhelmi) is the furthest along, now on second reading in the Senate.

Illinois Farm Bureau supports all four bills.

