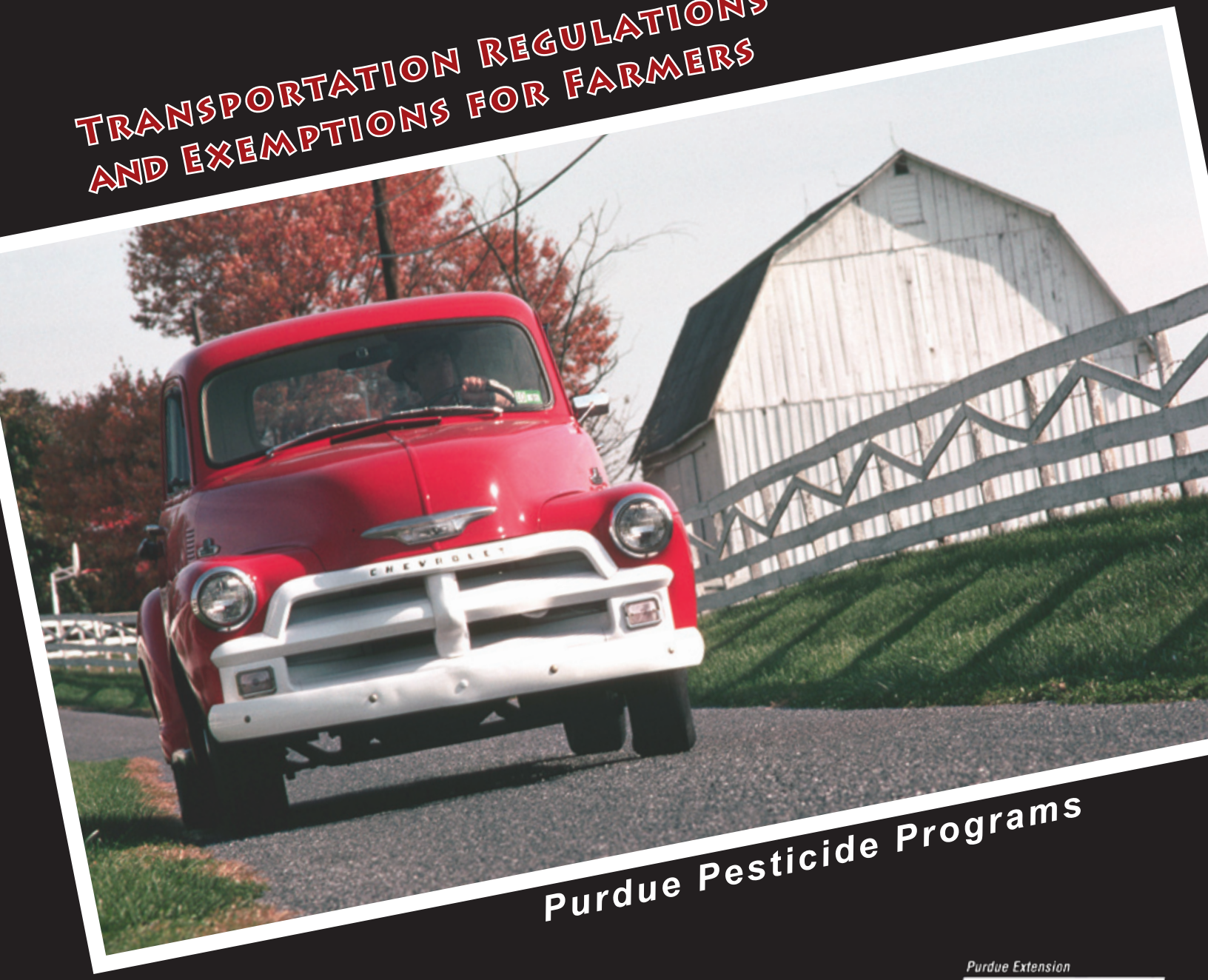
PURDUE UNIVERSITY

PURDUE EXTENSION

PPP-68

Carrying Farm Products and Supplies on Public Roads

Transportation Regulations and Exemptions for Farmers



Purdue Pesticide Programs

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1954 CHEVY PICKUP

Carrying Farm Products and Supplies on Public Roads

Transportation Regulations and Exemptions for Farmers

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Introduction

Determining what transportation rules you must follow can be confusing. Farmers are exempt from certain regulations, but you must conduct your farming operations within a specific set of guidelines entitling you to claim those exemptions; for example, you must limit transport to within 150 air miles of your farm.

Over the years, farm lobbyists have asserted that farmers who transport their products and supplies on public highways should not be held to the same level of accountability as grain companies and retail fertilizer facilities, citing the following:

- As a producer, you are unlikely to be involved in a motor vehicle accident since most of your travel is over county roads and familiar local highways between your farm and other farms or retail outlets.
- You face critical time constraints when planting, harvesting, and transporting harvested crops.
- You transport crop production materials for your own use, while retailers transport the same materials for commercial enterprise.
- You transport supplies, products, and equipment over short distances, primarily in the spring and fall, whereas most retailers transport supplies, commodities, and equipment over long distances, year-round.

Harvested grain is loaded on a farmer's truck for local transport.

Fred Whitford

You are provided certain exemptions for transporting pesticides, fertilizers, and equipment between farms and fields, and for transporting commodities such as corn, soybeans, and livestock to local grain elevators and processing facilities. For instance, you have equipment to haul fuel, grain, and livestock, but you are not required to obtain a commercial driver license (CDL) to operate it; and you pay less for farm license plates.

Stephen Adduci

It is important to understand, however, that as a farmer you are not exempt from all United States Department of Transportation (USDOT) and state regulations. There may be times when you haul grain for the local elevator, spread agricultural lime for a local retail fertilizer facility, pick up a load of liquid fertilizer for a neighbor, etc.—all for compensation. And when you transport someone else's grain, livestock, equipment, fuel, etc., for cash or trade, you and your vehicles are no longer exempt from USDOT regulations. Once you agree to compensation, you become a commercial driver and your farmer exemptions no longer apply: You are required to have HAZMAT training and a commercial driver license with applicable endorsements. Your trucks, trailers, etc., have to be registered as commercial vehicles requiring commercial plates. (See bottom of page 19 and top of page 20 for an exception.)

The intent of this publication is to familiarize you with USDOT and state regulations that affect the transportation of farm products and supplies.

Are Indiana farmers regulated by the U.S. Department of Transportation?

First of all, do you drive a commercial motor vehicle (CMV)? A CMV is partially described in the federal regulations as any self-propelled vehicle operated on a highway in interstate commerce to transport passengers and/or property. The term "interstate commerce" is important. You are involved in interstate commerce anytime you operate your CMV to transport passengers or property across the state line. By definition it would seem that USDOT regulates only those farmers who use commercial vehicles to transport products, machinery, etc., into or out of Indiana. However, Indiana adopted the federal regulations on motor carrier safety and the hazardous materials regulations, by reference (Indiana Code 8-2.1-24-18), making the federal law part of our state law. And, by state law, intrastate (within Indiana) carriers must comply with the same requirements as interstate (outside Indiana) carriers of passengers and property. Farmers who operate CMVs must comply with USDOT regulations, regardless of whether they stay within Indiana or leave the state.

Fred Whitford

What constitutes a commercial motor vehicle? becomes the key question as to whether a farmer is bound by federal and state motor carrier safety regulations. In Indiana, a commercial motor vehicle is defined as any self propelled vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle

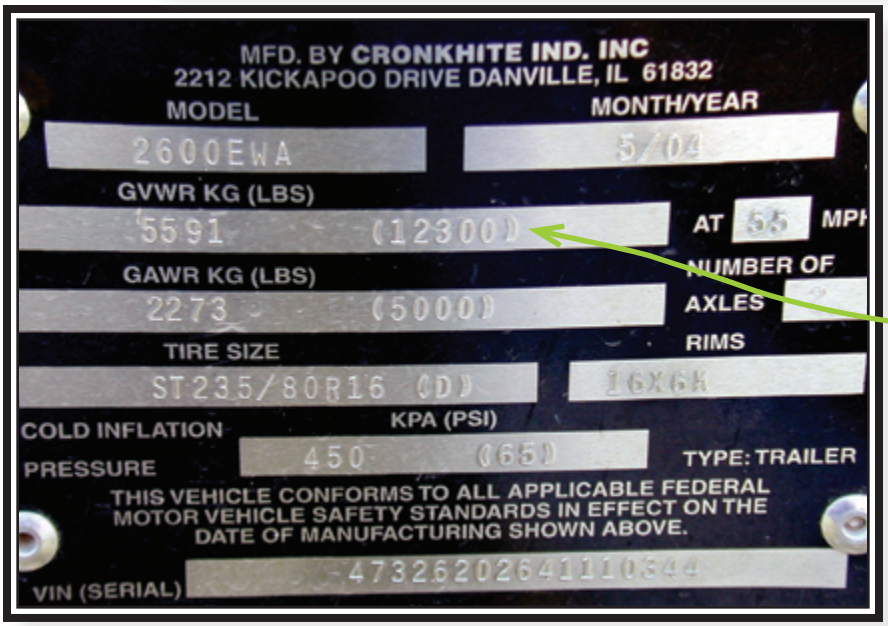
- has a manufactured gross vehicle weight rating (GVWR) or a combined vehicle gross weight rating (CVGWR) over 10,000 pounds;

- is designed or used to transport more than 16 passengers, including the driver, and is not used to transport passengers for compensation; or
- is used to transport hazardous materials, as defined by DOT, in quantities requiring placarding.

The Weight of the Vehicle

If a vehicle has a GVWR over 10,000 pounds, or if the power unit plus the trailer has a CGVWR over 10,000 pounds, it qualifies as a commercial motor vehicle regulated by USDOT.

Fred Whitford



Fred Whitford

The VIN plate on this trailer indicates a GVWR of 12,300 pounds.

The manufacturer's GVWR is stamped on a vehicle identification number (VIN) plate located on the inside panel or doorjamb on the driver's side door. Some trailers also display a VIN plate on the frame rail, near the tongue. The GVWR represents the maximum load the power unit or trailer can safely carry, including the weight of the vehicle itself, as certified by the manufacturer. It is important to note that the gross weight stamped on the license plate has no relationship to the GVWR stamped on the VIN plate.

A pickup truck with a 7,000-pound GVWR, pulling a gooseneck livestock trailer with a GVWR of 17,000 pounds, has a CGVWR of 24,000 pounds. This combination is considered a commercial motor vehicle since the combined weight is over 10,000 pounds. In fact, the trailer alone qualifies as a commercial motor vehicle when attached to any vehicle since its GVWR is over 10,000 pounds. Do not confuse these weights with those pertaining to commercial driver licenses; CDLs are a separate issue covered later in this publication.

A truck with a 7,000-pound GVWR does not meet the definition of a CMV since it is not over 10,000 pounds. However, it would qualify as a CMV if used to transport placarded amounts of hazardous materials, as discussed in the subsection "Hauling Hazardous Materials."

Farmers qualify to use a "personal exemption" dealing with the transportation of their property. The personal exemption covers your occasional transportation of personal property, not for compensation nor in the furtherance of a commercial

The "personal exemption" allows you limited use of your farm vehicles for transporting personal property.

Randy Denhart

enterprise. It applies if you are moving your household, picking up livestock for a 4-H project, or transporting personal-use riding mowers, boats, etc. In these personal-use situations, a single or combination vehicle of any weight is not regulated as a CMV. However, transportation involving your farming operations is not exempt because farming is a commercial enterprise.

Farmers also qualify for an "implement of agriculture" exemption. The term refers to pull-type *and* self-propelled implements used for agricultural operations such as planting, fertilization, and crop protection. Farm machinery and other self-propelled equipment used to transport and apply plant food materials and/or agricultural chemicals (e.g., fertilizer tanks or poly-tank trailers) also are implements of agriculture, as are vehicles designed to transport farm implements (IC 9-13-2-77). Implement trailers and wagons classified as implements of agriculture are exempt from state registration (e.g., no license plates required). The GVWR of an implement of agriculture is irrelevant in determining whether or not a truck/trailer combination constitutes a commercial vehicle.

The vehicle on the right is a commercial motor vehicle. The dry fertilizer spreader on the left is an implement of agriculture.

Steve Salomon

Consider a pickup with a GVWR of 7,000 pounds, with a loaded implement trailer attached. While the combined weight of the truck, trailer, and cargo probably exceeds 10,000 pounds, the combination is not regulated as a commercial motor vehicle because the trailer is an implement of agriculture and has no GVWR under the regulations; that is, the 10,000-pound GVWR of the trailer is not added to the 7,000-pound GVWR of the truck. The CGVWR of the combination truck/trailer is considered 7,000 pounds, which falls below the 10,000-pound limit.

This trailer is another example of an implement of agriculture.

Fred Whitford

Hauling Hazardous Materials

Transporting hazardous materials on the highway increases risks to people and the environment, and the danger potential increases with the weight of the vehicle. Any vehicle—truck or car, large or small—transporting a USDOT-regulated HAZMAT as a commercial enterprise, in a type or quantity requiring placards, is considered a commercial motor vehicle.

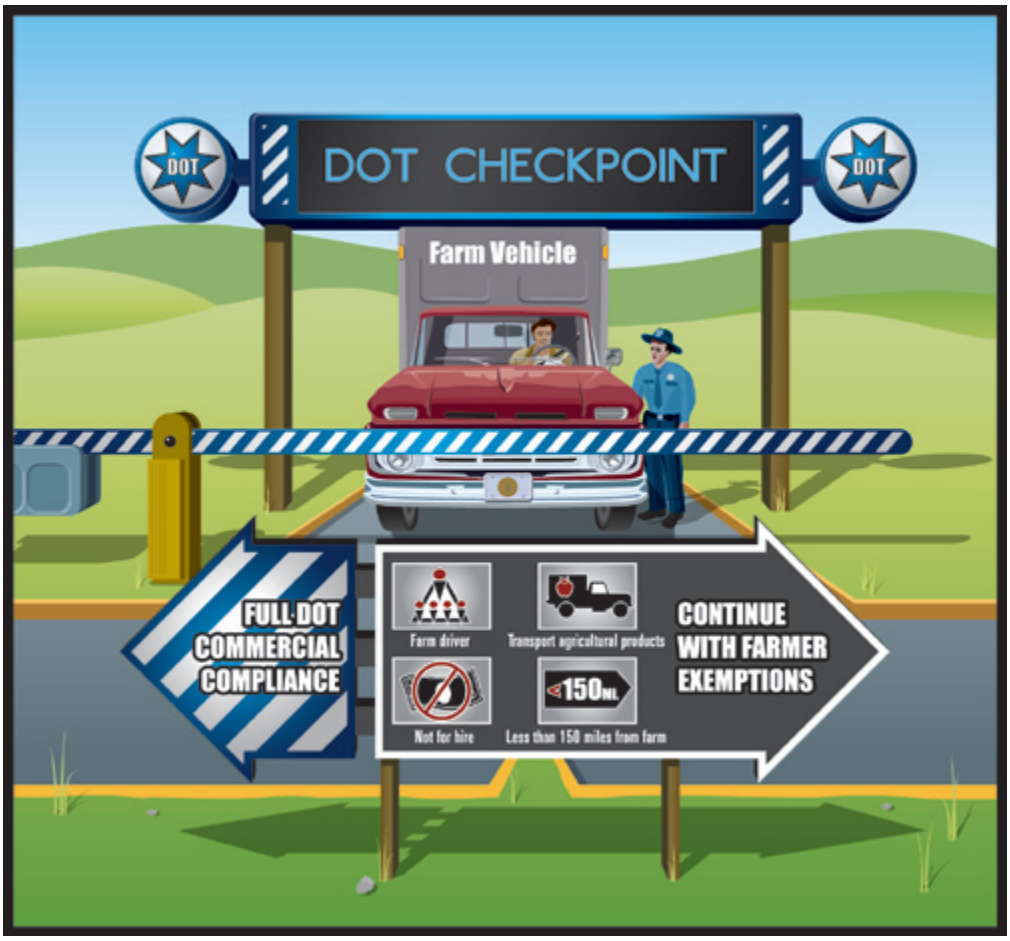
A placard is a warning that a vehicle is transporting a hazardous material, and each placard is specific to the danger posed by each material being transported. Placards alert emergency personnel responding to accidents, and public safety officers conducting routine traffic stops or accident investigations. Your local agricultural distributor is required to inform you of placarding requirements for each material and to provide placards for any hazardous materials transported in quantities requiring them. Farmers' requirements for transporting hazardous materials are addressed later in this publication.

Does USDOT regulate my farm drivers?

Having read this far, you probably have determined whether or not your vehicles are regulated by USDOT. The regulations specify that drivers of commercial motor vehicles must undergo employment background screening, physical examination, and pre-employment screening; complete forms to create a driver qualification file; and possess an applicable commercial driver license. However, farmers, farm hands, and family members are exempt from some of the federal

driver qualification regulations when driving a vehicle in accordance with farm operations (49 CFR Part 391):

- Drivers who operate commercial motor vehicles, singly or in combination, controlled by a person engaged in custom harvesting operations are exempt. Drivers must meet one of the following criteria to qualify for this exemption: (1) they must use the commercial motor vehicles to transport farm machinery and supplies to or from a farm for custom harvesting operations, or (2) they must transport custom harvested crops to storage facilities or a local marketplace.
- Drivers who operate commercial motor vehicles controlled by a beekeeper engaged in seasonal transportation of bees are exempt.
- Farm vehicle drivers, except those who drive articulated (combination) commercial motor vehicles, are exempt from certain portions of the regulations. This exemption provides another exception: farm vehicle drivers must know and understand the definitions of “farm vehicle driver” and



Stephen Adduci

"articulated commercial motor vehicle" to determine if they are exempt from the driver qualification regulations, and under what conditions.

A farm vehicle driver is defined under Title 49 CFR Part 390.5 as a person who drives a commercial motor vehicle that is

- controlled by a farmer as a private motor carrier of property (i.e., it is your own equipment and vehicle);
- used to transport either agricultural products or farm machinery and supplies to and from the farm (it is for your farm use);
- not used in the operation of a for-hire carrier [no form of outside compensation is accepted for the transportation (exceptions on page 19)];
- not carrying hazardous materials requiring placards, with some exceptions for farm needs (the amount of hazardous materials you may carry is limited); and
- being used within 150 air miles of your farm.

These examples help to explain the farm vehicle driver exemption: A farm vehicle driver must have an operator license to drive any size "straight" truck such as a farm truck, grain truck, or flatbed truck. But if the driver uses the same farm vehicle to haul something for compensation, or if the driver operates a commercial motor vehicle more than 150 air miles from the farm, the driver no longer qualifies for the farm vehicle driver exemption.

A tandem axle grain truck (straight truck) waiting to be loaded during harvest.

Fred Whitford

Articulated commercial motor vehicle drivers are not exempt. An articulated vehicle is a combination vehicle—usually a truck and trailer—with a separate manufacturer's GVWR for each unit. For example, a pickup truck pulling a gooseneck or bumper hitch trailer is an articulated vehicle. In contrast, if you are pulling an implement of agriculture such as a fertilizer nurse tank or an agricultural or livestock trailer pulled by a farm tractor, the combination is considered a straight truck. A driver may operate a pickup truck or even a semi-trailer with an operator license as long as the driving is part of the farm

The driver of an articulated vehicle such as the semi-trailer being loaded must be 18 years old and must carry a DOT medical certificate.

Fred Whitford

operations. Anyone who operates an articulated vehicle must be 18 years old, pass a DOT physical examination, carry a copy of the DOT medical examiner's certificate (49 CFR Part 391.67), and stay within 150 air miles of the farm. Farmers are not required to submit the medical form to the state for review. However, if you are maintaining a CDL, the newest form must be submitted by mail or fax to the Indiana Department of Revenue Office of Motor Carrier Services at least every two years. Their fax number is (317) 821-2340. You must be at least 21 years old to drive any commercial motor vehicle—straight or articulated—across the state line.

Do I need a commercial driver license?

Under federal law, commercial drivers must have a CDL to drive a single vehicle with a GVWR over 26,000 pounds; a combination of vehicles with a CGVWR over 26,000 pounds; or any vehicle requiring placarding. You are exempt from the CDL requirement when driving a farm vehicle if it meets all of the following criteria.

- It is controlled and operated by you, your employees, or members of your family.
- It is used to transport agricultural products, farm machinery, or farm supplies to or from your farm.
- It is not operated as a for-hire carrier.
- It is used only within 150 air miles of your farm, regardless whether you travel across state lines.

You may drive a farm-plated semitruck within Indiana or across the state line with only a driver license; or you may pull two 1,500-gallon anhydrous ammonia nurse tanks behind a pickup truck, within the state, without a CDL. However, remember that if you transport placarded amounts of DOT-regulated hazardous materials across state lines, you are required to have a CDL with appropriate endorsements.

Do I need to wear a seat belt?

Farmers who drive commercial motor vehicles are required to wear seat belts.

Do I need to maintain a logbook?

Farmers are exempt from the hours of service regulations and logbook requirements as long as they stay in Indiana. However, if you cross the state line with your commercial motor vehicle and travel more than 100 air miles from your farm, a logbook is required.

Do I need to place a USDOT number on my vehicles?

Commercial agricultural retailers transporting materials in commercial motor vehicles are required to register their companies with either the Indiana Department of Revenue (intrastate carriers) or the Federal Motor Carrier Safety Administration (interstate carriers). A state or federal number is assigned to the carrier and must be displayed on two sides of the power unit, along with the name of the company.

Fred Whitford

A DOT number is not required for your commercial farm vehicle (with farm plates) as long as you drive only within 150 air miles of your farm and do not cross the state line. DOT numbers for farmers who do cross state lines can be obtained by calling (317) 615-7350. You can also register for your DOT number online at http://safer.fmcsa.dot.gov.

Fred Whitford

The truck on the scale is not required to have a DOT number because it stays within 150 air miles of the farm and does not operate commercially.

Fred Whitford

Does USDOT regulate farm vehicle maintenance?

USDOT rules require drivers and carriers who transport goods and products with commercial motor vehicles to identify, inspect, repair, and maintain all such vehicles and trailers. Carriers are required to keep a vehicle maintenance file on each commercial vehicle and trailer, and drivers must conduct daily pre- and post-trip inspections.

Fred Whitford

Keep the actual inspection form for each of your vehicles in the glove box. Stickers like the one above are not mandatory.

Farmers are not exempt from the annual inspection requirement on their DOT-regulated vehicles and trailers. Once a year, commercial motor vehicles and trailers must be inspected by a qualified inspector with experience, knowledge, and the capability of making repairs and inspections according to DOT specifications. Farmers may conduct and document their own inspections as long as they have the necessary experience and skills to perform them, and as long as they follow DOT inspection guidelines (check with local mechanics or truck stop personnel to obtain a check sheet).

Fred Whitford

Keep accurate, readily accessible records of vehicle inspections and repairs that you perform. Keep the original inspection report for each vehicle in the glove box.

Farmers are required to date each annual inspection and carry (in the vehicle) a copy of the inspection report or certificate of inspection. Inspection stickers are not required.

Create a separate, in-office file for each vehicle and keep annual inspection reports for 14 months from each date of inspection. The following records must be maintained for as long as you operate the vehicle and for six months after the vehicle leaves your control:

- Vehicle identification, including the farm vehicle unit number, vehicle make, serial number, year of manufacture, and tire size
- Records of repairs and maintenance, including dates and descriptions

One state trooper's story best explains why farmers are not exempt from annual vehicle inspections. He was giving a presentation on what farmers must do to comply with USDOT regulations, and he told the audience that their vehicles must be inspected annually. One farmer who was unhappy about the requirement challenged the officer, saying there was no reason why he should inspect his vehicle because it was driven only 50–100 miles a year. The officer politely offered to meet the farmer to look at the truck that was seldom driven.

On the designated day, the trooper went to the farm. As the farmer drove the truck out of the barn, he stepped on the brakes. Unfortunately for the farmer—and to the surprise of the officer—the deteriorated brake lines broke, spraying brake fluid "over three counties." The truck kept rolling down the hill toward the main highway, and the farmer had to drive it into a tree to keep it from proceeding into traffic. As the farmer stepped out of his truck, he scratched his head and said, "You know, looking at this thing once a year is not that bad of an idea after all!"

Farmers are required to conduct daily, visual, pre-trip inspections to verify that their farm vehicles are in safe operating condition, but written reports are not required. The daily inspection of each vehicle must include testing the service brake, parking brake, steering mechanism, lights, tires, horn, windshield wipers, rear view mirrors, and coupling device (if applicable). Post-trip inspections are also required, and written reports are necessary only if you operate more than one commercial motor vehicle.

Are surge brakes legal in Indiana?

Surge brakes are hydraulic brakes where the master cylinder is mounted on the tongue of the trailer. They are not allowed on a trailer with a GVWR greater than 20,000 pounds.

Indiana is following the policy position stated by the Federal Motor Carrier Safety Administration, which states that surge brakes are legal when

- the trailer has a GVWR of 12,000 pounds or less and the GVWR of the trailer does not exceed 1.75 times the GVWR of the towing unit.
- the trailer has a GVWR between 12,001 and 20,000 pounds, and when the GVWR of the trailer does not exceed 1.25 times the GVWR of the towing unit.

What license plates do I need for my farm vehicles?

The Indiana Bureau of Motor Vehicles issues license plates for trucks and trailers based on the weight of the vehicles plus the weight they are expected to carry: a 7,000-pound plate, 15,000-pound plate, 26,000-pound plate, etc. The cost of the plate increases with the weight of the vehicle and its anticipated load.

In Indiana, farmers may purchase a farm plate that costs significantly less than a commercial vehicle plate with the same declared gross weight. The lower priced farm plate can be purchased for a pickup truck, a trailer, or even a semitruck (tractor or trailer) as long as the unit is used solely for farm operations.

Fred Whitford

A farmer may use his farm-plated vehicles to transport a neighbor's farm commodities to the first point of delivery as long as he does not receive compensation. But under limited conditions a farmer may receive compensation for using his farm-plated vehicles to haul perishable fruits and

vegetables to the first point of processing, within Indiana. The grower is required to obtain an annual, 30-day special permit from the Bureau of Motor Vehicles and to pay a fee for the 30-day period that the truck is used under these special circumstances; the fee is equivalent to 1/12 of the fee for a one-year commercial license plate.

Implements of agriculture and farm wagons do not have to be plated in Indiana. Plates are assigned to a specific trailer or vehicle and are not interchangeable between vehicles. It is permissible to license some trucks with farm plates and others with commercial plates, depending on whether they are driven for farm use or commercial transport. Trucks with commercial plates may be used for farm purposes.

Do I need to plate my trailers?

In general terms, a trailer is defined as a unit that must rest on a towing vehicle. Any trailer that is towed more than 25 miles per hour must be registered and plated.

A wagon is a unit with two rear and two front tires on which its gross weight rests; the front of a wagon can be steered. Registration and license plates are not required on wagons and other implements of agriculture.

When do I have to place the slow-moving-vehicle emblem on my equipment?

A slow-moving-vehicle emblem is a triangular-shaped, two-color, reflective sign that must be placed on the back of vehicles, trailers, wagons, etc., traveling on highways at 25 miles per hour or less.

Fred Whitford

Slow-moving-vehicle emblems are prominently displayed on this wagon and on the tractor at the top of page 21.

The slow-moving-vehicle emblem is dark red around the edges of the triangle and bright orange in the middle. Both colors are reflective.

Steve Salomon

Are there limits on the length and width of farm vehicles?

You may drive any size farm vehicle on roads other than interstate highways. But if you have to drive an oversize or overweight vehicle on an interstate, equipment over 8 feet 6 inches wide requires a permit. On the interstate, a two-vehicle combination (e.g., a farm truck pulling a trailer) is limited to 60 feet. A farm truck plus two trailers is limited to 65 feet. A semitractor/trailer is not restricted in overall length except that the trailer may not be longer than 53 feet.

Do I have to comply with load securement regulations?

Farmers are not exempt from DOT load securement regulations (49 CFR Part 393.100). An Indiana state trooper recently remarked that he is continually flabbergasted by the number of leaning water tanks, stacks of hay, and pesticide bags, as well as loose parts on plows, cultivators, etc., he sees on the road.

Farmers are required to adequately secure all loads.

Fred Whitford

We all have seen an errant bag of seed or a container of pesticide in the middle of or alongside the road. The regulation states minimal

performance criteria for cargo securement devices and the types and number of tie-downs, etc., required. Consult the regulations to determine the standards for properly and legally securing your load.

Do I need to carry emergency equipment?

DOT-regulated farm vehicles must be equipped with fire extinguishers and spare fuses (for brake lights, etc.) as well as three red emergency triangles. Fire extinguishers must be securely mounted on the vehicle, yet easily accessible. A single fire extinguisher must be rated 5 B:C or more, or you must carry two extinguishers rated 4 B:C or more. Fire extinguishers with a minimum rating of 10 B:C are required for vehicles placarded for hazardous materials.

Joe Hill

Joe Hill

These fire extinguishers are securely clamped to the back of the cab (above) and to the cab floor behind the seat (left).

Commercial motor vehicles must carry at least three red emergency triangles.

Fred Whitford

Do I need to tape my trailers?

All trailers and semitrailers with GVWRs greater than 10,000 pounds and widths of 80 inches or more must be marked with retroreflective tape. The tape must cover at least 50 percent of the length of each side of the trailer and be evenly distributed along the length.

Fred Whitford

Red and white retroreflective tape is properly placed along the length of each trailer in the pictures above and below.

Fred Whitford

Do I need a hazardous materials transportation security plan?

Farmers who transport DOT-regulated materials that require placards must write and implement a transportation security plan (49 CFR Part 172.800–804). The plan must include an assessment of possible transportation security risks, and it must state measures to address personnel issues, unauthorized access issues, and en route transportation issues.

Specific details of the transportation security plan are listed in "Hazardous Materials Transportation Security Requirements—Applicability to Farmers, Ranchers, and Production Agricultural Operations." A two-page, fill-in-the-blank transportation security plan is contained in the document "Transportation Security Evaluation & Planning for Farmers, Ranchers, and Production Agricultural Operations." Both DOT publications can be found on the Web at http://hazmat.dot.gov/riskmgmt/hmt/hmt_security.htm.

Do I have to carry shipping papers and display placards?

Hazardous materials regulations are complex. They require commercial transporters of hazardous chemicals to have shipping papers, emergency response information, placards (if applicable), and prescribed safety equipment; employee training is also required. Remember, any vehicle—the term GVWR has no meaning here—transporting a placarded amount of a hazardous material is considered a commercial motor vehicle.

Ask yourself, do I transport hazardous materials? Say you drive up to your dealer's facility and load your pickup with as many 2.5-gallon containers of a non-DOT-regulated herbicide as the truck can safely carry. You charge the chemical to your account at the dealership, sign the invoice, and head back to the farm, no questions asked.

You return to the same dealer to pick up a different herbicide. You load the truck with the same amount of chemical as before, sign your tab, and start to leave. But this time the dealer provides placards for you to place on all four sides of your vehicle; they are necessary because you are carrying a hazardous chemical in a quantity that requires placarding. He also hands you a shipping

paper to carry in your pickup, and he asks you to secure the load. The difference here is that this product is regulated by DOT as a hazardous chemical. It is important to remember that the term “restricted-use pesticide” has no meaning under DOT regulations.

As with driver and vehicle regulations, certain farmer exemptions apply. The exemptions in this case depend on whether you are driving the load of hazardous materials to and from a field or picking it up at a dealership (49 CFR Part 173.5).

From Field to Field

Farmers are exempt from all hazardous materials regulations (e.g., shipping papers, employee training, emergency response information, and placards) when they transport an agricultural product over local roads between fields of the same farm—except when they are transporting a regulated quantity of a Class 2 hazardous material such as anhydrous ammonia. “Same farm” includes any ground the farmer owns, leases, or rents.

If you transport a Class 2 hazardous material from field to field, you are required to carry a shipping paper and to display placards—both must be provided by the retailer when you purchase the material—on all four sides of the tank. The

The farmers who own and farm this ground probably lease other farmland. They may move freely between the properties in their farm vehicles without meeting DOT hazardous materials regulations unless they are transporting a Class 2 hazardous material.

Fred Whitford

maximum capacity in transport cannot exceed 3,000 gallons; this would equate to a pickup truck pulling two 1,500-gallon anhydrous tanks.

Class 2 hazardous materials transported from field to field must be placarded on all four sides of each tank; you also must carry a shipping paper. The maximum capacity allowed to be transported is 3,000 gallons (i.e., two 1,500-gallon tanks).

Fred Whitford

From the Dealer to the Farm

Dealers who deliver hazardous materials to your farm are subject to all DOT regulations dealing with commercial driver licensing, shipping papers, placards, employee training, vehicle and trailer licensing, etc. Farmers who pick up hazardous materials at a dealership must abide by the placarding rules in most cases, although there are some qualified exemptions; e.g., training employees on HAZMAT regulations.

Farmers are exempt from employee HAZMAT training and emergency response information requirements when hauling hazardous materials to and from the dealer under all of the following conditions:

- The transportation is instate.
- The materials are being transported within 150 air miles of the farm.
- The farmer limits the quantity of hazardous materials being transported on a single vehicle to less than 502 gallons for liquids, less than 5,070 pounds for solids, and less than 16,094 pounds of ammonium nitrate fertilizer in bulk packaging.

In practical terms, farmers who transport hazardous chemicals from dealerships to their farms may be required to carry shipping papers and display placards. Drivers are not required to have CDLs nor HAZMAT endorsements, even if their loads require placarding. If you haul commercially, travel more than 150 air miles

from the farm, or carry more than is allowed (e.g., 502 gallons of liquids or 5,070 pounds of solids), you no longer qualify for the farmer exemption.

Why is my dealer asking me to sign for shipping papers and placards?

Your local agricultural retailer is defined as a shipper under DOT hazardous materials regulations. As such, the retailer is obligated by law to

- provide you with shipping papers;
- offer you HAZMAT placards when the quantity purchased requires them; and
- inform you that the hazardous materials being transported must be properly secured on the vehicle or trailer before it leaves the retail location.

Fred Whitford

Always secure hazardous materials to the vehicle and display placards when appropriate. Notice that the pallet on the left in this photo is not properly secured and that the load is not placarded. It is your dealer's responsibility to offer placards and shipping papers.

Farmers are responsible for carrying shipping papers, affixing placards to their vehicles, and securing the load. Dealers may require you to sign a bill of lading indicating your acceptance or refusal of the shipping papers and placards offered; such paperwork could protect them from liability if you were to become involved in an accident or stopped for inspection by Indiana Commercial Motor Vehicle Enforcement inspectors or state troopers.

Fred Whitford

Indiana Commercial Vehicle Enforcement cruiser

Are there any tank specifications for hauling fuel?

You may transport fuel oil, diesel fuel, gasoline, gasohol, or any combination of these substances in a non-specification portable tank as long as the fuel is for farm use; as long as the tank size does not exceed 3,499 gallons; and as long as you do not cross the state line. The tank must be adequately secured and properly marked as to contents; it also must be leakproof, spillproof, and compatible with the contents transported. The driver needs only a driver license.

Quantities of gasoline and diesel fuel 119 gallons or greater must be placarded when hauled from the dealer to the farm, but you are not required to have a CDL. You lose your exemption when the amount of fuel transported from the dealer to the farm exceeds 502 gallons, at which point you are required to have a CDL, HAZMAT training, DOT registration for hazardous materials, etc. You are given full exemption when you transport fuel between your farm and fields as long as you stay on local roads. Movement of these materials across state lines is subject to additional DOT regulations specific to interstate commerce (e.g., placarding, tank specifications, and tank inspection).

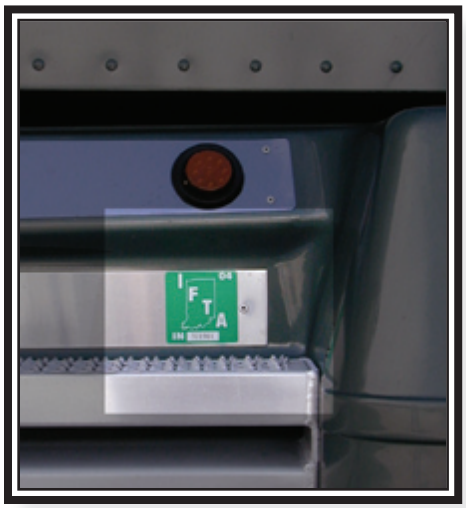
What diesel fuel may I use in my vehicles?

You must use clear (undyed) diesel fuel for all diesel engine vehicles and equipment such as trucks and semitractors driven on a road or highway. You may use dyed (reddish) diesel fuel for off-road vehicles and equipment such as tractors, fertilizer spreaders, manure applicators, and pesticide sprayers. You are not required to pay state and federal taxes on dyed diesel fuel, but clear diesel fuel is taxed.

Fred Whitford

Do I have to pay a tax under the International Fuel Tax Agreement?

Farmers who use their commercial motor vehicles within Indiana for exempt purposes are not required to pay the international fuel tax. But if you drive a commercial motor vehicle (over 26,000 pounds) across the state line, you lose the exemption. In addition, if you display a DOT number, you must display a motor fuel tax permit on each side of your truck. If you cross a state line with a single or combination commercial vehicle (e.g., one with a GVWR greater than 26,000 pounds), you are required to pay the tax and to display the International Fuel Tax Agreement (IFTA) sticker on the vehicle as proof of compliance with the fuel tax regulation. The stickers are provided by the Indiana Department of Revenue when you pay the appropriate fees.



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Do farm vehicles have to be weighed at state weigh stations?

Permanent weigh facilities (below) are located along interstate highways. Commercial haulers, including farmers, who come to a weigh station must have their vehicle weighed if the declared gross weight on the license plate

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is over 11,000 pounds, or if the vehicle has a GVWR or CGVWR over 10,000 pounds. Commercial vehicles may not weigh over 80,000 pounds (truck and load combined) without a special permit. There are penalties if the weight is more than 1.5 percent over the weight listed on the license plate.

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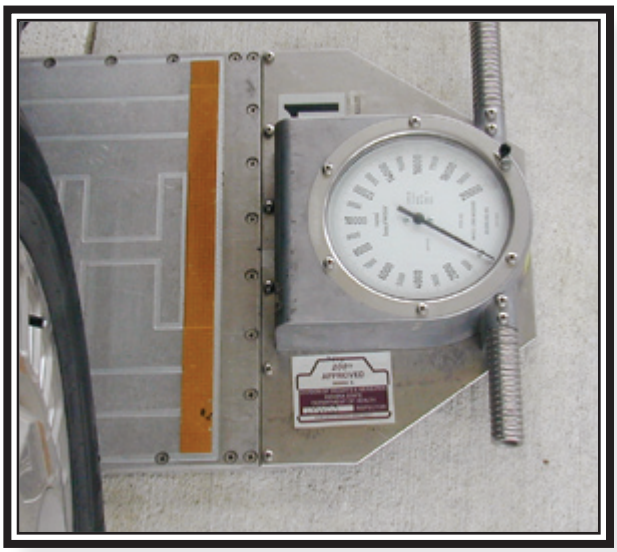

Vehicles driven by farmers on roads other than interstate highways are subject to being weighed on a portable scale (right) by DOT inspectors.

However, since most farms do not have a scale, farmers are allowed a ten percent overage, permitted by the "bridge law," without penalty; the allowance applies only from the farm to the first delivery stop where title of the products is transferred. This exception does not apply to farm vehicles on interstate highways.

How are weights calculated?

Indiana regulations specify that a single rear axle with dual tires may carry no more than 20,000 pounds. A tandem axle is allowed 34,000 pounds, while a tri-axle may carry no more than 50,000 pounds. The maximum weight that may be placed over the steer axle is 20,000 pounds. The maximum legal weight allowed is 80,000 pounds.

However, these numbers are subject to what is called the "bridge law," officially referenced as Bridge Formula Weights (publication number FHWA-MC-94-007) which can be found on the Web at http://www.its.dot.gov/itsweb/EDL_webpages/webpages/SearchPages/alpha_results.cfm?alpha=B&end=C. It describes how much total weight a vehicle may carry based on the number of axles and the distance in feet between the extremes of any group of two or more consecutive axles. For instance, a truck/trailer combination with five axles and a distance of 51 feet between the two farthest axles is allowed to carry no more than 80,000 pounds. A similar truck with an axle distance of 45 feet would be allowed to carry only 76,000 pounds.

The total load allowed is then used to judge whether the vehicle is overweight. The DOT inspector measures the inside rim distance and multiplies it by a factor of 800. For instance, a 16- x 6-inch tire has a 6-inch rim that may carry a load of

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Some semitrailers have split rear axles. Rear axles that are 10 feet 1 inch apart are handled as separate axles, thus allowing a total of 40,000 pounds. Tandem axles may carry up to 34,000 pounds.

4,800 pounds (6 in. x 800 lb.). Given that there are eight tires on a dual axle, the load carried by the back axle is 4,800 pounds x 8 tires, or 38,400 pounds. However, while the tires may be manufactured to carry such a load, the maximum allowed under state law is only 34,000 pounds.

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Farmers are required to follow posted weight limits.

This process is repeated for all groups of axles to determine maximum allowable loads between axles. Their weights are also calculated from the bridge law.

Does my farm insurance policy cover my USDOT-regulated vehicles?

It is important to understand that farm insurance and business insurance are distinctly different. Farm insurance policies cover risks faced by farmers who manage their own farms. Business insurance covers risks faced by farmers who haul for compensation. There are four main questions you need to ask about coverage of your vehicles under your farm vehicle policies:

- *Does my policy restrict how far away from the farm I may drive my farm vehicles? Some policies do.* Your policy may cover farm vehicle accidents only within 150 air miles of the farm. You should purchase business insurance (or add a rider to your auto policy) for greater distances.
- *Do I have to list my farm truck drivers on my policy?* Some policies require that all drivers be listed. Failure to list drivers might result in being denied compensation following an accident.
- *How much money may I make hauling products for hire?* Some policies clearly state that contractual obligations between the farmer and a client nullify the insurance. Others place limits on how much may be earned from the use of farm trucks for compensation.
- *Does my policy cover the cleanup of chemical spills at my farm and on the highway?* Most policies exclude pollution coverage, but you may be able to purchase a rider.

Are Indiana Department of Transportation regulations honored in bordering states?

Many regulations are similar across state lines. However, interpretation of federal regulations differs slightly from state to state, and states routinely pass their own additional laws and regulations. It is important to contact the states in which you will be traveling to ask specific questions. Telephone numbers for neighboring states are listed at the top of page 33.

- Illinois Department of Transportation, (217) 785-1181
- Kentucky Vehicle Enforcement, (502) 564-7906 or (800) 928-2402
- Michigan Center for Truck Safety, (517) 321-1955
- Ohio State Police, (419) 423-1414

Conclusion

Farmers who fail to assure that their drivers and commercial motor vehicles are in full compliance with transportation regulations assume tremendous liability and serious financial and regulatory repercussions. You have to evaluate your business operations: are you in the farming business, exclusively, or do you occasionally pick up extra income by transporting products for someone else? If you use your farm vehicles to transport commodities, livestock, or products for compensation, you forfeit your farmer exemptions. Conversely, if you use your farm vehicles for your own use, solely within a 150-air-mile radius of your farm, you are exempt from many transportation regulations that apply to commercial haulers.

There is a lot of risk involved when farmers straddle the fence. Some are quick to take advantage of farmer exemptions yet use their vehicles to haul grain, fuel, livestock, etc., for compensation, playing the odds against getting caught. If you participate in this kind of activity, charges may be filed against you. And if it is proven in court that you were negligent in qualifying your drivers, maintaining your vehicles, or meeting the eligibility criteria for farm transportation exemptions,

BEWARE!

Don't risk playing both sides of the DOT equation

you could face lawsuits, fines and penalties, or even a jail sentence. Your insurance company may legally decline to compensate you for losses involving your illegal use of a farm vehicle for commercial purposes. Farm auto insurance policies generally do not cover commercial use of farm vehicles. In that situation you would be held personally liable for damages; and this liability, coupled with fines and penalties, could bankrupt you.

You must carefully guard your farm transportation exemptions. The more farmers who fail to abide by the regulations, the more likely it is that the entire agricultural community could lose its exemptions. In turn, this would lead to more regulations, additional paperwork, higher operating costs, increased licensing requirements, limited access to certain products, and higher license plate fees. The bottom line is to be safe and stay legal.

Guard Your Farm Transportation Exemptions

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PPP-50 *Managing Farm Chemicals*
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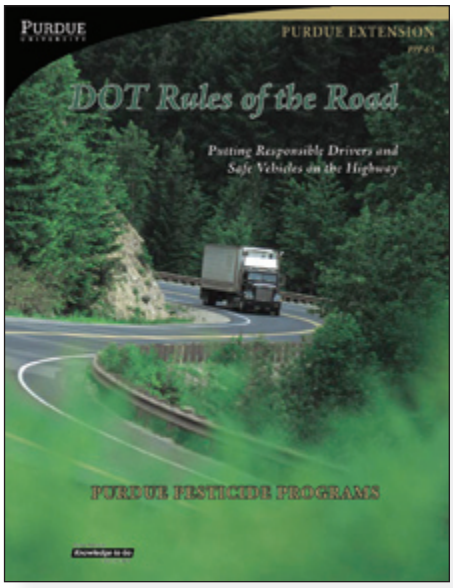
PPP-61 *Pesticide Safety Tips for the Workplace and Farm*
PPP-63 *Bulk Pesticide and Fertilizer Storage on Indiana Farms*
PPP-64 *Rural Security Planning*
PPP-65 *DOT Rules of the Road*

Purdue Pesticide Programs' publication *DOT Rules of the Road: Putting Responsible Drivers and Safe Vehicles on the Highway* (PPP-65) describes state and federal transportation regulations for commercial enterprise. In the event that you do not qualify for farmer exemptions, download PPP-65 from http://www.btny.purdue.edu/PPP/.



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