



Transportation Updates and Regulatory News (TURN)

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Illinois DOT Issues \$7 Million for Improving Roads

On April 5, the Illinois Department of Transportation (IDOT) [awarded \\$7 million in grants](#) for 21 projects through IDOT's Truck Access Route Program. The program helps counties, municipalities, and towns upgrade roads to make them designated truck routes accommodating 80,000-pound trucks. Up to \$900,000 may be awarded to projects that improve connections with other designated truck routes and with freight-traffic-generating businesses. In total, these projects cost \$36 million and are expected to manage truck traffic, create jobs, and boost economic activity in Illinois. The full list of awards can be found [here](#).

STB Adopts Final Rule on Demurrage Billing Requirements

On April 6, the Surface Transportation Board (STB) [adopted a final rule](#), effective October 6, 2021, requiring Class I carriers to include certain minimum information on demurrage invoices and provide machine-readable access to this information. Railroads charge demurrage fees when shippers hold cars beyond a specified time. However, shippers have expressed concerns that railroad invoicing practices can be difficult to verify and lack basic information about the shipments covered. The rule requires the demurrage invoice to include (among other details) the date and time the railroad received the cars, the date and time of the original estimated arrival, the actual placement and release of each car, and where applicable, the number of demurrage credits and debits attributable to each car.

White House Releases State-by-State Fact Sheet Highlighting Infrastructure Needs

On April 12, the White House [released State-by-State fact sheets](#) highlighting the urgent need for infrastructure investments across the country. For each of the 50 States, District of Columbia, and



Puerto Rico, an individual fact sheet highlights the number of bridges and miles of road in poor condition. Each individual fact sheet also details the investment required for that particular region to improve infrastructure resiliency and adapt to extreme weather events, among other infrastructure needs. All State-by-State fact sheets can be found [here](#).

Ninth Circuit Court Upholds AB5

On April 28, the U.S. Court of Appeals for the Ninth Circuit [ruled that](#) California’s worker classification law known as Assembly Bill 5 (AB5) is not preempted by Federal law. The court also removed a preliminary injunction against enforcing the State law on motor carriers. Under AB5, a person is presumed to be an employee rather than an independent contractor, unless the hiring entity shows certain conditions are satisfied. The judges rejected the California Trucking Association’s (CTA) argument that the Federal Aviation Administration Authorization Act preempts AB5 from being applied to the trucking industry. The April ruling overturns a January 2020 ruling that had granted CTA’s request for a preliminary injunction blocking enforcement of AB5 against interstate motor carriers. Currently, as the case [awaits review](#) by the U.S. [Supreme Court](#), the injunction remains in effect. However, if the Supreme Court decides not to hear the case, the injunction will be lifted immediately, and AB5 will become enforceable.

DOL Withdraws Independent Contractor Rule Under Fair Labor Standards Act

On May 6, the Department of Labor (DOL) finalized [its proposal to withdraw](#) the rule on Independent Contractor Status under the Fair Labor Standards Act rule. The rule had been due to take effect May 7, but DOL made the decision to withdraw it after reviewing roughly 1,000 comments. DOL had initially said that the rule would “promote certainty” to guide the trucking industry’s use of contractors. However, in its withdrawal notice, DOL states the rule would introduce “substantial confusion and uncertainty on the topic of independent contractor status, to the detriment of workers and businesses alike.”

Illinois Releases Highway Improvement Program for FY 2022-27

On May 19, the State of Illinois [released its proposed highway improvement program](#) for fiscal years (FY) 2022-27. The program allocates \$20.7 billion in total investment, including \$3.3 billion for fiscal year 2022. Over the next 6 years, the plan aims to improve 2,779 miles of roadway and 7.9 million square feet of bridge deck. Additionally, \$42 million is allocated for upgrading local truck routes. Other major investments include \$5.79 billion for roadway reconstruction and preservation, \$4.82 billion for bridge improvements, and \$2.59 billion for roadway expansion efforts. According to the American Road and Transportation Builders Association, about 8.8 percent of Illinois’s bridges are classified as structurally deficient. The planned investment is funded by Rebuild Illinois—an infrastructure improvement initiative approved in 2019 that supports investment in road and bridges.

Panama Canal Makes Way for Larger Vessels

As of May 21, the [maximum allowable length](#) for vessels transiting the Panama Canal’s Neopanamax Locks has increased from 367.28 meters (1,205 feet) to 370.33 meters (1,215 feet). With this increase, 96.8 percent of the world’s container fleet can now transit the Canal, thereby shortening routes and benefiting economies around the world. The Panama Canal Authority also increased the maximum



allowable draft to 15.24 meters (50 feet). By offering larger capacity along with shorter travel distances, the Canal reduces vessels' fuel consumption and emissions. The changes in allowable vessel length and draft were made in anticipation of the fifth anniversary of the Canal's expansion, on June 26. The Panama Canal is an important outlet for grain shipped from the U.S. East and Gulf Coasts destined for China and other Asian countries.

FHWA Provides Almost \$2 Million to Innovative Highway Projects in Key Grain-Producing States

On May 26, the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA) [awarded](#) \$977,398 in grants to Michigan and \$1 million to South Dakota to help them make cost-effective, timely upgrades to their transportation infrastructure. The funding source—FHWA's Accelerated Innovation Deployment Demonstration program—helps States make the most of limited resources. Michigan's FHWA funding will be used to improve bridge conditions on local routes. As a major grain-producing State, Michigan has more than 11,000 bridges that afford critical connections in grain transportation. According to the American Society of Civil Engineers, in 2018, approximately 11 percent (1,234) of the State's 11,156 bridges were structurally deficient. FHWA's funding for South Dakota (another major grain producer) will be used to develop criteria to adjust speed limits in response to weather, road, visibility, and traffic conditions.

STB Asks Class I Railroads To Keep Reporting Revenues From Demurrage and Accessorial Charges

On May 28, the Surface Transportation Board (STB) [requested](#) Class I railroads to continue providing quarterly information about their revenues from demurrage and accessorial charges. STB first requested this information in 2018, in response to informal shipper complaints about unreasonable railroad demurrage and accessorial practices. Railroads charge these fees when shippers hold cars too long or require additional service, such as train diversions. However, railroads sometimes charge these fees even when delays are not the shipper's fault, but rather result from broader rail service issues. Average Class I accessorial and demurrage revenue, as a share of total revenue, has trended upward from 2.5 percent, in first quarter 2018, to 3 percent, in fourth quarter 2020. In recent months, shippers have complained of unreasonable, accumulating fees amid congestion and service issues. This latest request followed [STB letters](#) sent to the railroads expressing concern over recent reports of subpar service.

FMC Announces Rulemaking for Common Carrier Tariffs

In early June, the Federal Maritime Commission (FMC) published public comments received for a notice of proposed rulemaking. The comments regard the reasonableness of fees charged to access an ocean carrier's public tariff. Carrier tariffs contain common carrier rates, charges, classifications, rules, and practices, which shippers can default to once contract terms are fulfilled. Through the comments, FMC sought to understand why carriers' fees and minimum requirements to access the online tariff systems vary and the impact of such variance. Further, the agency asked whether existing fees or requirements are unreasonable. FMC sought additional information from industry stakeholders on why certain non-vessel-operating common carriers apply "pass-through charges" inconsistently under common carrier tariffs. Comments can be viewed [here](#).



USDA's \$4 Billion Initiative To Bolster Food System Includes Transportation Infrastructure

On June 8, the USDA [announced](#) its Build Back Better initiative—a plan to invest more than \$4 billion to strengthen the U.S. food system, including investments in “distribution and aggregation.” The agency notes the system’s infrastructure has been stressed during the COVID-19 pandemic because of “long shipping distances and lack of investment in local and regional capacity.” USDA intends to invest in distribution-and-aggregation infrastructure that can “remain resilient, flexible, and responsive.” Further supporting infrastructure solutions to supply-chain issues, the Secretaries of Agriculture, Transportation, and Commerce will co-chair a new Supply Chain Disruptions task force to bring a “whole of government” response to near-term supply-chain challenges to the economic recovery.

ATRI Releases Study on Truck Driver Perspectives on Truck Parking Information Systems

On June 14, the American Transportation Research Institute (ATRI) [released a study](#) on current use of parking availability systems for trucks, as well as truck drivers’ perspectives on how truck parking information is distributed. Surveying over 1,100 truck drivers, the study cross-tabulated findings from all sectors, age groups, experience levels, and genders. The study found the system was most favorable for long-haul interstate drivers. Although the researchers recognize truck parking information systems are managed at a facility level, they concluded that, ideally, system designs and approaches should not vary considerably across State lines. The study can be found [here](#).

Minnesota Approves Over \$800 Million for Road Projects

On June 21, Minnesota State lawmakers recently approved a transportation budget bill to provide [over \\$800 million for State roads and bridges](#). As part of the budget, the State’s trunk highway system will receive \$413 million in trunk highway bonds, including \$200 million for the Corridors of Commerce program, \$100 million for general State road construction, and \$113 million for State road construction projects under the Minnesota Department of Transportation’s Regional and Community Investment planning category. As a major producer of corn and soybeans, Minnesota depends on the condition and performance of its roads for grain transportation. As of 2019, 4.7 percent (13,346) of bridges in Minnesota were structurally deficient, and in 2018, 16 percent of roads in the State were in poor condition—[according to the American Society of Civil Engineers](#). The new funding is expected to boost highway capacity and improve freight movement statewide, which can benefit grain transportation.

FMCSA Opens Registry for Providers of Entry-Level Driver Training

On June 29, 2021, FMCSA [opened](#) its training provider registry (TPR), which helps commercial driver’s license applicants connect with training providers. Providers that register with the TPR will be included in the public list of certified trainers. The list will be made available before FMCSA’s entry-level driver training (ELDT) regulations take effect. Once the ELDT regulations are in effect, they authorize only training providers who are listed in the TPR to provide the training. This restriction will ensure only certified drivers operate commercial motor vehicles. The registry will connect entry-level drivers—who require a commercial learner’s permit or commercial driver’s license—with providers who can teach them to properly operate commercial motor vehicles.



FMCSA Extends Compliance Dates for Medical Examiner’s Certification Integration

On June 22, the Federal Motor Carriers Safety Administration (FMCSA) [extended](#) the compliance date to June 23, 2025, for several provisions of its April 23, 2015, Medical Examiner’s Certification Integration final rule. Effective June 22, the extension will allow FMCSA time to develop information technology (IT) for its National Registry of Certified Medical Examiners (National Registry). The additional time will also allow State driver licensing agencies to make the necessary IT programming changes after the new National Registry system is available.

FMCSA Extends Compliance Date for Entry-Level Driver Training

On June 30, FMCSA [extended](#) until February 7, 2022, the date for complying with the agency’s interim rule (effective as of July 30) on minimum ELDT requirements. The extension will also allow State driver licensing agencies time to update their systems and procedures to receive driver-specific ELDT data from the TPR. ELDT regulations are not retroactive, and the requirements do not apply to individuals holding a valid commercial driver’s license or an S, P, or H endorsement issued prior to February 7, 2022.

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