



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

Commercial Motor Vehicle (Interstate):

- Designed and used on public highways to transport passengers or property;
- Has either a gross weight rating (single or combination) of 10,001 lbs. or more;
- Is designed for carrying more than 15 passengers including the driver (not for compensation);
- Is designed for carrying more than 8 passengers including the driver (for compensation);
- Is used to transport hazardous materials in an amount that requires placarding.

If the vehicle meets one of the above definitions, then it must comply with the Federal Motor Carrier Safety Regulations, unless excepted.

Farm Vehicle Driver:

Farm Vehicle Driver is a person who operates a commercial motor vehicle that is:

- 1) controlled and operated by a farmer, their employee, or family member;
- 2) being used to transport agricultural products, farm supplies, or farm machinery to or from a farm;
- 3) not being used in a for-hire operation;
- 4) not carrying hazardous materials in an amount that requires placarding; AND
- 5) being used within **150 air miles** of the farm.

NOTE: The term "Farm Vehicle Driver" is used in several places in the Federal Motor Carrier Safety Regulations, usually providing relief from compliance with the regulations. It must be remembered, however, that to use that exception from the regulations, you must comply with ALL of the above components of the definition.

NOTE: There is no exception in State or Federal law for farm or agricultural operations from the vehicle equipment standards. Farmers must comply with Parts 392 (Driving of Motor Vehicles), 393 (Parts and Accessories), and 396 (Inspection, Repair, and Maintenance) of the Federal Motor Carrier Safety Regulations.

NOTE: The term "for-hire" can differ considerably from one act of law to another. Generally speaking, "for-hire" means a verbal or written contract to transport someone else's property for monetary compensation. For certain statutes, it may include compensation other than monetary.

General Exceptions

For intrastate transportation, Farm Vehicle Drivers are not required to comply with hours of service and log books, Part 395 of the Federal Motor Carrier Safety Regulations (MMCSA, 480.12u). For interstate transportation, farmers must comply with the hours of service requirements (Part 395).

For intrastate transportation (MMCSA, 480.12q), Farm Vehicle Drivers are excepted from:

- Employment applications;
- Investigations and Inquiries of prospective drivers;
- Road tests;
- Medical qualifications and Medical Certificates;
- Maintenance of driver files.

For interstate transportation, single motor vehicles do not have to comply with any of the provisions of Part 391 (Qualification of Drivers). For interstate transportation of combination motor vehicles (articulated), Farm Vehicle Drivers are excepted from: maintaining list of violations; road test; employment application; investigation and inquiries on prospective drivers; and maintenance of driver files.





MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

General Regulations

Identification: For intrastate transportation, vehicles displaying valid farm plates are not required to display the company's name and address on the vehicle. For interstate transportation, if the vehicle meets the federal definition of a commercial motor vehicle, it must display the company's name, city and state, and USDOT number on both sides of the vehicle. The identification must be in a contrasting color and legible from at least 50 feet.

Accident Records: Motor carriers must maintain an accident register for a period of one year after an accident occurs containing the following information:

- Date of accident;
- City or town nearest the location the accident occurred, and the State;
- Driver name;
- Number of injuries;
- Number of fatalities;
- Whether hazardous materials (other than fuel from fuel tanks) was released; and
- Copies of all accident reports required by States or insurance companies.

Age of Drivers

For intrastate transportation, a person 16 years or older may obtain a Group "A", Group "B", or "F" endorsement if the vehicle is used for farming purposes. (MCLA 257.312f(1))

For intrastate transportation, a driver must be at least 18 years old when the vehicle is displaying valid farm plates and transporting hazardous materials in an amount that requires marking or placarding, provided the gross vehicle weight does not exceed 40,000 lbs. If the gross vehicle weight does exceed 40,000 lbs., and the driver is transporting hazardous materials, the driver must be 21 years old.

For interstate transportation, when using a combination motor vehicle (articulated), a Farm Vehicle Driver must be at least 18 years old. Also, for interstate transportation, if the driver is transporting hazardous materials in an amount that requires placarding, the driver must be 21 years old.

Example: A driver of a pickup truck towing an anhydrous ammonia tank (which must be placarded) must be 18 years old intrastate, and 21 years old interstate.

Insurance

Part 387 applies to all farmers, interstate or intrastate, who are "hauling for hire" or transporting hazardous materials. This law requires an MCS-90 form to be on file at the company's place of business.

Annual Vehicle Inspection

Farmers must comply with the annual vehicle inspection requirements in Part 396. A sticker or inspection form must be on any commercial motor vehicle when in operation. Persons performing the inspection must meet the qualifications specified in the regulations.

If a company has more than one commercial motor vehicle power unit (truck or truck tractor), the driver must complete a written post-trip inspection form at the end of each trip. This form does not have to be carried in the vehicle.



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

A pick-up truck towing an anhydrous ammonia nurse tank meets the definition of a commercial motor vehicle (any size vehicle that requires placards) and both units are required to have an annual inspection.

Brakes

Generally, State and Federal Regulations require brakes on all wheels for commercial motor vehicles. Brakes are not required (intrastate and interstate) on a full trailer or semi trailer having a GVWR of 3,000 lbs. or less and the weight of the towed vehicle resting on the towing vehicle does not exceed 40% of the GVWR of the towing vehicle (Section 393.42).

For intrastate transportation, brakes are not required on implements of husbandry, provided the unit does not exceed 25 mph (MVC 257.705). This is true if the unit is being towed by a pick up truck or a farm tractor.

For interstate transportation, brakes are not required on implements of husbandry when towed by a farm tractor. If the implement of husbandry is being towed by a pick up truck, and the combination meets the definition of a commercial motor vehicle, brakes are required on all wheels. For example, a pick up truck towing an anhydrous ammonia nurse tank is a commercial motor vehicle, and requires brakes in interstate commerce. Or, a pick up truck towing a hay wagon, and the combination rating exceeds 10,000 lbs., it is a commercial motor vehicle and requires brakes on all wheels in interstate commerce.

Surge brakes are illegal on commercial motor vehicles in interstate transportation. For intrastate transportation, surge brakes are allowed on trailers with a gross vehicle weight or gross vehicle weight rating 15,000 lbs. or less; and on "trailer-vehicle combinations" with an actual gross weight or a gross weight rating of 26,000 lbs. or less.

Hitches/Safety Chains/Pulling Trailers

In Michigan, it is illegal to pull more than one trailer, unless all hitch mechanisms are fifth wheel combinations. There are three exceptions to this regulation: The recreational combination (pick up truck, camper, and boat trailer); the garbage truck and trailers combination; and the farm tractor and two farm wagons combination. **A pick up truck may tow only one farm wagon or nurse tank.**

For vehicles meeting the definition of a commercial motor vehicle (interstate and intrastate), the Federal Motor Carrier Safety Regulations require the use of two safety chains, one on each side, or one chain in a bridle arrangement. Chains must have an ultimate strength of not less than the gross weight of the trailer being towed.

For intrastate transportation, vehicles that do not meet the definition of a commercial motor vehicle (under 10,000 lbs. combination gross weight), are required to have two safety chains, one on each side. However, for an implement of husbandry with a GVWR (combination or single) of 10,000 lbs. or less, the single bridle chain may be used.

Commercial Drivers Licenses (CDLs)

Farmers have some unique exceptions to the CDL standard. First we will discuss the normal CDL requirements, then we will cover the farmer exceptions.

Normal CDL Requirements

- A single vehicle with a gross weight rating (not actual) of 26,001 or more pounds;
- A combination vehicle with a gross weight rating of 26,001 or more pounds;
- A combination vehicle with a trailer that has a gross weight rating of more than 10,000 lbs.;
- A vehicle that is designed to transport 16 or more passengers, including the driver; or
- A vehicle of any size (including passenger cars) transporting hazardous materials in an amount that requires placarding.



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

Drug and Alcohol Testing

Except for the third bullet listed above, drivers operating a vehicle that requires a CDL must comply with the drug and alcohol testing requirements (Part 40 and Part 382 of the Federal Motor Carrier Safety Regulations). The "F" endorsement is a Michigan exception to the CDL requirements that has been recognized by USDOT. As such, the "F" endorsement does not require drug and alcohol testing.

Having a CDL does not necessarily mandate the individual be in a drug and alcohol testing program. An individual can hold a CDL for years without being in a drug and alcohol testing program. However, when the individual operates a vehicle that requires a CDL (not the "F" endorsement), then the individual must be in a drug and alcohol testing program. For more information about the drug and alcohol testing requirements, contact one of the organizations listed under "Sources."

Farmer Exceptions to CDL Requirements

The following farm vehicles, for intrastate transportation, do not require CDLs:

- A single vehicle, regardless of gross weight rating;
- A combination vehicle, provided that the power unit has a gross weight rating of less than 26,000 lbs.

HOWEVER, to use the above two exceptions, the vehicle must:

- Be controlled and operated by the farmer, their employee, or their family member;
- Be used to transport agricultural products, farm machinery, farm supplies, or a combination of these items to and from a farm;
- Not be used for hire;
- Be operated within 150 miles of the farm.

"F" Endorsement

To operate a combination of vehicles with a power unit that exceeds 26,000 lbs., a farmer must obtain the "F" endorsement. The "F" endorsement is an exception to the CDL, and does not require drug and alcohol testing. To use the "F" endorsement, however, the farmer must comply with the same four bullets listed above.

Farmers MUST have a CDL (not the "F" endorsement) when:

- They transport hazardous materials in an amount requiring placarding in a vehicle with a gross vehicle weight rating of 26,001 lbs. or more, or a combination vehicle with a power unit that has a gross vehicle weight rating of 26,001 lbs. or more;
- They transport any commodity for hire; or
- They transport any commodity more than 150 miles from the farm.

Seasonal Restricted License

Seasonal Restricted Licenses for Group B or C vehicles are issued from April 2 to June 30 and from September 2 to November 30, OR for not more than 180 days from the date of issue in a 12-month period. The Seasonal Restricted License is only valid within 150 miles of the farm, and may not transport hazardous materials for which placards are required except for:

- Diesel fuel in quantities of 1,000 gallons or less;
- Liquid fertilizers in quantities of 3,000 gallons or less;
- Solid fertilizers that are not transported with any organic substance (e.g., seed, corn, soybeans, etc.)

Chauffeur License

The Chauffeur license is a Michigan-specific requirement. It does not apply to farmers or their employees when operating vehicles exclusively in connection with the farming operation (MVC 257.6(3)(a).



TRAFFIC REGULATIONS

Traffic regulations vary from state to state. This is a discussion of some of the regulations that apply to farmers and agricultural operations. These regulations are from the Michigan Vehicle Code. **It must be remembered that, although the Michigan Vehicle Code and the Federal Motor Carrier Safety Regulations often use the same terms, they may have different definitions for those terms.**

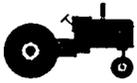
Implements of Husbandry

An "Implement of Husbandry" is defined as a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field (MVC 257.21).

A "Farm Tractor" is defined as every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry (MVC 257.16).

"Special Mobile Equipment" is defined as every vehicle not designed or used primarily for transportation of persons or property and incidentally operated or moved over the highways, including farm tractors (MVC 257.62).

- A driver's license is not required for operation of an implement of husbandry (MVC 257.302(b)).
- A license plate is not required on any implement of husbandry (MVC 257.216).
- Posted weight limitations on public bridges, causeways, or viaducts do not apply to implements of husbandry being used for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function (MVC 257.631(2)(a)(b)).
- Self-propelled farm implements must not be operated on freeways or limited access highways (MVC 257.679a(1)).
- An implement of husbandry must be operated so as to minimize the interruption of traffic flow (MVC 257.717(2)).
- Implements of husbandry and farm tractors require at least 1 lighted white light, visible from a distance of 500 feet, on the front of the vehicle and one red light to the rear of the vehicle, visible from a distance of 300 feet, at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead (MVC 257.684(a), 257.695).
- Slow Moving Vehicle (SMV) emblems and additional reflectors are required on any implement of husbandry, farm tractor, special mobile equipment, or every vehicle that has with a maximum speed potential of 25 miles an hour operated on public highways. The use of the SMV emblem is limited to the vehicles described in this section and the use on any other vehicle or stationary object is prohibited (MVC 257.688(g)).
- A vehicle towing an implement of husbandry or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. Amber is the only color permitted for this application (MVC 257.698(f)).
- A farm tractor or other implement of husbandry does not need to be equipped with a windshield (MVC 257.708a).
- The provisions governing size, weight, and load do not apply to an implement of husbandry incidentally moved upon a highway (MVC 257.716(2)).



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

- An implement of husbandry must be operated to the right of the center of the roadway: when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction; when the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel; and from a half hour after sunset to a half hour before sunrise or any time visibility is substantially diminished due to weather conditions (MVC 257.639, 257.717(2)).
- Crawler or track-type tractors (with metal or plastic tread) must not be operated on roads unless owner has a special permit from state highway commissioner, county road commission or other authority having jurisdiction (MVC 257.725(3) and 257.710).
- A person operating an implement of husbandry shall follow all traffic regulations (MVC 257.717(2)).
- Drinking and driving laws apply to implements of husbandry (MVC 257.625).
- A person cannot block, obstruct or interfere with traffic on a roadway with a vehicle, object, device, or their person. This includes dirt, mud, etc. coming off of tires and vehicles that makes travel difficult or dangerous (MVC 257.676b).
- There is no exception in Federal law from seat belts for implements of husbandry manufactured after 1986.

Tarping and Spilling

A person operating a vehicle to transport agricultural commodities in the normal operation of a farm is not required to cover the load (MVC 257.720). This includes the movement of sand, gravel, and dirt in a farm truck or implement of husbandry in the normal operation of a farm.

A person operating a vehicle transporting agricultural commodities in the normal operation of a farm shall not spill (MVC 257.720). It is acceptable to use a secured tarp or canvas to secure sod.

It is illegal to block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic on a roadway. This includes mud, dirt, and other debris falling from the tires of a truck, trailer, or farm tractor in a quantity that interferes with traffic (MVC 257.676b).

Registration Requirements:

Farm/Log/Milk Plates

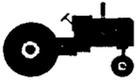
Farm/Log/Milk plates must be used exclusively in connection with the farm, milk or logging operation or for the transportation of the farmer and the farmer's family and not used for hire (MVC 257.801(c & d)). A farmer may loan his farm-plated vehicle to another farmer for use in that farmer's farming operation, and not used for hire.

Special Farm Plates

Special Farm Plates must be used exclusively for:

- The purpose of gratuitously transporting farm crops or livestock bedding (straw, sawdust, or sand) between the field where produced and the place of storage;
- Feed (hay or silage) from on-farm storage to an on-farm feeding site; or
- Used to transport fertilizer, seed or spray material from the farm location to the field.
- These plates may also be used for transporting crops from the field to a grain elevator (SOS ruling).

These plates cannot be used in transportation for hire ("custom harvesting work").



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

Other Registration Requirements

Unless using a farm plate, the following commercial motor vehicles must have Elected Gross Vehicle Weight (EGVW) plates:

- Trucks over 8,000 lbs. (empty);
- Pickup trucks over 5,000 lbs. registered weight towing a trailer of any size;
- Trucks of any size pulling a trailer of any size;
- Road tractors and truck tractors.

Fuel Tax Permits

Road tractors, trucks, or truck tractors owned by farmers and used in connection with the farming operation and not used for hire are excepted from the fuel tax permit requirement, regardless of whether the vehicle is displaying farm plates or commercial plates.

FEDERAL HAZARDOUS MATERIALS REGULATIONS (FHMR)

The FHMR is found in Title 49, Code of Federal Regulations (CFR 49), Parts 100-180. It applies to all transportation in commerce, including farmers and agricultural retail operations. Michigan has adopted the FHMR into state law by reference, with the exception of Section 173.8 (nonspecification packages for flammable liquids).

The regulations are too complex and lengthy to discuss here in detail. Below are the basic components that are involved in hazardous materials transportation. There are exceptions within various components:

- Registration with USDOT (107.600)
- Training Requirements (172.700)
- Shipping Papers (172.200)
- Marking (172.300)
- Labeling (172.400)
- Placarding (172.500)
- Emergency Response Information and Telephone Number (172.600)
- Specification Packages (Part 178)
- Testing and Inspections of Cargo Tanks (180.400)

Agricultural Operations (Section 173.5)

Section 173.5 of the Federal Hazardous Materials Regulations (FHMR), adopted into state law on September 30, 1998, provides relief for farmers transporting certain hazardous materials.

"Farmer" is defined in §171.8 as "...a person engaged in the production or raising of crops, poultry, or livestock. "Agricultural product" is defined as "...a hazardous material, other than a hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to a fertilizer, pesticide, soil amendment or fuel. An agricultural product is limited to a material in Class 3, 8, or 9, Division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material."

Note that there are a number of restrictions in those two definitions. Agricultural products must **directly** support the farm, and excluded are hazardous wastes, and Classes/Divisions 1 (explosives), 2.3 (poison gases), 4 (flammable solids), 5.2 (organic peroxides), 6.2 (infectious substances), and 7 (radioactives).





MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

Between Fields of the Same Farm

This exception for farmers applies to any agricultural product (see above) except Class 2 (e.g., anhydrous ammonia nurse tanks) that are transported "over local roads between fields of the same farm". It must be transported by a farmer (see above) who is an intrastate private motor carrier.

If all of the above provisions are met, the farmer does not have to comply with any of the provisions of the FHMR. For example, taking a tank of gasoline over local roads to run farm equipment on your own fields is excepted from all of the hazardous materials regulations. **This exception does not include driving into town to pick up supplies, or other farm-related functions. It is strictly from the farm to the field and between fields.**

This means that any *agricultural product* (e.g., pesticides, diesel fuel or gasoline) transported by a *farmer over local roads* between fields of the same farm *for farm use* is completely out of the regulations. Packages still have to be secured in the vehicle and must be free of leaks. Vehicles still have to comply with the Federal Motor Carrier Safety Regulations (FMCSR) and the Michigan Vehicle Code.

Within 150 Miles of the Farm

This second exception for farmers applies to any agricultural product transported to or from a farm, **within 150 miles** of the farm. It must be transported by a farmer who is an intrastate private motor carrier.

The **only** exceptions in this provision, however, is Emergency Response Information and Telephone Number (Part 172, Subpart G, 172.600) and Training (Part 172, Subpart H, 172.700); as well as specification packaging. **All other requirements (e.g., shipping papers, markings, labels, placards, etc.) still apply.**

In addition, this provision has some quantity limitations. One vehicle may not exceed a total of:

- 7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer, Division 5.1, PG III in a bulk packaging; or
- 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product.

A vehicle may have a combination of these products on as long as each amount is not exceeded. For example, one vehicle may have a 300-gallon tote of a liquid pesticide, 2,000 lbs. of a solid pesticide, and 5,000 lbs. of ammonium nitrate fertilizer and still employ this provision.

If any of these amounts are exceeded, or the 150 miles is exceeded, then all of the FHMR applies and the movement must be in full compliance with the regulations. There are other exceptions to the regulations for operations that do not comply with Section 173.5, such as Materials of the Trade (MOTs; 173.6). Refer to the FHMR for details.

Anyone using the provisions of this section must be instructed in the applicable requirements of the FHMR.

Dispensing Tanks

Agricultural and construction operations often use dispensing tanks in the back of pick up trucks for gasoline and diesel fuel. There are some restrictions with their use. The requirements discussed here, however, do not apply to a vehicle that is eligible for and complying with the provisions of Section 173.5, Agricultural Operations (above).

Gasoline in a package with a capacity of more than 8 gallons (see 173.6, Materials of Trade) must be in a USDOT specification container. Most dispensing tanks purchased at local supply stores **DO NOT** meet this specification. The use of non-USDOT specification tanks for gasoline is illegal.



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

Dispensing tanks may be used for diesel fuel with no restriction provided the capacity of the tank does not exceed 119 gallons (450 liters). Diesel fuel in a tank with a capacity of 119 gallons or more is required to have shipping papers, markings, and placards.

Nurse Tanks

Nurse tanks used to transport anhydrous ammonia may NOT use aluminum pressure relief valves. Anhydrous ammonia attacks and corrodes aluminum, and the valve may discharge suddenly and improperly. Owners of nurse tanks should inspect their tanks to ensure that aluminum safety devices are not present.

Nurse tanks do not have to have brakes in intrastate transportation. For interstate transportation, a pick up truck towing a nurse tank meets the federal definition of a commercial motor vehicle and it must comply with the brake requirements found in the FMCSR.

Nurse tanks may not be loaded to a filling density greater than 56%. Filling density is NOT the same as volume. The tank must be secured to a farm wagon and have a capacity of no more than 3,000 gallons. The tank must be painted white or aluminum.

The tank must be marked with the proper shipping name (anhydrous ammonia) on all four sides; the identification number (1005) on the placards or orange panels on all four sides; the words "Inhalation Hazard" on two opposing sides; and 2.2 (nonflammable gas) placards on all four sides. There is an exception to having a placard on the end of a nurse tank that is equipped with valves, fittings, regulators, or gauges that prevent the placement of the placard.

Safety chains, a Slow Moving Vehicle sign, and retroreflective tape are required. A pick up truck may only tow one nurse tank; a farm tractor may tow two nurse tanks.

EMERGENCY CONTACTS

Certain hazardous materials transportation incidents that occur on a public roadway must be reported to the Michigan State Police Motor Carrier Division. A MCD Hazardous Materials Investigator can be contacted 24 hours a day by calling the **Operations Desk at 517-336-6604**.

DEQ Pollution Emergency Alerting System (PEAS), 24 hours 800-292-4706

MDA Agriculture Pollution Emergency Hotline, 24 hours 800-405-0101

Comments or suggested changes to this Guidebook should be sent to:

Lt. David W. Ford
Michigan State Police Motor Carrier Division
4000 Collins Road
Lansing, MI 48910

1935 PA 59 300 copies, \$150.00, .50 cents per copy

