Kansas Corporation Commission

Intrastate Guidelines for the Kansas Farm Operations

Transporting Diesel Fuel

The Federal Motor Carrier Safety Administration (FMCSA) has jurisdiction over the intrastate and interstate transportation of placardable amounts of hazardous materials. The Secretary of the U.S. Department of Transportation has declared diesel fuel a hazardous material. *See* 49 C.F.R. § 173 as adopted by K.A.R. 82-4-20. Farm vehicle drivers transporting placardable amounts of diesel fuel are subject to the Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations.

Under certain circumstances, farmers may receive exemptions for the use of regulated Hazardous Materials. The following is a partial list of exemptions afforded to farmers *only*.

State and Federal Exemptions:

- ✔ Are exempt from the Hazardous Materials Regulations over local roads between fields of the same farm. – ***Intrastate only***
- ✔ Limited exemption for transporting diesel fuel in cargo tanks when the capacity is 120 gallons or more; but less than 502 gallons; to or from the farm; within 150 miles intrastate from Subpart G: Emergency Response; and Subpart H: Training; – ***Intrastate only***
- ✔ Transporting diesel in cargo tanks with a capacity of 119 gallons or less are exempt; – ***Intra/Interstate***
- ✔ Are exempt from Subpart I: writing a Security Plan if their annual gross receipts from the sale of agricultural commodities or products is less than $500,000; – ***Intra/Interstate***
- ✔ Are exempt from the Pipeline Hazardous Materials Safety Administration (PHMSA) registration if the cargo tank's capacity is less than 3,500 gallons; – ***Intra/Interstate***

Important Definitions:

Farmer: any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which is either owned by that person; or under the direct control of that person. *See* 49 C.F.R. § 390.5 as adopted by K.A.R. 82-4-3f.

Kansas Agriculture Exemption:

K.S.A. 66-1,129(c)(1) states: The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment.

Please Remember: Farm vehicle drivers in intrastate commerce are subject to all the applicable state traffic laws and hazardous materials regulations.

- MAP-21 explicitly excludes vehicles transporting hazardous materials in a quantity requiring placards. *See* Moving Ahead for Progress in the 21st Century Act, Pub. L. No. 112-141, § 32934(b)(2), 126 Stat. 405, 830 (2012). This statutoryguidance is currently under review by FMCSA.

For an extensive review of how Hazardous Materials regulations affect your farming operations, visit ***www.phmsa.dot.gov*** *and select "All Regulations" or "Hazardous Materials."*

Visit the FMCSA website at: http://www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm for additional information on each regulation.

Call Gary Davenport, Deputy Director, Transportation (785) 271-3151 or Mike Hoeme, Director, Transportation (785) 271-3333 with any questions.
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Kansas Corporation Commission

Intra/Interstate Guidelines for the Kansas Farm Operations

Transporting Anhydrous Ammonia Nurse Tanks

The Federal Motor Carrier Safety Administration (FMCSA) has jurisdiction over the intrastate and interstate transportation of placardable amounts of hazardous materials. The Secretary of the U.S. Department of Transportation has declared anhydrous ammonia a hazardous material. *See* 49 C.F.R. § 173 as adopted by K.A.R. 82-4-20. Farm vehicle drivers transporting placardable amounts of anhydrous ammonia are subject to the Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations.

Under certain circumstances, farmers may receive exemptions for the use of regulated hazardous materials. The following is a partial list of exemptions afforded to farmers *only*.

State and Federal Exemptions:

- ✔ Transporting a nurse tank of anhydrous ammonia within the state is exempt from safety regulations such as lights and brakes. *See* K.A.R. 4-10-1(o)(defining anhydrous ammonia containers as implements of husbandry). This exemption applies only to intrastate commerce.
- ✔ Operators transporting anhydrous ammonia over local roads between fields of the same farm receive limited exemptions from Subpart G: Emergency response and Subpart H: Training. See 49 C.F.R. § 173.5(a) as adopted by K.A.R. 82-4-20(b)(4). This exemption applies only to intrastate commerce.
- ✔ The security plan requirements of Subpart I of 49 C.F.R. § 172 are not necessary if the annual receipt from the sale of agricultural commodities of products is less than $500,000. *See* 49 C.F.R. § 172.800(c). This exemption applies to both interstate and intrastate commerce.
- ✔ Registration with the Pipeline Hazardous Materials Safety Administration (PHMSA) is not required. This exemption applies to both interstate and intrastate commerce.
- ✔ Transporting anhydrous ammonia in nurse tanks with the capacity of 3,000 gallons or less, exclusively for agricultural purposes,

  may be exempt from the federal shipping paper requirement. *See* 49 C.F.R. § 173.315(m)(describing the exemption in greater detail). This exemption applies to both interstate and intrastate commerce.

Important Definitions:

Farmer: any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which is either owned by that person; or under the direct control of that person.

Kansas Agriculture Exemption:

K.S.A. 66-1,129(c)(1) states: The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment.

Please Remember: Farm vehicle drivers in intrastate commerce are subject to all the applicable state traffic laws and hazardous materials regulations.

- MAP-21 explicitly excludes vehicles transporting hazardous materials in a quantity requiring placards. *See* Moving Ahead for Progress in the 21st Century Act, Pub. L. No. 112-141, § 32934(b)(2), 126 Stat. 405, 830 (2012). This statutory guidance is currently under review by FMCSA.

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