



# CITY OF ROCHELLE

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## PUBLIC WORKS COMMITTEE

DATE: MAY 18, 2012  
 LOCATION: CITY COUNCIL CHAMBERS  
 TIME START: 8:00 AM TIME END: 9:45 AM REMARKS: OVERWEIGHT TRUCKS

### ATTENDANCE LOG + PERMITTING.

PRINT NAME	PRINT NAME	PRINT NAME
DENNIS BERG	JASON ANDERSON	JIM SLACK
KATH HOLLOWAY	PAT BURCH	LUKE CARMICHAEL
ED RICE	RANDY THOMAS	& SEVERAL OTHER
DAVE PLYMAN	DAVE SCHULTZ	INTERESTED PARTIES
REP. BOB PROCHAIK	MIKE HAYES	
JAM TRESKIAN	MIKE MENTHAUSEN	
	MATT WELLS	

APPROVAL OF MINUTES \_\_\_\_\_

AGENDA ITEM	ACTIONS
APPROVED MINUTES OF 2/21/12 & 3/23/12 MEETINGS	
CITY MANAGER PLYMAN GAVE A PRESENTATION OF THE PROPOSED OVERWEIGHT TRUCK PERMIT AND FEE ORDINANCE.	
SEVERAL PARTIES EXPRESSED CONCERN RE: WHAT THEY CONSIDERED EXCESSIVE FEES AND PROCEDURES.	
THE ILLINOIS TRUCKING ASSOCIATION AND PAT BURCH SUBMITTED LETTERS OBJECTING TO THE PROPOSED ORDINANCE. THE COMMITTEE REFERRED THIS TO MANAGER PLYMAN FOR MORE INPUT FROM STAKEHOLDERS AND PREPARE AN ORDINANCE FOR A FUTURE COUNCIL ACTION.	
DISCUSSED TRAFFIC ON THE ALLEY BETWEEN LINCOLN AVE 4th AVE, 7th ST. AND 8th ST. - NO ACTION REQUIRED	

RECORDED BY: [Signature]

PRINT NAME: DENNIS BERG

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May 18, 2012

City of Rochelle  
Public Works Committee  
420 N. 6<sup>th</sup> Street  
Rochelle, IL 61068

Dear Public Works Committee:

On behalf of the Illinois Trucking Association and the ITA's Intermodal Committee, we are opposed to the ordinance amending Chapter 94 ("Traffic and Vehicles") to provide for permitting of overweight trucks and to establish permit fees.

On April 30, the Illinois Trucking Association participated in a Truck Permit Stakeholder's meeting at the Rochelle City Hall and made recommendations to the City Manager and to the Mayor in regard to the implementation of fees for intermodal containers.

The Illinois Trucking Association suggested that if the city is truly concerned about the control of truck traffic on local roads, then it could create a permit process at no cost to motor carriers, as other Illinois communities choose to do.

We were consequently disappointed to learn that the Public Works Committee is considering an ordinance that includes an unprecedented overweight fee structure that is in our opinion illegal.

The proposed ordinance has two glaring legal issues.

First, the City of Rochelle is not authorized to issue permit fees for different commodities as proposed in the ordinance.

According to the ordinance in Sec. 94-534, you are attempting to establish one set of fees and permits for "Containerized Grain Products" and a different set of fees and permits for "All Other Overweight Vehicles".

The Illinois Vehicle Code spells out state and local vehicle permits quite clearly in Chapter 15, Article 3; and while you are authorized to issue overweight permits for highways under your jurisdiction, you are not authorized to issue overweight permits based upon the type of goods that are being transported. Neither the State of Illinois, nor any other local jurisdiction that we are aware of, issues overweight permits based upon the nature of the product being carried.

Second, you are not authorized to require a seal on shipping containers. Federal regulations preempt the ordinance's seal requirement in Sec. 94-534 (a), section 5 that requires the "display of a city-issued seal on the rear of the shipping container hauled."

Section 4306 of the 2005 federal highway reauthorization bill (SAFETEA-LU), now codified in federal law at 49 U.S. Code 14506, prohibits state and local governments from imposing on interstate motor carriers any requirement that the carrier display any credentials in or on a commercial motor vehicle except

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credentials: (1) issued under the International Registration Plan, (2) issued under the International Fuel Tax Agreement, (3) issued under a state law regarding motor vehicle license plates, (4) issued in connection with federal hazardous materials transportation, or (5) issued in connection with federal motor carrier safety inspection requirements. A subsequent amendment also allows the states that had weight-distance taxes in 2005 – that is, Kentucky, New Mexico, New York, and Oregon – but only those states, to impose a credential requirement in connection with such a tax.

On behalf of the trucking companies that are based in Rochelle, the Illinois Trucking Association would ask you to carefully consider taking any action that would increase the cost of doing business at the Rochelle intermodal facility.

The intermodal facility in Rochelle is already at a competitive disadvantage with other Illinois intermodal facilities because of the longer distance to consumers in the Chicago-area. Trucking companies that are based closer to Chicago will simply avoid Rochelle and will do more business in Chicago. Unfortunately, the Rochelle-area trucking companies that have invested in your community stand to lose the most by raising the cost of doing business at this local facility. Farmers in Ogle County whose grain is being shipped by container stand to lose due to the increased cost of doing business at this facility. Ethanol producers that export DDGS stand to lose due to the increased cost of doing business at this facility.

Furthermore, the increased cost of doing business at the Rochelle intermodal facility will actually cause more farmers to ship grain directly to river terminals to avoid the higher cost of doing business at the intermodal facility.

At the very least, we would ask that you also consider the timing for new fees. Trucking companies enter into contracts with shippers that may last for months or even years. In Rochelle, trucking companies executed these contracts prior to a city fee for a permit. To suddenly require a \$5 per trip fee will force motor carriers to bear the burden of the increased cost until such time in the future when the contract expires.

The Illinois Trucking Association urges city leaders to carefully consider the impact of raising the cost of doing business at the Rochelle intermodal facility. In the trucking industry, our businesses have wheels; and there are many competing intermodal facilities in the Chicago-area. We hope that the trucking companies in Rochelle and Ogle County can afford to continue to do business locally.

Respectfully,

Matt Hart

Executive Director

Illinois Trucking Association

May 17, 2012

To: Public Works Committee and Dave Plyman City Manager FROM: Patricia Burch, Roy's Transfer Inc.

Roy's Transfer Inc. has been in trucking for 49 years here in Rochelle. At one time between Burch & Carmichael and Roy's Transfer we owned and operated 9 semi tractors which included hauling overweight loads from the concrete plant. During the 55 plus years B & C and Roy's hauled overweight loads I don't remember the City of Rochelle having to repair any of the streets that were our routes into and/or out of the plant other than the curbs. With the downturn in the economy, the increased costs to trucking by the State of Illinois and the Tollway, and the concrete plant closing, Roy's Transfer continues to haul foodgrade tank loads for FBC Industries while trying to expand into container hauling for six logistics companies with a few of those loads being overweight.

With the excessive fees the City of Rochelle is proposing for overweight, 2<sup>nd</sup> only to the City of Elwood in the State of Illinois, I don't see those customers splitting their legal and overweight loads. Roy's Transfer and UP, Global 3 lose more customers. During the last two days since receiving the meeting notice, I have called other industries who would also be affected by the excessive overweight fees. That includes Americold, TLC Ryder also representing Bay Valley Foods and Sara Lee, Del Monte, FBC, LaGrou, Hormel and Erie Foods. Many of them indicated this would affect them and I hope they are represented here today. I know the Union Pacific who benefits directly from all freight that these and many more companies ship with them couldn't be here because of the short notice of this meeting.

✓ My question is when did we as the City of Rochelle decide we are no longer a transportation hub. Trucking and rail are integral components of a transportation hub. When you as the City of Rochelle start proposing excessive restrictions on freight shippers and carriers, you are reversing the economic direction we, the City of Rochelle, want and need to go.

I'd like to quote from the City of Rochelle 2003 Comprehensive Plan Update, "Rochelle's position at the "hub" of major rail and highway systems, and proximity to major metropolitan centers will continue to offer competitive economic development advantages for industry and business. The "Hub City" will continue to enjoy a larger share of future manufacturing and distribution facilities. Employment opportunities and new business locations will expand at a considerably higher rate in the next ten years due to the influence of the intermodal rail facility." Further quoted, "Rochelle's location and identity as the "Hub City: has and will continue to be its prime advantage for economic development. Excellent access to all forms of transportation, lower cost of living and business operation, including potential access to information networks and availability of public utilities establishes Rochelle as a community of unlimited growth potential." We the City of Rochelle are just now seeing these predicted growth patterns of growing new industries, expanding existing industries, added job opportunities, and hopefully a growing population.

✓ Are you prepared to make a hurried decision without ever even talking to all of the stakeholders who use UP Global 3? As a member of GREDCO and along with the City of Rochelle, we have spent years, first visiting UP's facility in Memphis Tennessee, initially visiting industries in the Northern Illinois area who would benefit from use of rail shipments, then going to Ogle County to encourage them to establish a reasonable permit fee which would continue to encourage industry growth, and then going out to revisit industries in the area to see how the UP and the City of Rochelle could better serve their needs.

✓ Where is the TEAM Rochelle attitude about working together, actually listening to one another and working out a WIN WIN plan.