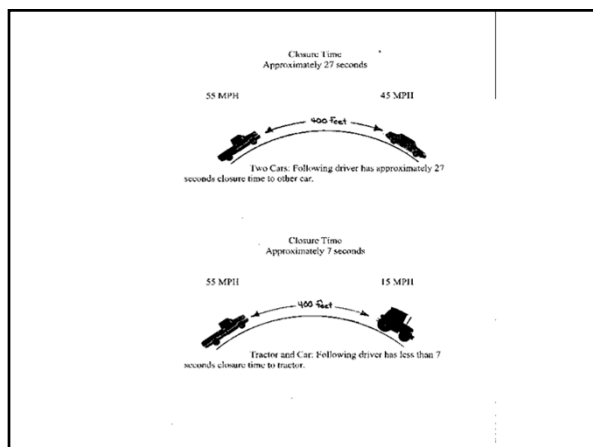


Slow Moving Vehicles And Agricultural Vehicle Operation on Public Highways

Revised January 01, 2013 BWK

SMV Crashes

- In New York State in 2007 there were 59 collisions involving Slow Moving Vehicles
- 17 were personal injury crashes
- 15,000 crashes each year in the US (National Safety Council)
- More than 2/3 of the collisions involved being struck from behind
- 90% took place in the daylight
- Farmer usually the fatality



What is Farming ?

- Federal Motor Carrier Safety Administration section 309.5 defines "Farmer"
- Any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:
 - (a) Are owned by that person; or
 - (b) Are under the direct control of that person

- New York State Department of Agriculture and Markets Section 301 – 11 defines "Farm Operation"

- "Farm Operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a **commercial enterprise**, including commercial horse boarding operations, timber processing, compost, mulch or other biomass crops and production, management and harvesting of farm woodland. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

Registration & Drivers Licenses

- Registrations and drivers licenses are NOT required for farm type tractors and all terrain type motor vehicles used **exclusively** for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self propelled machines used **exclusively** in growing, harvesting or handling farm produce.
- New York VTL does not denote a minimum age for operation.

Motor Vehicle Financial Security Act Article 6 - VTL

- Farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, tractors used exclusively for agricultural purposes, or for snow plowing other than for hire, do not require insurance to be operated on the highway.
- Consider a farm policy to protect yourself.

Farm Vehicle Licensing Requirements

- VTL 125 – Motor vehicles – For the purpose of title five (Licenses) - excludes farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or snow plowing other than for hire.

U.S. Department of Labor
Wage and Hour Division

WHD
DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
(Revised May 2012)

Fact Sheet #40: Federal Youth Employment Laws in Farm Jobs

The Fair Labor Standards Act of 1938 (FLSA) as amended, sets standards for youth employment in agriculture. These standards differ from those for nonfarm jobs.

To Which Agricultural Workers does the FLSA Apply?

The FLSA covers employees whose work involves production of agricultural goods which will leave the state directly or indirectly and become a part of interstate commerce.

What are the Minimum Age Standards for Agricultural Employment?

Youths ages 16 and above may work in any farm job at any time.

Youths aged 14 and 15 may work outside school hours in jobs not declared hazardous by the Secretary of Labor.

Youths 12 and 13 years of age may work outside of school hours in non-hazardous jobs on farms that also employ their parents) or with written parental consent.

Youths under 12 years of age may work outside of school hours in non-hazardous jobs with parental consent, but only on farms where none of the employees are subject to the minimum wage requirements of the FLSA.

Local youths 10 and 11 may hand harvest short-season crops outside school hours for no more than 8 weeks between June 1 and October 15 if their employers have obtained special waivers from the Secretary of Labor.

Youths of any age may work at any time in any job on a farm owned or operated by their parents.

What are the Hazardous Occupations in Agriculture?

Minors under 16 may not work in the following occupations declared hazardous by the Secretary of Labor:

- operating a tractor of over 20 PPD horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor;
- operating or working with a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay maker, potato digger, sorghum picker, feed grinder, crop drier, forage blower, sugar cane harvester;
- unloading mechanisms of a conveyor-type self-unloading wagon or trailer, power post-hole digger, power post driver, or snowblowing-type rotary tiller;
- operating or working with a trencher or earthmoving equipment, fork lift, potato combine, or power-driven tractor, hand or chain saw;
- working in a yard, pen, or stall occupied by a bull, bear, or stall horse maintained for breeding purposes;
- working with milking pigs, or a cow with newborn calf (with unaided calf present);
- filling, bucking, stacking, loading, or unloading timber with a butt diameter of more than 6 inches;
- working from a ladder or scaffold at a height of over 20 feet;
- driving a bus, truck or automobile to transport passengers; or riding on a tractor as a passenger or helper;

- working inside a tank, trough, or grain storage designed to contain oxygen-deficient or toxic atmosphere; an upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position; a manure pit, or a horizontal silo while operating a mixer for packing manure;
- handling or applying toxic agricultural chemical identified by the words "poison," "toxic," or "warning" on a label and instructions on the label;
- handling or using explosives; and
- composting, manureing, or applying herbicides on corn.

The prohibition of employment in hazardous occupations does not apply to youths employed on farms owned or operated by their parents. In addition, there are some exceptions from the prohibitions:

- 14 and 15-year-old student farmers enrolled in vocational agricultural programs are exempt from certain hazardous occupations when certain requirements are met; and
- minors aged 14 and 15 who hold certificates of completion of training under a 4-H or vocational agricultural training program may work outside school hours on certain equipment for which they have been trained.

What if state youth employment standards differ from federal standards?

Many states have less-stringent standards for youth employment in agriculture. When both state and federal youth employment laws apply, the law setting the most-stringent standard must be observed.

Who enforces the federal youth employment laws?

The Wage and Hour Division of the U.S. Labor Department's Employment Standards Administration enforces the laws. Employees may be fined up to \$1,000 for each youth employment violation.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. by your time zone, 1-866-455-6242 (TDD) or 1-866-455-6243.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-455-6242
TTY: 1-866-455-6243
C8000113

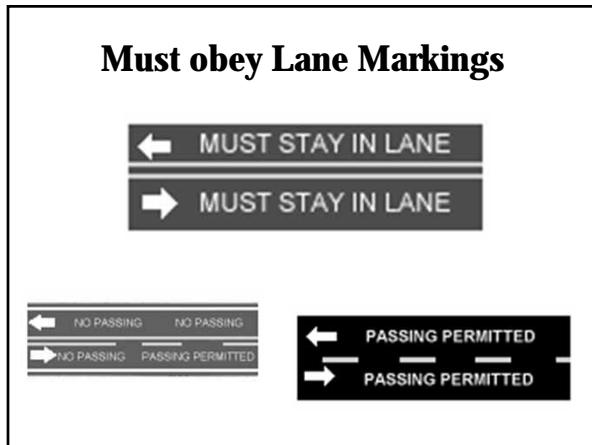
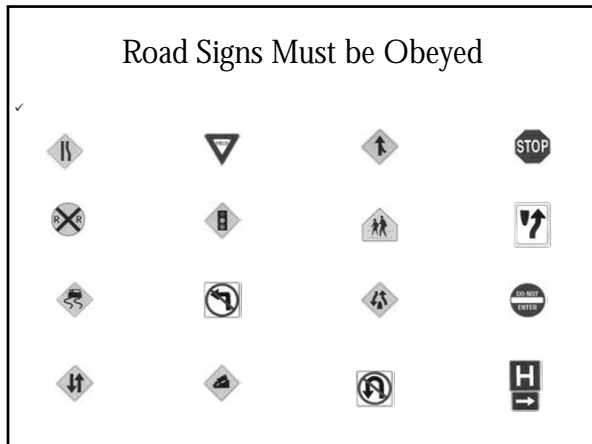
State of New York Department of Labor

Minimum Wage Orders for Farm Workers

Including Occupations in Agriculture Particularly
Hazardous for the Employment of Children
Below the Age of 16.

Part 190 of Title 12 of Official Compilation of
Codes, Rules and Regulations

**Farm Equipment and Horse
Drawn Equipment Operating on
a public highway must follow the
rules of the road**



- Must obey Right of Way Rules (Red lights, Yellow Lights, Blue Lights, Green Lights, School Buses, Pedestrians).
- Must obey rules on passing
- Must signal turning movements to all highway users
- Obey speed limits
- Must obey cell phone laws
- Violators of Drug / Alcohol laws can be arrested
- Prohibited from Controlled Access highways / Thruway





Agricultural Equipment

Agricultural Vehicle Equipment Requirements



- VTL 375-36 – Farm machinery and implements of husbandry and other machinery including road construction and maintenance machinery designed to operate at twenty-five miles per hour or less, traveling on a public highway during day or night, whether self propelled or used in combination, shall each **separately** display a Slow-Moving Vehicle emblem as specified in paragraph (a) of this sub division
- Slow Moving Vehicle Sign Specification are defined in Part 68 of the Commissioners Rules and Regulations
- Limited to vehicles traveling at a speed of 25 mph or less
- Shall be mounted , point up, perpendicular to the direction of travel, mounted in the center of the vehicle, un-obsured and 2 to 6 feet above the ground, measured at the bottom edge.

Agricultural Vehicle Equipment Requirements



- Should be mechanically fastened (hardware or adhesives), sturdily supported and secured
- If can't be centered, mount left of center line but not over or beyond left edge of vehicle
- If a vehicle using a slow moving vehicle sign is being transported by another vehicle at a speed greater than 25 mph, the SMV sign must be covered
- Must be kept clean (Visible from all distances 600 feet to 100 feet away – daylight / high beams)
- Illegal to use in any other manner – VTL 375-36 c
- NOTE: The use of the Slow Moving Vehicle emblem shall not replace such warning devices as tail lamps, reflectors, flashing lights, warning flags or flare and is not to be used as a clearance marker for wide loads or equipment. – See VTL 385 -1 in it's entirety

Lighting

- **Lighting Requirements** – VTL 376 – Agricultural Vehicles and Equipment must be equipped with lamps of the type approved by the commissioner which are lighted and in good working order when such equipment is operated, driven, or parked on any public highway or street during the period of one-half hour after sunset to one-half hour before sunrise and during such times that visibility for a distance of one thousand feet ahead or behind such agricultural equipment is not clear



Regulations of the Commissioner PART 43 Motor Vehicle Lighting

43.9 Lighting requirements on Agricultural Equipment

(a) Self-propelled agricultural equipment shall be equipped in accordance with Table V.

Table V – Required Lighting Equipment for self-propelled Agricultural Equipment

Item	Number and color	Location
Headlamps	two, white	front, same level, as far apart as practicable
Tail lamps	one, red	rear, as far to the left as practicable
Combined hazard warning and turn signal lamps	two, amber	at least (42 inches) high, same level, as far apart as practicable, visible front and rear
Rear reflectors	two, red	rear, same level, as far apart as practicable

(b) Reserved for towed, mounted or semi-mounted agricultural implements.

(c) This section shall apply only when the agricultural equipment is used on the public highway from one-half hour after sunset to one-half hour before sunrise. At other times, no lighting equipment is required on agricultural equipment.

(d) Nothing in this Part shall be construed as effecting the requirement of Vehicle and Traffic Law, section 375, subdivision 36 and Part 68 of this Chapter that agricultural equipment display the slow-moving vehicle emblem.



All Terrain Vehicles

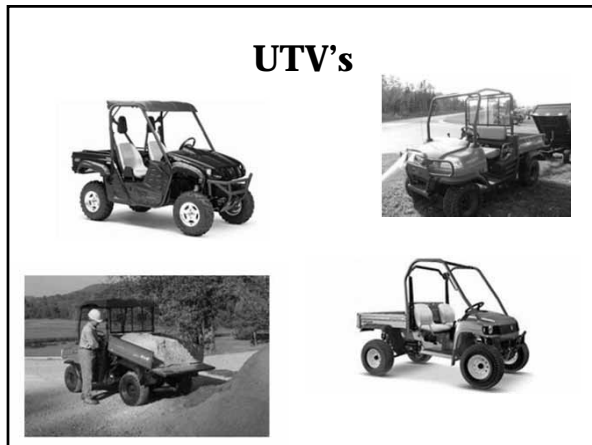


All Terrain Vehicles VTL Section 2281 – 1 (a)

- Self propelled vehicle for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on the public highways
- Shall not exceed seventy inches in width
- Shall not exceed one thousand pounds dry weight

All Terrain Vehicles VTL Section 2281 – 1 (b) and 2401-2

- The term “All Terrain Vehicle” or ATV shall not include any vehicle used for agricultural purposes or for snow plowing not for hire. (Registration and Insurance is not required).
- Allows operation on the highway if used EXCLUSIVELY for Agricultural purposes or snow plowing not for hire.
- Must follow all of the SMV / Lighting requirements of self-propelled farm equipment
- Must follow the rules of the road
- Must be used as a **TOOL**, not a **TOY**



UTV's and RTV's

- UTV's or RTV's, commonly referred to as Utility Vehicles, Recreational Vehicles or Side-by-Side's
- Similar to ATV's except they are either more than 1000 pounds or wider than 70 inches or both
- Referred to as ATV's on steroids!!!!
- Can not be registered in New York State





Equipment between 12 and 17 feet in width – additional requirements

- Travel limited to one half hour before sunrise to one half hour after sunset (DAYLIGHT).
- Red or Orange fluorescent flags required – minimum 18 inches square and reflectors – placed on the extreme corners of the load.
- Two flashing amber lights required – approved by the commissioner of transportation-attached to the rear of the load OR if the power unit is equipped with operational flashing hazard lights which are visible from the rear of the load.
- If vehicle or load extends over the center line or when visibility for any reason is less than 1000 feet ahead, the load must be preceded by an escort vehicle which equipped with warning sign and flashing lights approved by the commissioner of transportation.



Other SMV users Continued

- BULK AGRICULTURAL COMMODITY IMPLEMENTS
- Bulk fertilizer spreaders, Gravity boxes, Hay Wagons, Forage Wagons (Specifically Designed for carrying Non Hazardous Agricultural Commodities)
- Towed by ½ and to ¾ ton trucks (Gross weight of the implement cant exceed the trucks GVWR)

Other SMV users Continued

- Towed by ¾ ton or greater (Gross weight of Implement can not be more than 150% of Trucks GVWR)
- VTL Width restrictions apply
- Truck and trailer can not exceed 26,000lbs GCWR
- Can not exceed axle or tire ratings
- Must only be operated between sunrise and sunset
- Can not exceed 25 mph

Other SMV users Continued

- Must display a SMV sign
- Must be within 50 mile radius of the trucks registered address or within 50 mile radius of the dealership renting the Bulk Commodity Implement
- Must use a hitch pin manufactured for such purpose and equipped with a safety pin or must use safety chains per 49CFR 393.70d
- Cannot travel on an interstate or controlled access highway
- Can not be utilized anytime when visibility is less than 1,000 feet

Vehicles Drawn By Animals

Reference

New York State Department of Motor Vehicles
Commissioners Rules and Regulations – Title 15
– Chapter 1, subchapter E - Part 68 - Slow
Moving Vehicle Emblem – 68.8

Lighting Requirements

Commissioners Rules and Regs – Part 68

- Every vehicle drawn by animals shall display on the rear either:
- (1) – A slow moving vehicle emblem: OR
- (2) – A lighted lantern with a red lens at least four inches in diameter, the center of such lens to be 42 inches above the ground, the lantern to be near the left edge of the vehicle, AND at least 72 square inches of a high quality white or whitish-gray reflective tape.



QUESTIONS

Bernie Kennett
(315) 366-6036

Bernard.Kennett@troopers.ny.gov

Hazard Vehicles Required to Use Amber lights

- * One or more amber lights are required when a vehicle is engaged in a hazardous operation or parking on or immediately adjacent to a public highway while such vehicle is actually engaged in an operation which would impeded, restrict, or interfere with normal traffic flow, lights may also be used upon a hazard vehicle doing snow / ice removal operations in a parking lot or other similar facility. Must be visible to all approaching vehicle's for a distance of 500 feet.

- * Amber lights are not required during daylight hours providing at least two red flags are visible from a distance of 500 feet are placed upon the front of the vehicle, and on the rear of the vehicle and two flags are placed on each side of the vehicle open to traffic.

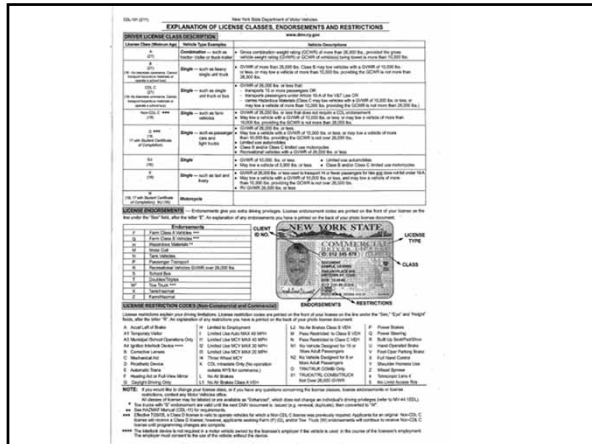
Throwing refuse on highways and adjacent lands prohibited – VTL 1220

- (a) No person shall, throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed upon any highway, or within the limits of the right of way of such highway, or upon private lands adjacent thereto, any refuse, trash, garbage, rubbish, litter or any nauseous or offensive matter.

- (b) Nothing herein contained shall be construed as prohibiting the use in a reasonable manner of ashes, sand, salt, or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet.
- (b-1) Nothing herein contained shall be construed as prohibiting the use of any highway or private lands adjacent thereto for the transport or transit of agricultural trucks, machines or implements or dairy or domestic animals or agricultural stock with any accompanying reasonable or unavoidable deposit of nauseous or offensive matter.

- (C) A violation of the provisions of subdivision (a) of this section shall be punishable by a fine not to exceed three hundred dollars and / or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed ten hours and for any second or subsequent violation by a fine not to exceed seven hundred dollars and / or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed fifteen hours.

Section	Section Description	Administrative Code	Administrative Code
§ 1220.1	Throwing refuse on highways and adjacent lands prohibited	§ 1220.1(a)	§ 1220.1(a)
§ 1220.2	Throwing refuse on highways and adjacent lands prohibited	§ 1220.2(a)	§ 1220.2(a)
§ 1220.3	Throwing refuse on highways and adjacent lands prohibited	§ 1220.3(a)	§ 1220.3(a)
§ 1220.4	Throwing refuse on highways and adjacent lands prohibited	§ 1220.4(a)	§ 1220.4(a)
§ 1220.5	Throwing refuse on highways and adjacent lands prohibited	§ 1220.5(a)	§ 1220.5(a)
§ 1220.6	Throwing refuse on highways and adjacent lands prohibited	§ 1220.6(a)	§ 1220.6(a)
§ 1220.7	Throwing refuse on highways and adjacent lands prohibited	§ 1220.7(a)	§ 1220.7(a)
§ 1220.8	Throwing refuse on highways and adjacent lands prohibited	§ 1220.8(a)	§ 1220.8(a)
§ 1220.9	Throwing refuse on highways and adjacent lands prohibited	§ 1220.9(a)	§ 1220.9(a)
§ 1220.10	Throwing refuse on highways and adjacent lands prohibited	§ 1220.10(a)	§ 1220.10(a)
§ 1220.11	Throwing refuse on highways and adjacent lands prohibited	§ 1220.11(a)	§ 1220.11(a)
§ 1220.12	Throwing refuse on highways and adjacent lands prohibited	§ 1220.12(a)	§ 1220.12(a)
§ 1220.13	Throwing refuse on highways and adjacent lands prohibited	§ 1220.13(a)	§ 1220.13(a)
§ 1220.14	Throwing refuse on highways and adjacent lands prohibited	§ 1220.14(a)	§ 1220.14(a)
§ 1220.15	Throwing refuse on highways and adjacent lands prohibited	§ 1220.15(a)	§ 1220.15(a)
§ 1220.16	Throwing refuse on highways and adjacent lands prohibited	§ 1220.16(a)	§ 1220.16(a)
§ 1220.17	Throwing refuse on highways and adjacent lands prohibited	§ 1220.17(a)	§ 1220.17(a)
§ 1220.18	Throwing refuse on highways and adjacent lands prohibited	§ 1220.18(a)	§ 1220.18(a)
§ 1220.19	Throwing refuse on highways and adjacent lands prohibited	§ 1220.19(a)	§ 1220.19(a)
§ 1220.20	Throwing refuse on highways and adjacent lands prohibited	§ 1220.20(a)	§ 1220.20(a)



DOT Numbers

- Trucks or Truck trailer combos more than 10,000 pounds
- FARM PLATED TRUCKS under 18,000 lbs are exempt
- Each truck needs to have legal farm name and DOT number
- Letters / background must sharply contrast – general recommended letter height is 2 inches (3 inches in NYC)
- Magnetic signs are legal – (Must be permanent in NYC)

- Pickups need only display DOT numbers when the weight limit is exceeded (more than 10,000 lbs) example – when livestock trailer is attached
- Number is assigned to the Farm – same number used on all trucks
- Obtain thru FMCSA - Federal Motor Carrier Safety Administration

Reference Info

- DOT numbers – FMCSA
- Farmers Guide to Truck & Farm Implement Laws & Regulations – New York Farm Bureau – www.nyfb.org
- New York State DMV website

Other Legal SMV sign users

- Every self-propelled unit of road construction and maintenance machinery or other machinery designed for operation at speeds not in excess of 25 miles per hour when traveling on or moving along a public highway during day or night shall display a Slow Moving Vehicle Sign except when engaged in construction in an area guarded by flagmen or clearly visible warning signs
- Exemptions – hazard vehicles engaged in hazardous operation when amber light is being used.
- Rural Mail Carriers required by US Postal Service to display a SMV sign

All Terrain Vehicles General Operation Requirements

- ATV's must be registered if operated within New York State
- Must have insurance if operated anywhere in New York State other than on lands of the owner of the ATV
- Cannot operate on the highway except to make a direct crossing
- Must stop completely before crossing and shall cross at near to 90 degrees and must yield right-of-way to other highway users
- If crossing a divided highway, must cross at an intersection
- Must have head lights and tail lights if crossing at night
- Can only be operated on public lands so designated and posted allowing ATV operation

All Terrain Vehicles General Operation Requirements

- Can only be operated on private property with permission of the owner or lessee.
- Must be operated at a speed no greater than reasonable or prudent
- Can not be operated on rail road tracks or right-of-way of an active rail road
- Cannot tow a person unless utilizing a rigid tow support or tow bar
- Cannot be operated within 100 feet of another person faster than minimal speed necessary to maintain forward movement (Includes ice fishing shanties)
- Cannot be operated within 100 feet of a dwelling between 12 midnight and six am at a speed greater than necessary to maintain forward movement
- Cannot be Intoxicated

ATV Equipment

- Must have good working brakes
- Must have a US Forest Service Approved Spark arresting muffler
- Tires – must have at least 2/32” tread on tires
- Head lights and tail lights – one half hour after sunset to one half hour before sunrise
- Must wear an approved helmet
- Riders under 16 years of age can only operate on parent or guardian's lands, unless they are under the general supervision of a person 18 years of age or more or a person at least 16 years of age who holds an ATV safety certificate.
- Riders between 10 and 16 years with an ATV certificate may operate the same as a person who is 16 years or older.
- Parents / guardian's can be ticketed for illegal acts of minors

U.S. Department of Labor Fact Sheet #40: Federal Youth Employment Laws in Farm Jobs

- Youths ages 16 and above may work in any farm job at any time
- Youths aged 14 and 15 may work outside school hours in jobs not declared hazardous by the Secretary of State
- Youths of any age may work at any time in any job on a farm owned or operated by their parents

What are Hazardous Operations in Agriculture “motorized equipment related”

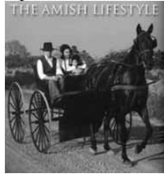
- Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor
- Operating or working with a corn picker, grain combine, hay mower, forest harvester, hay baler, potato digger, mobile pea viner, trencher, earth mover, fork lift, potato combine.
- Driving a bus, truck or automobile to transport passengers, or riding on a tractor as a passenger or helper

Exemptions to employment of youth in hazardous occupations

- Does not apply to youth employed on farms owned or operated by their parents
- 14 and 15 year old students enrolled in vocational agricultural programs are exempt from certain hazardous occupations when certain requirements are met
- Minors age 14 and 15 who hold certificates of completion of training under a 4-H or vocational agriculture training program may work outside school hours on certain equipment for which they have been trained

- Farmer employing aged 14 and 15 year old minors must keep a copy of the Certificate of Training on hand with a copy of the minors records
- When state and federal labor laws apply, the law setting the most stringent standard must be used
- Federal Labor law violations involving youth employment may result in fines up to \$11,000 for each youth employment violation
- Note – An employer / employee relationship exists between parents and children
- Consider consulting with DA for Penal law charges
- For additional information ref Federal requirements–<http://www.wagehour.dol.gov> or call 1-866-487-9243

Vehicles drawn by Animals



Definition of a Motor Vehicle VTL section 125

- Every vehicle operated on a public highway which is propelled by any power other than muscular power
- EXCEPT – Electric wheel chairs – used by a person with a disability, electric personal assistive mobility devices, trains, snowmobiles, and All Terrain Vehicles.
- NOTE – For the purposes of title four (registrations) and title five (licensing) the term motor vehicles **shall exclude** farm type tractors and all terrain type motor vehicles used **exclusively** for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self propelled machines used **exclusively** in growing, harvesting or handling farm produce, and self – propelled caterpillar type equipment while being operated on the contract site.