

AGRICULTURAL TRANSPORTATION WORKING GROUP

May 8, 2012

The Honorable Barbara Boxer
Chairwoman
Environment & Public Works Committee
United States Senate
Washington, D.C. 20510

The Honorable John Mica
Chairman
Transportation & Infrastructure Committee
United States House of Representatives
Washington, D.C. 20515

Dear Chairwoman Boxer and Chairman Mica:

On behalf of our respective members, we are writing to request your support for including a modified Section 32101(d) *Transportation of Agricultural Commodities and Farm Supplies of the "Moving Ahead for Progress in the 21st Century" or MAP-21* (S. 1813) in any final Senate-House conference agreement. This bi-partisan provision would provide important technical clarifications to the existing agricultural hours of service (AgHOS) regulations for commercial motor carriers. A similar provision was included in Section 6505 of H.R. 7, the "*American Energy and Infrastructure Jobs Act of 2012*" as adopted by the House Transportation & Infrastructure Committee on Feb. 13, 2012. Without the adoption of this much-needed provision, there could be severe disruptions to the delivery of critical farm supplies to farm operations during peak times of the year.

Section 32101(d) of S. 1813 amends certain aspects of the Motor Carrier Safety Improvement Act to clarify the applicability of exemptions for agricultural products. The exemption came into question in 2009 when the U.S. Department of Transportation's (DOT) Federal Motor Carrier Safety Administration (FMCSA) issued an interpretation of the regulations that resulted in transportation restrictions for certain farm supplies. The FMCSA interpretation is contrary to Congressional intent for this exemption, which was enacted into law nearly twenty years ago. Congress needs to provide FMCSA and the agricultural industry additional statutory clarity to ensure there is no disruption in deliveries of farm supplies to America's farmers and ranchers.

We also request that the term "In the State" be removed from (A),(B) and (C) of Section 32101(d)(1). This change will ensure that the transportation of agricultural commodities and farm supplies across state lines is allowed to continue as long as the respective states have both adopted the AgHOS exemption and all other requirements of the exemption are followed (i.e. the driver is within the allowed air-mile radius and within the state designated planting and harvesting dates). This additional modification to the provision is to make sure FMCSA recognizes this type of transportation movement under the exemption. We also request conferees adopt the House language as it relates to the designated air-mile radius as it more accurately reflects the consolidation of agricultural operations and the needs of today's industry.

If these issues are left unresolved, the narrow agency interpretations will continue to leave out many critical farm supplies from the AgHOS exemption and severely hinder the flexibility of local agricultural retailers and their farm customers during planting and harvesting seasons. This common-sense, bi-partisan and bi-cameral proposal will reinforce existing law by clarifying that a driver transporting farm supplies from source to retail, source to farm, and retail to farm is included in the AgHOS exemption. Please contact us if we can provide any additional support for this proposal.

Sincerely,

Agricultural and Food Transporters Conference
Agricultural Retailers Association
American Farm Bureau Federation
American Soybean Association
National Association of Wheat Growers
National Barley Growers Association
National Chicken Council
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Grain and Feed Association
National Sorghum Producers
National Sunflower Association
National Turkey Federation
The Fertilizer Institute
USA Dry Pea & Lentil Council
USA Rice Federation
US Canola Association
US Poultry & Egg Association

cc: The Honorable Jim Inhofe
The Honorable John Rockefeller
The Honorable Kay Bailey Hutchinson
The Honorable Nick Rahall
The Honorable John Duncan
The Honorable Peter DeFazio
All House and Senate Conferees