

Agricultural Hours of Service Exemption

The letter below was sent today signed by a total of 50 agricultural organizations.

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May 14, 2009

The Honorable James Oberstar
Chairman
House Transportation and Infrastructure
Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Peter DeFazio
Chairman
Highways and Transit
Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Mica
Ranking Member
House Transportation and Infrastructure
Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Duncan
Ranking Member
Highways and Transit
Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Oberstar and DeFazio and Ranking Members Mica and Duncan:

We write to express our support for maintaining the agricultural hours-of-service (ag HOS) exemption during the transportation authorization debate as it is vital to the efficiency of American agricultural production.

In particular, our organizations have been concerned by recent calls for repeal of the ag HOS exemption by those citing trucking safety issues in the agricultural industry. On behalf of the agricultural producers in this country, we want to set the record straight on this issue and pledge our assistance to ensure that this exemption be maintained with the highest possible regard to safety.

As you know, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) exempted agricultural carriers from the hours-of-service regulations if they operated only within a 100-mile radius from their central base of operation. Congress overwhelmingly supported this policy as evidenced by the 257-167 vote on Amendment 4 to H.R. 3 that took place March 9, 2005.

The flexibility provided by this exemption is needed in the agricultural industry to “finish the job” during busy planting and harvest season, when seasons and weather patterns do not comply with normal work schedules. Elimination of this exemption would not only increase agricultural operating costs and reduce transportation efficiency, but it may also create safety issues during harvest and planting seasons if producers are required to hire more temporary and possibly less-experienced drivers.

We understand that a recent study by the U.S. Department of Transportation's (USDOT) Volpe National Transportation Systems Center found that crash rates, violations and out of service rates for the agricultural industry have increased since 2005. However, it is necessary to note that the data in this study is insufficient to identify with the right level of specificity the actual type of movement and whether it would qualify for operation under the exemption.

In addition, a great deal of misinformation related to the exemption has been circulating in the news. One story published last year indicated that the ag HOS exemption was responsible for unsafe conditions resulting from hauling fruits and vegetables on an interstate "across the country" and from trucks on the road "a day longer." It should be noted that the ag HOS exemption only applies to agricultural commodities going from harvest to the first point of processing within a 100 mile radius of the farming operation. The hauls discussed in the story typically would not qualify for the ag HOS exemption.

We also understand that the Commercial Vehicle Safety Alliance (CVSA) has recently been distributing letters and other material alleging trucking safety issues in the agricultural industry and calling for a repeal of the ag HOS exemption. The facts simply do not support the assertion that "data indicated an alarming trend" regarding safety issues for agricultural trucking operations. In truth, there are no known safety issues related to the ag HOS exemption. Further, each state has the authority to modify or eliminate the exemption in the event that safety issues are identified.

The agriculture industry is dedicated to educating its members about the importance of safety, particularly during planting and harvesting. Truck safety is a very important component of these educational campaigns. In fact, the Agricultural and Food Transporters Conference (AFTC) of the American Trucking Associations (ATA) maintains and distributes a guide to educate the agricultural industry about the importance of safe operation on rural roads and highways during planting and harvest seasons.

The "Manager's Guide to Safe Trucking During Agricultural Planting and Harvest Season" educates truck drivers and their managers in the agricultural industry about the importance of safe operation during agriculture's busy seasons and gives them active strategies that can be applied. Much of the information was taken from a comprehensive textbook, "Safety for the Long Haul," recently released by ATA. The Manager's Guide is available free for anyone to download and print at:

<http://www.truckline.com/Federation/Conferences/AFTC>

This guide has been promoted to thousands of individuals across the nation through a network of organizations representing a substantial portion of the agricultural industry. It has been shared with the CVSA and we have asked their participation in promoting agricultural safety while maintaining needed flexibility for agricultural producers.

We thank you for your consideration of these views. We look forward to working with you to ensure both the safety of our highways and the ability of our agricultural producers to operate safely and efficiently.

Sincerely,

Agricultural and Food Transporters Conference of the American
Trucking Associations

Agricultural Education Group
Agricultural Retailers Association
Agriculture Transportation Coalition
American Cotton Shippers Association
American Farm Bureau Federation

American Feed Industry Association
American Fruit and Vegetable Processors and Growers
Coalition

American Seed Trade Association
American Sheep Industry Association
American Soybean Association
American Sugarbeet Growers Association
American Veal Association
California League of Food Processors
California Trucking Association
CHS Inc.
Crop Life America
Forest Resources Association
Grain and Feed Association of Illinois
International Milk Haulers Association
Kansas Agribusiness Retailers Association
Kansas Grain And Feed Association
Livestock Marketing Association
National Association of Wheat Growers
National Barley Growers Association

National Cattlemen's Beef
Association

National Chicken Council
National Corn Growers Association
National Cotton Council
National Cotton Ginners Association
National Council of Farmer
Cooperatives
National Farmers Union
National Grain and Feed Association

National Milk Producers Federation
National Pork Producers Council
National Potato Council
National Renderers Association
National Sunflower Association
National Turkey Federation
Produce Marketing Association
Society of American Florists
Southwest Council of Agribusiness
Texas Grain & Feed Association
The Fertilizer Institute
United Fresh Produce Association
U.S. Apple Association
USA Rice Federation
U.S. Canola Association
Western Growers Association
Wisconsin Milk Haulers Association

cc: Members of the House Transportation and Infrastructure Committee

Members of the House Agriculture Committee

Secretary of Agriculture Tom Vilsack

Secretary of Transportation Ray LaHood