

# United States Senate

WASHINGTON, DC 20510

March 24, 1992

Honorable Andrew Card  
Secretary  
U.S. Department of Transportation  
400 Seventh Street, S.W. - Suite 10200  
Washington, D.C. 20590

Dear Andy:

Thank you for your personal attention to the issue of commercial driver's license relief for farmers and agricultural related business. We believe the proposed rule the Department has outlined is a step in the right direction, however serious problems remain yet to be resolved and may cause serious disruptions if left unaddressed.

In general, while we believe the proposed rule is helpful to some categories of agri-business, in the attempt to apply uniform regulations to all groups, the Department penalizes others and unfortunately fails to solve problems that many of us were led to believe would be addressed. In particular, changes are needed in the following categories:

Seasonal Driver's -- While the provision as written is helpful to the average farmer individually, it fails to recognize the unique problems in other agricultural industries that do not operate on a traditional "seasonal" basis. For instance, commercial livestock feedyards operate vehicles that are not generally used outside of the feedyard property and are not designed for over-the-road driving. Feedtruck drivers are generally employed on a full-time basis and only rarely drive these vehicles across a public road. It defies logic to insist on skill testing requirements on a "like" vehicle that must be driven long distances on public roads -- creating a less-safe condition than their normal use -- simply to comply with the law. Full-time drivers of these vehicles should be able to obtain restricted CDL's.

Similarly, other agricultural retail business drivers face questions regarding full time employees who drive vehicles on a seasonal basis. This is the case in many instances for fertilizer suppliers, grain and feed suppliers, elevator employees, equipment suppliers, and other retail outlets that have seasonal operations. This provision must be clarified to allow this type of seasonal driving activity to occur.



Custom Harvesters -- As you know, this industry has a particularly difficult problem complying with the rule, even with the proposed exemption. During staff discussions prior to the Department issuing the proposed waiver, it became clear that the Department lacks adequate safety record information justifying implementation of strict commercial driver's license requirements for this small, but very important industry.

The biggest problem with the proposed waiver is that the 10,000 pound limitation on towed trailers will not allow drivers to transport combines, temporary housing and some header trailers without a commercial driver's license. It is our opinion, that road safety is not seriously at risk now and that this approach is unacceptable and may lead to a serious disruption in the nation's harvest.

At a minimum, we believe that the Department should "go-slow" with regard to custom harvesters, allowing today's practices to continue under the proposed restricted commercial driver's license approach, and dedicate needed resources to studying the safety issue. We would propose that the custom harvester issue be re-visited in two years after the Department has gathered adequate information regarding this issue.

Finally, consistent with the Administration's desire to bring a balance to an avalanche of over-regulatory burdens that are choking competition and hurting America's competitive edge, we believe that American agriculture is a prime candidate for this relief. We hope the Department will look seriously at our requests and the written concerns of the impacted industries. We believe that the changes and interpretations proposed should be incorporated in the final proposal and waiver.

Sincerely,

