

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.