



October 21, 2019

The Honorable Raymond Martinez
Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: HOURS OF SERVICE OF DRIVERS; DOCKET # FMCSA-2018-0248

Dear Administrator Martinez:

The Agricultural Retailers Association (ARA), a not-for-profit trade association representing the interests of agricultural retailers and distributors, is writing in support of the Federal Motor Carrier Safety Administration's (FMCSA) proposed revisions to the Hours of Service (HOS) regulations to provide increased flexibility for commercial drivers while maintaining and promoting the safe operation of commercial motor vehicles (CMVs) on the nation's highways.

Statement of Interest

ARA agricultural retail members play an important role in feeding the world by providing farmers with crop input products like seed, fertilizers, crop protection products and equipment. Agricultural retailers also provide their farmer customers with crop consulting and custom application services. ARA members can perform soil sampling so that the right kind and amount of fertilizer is applied in the right place at the right. Also, agricultural retailers perform approximately 45 percent of crop pesticide applications by individuals trained and certified to perform those activities. Agricultural retailers primarily rely on trucks to deliver crop input products to the farm. Retailers usually employ their own drivers and the work is generally seasonal as their facilities are busiest during planting and harvesting seasons. ARA members have a strong commitment to vehicle safety and support FMCSA's mission to reduce crashes, injuries and fatalities involving large trucks.

Comments

ARA supports the FMCSA's notice of proposed rulemaking (NPRM) related to revisions to the HOS regulations. Agricultural retailers heavily depend on commercial drivers for "just in time" delivery of farm supplies and other essential products and service to their farmer customers. ARA members are experiencing a growing driver shortage due to retirements and increased regulatory costs and burdens as a result of the Electronic Logging Device (ELD) requirements. Agricultural retailers use their local outlets as transfer points for farm supplies to their farmer customers during peak times of the year. The movements from the manufacturing plant, tank rail car or pipeline to the local retail outlet are critical and must be timely. A typical season for a crop may last 3 to 4 weeks and is dependent on weather conditions. During the peak demand there is usually large number of drivers and trucks necessary to meet the needs of customers.

Short Haul Operations

ARA supports expanding the current 100 air-mile “short haul” exemption for to 150 air-miles for drivers with a commercial driver’s license (CDL) to ensure consistency with the non-CDL “short haul” exemption and the HOS “agricultural operations” exemption. The “Moving Ahead for Progress in the 21st Century Act” (MAP-21), which was effective on October 1, 2012, included reforms expanding the HOS “agricultural operations” exemption from 100 air-miles to 150 air-miles. Since that time there has been no adverse impact on transportation safety for transporters of farm supplies. ARA believes that expanding the “short haul” exemption for CDL drivers to 150 air-miles will provide the industry with the ability to meet all their customer’s needs, including non-agricultural business operations and rural residential customers, while being able to maintain safety on the nation’s highways. ARA also supports extending the on-duty status from 12 hours to 14 hours, to ensure regulatory consistency with long haul truck drivers. These modest and necessary reforms will provide more flexibility for these CDL drivers and prevent them from potentially driving in an unsafe manner to meet an outdated deadline. Agricultural retailer’s drivers operate out of a local facility and always return to their home work base at the end of the day.

Adverse Driving Conditions

ARA supports the FMCSA proposal to extend the current 14-hour-on-duty limitation by up to two hours when a truck driver encounters adverse weather-conditions such as a highway covered with snow, ice, or other unusual road and traffic conditions that were not known at the time the driver departed their normal work location. While the transportation of farm supplies typically takes place in fair weather conditions, the push to make timely deliveries to farm operations and conduct ground applications on crops before adverse weather conditions leave the fields too wet for spraying. In those situations, the timely application of products is critical. Allowing the 14-hour driving window to be extended up to an additional two hours would ensure a CDL driver is able to assist in the application. The additional time will also help long haul drivers transporting farm supplies to agricultural retail locations from warehouse / distribution locations. Traffic congestion and delays in more urban or suburban areas and near rail and port terminals need to be recognized as impacted by adverse weather conditions, causing a delay in the delivery of product.

30 Minute Rest Break

ARA supports efforts by FMCSA to modify the current mandatory 30-minute rest break for drivers after 8-hours of continuous driving. It is important for the drivers transporting farm supplies to have the flexibility to best determine their own break periods. For our industry, drivers are at the agricultural retail facility or the customer location loading or unloading product at numerous times during the day, so another 30-minute rest break is unnecessary.

Split Duty Provision

ARA supports the proposal to regarding off-duty breaks. FMCSA’s proposal will allow for much needed flexibility for drivers to take their required off-duty breaks to better meet their personal rest schedules and delivery schedules. This should allow for drivers to have more chances to get enough rest, better serve their customer’s needs, and less pressure to rush and beat the clock without compromising transportation safety. Limiting the ability of a driver to choose when they should stop to rest is counterproductive to highway safety.

Split Sleeper-Berth Requirements

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ARA supports the proposed modifications to the split sleeper-berth provisions by splitting their off-duty time into two periods. These changes will increase efficiency in the trucking industry and allow drivers to stop for shorter rest periods if needed without taking the required 10-hour break all at once.

Conclusion

Thank you for the opportunity to provide comments to FMCSA on these necessary modifications to the HOS regulations. These reforms will provide additional flexibility for drivers without compromising safety on the highways. Please contact me at 202-595-1699 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Gupton". The signature is fluid and cursive, with a large, stylized initial "R".

Richard D. Gupton

Senior Vice President, Public Policy & Counsel