

May 26, 2021

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science
& Transportation
United States Senate
Washington, DC 20510

The Honorable Roger Wicker
Ranking Member
Committee on Commerce, Science
& Transportation
United States Senate
Washington, DC 20510

The Honorable Gary Peters
Chair
Subcommittee on Surface Transportation,
Maritime, Freight and Ports
United States Senate
Washington, DC 20510

The Honorable Deb Fischer
Ranking Member
Subcommittee on Surface Transportation,
Maritime, Freight, and Ports
United States Senate
Washington, DC 20510

Dear Chair Cantwell, Ranking Member Wicker, Subcommittee Chair Peters, and Ranking Member Fischer:

On behalf of the undersigned organizations, we are writing to request your support for modernizing the Farm-Related Restricted Commercial Driver's License (CDL) or more commonly referred to as the "Seasonal Ag CDL" program. This has been an essential seasonal program for farm-related service industries since 1992. Our industries have a very strong transportation safety record and it has not been diminished since these federal regulations have been in place. The Seasonal Ag CDL program has helped promote economic growth for America's agricultural industries serving the essential needs of farmers during the busy planting and harvesting seasons. Due to challenging weather events, the increase in crop production diversification, technological advances and weight increases in light duty pickup trucks and agricultural equipment over the past several decades it is necessary to modernize the federal regulations providing the framework for these state administered programs. The temporary shutdown of the state Department of Motor Vehicles offices throughout the nation during the height of the Covid-19 pandemic also caused major disruptions for farm-related service industries and their rural communities.

Farm-related service industries include farm retail outlets and suppliers, agrichemical businesses, custom harvesters and livestock feeders. These industries provide essential products and services to American farmers, provide well-paying jobs for their rural communities, and contribute billions to the U.S. economy. Seasonal Ag CDL drivers are hired for "just in time" delivery of agricultural products during "peak seasons" with many of these employees being retired farmers, farm workers, or college students raised on a farm with experience operating heavy agricultural equipment. Our industries cannot afford the overhead of maintaining an exclusive workforce of full-time commercial drivers due to the seasonal nature of agricultural production and transportation is incidental to the primary business purpose. To address safety concerns, only drivers with a clean driving record (i.e. no convictions for any type of motor vehicle) are eligible to receive a farm-related restricted CDL, must have held a motor vehicle license for at least one

year, medically qualified, included in drug / alcohol testing program, and complete a driver qualification file. In addition, these drivers are only allowed to operate within 150 mile-radius of the place of business or the farm currently being served. In addition, no hazardous materials endorsements are allowed.

Farm-related service industries that hire these seasonal drivers have not been able to fully utilize them in certain areas of the country due to several factors. For example, the Midwest over the past several years has experienced severe inclement weather, including heavy rains. During these extended periods of rain or other inclement weather, the seasonal drivers remain idle and not able to drive to deliver product as the farmer's soil is too wet for ground application equipment and could cause excessive soil compaction. However, even with the weather delays where the seasonal driver is idle it still counts towards the current 180-day limit.

Another issue relates to the changing agricultural production seasons due to climate variability. For example, in the state of Minnesota the weather in early April 2021 was warmer and not as wet as previous years which allowed the agricultural industry to get an earlier than usual start on spring planting. However, many farm-related service industries were not able to hire seasonal drivers because the timing overlapped with the 12-month period from last year's spring season that started later due to the weather. The state of Minnesota did not believe they had the ability to issue an emergency waiver for seasonal ag CDLs due to the 12-month period restriction and needed FMCSA authorization. Our industries believe the 12-month seasonal period needs to restart each calendar year beginning on January 1 to prevent any overlap of seasons from year to year.

In addition, trucks and trailers have become larger with increased weights that in many instances put them over the 26,001-pound gross combination weight threshold, which requires a driver to obtain a Class A CDL. In 1992, a typical light duty pickup truck for hauling trailers would weigh less than 5,000 pounds. In 2021, the average weight of a light duty pickup truck used by the industry can be well over 7,000 pounds. When you add this increased light duty pickup truck weight with a slightly heavier trailer it puts the gross combined weight over 26,001 pounds, now qualifying as a Class A commercial vehicle rather than historically being considered a Class B commercial vehicle.

Our request is the following –

- Provide more flexibility by expanding the total days allowed to utilize Farm-Related Restricted CDL drivers up to 270 days to accommodate for the longer seasons, which can fluctuate from year to year due to climate change as well as more diversified crop production. The State would maintain the ability to set the seasons these days could be utilized by the industry.
- Ensure the new 12-month seasons restart each calendar year on January 1 to prevent any overlap of seasons from the previous year.
- Ensure Farm-Related Restricted CDL drivers can also operate Class A commercial vehicles in recognition of the advances and changes made to light duty pickup trucks, agricultural equipment and trailers over the past 30 years.

- Eliminate the requirement for in-person seasonal renewal of the Farm-Related Restricted CDL.

We are looking for long-term modifications to this program to ensure economic growth for our industries and their rural communities while continuing to maintain a strong transportation safety record while operating in a safe and sound manner on the nation’s rural roads. This critical seasonal CDL program is currently authorized in 24 states. The surface transportation reauthorization bill offers an opportunity to enact needed reforms that can help provide necessary transportation flexibility for farm-related service industries and ensure there are no disruptions to America’s agricultural production and the supply chain. We look forward to working with you on implementing the necessary modifications to this essential seasonal commercial driver program.

Sincerely,

Agribusiness Association of Iowa
AgriBusiness Association of Kentucky
Agribusiness Council of Indiana
Agricultural Council of Arkansas
Agricultural Food & Transporters Conference
Agricultural Retailers Association
American Farm Bureau Federation
American Feed Industry Association
American Honey Producers Association
American Sheep Industry Association
American Soybean Association
Cooperative Network
Equipment Dealers Association
Far West Agribusiness Association
Florida Fertilizer & Agrichemical Association
Georgia Agribusiness Council
Illinois Fertilizer & Chemical Association
Kansas Agribusiness Retailers Association
Kansas Grain and Feed Association
Louisiana Ag Industries Association
Michigan Agri-Business Association
Minnesota Crop Production Retailers
Minnesota Grain and Feed Association
Missouri Agribusiness Association
Montana Agricultural Business Association
National Aquaculture Association
National Cattlemen’s Beef Association
National Cotton Council
National Cotton Ginners’ Association
National Council of Farmer Cooperatives
National Grain and Feed Association

National Oilseed Processors Association
National Onion Association
Nebraska Agri-Business Association
Nebraska Cooperative Council
Nebraska Grain and Feed Association
North American Millers' Association
North Dakota Grain Dealers Association
Northeast Agribusiness and Feed Alliance
Ohio AgriBusiness Association
Oklahoma Agribusiness Retailers Association
Pacific Northwest Grain & Feed Association
Rocky Mountain Agribusiness Association
Southern Crop Production Association
South Dakota Agri-Business Association
Tennessee Agricultural Production Association
Texas Ag Industries Association
The Fertilizer Institute
United Fresh Produce Association
U.S. Custom Harvesters
US Rice Producers Association
United States Cattlemen's Association
Virginia Agribusiness Council
Wisconsin Agri-Business Association

CC: Members of the US Senate Committee on Commerce, Science and Transportation
Members of the US Senate Committee on Agriculture, Nutrition, & Forestry