

May 5, 2025

Daniel Cohen
Office of the General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: Docket No. DOT-OST-2025-0026; Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs

Dear Mr. Cohen:

On behalf of the Agricultural Retailers Association (ARA), we appreciate the opportunity to provide comments on the trucking issues that significantly impact America's agricultural industry and rural communities, which are the backbone of America's economy. A robust transportation system is indispensable to ensure their prosperity and sustainability.

Importance of Intermodal Transportation Systems

America's agricultural industry and rural communities are significant contributors to the nation's economy. The integration of different modes of transportation, including trucking, rail, and waterways, is crucial for the financial stability of agribusinesses and rural areas across the United States. Congress and the Administration should support federal policies that leverage the strengths of each mode of transportation to enhance the competitiveness of the United States in the global economy.

Challenges Facing Agricultural Trucking

Agricultural retailers rely on commercial drivers for the timely delivery of farm supplies and essential products and services to their farm and ranch customers. Commercial truck traffic plays a crucial role in the nation's economic prosperity. However, the industry is facing a shortage of drivers and higher shipping costs due to increased regulatory burdens from existing Hours of Service (HOS) regulations and Electronic Logging Device (ELD) requirements.

Additionally, there is a growing driver shortage due to retirements or departures to other industries, driven by these regulations. The current Gross Vehicle Weight (GVW) limit for Federal Interstate Highways of 80,000 lbs. on five axles was established in 1982, prior to advancements in anti-lock brakes, vehicle safety, and pavement technology. Outdated weight restrictions have led to more trucks hauling over 80,000 lbs. traveling on local roads with less-than-ideal infrastructure.

Modernization of the Farm Related Services Restricted CDL Program

The Restricted CDL program, established in 49 CFR 383.3(f), permits states to issue seasonal Restricted CDLs to employees of designated farm-related service industries. These drivers are allowed to operate Group B and C Vehicles. Restricted CDL holders may not drive vehicles carrying placardable quantities of hazardous materials, except for diesel fuel in quantities of 3,785 liters (1,000 gallons) or fewer; liquid fertilizers in vehicles or implements of husbandry in total quantities of 11,355 liters (3,000 gallons) or fewer; and solid fertilizers that are not transported with any organic substance (49 CFR 383.3(f)(3)(v)).

Clarification from DOT is needed regarding the definition and exemption of implements of husbandry from the Gross Combination Weight Rating (GCWR) of the vehicle when determining whether the vehicle qualifies as a Group B or Group C vehicle. According to 49 CFR § 383.3(f)(3)(v), DOT distinguishes between a “vehicle” and an “implement of husbandry.” Therefore, when calculating the weight of “vehicles being towed” to determine vehicle classification (49 CFR § 383.91(a)), the weight of “implements of husbandry” should be excluded because they are not considered “vehicles” under these regulations (49 CFR § 383.3(f)(3)(v)).

Some states have created Restricted CDL programs that require the weight of an implement of husbandry to be used in calculating a GCWR due to perceived lack of clarity from DOT. Consequently, vehicles pulling specific implements of husbandry as anticipated by 49 CFR 383.3(f)(3)(v) are classified as Group A vehicles based on the weight of the implement of husbandry, contrary to the intention of these regulations.

DOT previously stated that due to the variety of state definitions of implements of husbandry, it would not adopt uniform guidance but would address issues on a case-by-case basis (76 FR 50433 (August 2011)). This request seeks clarification that for a Restricted CDL, the weight of an implement of husbandry should not be considered when calculating the vehicle classification under 49 CFR § 383.91(a). This clarification aligns with previous guidance that implements of husbandry are outside the scope of a commercial motor vehicle (76 FR 31279 (May 2011)).

The agriculture industry has a limited labor pool to transport agricultural inputs and commodities, particularly during critical times of the season. Utilizing the Restricted CDL for its intended purpose allows farm-related industries to meet customer needs safely and promptly. As truck weights increase due to enhanced safety features in newer equipment, states that count the weight of an implement of husbandry towards the GCWR may push that classification into Group A, precluding operation by a driver with a Restricted CDL despite no change to the amount of product being transported.

It is requested that DOT clarify its regulatory intent that the weight of implements of husbandry does not count towards vehicle classification under 49 CFR § 383.91(a), enabling the agriculture industry to continue enhancing vehicle safety features and providing efficient and timely service to farmers.

Support additional reforms to the Farm-Related Restricted CDL program: Include online renewals and permit certain Class A commercial vehicles for eligible agribusinesses to streamline the licensing process and allow more flexibility in vehicle usage for agricultural purposes.

Additional Recommendations for DOT Regulatory Revisions

To address challenges and capitalize on opportunities of necessary regulatory reforms for America's trucking industry, ARA proposes the following recommendations:

- Support Hours of Service (HOS) reforms: Eliminate “planting and harvesting” seasonal provisions and authorize a pilot program for farm supply transporters operating up to a 200-air mile radius to provide agricultural truckers with more consistent and practical regulations.
- Support establishing a 10 percent axle weight variance for dry bulk.
- Support establishing a safety data collection program through a multi-year pilot program for states to increase truck weights on federal interstates to 91,000 lbs on six axles.
- Proceed with regulations allowing 18- to 20-year-old CMV drivers to operate across state lines if data shows they drive to the same safety standards as other CMV drivers.

- Support efforts that maintain consumer vehicle choice and prevent the elimination of internal combustion engine-powered motor vehicle sales, maintaining consumer vehicle choice.
- Support an exemption from the FMCSA Entry Level Driving Training (ELDT) requirements for agricultural retailers, other agribusiness operations, and small businesses.
- Support an expansion of the Short Haul exemption up to 200 air-miles.
- Maintain current \$750,000 minimum financial responsibility requirement.
- Continue to allow states with the power to establish speed limits and do not impose a one-size-fits all speed limiter mandate.

Conclusion

Addressing trucking issues impacting agricultural retailers and their farmer customers is imperative to ensure the continued prosperity and growth of rural communities and America's agricultural industry. By supporting the above recommendations, the U.S. DOT and Congress can play a pivotal role in enhancing the efficiency, safety, and competitiveness of agricultural transportation. Together, we can pave the way for a resilient and adaptable transportation network that meets the needs of our agricultural sector and strengthens the nation's economy.

Thank you for your attention and consideration of these critical issues.

Sincerely,



Richard D. Gupton
Senior Vice President, Public Policy & Counsel