



**AGRICULTURAL
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ASSOCIATION**

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April 6, 2016

Mr. Richard Clemente
Driver and Carrier Operations (MC-PSD) Division
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

RE: Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators; 49 CFR Parts 380, 383, and 384; Docket # FMCSA-2007-27748

Dear Mr. Clemente:

On behalf of the Agricultural Retailers Association (ARA), I submit the following comments regarding the proposed minimum training requirements for entry-level commercial motor vehicle (CMV) operators. While ARA and our members support driver training improvements and efforts to keep our nation's highways safe, we are concerned that these new requirements include a minimum number of hours of training rather than a competency based program in order to complete any training and to take the Commercial Driver's License (CDL) Skills Test. If the existing state CDL testing programs are deemed inadequate, then the agency should focus on fixing those state testing processes rather than adding a new layer of federal regulations.

Statement of Interest

ARA is a not-for-profit trade association that represents America's agricultural retailers and distributors. ARA members provide goods and services to farmers and ranchers which include: fertilizer, crop protection chemicals, seed, crop scouting, soil testing, custom application of pesticides and fertilizers, and development of comprehensive nutrient management plans. Retail and distribution facilities are scattered throughout all 50 states and range in size from small family-held businesses or farmer cooperatives to large companies with multiple outlets.

Comments

Under Section 380.603 Applicability, the Federal Motor Carrier Safety Administration (FMCSA) proposes that entry level driver training (ELDT) applies to all entry-level drivers who intend to operate a CMV as defined in § 383.5, in interstate and / or intrastate commerce. Specifically excluded from these new federal training requirements are drivers excepted under § 383.3(c), (d), and (h), and those drivers applying for a restricted CDL under § 383.3(e) through (g). These

exceptions cover many groups of drivers, including farmers and applicants seeking restricted CDLs from farm-service related industries. The exclusion also covers veterans with military CMV experience who meet all the requirements and conditions of § 383.77 if the State waives the skills test, though they would still need to take the State's written test.

ARA recommends the FMCSA proposed exclusions from these new federal regulatory requirements be maintained in any final regulations. The agricultural industry is already competing for a shrinking pool of CDL drivers. The Spring and Fall are critical times of the year for ARA agricultural retail members, a farm-service related industry, to apply essential crop nutrient and crop protection products to agricultural fields. These types of farm supplies must be available when farmers are ready to plant – “just in time delivery” – or they may miss a critical window of time to plant their crop. The huge temporary peak demand may be a 3 to 4-week season that is dependent on the crop and weather conditions. Typically, there can be 2 to 5 truckloads on slower days and up to 20 truckloads on busy days. Without an adequate supply of seasonal CDL drivers this work will not be able to be completed in a timely manner. For example, we have one member that hires over 150 seasonal drivers to fill empty truck seats. These drivers typically come from very rural areas such as farms with existing experience operating larger CMVs. As our nation continues to face an aging farmer population and rural depopulation in many areas, the challenge to hire qualified drivers will only get worse.

ARA recommends that recognition be granted for existing training programs, previous driving experience, and current industry practices for non-accredited entry-level driver classroom and behind-the-wheel training requirements for farm-related service industries such as agricultural retailers, also known as farm supply retailers / dealers. Such recognition is justified because they already obtain training, recruit trained drivers, or provide entry-level training so their drivers may obtain a CDL as a normal part of their operating business. FMCSA allowing for more flexibility for agricultural retailers would be in line with the agricultural exemptions in the CDL rules (§ 383.3 and § 391.2) and hours-of-service rules (§ 395.1(k)).

Agricultural retailers have a strong driver safety record and present a lower risk relative to other types of commercial vehicle operations due to the nature of farming, the way trucks and application equipment are used (i.e. primarily on a seasonal basis), and drive short distances in rural areas. FMCSA providing an exemption in the final regulation for the agricultural industry would remove an undue burden of accredited training from such drivers, their employers, and the state agencies responsible for administering the CDL regulations in rural areas.

If new training requirements are implemented for agricultural retailers, the costs associated with those new requirements will be borne by industry as new drivers will not cover those costs themselves. The estimated costs of training and certification would place an undue financial burden on the agricultural industry at a time of low commodity prices and market volatility. As pointed out in the proposed rule, “FMCSA does not have scientific evidence that would suggest that an hours-based requirement improves safety.” In fact, a 2008 report from the American Transportation Research Institute (ATRI) concluded that “no relationship is evident between total training program contact hours and driver safety events when other factors such as age and length of employment are held constant.” ARA is also concerned that the proposal will impose additional costs on the states such as the adoption of new State legislation, regulations,

administration, oversight, and information technology changes. The current processes in most states seem to be working well. If the current state testing standards are inadequate, then FMCSA should focus on improving those testing processes rather than adding another layer of regulation and process.

Conclusion

ARA supports the U.S. Department of Agriculture's (USDA) previous comments submitted that recommends FMCSA provide an exemption for farm-service related industries and their farmer customers from the *Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators*. The data collected by FMCSA related to heavy truck accidents continue to show a very limited number of accidents for drivers hauling farm supplies or operating agricultural equipment compared to other categories of drivers. While farm vehicles / applicator equipment represents a moderate percentage of total vehicle registrations in the United States, the risks of being involved in a fatal accident are minimal compared to all other CMVs. Agricultural retailers operate in rural areas where there is less traffic congestion and the total miles driven and average distances between locations is less than the general commercial trucking industry. As FMCSA moves forward on this proposal to increase safety, please keep in mind the unintended consequences that could negatively impact agricultural retailers, farmers and their rural communities.

Thank you for your review and consideration of this important industry matter. Please contact me by phone at 202-595-1699 if you have any questions on these comments.

Sincerely,



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