

August 6, 2020

The Honorable Roger Wicker
Chairman, Committee on
Commerce, Science and Transportation
United States Senate
555 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member, Committee on
Commerce, Science and Transportation
United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510

RE: *Highway Bill*

Dear Chairman Wicker and Ranking Member Cantwell:

The undersigned organizations thank you and your staff for the countless hours of work and dedication you are collectively contributing in the development of the next highway bill.

The farmers, ranchers, food and beverage manufacturers, processors, package suppliers, farm supply dealers and agricultural product marketers that make up our memberships are dedicated to providing the safe, abundant and affordable food, fiber and other agricultural products required to ensure our country stays healthy and secure.

During the early stages of the COVID-19 pandemic, various supply chains experienced major disruptions, including the food and agricultural supply chain, whose workforce along with truck drivers have been identified as essential critical infrastructure workers in the guidance provided by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency. Arguably, the disruptions to the food, fiber and agricultural supply chains were the most severe our nation has faced since the first and second world wars. The importance of flexible trucking policy was clear as the food, agricultural and trucking industries worked together to adapt supply chains to ensure essential products continued to be available when and where they were needed.

We appreciate the opportunity to share some of the lessons we learned during the early stages of the pandemic and since the last highway bill reauthorization about the trucking policies that are of greatest importance in ensuring the resiliency of the food and agricultural supply chain.

Exemptions

Exemptions to hours-of-service rules remain vitally important to the food and agriculture industry due to surges in trucking capacity that are needed for various reasons throughout the year, such as to accommodate the seasonal spikes in transportation of food, fiber and other agricultural supplies to facilitate the growing, harvesting, processing and distribution of food and agricultural products. Since its inception in 1995, the agricultural operations exemption has provided the required flexibility for our industry. Given its strong transportation safety

record, Congress has incrementally modified policies to enhance its usefulness to help ensure a more efficient freight transportation distribution system.

We urge four more incremental changes to the agricultural exemption to further enhance its effectiveness. First, we recommend eliminating the “planting and harvesting periods” provision requirements to ensure uniformity within all states. A majority of the states already have adopted a year-round agricultural exemption (Jan. 1 – Dec. 31) given the diverse range of crops and modern agricultural practices being implemented by the industry.

Second, we recommend providing a 150-air-miles exemption from HOS regulations on the backend of hauls for those transporting agricultural commodities. This builds on the current exemption for the beginning of hauls at the “source” and simply would add the term “destination.” Originally, the front-end exemption was put in place to give farmers and ranchers extra time to safely and slowly navigate rural roads, which are oftentimes gravel with significantly slower speed limits, and to not penalize drivers for doing their job safely in remote areas away from major highways.

All of the identified concerns (rural roads, slower travel to achieve safety, and slower animal handling to achieve safety and animal welfare) exist at the destination of a haul. Destination feed yards and pastures often are located in areas that are just as remote as source pastures and sale barns. In addition, processing facilities typically have long lines and demand the same need for careful, slow animal handling. This language also would address the very real concern of those who come close to their destinations and then “run out of time,” forcing them to leave livestock on their trailers for 10 consecutive hours while only being a short distance from their destination. This is impractical, illogical, and detrimental to animal welfare.

Third, we request the inclusion of an FMCSA pilot program for transporters of farm supplies that would be allowed to operate under an expanded air-mile radius where the agency can collect data from participating agribusinesses over a multi-year period to confirm there are no adverse impacts on transportation safety. Farm supply transporters continue to be affected adversely by industry consolidation and driver shortages.

Fourth, for purposes of determining eligible freight for the agricultural exemption, the current definition of an agricultural commodity, albeit vague, has worked well for most of the industry for many years. The definition has allowed the industry, the Agency and enforcement officials the flexibility to interpret it broadly. As agriculture, and its supply chain, continue to evolve, we have begun to realize that certain interpretations are not sufficient for inclusion of those ever-evolving products and processes. Agricultural practices that occurred 30, 40 or 50 years ago have changed drastically, and practices occurring 30, 40 or 50 years from now will undoubtedly follow a similar evolution. We believe the following proposed definition appropriately covers current agricultural products and allows for continued evolution of any agricultural commodities in the future:

Proposed Definition of an Agricultural Commodity

- Any products planted or harvested for food, feed, fuel or fiber;
- Any non-human living animals (including fish, insects, and livestock as defined in Sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471]) and the products thereof, to include, but are not limited to milk, eggs, honey, etc.;
- Agricultural, forestry, aquaculture, horticultural and floricultural commodities;
- Fresh or minimally processed fruits and vegetables (including product that is rinsed, cooled, cut, ripened, or as further defined by the Secretary);
- Animal feed (including ingredients);

Load-Shifting

To address load-shifting during transport, we respectfully urge the adoption of a 10 percent load-shift axle tolerance for trucks transporting cargo in trailers specifically designed to hold dry bulk goods. The load-shift tolerance would increase the maximum weight limit for axles or axle groups but would leave the maximum gross vehicle weight limit untouched.

Minimum Financial Responsibility

Lastly, we are supportive of the current \$750,000 minimum financial responsibility requirement for motor carriers. Anecdotally, our understanding is that the average annual insurance premium to comply with the current \$750,000 minimum financial responsibility requirement is about \$5,000 for each truck. We believe increases in the minimum financial responsibility requirement would further increase this cost burden and could lead to the introduction of higher truck rates and fewer for-hire motor carriers, with no demonstrable improvement in motor carrier safety. We believe factors other than financial requirements influence the safety of truck drivers on U.S. roadways, including such elements as the condition of roadway surfaces and the behavior of other drivers, including those not driving trucks.

On behalf of our collective memberships of farmers, ranchers, food and beverage manufacturers, processors, package suppliers, farm supply dealers and agricultural product marketers, we appreciate your efforts to create a highly efficient and safe transportation system that will help U.S. food and agriculture fulfill its role in providing essential products to consumers.

We would be pleased to respond to any questions you may have.

Sincerely,

Agribusiness Council of Indiana
Agricultural and Food Transporters Conference
Agricultural Council of California
Agricultural Retailers Association
Agriculture Transportation Coalition

Alabama Cattlemen's Association
American Beekeeping Federation
American Farm Bureau Federation
American Forest and Paper Association
American Honey Producers Association
American National CattleWomen
American Seed Trade Association
American Sheep Industry Assn
American Soybean Association
Arizona Cattle Growers' Association
Arkansas Cattlemen's Association
California Cattlemen's Association
Colorado Cattlemen's Association
Colorado Livestock Association
Corn Refiners Association
Florida Cattlemen's Association
Georgia Cattlemen's Association
Grain and Feed Association of Illinois
Hawaii Cattlemen's Council, Inc.
Idaho Cattle Association
Idaho-Oregon Fruit and Vegetable Association
Illinois Beef Association
Indiana Beef Cattle Association
Institute of Shortening and Edible Oils
Iowa Cattlemen's Association
Kansas Agribusiness Retailers Association
Kansas Grain and Feed Association
Kansas Livestock Association
Kentucky Cattlemen's Association
Livestock Marketing Association
Louisiana Cattlemen's Association
Maryland Cattlemen's Association
Michigan Agri-Business Association
Michigan Cattlemen's Association
Minnesota Grain and Feed Association
Minnesota State Cattlemen's Association
Mississippi Cattlemen's Association
Missouri Agribusiness Association
Missouri Cattlemen's Association
Montana Agricultural Business Association
Montana Grain Elevator Association
Montana Stockgrowers Association
National Aquaculture Association
National Association of Wheat Growers

National Barley Growers Association
National Cattlemen's Beef Association
National Cotton Council
National Council of Farmer Cooperatives
National Grain and Feed Association
National Grange
National Milk Producers Federation
National Oilseed Processors Association
National Pasta Association
National Pork Producers Council
National Potato Council
National Sunflower Association
Nebraska Cattlemen
Nebraska Grain and Feed Association
Nevada Cattlemen's Association
New Mexico Cattle Growers Association
North American Meat Institute
North American Millers' Association
North American Renderers Association
North Carolina Cattlemen's Association
North Dakota Grain Dealers Association
North Dakota Stockmen's Association
Northeast Agribusiness and Feed Alliance
Ohio AgriBusiness Association
Ohio Cattlemen's Association
Oklahoma Cattlemen's Association
Pet Food Institute
Produce Marketing Association
Renew Kansas Biofuels Association
Rocky Mountain Agribusiness Association
South Dakota Cattlemen's Association
South Dakota Grain and Feed Association
Soy Transportation Coalition
Specialty Soya & Grains Alliance
Tennessee Cattlemen's Association
Texas & Southwestern Cattle Raisers Association
Texas Cattle Feeders Association
Texas Grain and Feed Association
The Fertilizer Institute
United Dairymen of Arizona
United Fresh Produce Association
USA Dry Pea & Lentil Council
USA Rice
U.S. Canola Association

Utah Cattlemen's Association
Virginia Cattlemen's Association
Washington Cattle Feeders Association
Western Growers
West Virginia Cattlemen's Association
Wisconsin Agri-Business Association
Wisconsin Cattlemen's Association
Wyoming Stock Growers Association

CC: Sen. Deb Fischer, Subcommittee Chair for Transportation and Safety
Sen. Tammy Duckworth, Subcommittee Ranking Member for Transportation and Safety