



Maryland Farm Bureau, Inc.

8930 Liberty Road • Randallstown, MD 21133 • (410) 922-3426

Thursday, June 30, 2011

Re: Federal Docket Management System Number **FMCSA-2011-0146**

To Whom It May Concern:

On behalf of over 34,800 member families across the State of Maryland, I would like to express Maryland Farm Bureau's serious concerns with your request for regulatory guidance outlined in **Docket No. FMCSA-2011-0146**.

The safety of our farmers and those with which we share the road is of paramount importance to Maryland's agricultural community. In many cases, we are sharing the road with family and friends, which only serves to further enforce the necessity of maintaining our farm vehicles and machinery in a safe, road-worthy manner. Placing a one-size fits all description on the nation's diverse agricultural industry is extremely misguided and will only increase the hardships felt by hardworking Americans in this recession-weary economy.

Interstate Commerce – How should FMCSA distinguish between intra- and interstate commerce when a Commercial Motor Vehicle (CMV) is operated within the boundaries of a single state?

The determination made in 1975 by the USDOT Federal Highway Safety Administration that stated agricultural products should be considered interstate commerce reveals that DOT and its agencies have no understanding of the agricultural marketing chain or how farmers and ranchers conduct business. The idea that a farmer hauling a truckload of grain down the road to his local elevator can be considered interstate commerce without even crossing the county line is wrong. In many cases, crops and livestock from various producers are intermixed and those farmers have no way of knowing the end user or product. What we do know is that this guidance could result in farmers being forced to acquire costly and time consuming CDL licenses and CMV registrations, without any increase in road safety. The agency should rescind current guidelines which lead enforcement officials and motor carriers to define agricultural products and operations as interstate commerce.

Crop Share Arrangements – Should FMCSA treat farmers with crop-share lease agreements as “for-hire” commercial carriers in new entrant safety audits?

No. Although not a widespread business arrangement among Maryland farmers, crop-share arrangements are more often than not utilized by older farmers as a means to help young and beginning farmers reduce their financial risk and exposure. Additionally, in Maryland, farmers are already permitted to haul the agricultural products of another farmer without being subject to the same rules and regulations to which professional over-the-road truckers must adhere. Treating such farmers as commercial carriers would increase costs, misuse farmers' time, and

eliminate a tool that helps younger farmers manage the broad financial risks associated with modern farming.

Commercial Motor Vehicles (CMV) – Should implements of husbandry and other farm equipment be considered CMVs?


No. Implements of husbandry and other farm equipment are not operated in interstate commerce and do not carry passengers. Maryland Farm Bureau opposes any effort to classify farm machinery as CMVs or to require farm machinery owners and operators to acquire CDLs, display DOT numbers, register owners' or farm name, limit mileage, obtain a medical card for the driver, or maintain hours of service records.

In 2010, FMCSA stated: "Congress has explicitly denied FMCSA jurisdiction over motor vehicles controlled and operated by a farmer used to transport the farmer's agricultural or horticultural commodities and products, or supplies of the farmer to his farm," (49 U.S.C. 13506(a)(4)). Furthermore, the federal government allows states the option – which all have exercised – to exempt farmers from the requirement to obtain a commercial driver's license.

To move forward with such an absurd notion would prohibit farm kids under 18 years of age (or older in some instances) from engaging in the majority of farm tasks involving trucks and farm machinery. Maryland farmers in particular would be impacted due to a high level of fragmented agricultural land in the state, which requires moving tractors and equipment across roadways from one field to the next.

Maryland farmers are committed to ensuring the safe use of our rural roads and highways while hauling agricultural products and moving machinery from one field to another. However, Maryland Farm Bureau would urge your thoughtful consideration of the negative impacts these measures would have on the farming industry and the rural communities they support. The result will be increased costs of doing business, inefficiencies in labor usage, and risks to young farmers' sustainability, all without providing any safety benefits. We appreciate the opportunity to comment on the request for guidance, **FMCSA-2011-0146**, and would be more than happy to elaborate on any of the aforementioned concerns.

Sincerely,



PATRICIA A. LANGENFELDER
President