



Statement of the American Farm Bureau Federation

**TO THE HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT**

**RE: TRUCK WEIGHTS AND LENGTHS: ASSESSING THE IMPACT OF
EXISTING LAWS AND REGULATIONS**

July 9, 2008

Presented by Mike Spradling
President, Oklahoma Farm Bureau

Good morning. I am Mike Spradling, president of the Oklahoma Farm Bureau. I am here today on behalf of the American Farm Bureau Federation (AFBF). Farm Bureau is a grassroots organization representing a diverse range of agricultural producers from all 50 states and Puerto Rico. My wife and I operate a cattle and pecan operation near Sand Springs in Tulsa County, Oklahoma.

AFBF appreciates the opportunity to share the impact that truck weight limits imposed by the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) and the Federal Motor Carrier Safety Regulations (FMCSRs) are having on farmers and ranchers hauling their own products to market.

AFBF Is Concerned with the Safety of Rural Roads

My family and I, like most rural Americans, must travel significant distances to earn our living, attend school, see our doctors and visit our friends and neighbors. I assure you the safety of our nation's roads is a high priority for Farm Bureau members.

Farm Bureau appreciates the enormous responsibility this committee has for ensuring the safety of our roadways and the thoughtful deliberation that you put into crafting the laws that govern that safety. Additionally, we appreciate your efforts to accommodate the transportation needs of America's small farmers and ranchers within their own states by relieving farmers of the need to comply with hours of service regulations if they are traveling within 100 air miles of the farm during peak operating seasons. However, the nature of farming has changed through the years and farmers and ranchers need the ability to travel longer distances without being considered a commercial motor carrier.

While Farm Bureau recommends changes to the FMCSA's rules regarding Commercial Motor Vehicles (CMVs) for farmers and ranchers hauling their own goods, we are in no way seeking to relieve farmers of the obligation to operate their farm vehicles in a safe manner or maintain those vehicles in a safe working order.

Difficulties Getting Goods to Market

Several factors make it difficult for small farmers and ranchers to get their products to market. Concentration within the agriculture industry has reduced the number of grain elevators, cotton gins and livestock markets forcing farmers and ranchers to drive longer distances, often across state lines, to sell their commodities. FMCSA's decision to define a commercial motor vehicle at the lowest weight authorized by SAFETEA has created an impossible threshold for farmers and rancher to legally transport their goods between states. Additionally, overzealous or uninformed regulators in some states have seized the federal definition of a commercial motor vehicle as a means to broaden their own sphere of influence.

Farm Bureau believes that the Secretary of Transportation and the Administrator of the FMCSA have the authority to address two of these factors by increasing the CMV weight limit to 26,001 lbs. and creating a uniform system for interpretation and application of the

FMCSA. Despite numerous contacts with FMCSA describing the hardships imposed by the agency's decisions, FMCSA has refused to grant small farmers and ranchers any relief. Therefore, we need your help.

FMCSA Treats Farmers and Ranchers Like Long-Haul Commercial Operators

SAFETEA gave the Secretary of Transportation some flexibility in defining the weight requirements for CMVs. Public law defines a CMV as a motor vehicle used in commerce to transport passengers or as a motor vehicle used to transport property that has a gross vehicle weight rating (GVWR) or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds.

The FMCSA chose to define a CMV as a vehicle with a GVWR or gross combination weight rating (GCWR) of 10,001 pounds or more. Under those same regulations, a state may exempt CMVs up to 26,001 pounds if the vehicle is engaged solely in intrastate commerce.

For many farmers and ranchers the closest market, grain elevator, port or cotton gin is just over a state line. Under current regulation, crossing state lines changes the classification from intrastate carrier to interstate carrier, triggering commercial requirements such as the need for a commercial driver's license and compliance with hours of service. Establishing a national threshold of 26,001 pounds would eliminate the inconsistent and confusing system currently in place and free small farmers and ranchers from being regulated like commercial truck drivers.

While 10,001 pounds sounds like it would apply to a large commercial vehicle, the truth is it takes very little to reach that threshold. For instance, a half-ton pickup can easily have a GVWR of 6,800 pounds. An empty 6 feet by 6 feet 2 axle steel canvas topped stock trailer can weigh over 4,100 pounds. By hitching such a trailer to a half-ton pickup, a farmer or rancher creates an articulated vehicle that weighs more than 10,001 pounds—and that's before he loads a single cow, horse or hog in the trailer. This lower weight limit causes the greatest hardship for the small livestock producer who takes only a small number of animals to market.

While increasing the threshold to 26,001 pounds will solve some producers' problems with the weight limit, it will not eliminate the issue. The vast majority of farm commodities, even those transported by small farmers, weigh more than 26,001 pounds. Fruit and vegetable growers, grain and cotton farmers, livestock producers and growers of nursery crops all report that raising the weight limit to 26,001 pounds will not free them from the unnecessary requirements, despite the fact that they are hauling their own goods. However, as SAFETEA and 32 states recognize this limit as the definition of a CMV, we understand the need for uniformity.

Lack of Uniformity Causes Greatest Problems

Thirty-two states define a CMV as weighing 26,001 pounds or more. Some states have an even higher weight threshold for the definition. However, if a farmer or rancher hauling his own commodities crosses a state line between two of these states he triggers the federal definition of a CMV and is subject to all the requirements aimed at commercial long-haul drivers of vehicles weighing more than 10,001 pounds.

As you can imagine, this has caused much confusion. It makes no sense that, if a farm truck is considered safe in two contiguous states, crossing a state line suddenly makes the vehicle unsafe.

Oklahoma, my home state, is a prime example of the frustrations farmers face. In our panhandle region, the closest market may be in Oklahoma, Kansas, Colorado, New Mexico or Texas. Except for New Mexico, all of these states define a CMV as weighing 26,001 pounds or more. When Oklahoma farmers and ranchers choose to access markets in other states, they are often ticketed

Possible Solutions

There are several possible remedies to the problems caused by the Federal Motor Carrier Safety Regulations.

Requiring FMCSA to exempt border crossings between states with similar weight restrictions for farmers and ranchers hauling their own goods is one such remedy. If states have compatible CMV definitions, it makes no sense to add another definition. AFBF has heard the argument that this would allow some unscrupulous operators to cobble together cross-country truck routes. However, we propose this option only for farmers transporting their own goods.

A second possible remedy is for Congress to raise the weight limit for CMVs to at least 26,001 pounds or more for farmers and ranchers hauling their own goods. Congress granted FMCSA the ability to devise a workable definition that would not impede commerce. The agency has refused to consider this flexibility.

The FMCSRs created some exemptions for farmers and ranchers hauling their own goods within a 150 air mile radius of their own farms. For many farmers and ranchers a state line lies within that 150 air mile radius. The third possible solution is to provide an exemption to the CMV for farmers who cross a state line within the prescribed radius. However, this solution is less than ideal. It would be difficult for law enforcement to determine which farmers are in compliance of the rule.

Conclusion

I appreciate the time and attention you have given to hearing about problems caused for farmers and ranchers by the FMCSA's definition and enforcement of the CMV provisions of SAFETEA. Farmers and ranchers hauling their own goods to market across

relatively short distances should not be captured by regulations intended for commercial long-haul drivers.

Farm Bureau believes that there are viable alternatives to the agency's current regulations. Options include exempting border crossings between states with similar weight restrictions, raising the weight limit for CMVs to at least 26,001 pounds, or exempting state border crossings within the 150 air mile radius currently recognized by FMCSA. Farm Bureau looks forward to working with you to find a remedy to this costly and frustrating problem.

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