

March 17, 2021

TO THE MEMBERS OF UNITED STATES CONGRESS:

The next surface transportation bill is an opportunity to enact policies that foster a more environmentally responsible, productive, and economically viable freight transportation system to keep America's agricultural and manufacturing industries competitive in the world market. It also is an opportunity to provide flexibility in the supply chain to ensure food is delivered to consumers when it is needed.

Agriculture can, and should, be part of the solution for addressing climate change and resiliency. It must be emphasized that many aspects of the food and agriculture space are unique to the industry. We urge careful crafting of surface transportation policy to account for these aspects and avoid potential adverse consequences to U.S. agriculture.

The undersigned agricultural producer, commodity, agribusiness, food manufacturer and other food-related organizations believe any successful surface transportation legislation should include several crucial elements:

1. Ensure rural America is not left behind in any infrastructure package.

Problem: Infrastructure is critical to our rural communities and economies. How are farmers and ranchers supposed to get their harvests to market down the road or around the world if there is not adequate funding and investment in our rural roads, bridges, waterways and ports?

Solution: Adequate funding, availability of programs and ranking criteria should take into account the unique needs and challenges facing rural communities and our infrastructure.

2. Ensure that exemptions from hours-of-service (HOS) rules provide flexibility for ag haulers and farm supply transporters.

Problem: The current process of determining eligibility for the agricultural exemption to HOS rules is based on a patchwork of state-defined planting and harvesting seasons, which leads to confusion and uncertainty due to the regulatory inconsistency from state-to-state.

Solution: Make the agricultural exemption to the HOS rules available year-round by including the HAULS Act (Haulers of Agriculture and Livestock Safety).

Problem: Ag haulers sometimes need the exempted driving radius under the agricultural exemption to the HOS rules to apply to the destination in addition to the origin. The extra driving radius is needed to provide ag haulers extra time and flexibility to perform

their job safely in remote areas and to provide ample time for best animal welfare practices before, during, and after transport.

Solution: Provide the same flexibility that exists at the beginning of hauls to the destination for drivers operating under the agricultural exemption to the HOS rules by including the HAULS Act.

3. Provide flexibility within the fuel space.

Problem: Our producers, haulers and rural neighbors will continue to need access to internal combustion engines well into the future.

Solution: Attention should be put on finding efficiencies across engine and fuel types to achieve positive climate outcomes, while also focusing on achieving efficiencies in hauling that gets more trucks off the road while still being extremely efficient. Studies demonstrating the environmental and economic considerations with respect to achieving climate change outcomes are available [here](#) and [here](#).

4. Provide pilot authority for enhanced truck productivity.

Problem: Lower Interstate Highway System truck weights relative to state road truck weight limits serve as a barrier to economic and environmental efficiency. The 80,000-lbs. gross vehicle weight (GVW) limit on Interstate Highways has been in place since 1982 despite major advancements in vehicle safety and paving technology. If a state's truck weight limit for its roads is 91,000 pounds and the Interstate Highway weight limit is 80,000 pounds, the driver's utilized freight limit is only 80,000 pounds if the best shipping route includes connection to an Interstate Highway, even though the Interstate Highways are our nation's safest and best built and maintained roads. A tractor-trailer combination loaded to 80,000 pounds carries approximately 50,000 pounds of freight. At 91,000 pounds, the tractor-trailer combination carries about 61,000 pounds of freight, amounting to a 22 percent increase in freight efficiency and a commensurate reduced carbon footprint per pound.

Despite the positives that would be gained through higher truck weight policies with smaller carbon footprints that also require equipment add-ons for safety, concerted efforts to limit transportation competition have prevented these policies from being included in past surface transportation bills.

Solution: Authorize an opt-in pilot program to modestly increase GVW limits by allowing 91,000-lb., six-axle vehicles on federal Interstate Highways in ten states. This configuration complies with the federal bridge formula and is shown to have better braking capacity than trucks allowed on all Interstate Highways today. In March 2020, Congress provided states with the option to determine truck weight limits for 120 days through Section 22003 of the CARES Act and efficiencies were gained safely. We

encourage Congress to put aside competition limiting arguments with no safety merit and adopt policies that will result in a reduced carbon footprint.

5. Establish a tolerance to account for load shifts.

Problem: Load shifts during transport can result in tickets for drivers because a portion of the truck becomes heavier than allowed under current law even though the overall truck weight is below the federal truck weight limit of 80,000 pounds.

Solution: To account for load shifts, adopt the 10-percent axle tolerance for dry bulk shipments that was included in Section 1628 of the 2020 House of Representatives' surface transportation bill.

6. Maintain the ability for ag haulers to travel at posted local speed limits.

Problem: Attempts to require speed limiters does not take account that many ag haulers often cover hundreds of miles on roads with limited traffic. Ag haulers operate in all types of environments from the most rural regions to more urban areas. These variances in driving environments are one of the reasons for the different posted speed limits that are reflective of local conditions. Further, without speed limits for all motor vehicles, trucks would be the slowest traffic on the roads, potentially causing more accidents due to speed differences. Speed limiters also would require placing more trucks on the roads to haul the same amount of goods. In addition to causing the need for more trucks and fuel, there would be the cost of installing the limiters, all of which would make trucking less efficient and increase the cost of hauling goods.

Solution: Maintain the ability for ag haulers to travel at posted local speed limits.

7. Maintain the current level of financial responsibility for trucks.

Problem: Efforts to increase liability insurance for trucks beyond the current \$750,000 level would increase freight costs with no direct safety benefit. Annual premiums for each truck are already expensive at about \$5,000 per year. The minimum automobile liability insurance for most states is less than \$100,000, which is inequitable to the \$750,000 minimum for truck financial liability.

Solution: Maintain the existing minimum financial liability coverage level for motor carriers.

8. Ensure federal and state commercial driving license restrictions are harmonized.

Problem: Federal commercial driving license (CDL) restrictions that prohibit drivers aged 18-20 from crossing states lines creates an obstacle to recruiting a new generation of drivers into the industry. The truck driver shortage is expected to worsen in the coming

years as more drivers move into retirement and the demand for freight transportation increases. According to the American Trucking Association, it is projected that the trucking industry will need to hire roughly 1.1 million new drivers over the next decade to keep up with demand.

Solution: There are 49 U.S. states that allow 18-year-olds to obtain a CDL, but until federal law is changed, they cannot drive across state lines until they are 21. Create a pathway for CDL holders aged 18-20 to drive across state lines by incorporating the DRIVE Safe Act that was introduced in both the U.S. House and Senate by a group of bipartisan legislators.

9. Increase flexibility of Restricted CDL of drivers in farm-related service industries (49 CFR §383.3 (f)).

Problem: Due to heavy rains and other weather-related issues, farm-related service industries are not able to fully utilize temporary drivers who operate under the Restricted Agricultural CDL or Seasonal Ag CDL. For example, in some states the seasonal period(s) must be at least 30 days but not more than 180 days. The combination of two seasonal periods must not exceed 180 days. The problem arises when a farm-related service industry submits for use of a seasonal period but due to extreme weather such as heavy rains they are only able to utilize the Restricted Ag CDL driver for a portion of the seasonal period yet all the days in the seasonal period count towards their 180-day maximum.

Solution: Allow for farm-related service industries to maintain a log to be kept for the Restricted Ag CDL or Season Ag CDL driver and only count the days the driver is driving towards the 180-day maximum. FMCSA could issue guidance to allow for this additional flexibility due to unforeseen weather-related issues.

By championing these improvements to freight transportation, Congress can achieve positive benefits for the environment while improving the economic competitiveness of the U.S. agricultural value chain. We look forward to working with you in support of improving U.S. transportation policy and bolstering America's infrastructure.

Sincerely,

National and Regional Associations
Agricultural and Food Transporters Conference
Agricultural Retailers Association
Agricultural Transportation Coalition
American Bakers Association
American Beekeeping Federation
American Farm Bureau Federation
American Feed Industry Association

American Honey Producers Association
American Seed Trade Association
American Soybean Association
Corn Refiners Association
Hardwood Federation
International Dairy Foods Association
Leather and Hide Council of America
Livestock Marketing Association
Meat Import Council of America
National Aquaculture Association
National Association of State Departments of Agriculture
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 Milk Producers Federation
National Oilseed Processors Association
National Pasta Association
National Pork Producers Council
National Sorghum Producers
National Sunflower Association
North American Meat Institute
North American Millers' Association
North American Renderers Association
Northeast Agribusiness and Feed Alliance
Pacific Northwest Grain & Feed Association
Pet Food Institute
Rocky Mountain Agribusiness Association
Rural & Agriculture Council of America
Specialty Soya & Grains Alliance
The Fertilizer Institute
United Fresh Produce Association
United States Cattlemen’s Association
U.S. Canola Association
US Rice Producers Association
Western Growers

State Associations

AgriBusiness Association of Kentucky
Agribusiness Council of Indiana
Georgia Agribusiness Council
Grain and Feed Association of Illinois

Kansas Agribusiness Retailers Association
Kansas Grain and Feed Association
Michigan Agri-Business Association
Michigan Soybean Association
Minnesota Grain and Feed Association
Missouri Agribusiness Association
Nebraska Grain and Feed Association
New York State Agribusiness Association
North Dakota Grain Dealers Association
Ohio AgriBusiness Association
Oklahoma Agribusiness Retailers Association
Oklahoma Grain & Feed Association
South Dakota Agri-Business Association
South Dakota Grain & Feed Association
Texas Ag Industries Association
Texas Grain and Feed Association
United Dairymen of Arizona
Wisconsin Agri-Business Association
Wisconsin Soybean Association