



May 5, 2009

The Honorable James Oberstar
Chairman
House Transportation & Infrastructure Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Mica
Ranking Member
House Transportation & Infrastructure
Committee
Washington, D.C. 20515

The Honorable Peter DeFazio
Chairman
Highways & Transit Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Duncan
Ranking Member
Highways & Transit Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Oberstar and DeFazio and Ranking Members Mica and Duncan:

As you write the next transportation Authorization bill, we urge you to repeal the driver hours-of-service exemptions for agricultural and utility drivers. In addition, we ask you to adopt our proposal that any segment of the trucking industry that has received a safety exemption whether by regulation or statute be required to re-apply for such exemption through the regulatory process. Congress expressly provided for exemptions to be considered by the Federal Motor Carrier Safety Administration through the procedures enacted in Sec. 4007 of the Transportation Equity Act for the Twenty-First Century. Reviewing these exemptions pursuant to Sec. 4007 would also include all tolerances granted by the Federal Motor Carrier Safety Administration (FMCSA).

In 2005, SAFETEA-LU law expanded the 100-mile radius exemption from commercial driver hours-of-service to include feed, fiber, and livestock which includes meat, poultry and fish. In preparing for the upcoming Authorization bill, we reviewed the safety data for *all* categories of agricultural carriers operating within the 100-mile radius from 2005 to 2007.

The data indicated an alarming trend according to a study done by the U.S. Department of Transportation's Volpe National Transportation Systems Center. Agricultural carriers operating exclusively within a 100-mile had a *19% higher crash rate* than agricultural carriers operating outside the 100-mile radius.

SAFETEA-LU also exempted utility service vehicle drivers from *all* hours-of-service regulations whether or not a state or national emergency has been declared (utilities have been exempt during times of emergencies for many years). These drivers can now work and drive on a daily and weekly basis without observing any limits. Utility service vehicle drivers' crash rate has increased by 40% since 2005.

A copy of the Volpe Center safety data analysis is attached.

Based on this information we urge you to repeal these exemptions for both agricultural and utility service vehicle drivers.

We are sensitive to the fact that the agricultural and utility industries are vital to the fabric of our daily lives, and we need to ensure that the regulations applied to them are appropriate and sound. However, these industries operate trucks and other types of vehicles just like over-the-road trucking companies, and the safety of their vehicles and drivers are no less important than those being operated by the long-haul or regional less-than-truckload trucking companies. It is clear from the Volpe Center safety performance data that the safety of these industry segments are increasingly poor and, therefore, should not be exempted from the hours-of-service regulations. These industries are operating vehicles on the roads and streets that all of us and our families travel every day. Many of the operations of these industry segments occur disproportionately on lower-class rural roads. Large truck crash data produced both by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration indicate that more crashes are occurring on rural roadways than on urban roads, including interstate highways.

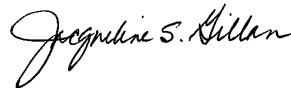
In addition to repealing the agricultural and utility hours-of-service exemptions, we are proposing that all motor carrier safety exemptions whether currently provided in statute or by regulation, should be sunset on a date certain in the future, with the additional requirement that the affected industries re-apply for these exemptions following the process specifically outlined in Section 31315 of the U.S. Code, Title 49. This section requires that in order for a safety exemption to be granted, the group seeking such an exemption must demonstrate to the Secretary of Transportation that "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The proposed exemption must be published in the Federal Register for notice and public comment on the merits. This process would be administered by the appropriate federal agency, FMCSA.

Aside from the safety issue, our secondary concern with exemptions is that of uniformity in regulations and enforcement. The increased number and variety of exemptions granted through federal legislation in recent authorization bills has increased the difficulty for law enforcement officials to properly enforce commercial motor vehicle safety regulations so that we can ensure the highest level of truck, bus, and motorcoach safety on our roads and streets.

Sincerely,



Stephen F. Campbell
Executive Director
Commercial Vehicle Safety Alliance



Jacqueline S. Gillan
Vice President
Advocates for Highway and Auto Safety

cc: Members of the House Transportation and Infrastructure Committee