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January 6, 2003

Reference: FMCSA Docket No. FMCSA-2002-13295] Oregon Department of Transportation Application for Exemptions for Farmers

Oregon is seeking to circumvent the safety of the American motoring public to maintain their current levels of financial support from the US Department of Transportation.

The FMCSR currently has limited exceptions for farmers for the Hours of Service, Physical Qualifications, and Commercial Driver's License. Any further removal of regulatory oversight would practically exclude the 14,000 registered farm carriers from all of the FMCSR.

Oregon's request would also effect law enforcement officials in surrounding states. With 14,000 registered carriers what tools are available for other law enforcement officials to determine whether or not a farmer is registered? Are all farmers registered or a portion of farmers.

If approved Oregon's request would exempt farmers from inspections from other jurisdictions. Neighboring states and any state a farmer travels too would have issues concerning the vehicle's safety. Oregon's vehicle safety rules would be of no use to Idaho, Washington, California or any other state.

Oregon stipulates that the 14,000 registered farmers will have approximately 37,000 vehicles operating on a seasonal basis as farmers and the remaining portion of the year as a for hire carrier. There would be an additional burden to tax payers from surrounding communities for law enforcement to stay abreast of the on-again off-again status of a particular vehicle and the potential court time to resolve the status of a carrier in regard to a citation made during a vehicle's non-regulated time.

In 1998 two farmers from Idaho were stopped at a Port of Entry in Colorado driving three axle dump trucks with a GFWR of 54,000 pounds with no CDL's. The farmers argued with the officer for an hour stringently implying they did not need a CDL as they were exempt. The officer wrote the tickets and the farmers had to hire drivers with CDL's to leave the Port of Entry. The citations were dismissed after the farmers acquired CDL's.

The possibility of courts and Primary MCSAP Agencies being burdened with request to dismiss or overturn citations or dismiss inspections made during a vehicle's period when it was exempt from Part 393/396 could have serious repercussions and effect MCMIS's ability to effective rate carriers in the on-again off-again regulatory period.

Once the FMCSA grants the exemption other states could follow suit or request riders similar to carriers apply for riders for DOT Exemptions issued by RSPA for hazardous materials.

I believe Oregon's request should be denied, granting the exemption could substantially effect the FMCSA's primary mission of reducing highway related fatalities involving CMV's by 50% by 2010.