

*Sample Member Comments on the 150 Air Mile Exemption from Hours of Service Rules  
Docket No. FMCSA-2017-0360*

Dear Secretary Chao, Administrator Martinez, and Deputy Administrator Gautreaux:

As a livestock producer (or livestock hauler), highway safety is a top concern, but we must also provide for the safety and wellbeing of our animals as they are being transported. I'm concerned about the potentially negative impacts the impending Electronic Logging Device (ELD) mandate will have on the livelihoods of thousands of farmers, ranchers, producers, and livestock marketers. We are already experiencing increased freight costs and regional discounts on animals raised and sold more than a certain distance from the center of the country.

I urge the Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) to grant the live animal hauling industry's petition for a delay in the enforcement of the ELD mandate for livestock haulers so appropriate outreach can be conducted and device issues can be addressed.

I also appreciate the chance to comment on the 150-air mile agricultural commodity exemption guidance. I support the Agency's view that time spent driving an unladen or empty vehicle to or from a "source" of an agricultural commodity should count as exempt time. Likewise, I agree with the Agency that exiting the 150-air mile radius of a "source" of an agricultural commodity should not prevent a driver from applying the 150-air mile exemption.

Each farm, ranch, and livestock market from which agricultural commodities are transported are a "source" of an agricultural commodity. There is no logical reason or statutory mandate to limit a driver's use of the 150-air mile exemption to the first stop on a trip. Interpreting the statute and the related regulation in such a narrow and restrictive way would only serve to confuse the issue by adding another term, "trip," to the discussion and make compliance with and enforcement of the existing law more challenging.

The welfare and safety of animals in transit, together with the safety of other drivers on the road, are the livestock hauling industry's top priorities. Appropriate and logical definitions are the key to understandable rules that are easy to follow and clear to enforce. However, rushing headlong into ELD enforcement with undefined terms such as the "source of an agricultural commodity" that are supposed to provide necessary flexibilities to live animal haulers is foolhardy.

Thank you for seeking input from the industry. In conclusion, I urge the Agency to grant a waiver and limited exemption from the ELD mandate for livestock haulers so training can take place and device issues can be addressed.

Sincerely,