

Calendar No. 335104TH CONGRESS }
2d Session }

SENATE

{ REPORT
104-233 }**RELIEVE FARMERS FROM LIMITATIONS
ON DRIVING TIME**

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

on

S. 604

FEBRUARY 9 (legislative day, FEBRUARY 7), 1996.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

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RELIEVE FARMERS FROM LIMITATIONS ON DRIVING TIME

FEBRUARY 9 (legislative day, FEBRUARY 7), 1996.—Ordered to be printed

Mr. PRESSLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 604]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 604) to amend title 49, United States Code, to relieve farmers and retail farm suppliers from limitations on maximum driving and on-duty time in the transportation of agricultural commodities or farm supplies if such transportation occurs within a 100-air mile radius of the source of the commodities or the distribution point for the farm supplies, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of S. 604 as reported is to provide an exemption for farmers and retail farm suppliers from Department of Transportation (DOT) hours-of-service regulations limiting maximum driving and on-duty time when transporting farm supplies within a 50-mile radius of their distribution point during the crop-planting and harvesting season.

BACKGROUND AND NEEDS

Currently, DOT regulations limit maximum driving and on-duty time for drivers of commercial vehicles and, under certain circumstances, can require drivers to take three days off after working up to 15 hours a day for four days straight. These hours-of-service regulations are unduly burdensome for farmers and retail farm suppliers during the limited, but intense, six-to-eight week planting and harvesting season.

The Committee and the agricultural community recognize the safety reasons for time limitations to be imposed on long-haul truck drivers who operate commercial vehicles every day for a living. The farmers and their retail suppliers object, however, to regulations that make them stop during the delivery of time-sensitive planting and harvesting supplies so they can accumulate enough off-duty time to resume driving. Changing weather conditions can also make immediate delivery of necessary supplies imperative.

It is also becoming more prevalent for trained agronomic experts to provide expert advice on the use of seed, feed, and materials and assist in the interpretation of environmental regulations related to the application of chemicals and fertilizers. Due to the narrow window of opportunity for the plant growing season, these experts provide delivery as part of their service, but it is not their principal function.

DOT has recognized the need for exemptions from its transportation limitations. Specifically, DOT has granted hours-of-service exemptions for small package delivery drivers to meet delivery demands during the holiday season. However, no exemption exists for farmers or farm suppliers to enable them to meet legitimate and time-sensitive demands imposed during the planting or harvesting season.

LEGISLATIVE HISTORY

The substitute amendment responds to a long-standing concern of members of the Committee and the agriculture constituency that the DOT's hours-of-service regulations are unduly burdensome for farmers and farm suppliers during the limited, but intense, planting and harvesting season. An Exon amendment almost identical to the substitute was first approved by the Committee, during the 102nd Congress, as part of S. 1583, the Pipeline Safety Improvement Act of 1991, although it was not enacted.

An hours-of-service exemption provision for farmers was enacted into law on August 26, 1994, as part of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311). However, the enacted provision was greatly reduced in scope during conference negotiations with the House of Representatives. Instead of providing the exemption, the enacted provision directed the Secretary of Transportation to initiate a rulemaking, within three months of enactment, to determine whether or not the hours-of-service requirements might be waived for farmers and retail farm suppliers under certain circumstances.

In response, on December 8, 1994, DOT issued an Advance Notice of Proposed Rulemaking (ANPRM) on "Maximum Driving and On-Duty Time: Hours of Service for Farmers and Retail Farm Suppliers." The ANPRM sought, by February 6, 1995, comments and safety data necessary to justify a waiver under the statutory two-prong test created by the Motor Carrier Safety Act of 1984. Under the test DOT may waive, in whole or in part, any of the Federal Motor Carrier Safety Regulations if it is determined that such a waiver is consistent with the public interest and safe operation of commercial motor vehicles.

DOT admits the statutory test for the granting of waivers is extremely difficult to meet. None of the petitions requesting waivers from hours-of-service requirements has been granted since 1984.

S. 604 was introduced in the Senate on March 23, 1995, by Chairman Pressler. In open executive session on Thursday, August 10, 1995, the Committee approved without objection the substitute amendment offered by Chairman Pressler to S. 604. This amendment provides an exemption for farmers and retail farm suppliers from the DOT limitations on maximum driving and on-duty time when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop planting and harvesting seasons.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and Section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 17, 1995.

Hon. LARRY PRESSLER,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 604, a bill to exempt certain farm transportation from hours of service requirements of Title 49, Code of Federal Regulations, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on August 10, 1995. The bill would exempt certain farmers and farm suppliers from limitations on maximum driving and on-duty time on the transportation of agricultural supplies and commodities. Such limitations are currently required by the Department of Transportation pursuant to Section 31502 of Title 49, United States Code. Enacting S. 604 would not affect the federal budget or the budgets of state and local governments.

Enacting S. 604 would not affect direct spending on receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John Patterson.

Sincerely,

JUNE E. O'NEILL, *Director.*

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

Number of persons covered

This legislation simply provides regulatory relief for persons already involved in the delivery of farm supplies. Therefore, the numbers of persons covered should be consistent with current levels.

Economic impact

No negative impact on the taxpayer is expected from this bill. Relieving farmers and retail farm suppliers from burdensome regulations may reduce costs related to delivery of farm supplies.

Privacy

This legislation will not have any adverse impact on the personal privacy of the individuals affected.

Paperwork

As this bill simply provides an exemption from the DOT hours-of-service requirement for motor carrier operators under certain circumstances, there should be no change in paperwork.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that the Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting and harvesting seasons.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change in existing law.