



May 31, 2017

Docket Management Facility
Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Commercial Driver's License (CDL): Application for Exemption; U.S. Custom Harvesters, Inc. (USCHI). Docket No. FMCSA-2017-0133

The American Association of Motor Vehicle Administrators appreciates the opportunity to comment on the granting of exemption from the "K" intrastate restriction on commercial driver's licenses (CDLs) held by custom harvester drivers operating in interstate commerce.

Retaining state discretion on age limitations for *intrastate* drivers should remain the purview of the states. Further, utilizing the "K" restriction on a restricted CDL ensures underage operators of commercial motor vehicles do not fully participate, unrestricted, in interstate commerce.

Current Federal Motor Carrier Safety Regulations also provide the following in 49 CFR 383.3(f):

"(f) Restricted CDL for certain drivers in farm-related service industries. (1) A state may, at its discretion, waive the required knowledge and skills tests of subpart H of this part and issue restricted CDLs to employees of these designated farm-related service industries:

- (i) Agri-chemical businesses;
- (ii) Custom harvesters;
- (iii) Farm retail outlets and suppliers;
- (iv) Livestock feeders"

This section goes on to limit the applicability of the restrictions on CDL holders including the restrictions that a state must take upon the driver in order to issue them a restricted license. This includes, 49 CFR 383.3(f)(3)(vii) which states:

"(vii) Restricted CDL holders may not operate a commercial motor vehicle beyond 241 kilometers (150 miles) from the place of business or the farm currently being served."

This shows that exemptions from skills and knowledge tests are already discretionary waivers a state may provide to agricultural operators. At issue is the removal of an intrastate restriction that could allow an untested, younger driver, access to the full interstate system without restriction. Further, FMCSA already provides general exceptions for custom-harvesting operations in 49 CFR 391.2. If any further clarification is needed, it may be additional guidance on the intersection of intrastate restrictions and the range of operation from place of employment. In the meantime, retaining state discretion to responsibly restrict this driver population is in the best of interest of highway safety.