Cultivating Relationships with the Farm Community – FMCSA Perspective
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FMCSA
• Hours of Service

• Covered Farm Vehicles

• Other Exemptions
Moving Ahead for Progress in the 21st Century (MAP-21):

- Section 32101(d) – “Transportation of Agricultural Commodities and Farm Supplies”
- Section 32934 – “Exemptions from Requirements for Covered Farm Vehicles”
- Both provisions were self-executing and took effect on October 1, 2012.
• Section 32101(d)

The HOS requirements shall not apply during planting and harvest periods, as determined by the States to:

– Drivers transporting agricultural commodities within 150 air miles from the source;

Note: the previous National Highway System Designation Act of 1995 (NHS Act) agriculture exemption from the HOS rules only provided for 100 air miles.
Section 32101(d) (Continued)

And, the HOS requirements shall not apply during planting and harvest periods, as determined by the States to:

- Drivers transporting farm supplies from a wholesale or retail distribution point to the location where the supplies are intended to be used, within a 150 air-mile radius from the distribution point.

- Drivers transporting farm supplies from a wholesale distribution point to a retail distribution point, within a 150 air-mile radius from the wholesale distribution point.
Section 32934, provides a statutory exemption from most of the FMCSRs for *covered farm vehicles*:

- 49 CFR Part 383: Commercial Driver’s License Standards; Requirements and Penalties
- 49 CFR Part 382: Controlled Substances and Alcohol Use and Testing
- 49 CFR Part 391, Subpart E: Physical Qualifications and Examinations
- 49 CFR Part 395: Hours of Service
- 49 CFR Part 396: Inspection, Repair and Maintenance
Covered Farm Vehicle Criteria

Must be equipped with a special license plate or other designation by the State in which it is registered to allow for identification.

Must be operated by a farm or ranch owner or operator (includes employees and family members).

Used to transport agricultural commodities, livestock, or machinery or supplies to a farm or ranch.
• Statute explicitly excludes vehicles transporting hazardous materials in a quantity requiring placards.
Movement of Farm Supplies

**Wholesale Distribution Point**
- Retail Distribution Point
- Farm (or other location where the supplies are intended to be used)
- Within 150 air miles

**Retail Distribution Point**
- Farm (or other location where the supplies are intended to be used)
- Within 150 air miles
Covered Farm Vehicle: Operating Area

- Motor carriers may use the exemption anywhere they are operating in the U.S.

26,001 pounds or less

- Greater than 26,001 pounds

- Motor carriers may use the exemption anywhere within the State in which the vehicle is registered, or
- Motor carriers may use the exemption anywhere within a 150 air-mile radius of the farm or ranch.
MAP-21 Provisions

- **October 1, 2012** - FMCSA issued a notice alerting the enforcement and industry communities about the MAP-21 provisions.

- **March 14, 2013** - The Agency issued a final rule to amend the FMCSR.

CDL Exemptions

• Covered Farm Vehicles
• Restricted CDL for Farm-Related Industries
• States *may* waive testing for:
  – Agri-chemical
  – Custom Harvesters
  – Farm Retail Outlets and Suppliers
  – Livestock Feeders
Are the States required to make changes to their safety regulations?

- Yes, but not until **March 14, 2016** (3 years after the March 14, 2013 final rule).

- The effective date of the final rule began the 3-year period during which the States must adopt compatible regulations to remain eligible for MCSAP funding.

- However, FMCSA’s October 1, 2012, notice requested that the States immediately take action to put into place policies and procedures to provide the regulatory relief provided by MAP-21.