



August 1, 2011

Docket Management Facility (M-30)  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
West Building, Ground Floor, Room 12-140  
Washington, DC 20590-0001

Attn: Docket ID No. FMCSA-2011-014

**RE: Comments on the Regulatory Guidance Regarding the Applicability of the Federal Motor Carrier Safety Regulations to Operators of Certain Farm Vehicles and Off-Road Agricultural Equipment**

The National Corn Growers Association (NCGA) appreciates the opportunity to provide comments to the Federal Motor Carrier Safety Administration (FMCSA) regarding the Administration's proposed regulatory guidance on the applicability of the Federal Motor Carrier Safety Regulations to operators of certain farm vehicles and off-road agricultural equipment.

NCGA is the largest trade association of corn growers in the United States and represents 35,000 dues-paying corn farmers nationwide and the interests of more than 300,000 growers who contribute through corn check-off programs in their states. NCGA is the voice for the corn growers' concerns in national legislative, judicial and regulatory agencies' decisions affecting agriculture. Our members live and farm in 47 states. Our national headquarters is located in St. Louis, Missouri and NCGA also has an office in Washington, D.C.

First, NCGA has concerns with FMCSA's interpretation of "interstate commerce" when it comes to the shipment of agricultural commodities. In most cases, corn growers do not know the eventual destination of his or her crop, its ultimate use, and whether portions might leave the state after being mixed with grain from other farmers. If a broad definition is retained, it could force growers to obtain commercial drivers licenses for hauling their crop even short distances within state boundaries. FMCSA's guidance appears to be based on a fundamental misunderstanding of the agricultural supply chain.

Second, NCGA believes that farmers transporting grain under a share-crop agreement should not be treated as for-hire carriers. Share cropping arrangements should be considered equivalent to compensation paid by a tenant to a landlord in the form of cash rent or variable cash rent. FMCSA's guidance would arbitrarily discriminate against growers who enter into these alternative rental agreements, which often includes younger farmers who are attempting to mitigate risk.

Third, NCGA would oppose any effort to classify implements of husbandry as “commercial motor vehicles.” Congress has made it abundantly clear that they never intended to apply Motor Carrier Safety Regulations to farm equipment. We appreciate FMCSA’s indication that they prefer a “practical approach” rather than a narrow and literal interpretation of the exemption. At the same time, NCGA believes states are best equipped to establish their own definitions for implements of husbandry, especially since agricultural operations vary so significantly from state to state and region to region. Furthermore, it’s important to note that the vast majority of implements of husbandry could not be retrofitted to meet the equipment standards of commercial motor vehicles.

Highway safety is an important concern for NCGA’s members and the entire agricultural community; however, we believe safe roads can be achieved without over regulating the transport of grain and farm equipment. Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Selig". The signature is fluid and cursive, with a long horizontal stroke at the end.

President  
National Corn Growers Association