

AMERICAN SEED TRADE ASSOCIATION, INC.

March 25, 2008

Docket Management Facility
U.S. Department of Transportation
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Washington, DC 20590



BY FAX: 202.493.2251
ELECTRONIC: <http://www.regulations.gov>

RE: Docket ID Number FMCSA-2007-27748
Minimum Training Requirements for Entry-Level Commercial
Motor Vehicle Operators

To Whom It May Concern:

These comments are submitted by the American Seed Trade Association (ASTA) as a response to the December 26, 2007 Federal Register Notice of Proposed Rulemaking (NPRM) regarding the Federal Motor Carrier Safety Administration's (FMCSA) proposed changes to revise the standards for mandatory training requirements for entry-level operators of commercial motor vehicles in interstate operations who are required to possess a commercial driver's license (CDL).

FMCSA is proposing to require interstate drivers of commercial motor vehicles (vehicles or truck/trailer combinations greater than 26,001 pounds) applying for commercial driver's licenses to obtain 76 hours of classroom and 44 hours of behind-the-wheel training prior to obtaining their CDLs. Currently, these drivers must have some prior training in certain substantive areas, but there are no number-of-hours or behind-the-wheel requirements. The new requirements will not become effective for three years.

Background

Founded in 1883, the American Seed Trade Association (ASTA), located in Alexandria, Virginia, is one of the oldest trade organizations in the United States. Its membership consists of over 775 companies involved in seed production and distribution, plant breeding, and related industries in North America. As an authority on plant germplasm, ASTA advocates science and policy issues of industry importance. Its mission is to enhance the development and free movement of quality seed worldwide.

Impact

ASTA members utilize employees who use CDLs in the performance of their jobs. In many instances, these drivers haul trailers holding large equipment from field to field for roughly 45 days out of the year. Some of these drivers cross state lines in the course of hauling such equipment. The remainder of the year, these employees focus on other duties and job assignments within the seed companies. In some instances, ASTA member companies provide training for employees and refresher courses to ensure compliance and safety.

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Unlike fulltime over-the-road commercial motor vehicle operators, drivers employed by ASTA's members operate specialized commercial motor vehicles in limited service as a small, but necessary, part of their jobs. ASTA is concerned that the new training requirements will result in people whose jobs focus on activities other than driving being less able and less inclined to obtain a CDL because of the 120 hour training hurdle. Some estimates place the cost of sending an employee to a 120-hour training course at approximately \$3,000 - \$5,000, for the course, plus \$2,000 estimated per diem and travel costs, plus the three weeks of salary.

Under the NPRM as written, some ASTA members are likely to find it increasingly difficult to maintain CDL workforces and may have to hire contract drivers to transport equipment from field to field. Due to the inherent unpredictability of the weather and the need to have drivers ready to go when the fields are ready, the contract drivers retained by ASTA members likely would stand idle for periods of time. Some estimates place the cost of engaging a contract driver for one week at approximately \$5,000 and the cost of replacing in-house CDL holders with contract drivers at approximately \$64,000 per driver per year.

Recommended Strategy

ASTA proposes that FMCSA adopt an exception that would exempt entities like seed companies that have uniquely limited commercial motor vehicle operations from the new training requirements. There are several exemptions from the FMCSA rules already built into the program. These include military drivers, farmers and emergency response drivers. None, however, clearly cover seed companies.

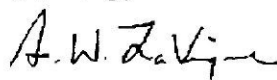
Specifically, we would recommend the following language:

The exemption would apply to those employees of farms and designated farm-related service industries who occasionally haul agricultural products, farm machinery, farm supplies and implements of husbandry to, from, and on farms during planting, growing, and harvesting season as defined by the State of licensure. Designated farm-related service industries would include agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, livestock feeders, and seed research and production operations. Occasionally would mean no more than 50 days per calendar year. Exempt employees would continue to be subject to any applicable CDL and training requirements other than those imposed by the new rule.

ASTA appreciates this opportunity to provide specific comment to this proposed rule. We believe that the comments are reasonable and reflect the diversity of our membership and the economic impacts associated with the December 26, 2007 proposal. Moreover, we see the exemption as a viable option that takes into account the unique transportation needs of seed operations and is in keeping with the other exemptions currently built into the program.

Please let us know if we can provide additional information or clarification. Thank you for this opportunity.

Sincerely,



Andrew W. LaVigne
President and CEO