



South Dakota

Agri-Business

Association

June 3, 2008

U.S. Department of Transportation
Docket Operations (M-30)
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, S.E.
Washington, DC 20590

RE: Docket #FMCSA-2007-27659

DEPT. OF TRANSPORTATION
DOCKETS
2008 JUN -3 P 3:07

Dear Sir/Madam:

The South Dakota Agri-Business Association (SDABA) respectfully submits these comments in opposition to the Commercial Learner's Permit Standards provisions in Docket No. FMCSA-2007-27659. The Association represents agricultural input suppliers who supply farmers. SDABA represents over 350 members that include cooperative and independent retailers, distributors, manufacturers of fertilizers and agricultural chemicals. We also represent product equipment manufacturers, soil testing laboratories, seed companies, crop consultants and Certified Crop Advisers who are members of the Association.

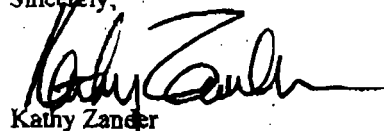
This NPRM is yet another unnecessary regulation that will place undue hardship upon our members when hiring new employees. Our industry can not afford a full time employee with a CDL to train new employees with a Commercial Learner's Permit (CLP). This NPRM combined with the NPRM 2007-27748 will make it near impossible for our industry to hire and keep full time CDL employees. This will undoubtedly have a trickle down affect to the consumer in terms of price and quality of goods.

Furthermore, the proposed requirement of limiting endorsements on a first time CDL such as doubles/triples, tanker and HAZMAT endorsements will only negatively compound the issue. Our industry is dependent upon the current process of having these endorsements placed on their CDL at the time of issuance once they have passed the proper exams for each endorsement. Many employees in our industry must have these endorsements on their CDL in order to transport certain products and materials for use in agricultural production. With such a short window during planting and harvesting season, there is no time to require a further waiting period in order for a person to get the proper endorsements on their CDL as suggested in this NPRM. Not allowing a driver to have a tanker or doubles/triples endorsement on their license makes it impossible for them to conduct training in those vehicles. Essentially, they can not legally drive a vehicle if they do not have the specific endorsement on their license making it illegal for them to receive training to get the proper endorsement for that specific vehicle. How can an employee receive driver training in a vehicle requiring tanker, triples/doubles and HAZMAT endorsements if they do not have those proper endorsements on their license?

We respectfully ask that FMCSA not proceed with this rulemaking because it lacks justification and places an enormous financial and logistical burden on the agricultural industry. If you do proceed, however, we propose that FMCSA consider an agricultural exemption for the additional CDL requirements similar to the USDOT hours of service exemption for transporting agricultural commodities with a 150 air mile radius of the source of supply. This exemption has proven itself safe and workable by the many states who have adopted this exemption for our industry and we believe the same record of safety would hold true for CDL requirements.

Thank you for considering our comments on this NPRM.

Sincerely,



Kathy Zander
Executive Director