



The *Minnesota State*
Cattlemen's Association

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November 11th, 2017

Re: Docket ID: FMCSA-2017-0297 - Hours of Service of Drivers: Application for Exemption

To Whom It May Concern:

On behalf of the Minnesota State Cattlemen's Association and the 18,000 cattle producers in the state of Minnesota, please accept these comments submitted regarding Docket ID: FMCSA-2017-0297 - Hours of Service of Drivers: Application for Exemption.

Members of the Minnesota State Cattlemen's Association are extremely concerned regarding the impending electronic logging device (ELD) mandate. We, as an organization of beef and cattle producers, urge the Department of Transportation to grant this request for exemption so that cattlemen, livestock haulers and the agency can take the appropriate steps needed to alleviate any unintended consequences that may occur as a result of this mandate. Cattlemen in Minnesota are especially concerned regarding this mandate for the reason that many of the cattle fed in the state of Minnesota come from ranches all across the country. Furthermore, calves born in our state and cattle fed or finished in our state must sometimes travel long distances to reach their final destination or a harvest facility.

The welfare and safety of the animals in transit, together with the safety of other drivers on the road, are the industry's top priorities. Unlike their counterparts driving conventional commercial motor vehicles (CMVs), most livestock haulers have participated in additional specialized training, including beef industry's Master Cattle Transporter (MCT) program, which provide instruction on proper animal handling and transportation methods. These education programs were developed by and are offered through the U.S. Department of Agriculture (USDA). As reflected in the Federal Motor Carrier Safety Administration's (FMCSA) data, the emphasis these programs place on animal welfare benefits driver safety as it encourages livestock haulers to slow down, be more aware of their surroundings and road conditions and avoids rough-road situations that could result in animal injury.

In addition to general highway safety and accident prevention measures, these programs also focus on the primary underlying goal of the HOS rules: addressing fatigue. Haulers are educated about driver fatigue prevention by stressing adequate rest, appropriate climate conditions in the cab, a healthy diet, and how to recognize the signs of fatigue. These programs have resulted in marked success as indicated by major studies reviewed by FMCSA in developing its underlying HOS rules, showing that, comparatively, the livestock sector was one of the safest of the commercial hauling sectors.

For instance, the Large Truck Crash Causation Study, conducted by the FMCSA and the National Highway Traffic Safety Institute, showed that of 1,123 accidents involving trucks hauling cargo, a mere five involved the transportation of livestock. Similarly, the report titled Trucks Involved In Fatal Accidents Factbook 2005, conducted by the Transportation Research Institute, shows that livestock transporters accounted for just 0.7 percent of fatal accidents. The ELD mandate itself, which is the subject of this petition, does nothing to improve that record of safety. Rather, it amounts to a radically inefficient paperwork exercise requiring expensive and complicated technology, prone to failure and mistakes, in place of the proven, long-standing and cost-effective method of logging hours already used by the agency.

The lack of stakeholder outreach regarding this rule has led to a lack of awareness within the livestock industry, particularly among livestock drivers. Because of this, industry education and certifications programs like MCT do not include ELD compliance and use in their materials. For instance, FMCSA's recent change to include livestock in its



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interpretation of the 150-air mile exemption for agricultural commodities, a change that the industry strongly supports and appreciates, has raised many additional questions from livestock haulers who are unsure about the mechanics of the new exemption and even if it means they are exempt from the ELD mandate itself.

Granting a waiver and limited exemption from the ELD mandate for livestock haulers will enable FMCSA to reach out to livestock haulers effectively, allow for long-standing livestock transportation safety and training programs to make needed adjustments, and provide the necessary time for training livestock haulers on the use of ELDs.

Unfortunately, confusion and possibly misunderstanding over enforcement and how ELDs operate are causing significant concern within the livestock industry over apparent incompatibilities between the HOS rule and the realities of livestock hauling. Many livestock operations are in remote, rural areas, routinely requiring long animal transport hauls. These animals, when loaded onto trailers, are vulnerable to changes in temperature, especially temperature increases. Industry guidelines mandate that drivers avoid any stops while hauling livestock, especially in warmer weather, as the trailers are designed to cool the animals down while in motion. However, drivers who, for a variety of different reasons, reach driving-time limits while hauling animals will face a difficult decision: compliance with animal welfare laws and guidelines or compliance with FMCSA's HOS rules.

Livestock haulers are accustomed to managing these priorities through planning, log books and notations in those books. The emergence of ELDs is a new element to these procedures that must also be carefully implemented and managed. The lack of effective industry outreach and education compounds these concerns.

Since the ELD mandate provides no increased safety over the current system of written log books – and a limited waiver of the ELD mandate for livestock haulers simply maintains the status quo and provides an equivalent level of safety from one of the safest sectors of the transportation industry – DOT and FMCSA clearly have the authority to grant this petition.

Granting a waiver and limited exemption from the ELD mandate for livestock haulers will enable FMCSA and the livestock industry to undertake the training and education necessary for livestock haulers to fully understand ELDs. It will also provide an opportunity for FMCSA to develop livestock specific solutions to the underlying HOS concerns of the industry, while still maintaining safety on our roads.

Sincerely,

Krist Wollum
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