



# Plains Cotton Growers, Inc.

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August 1, 2011

Ms. Anne S. Ferro  
Administrator, Federal Motor Carrier Safety Administration  
Docket Management Facility, M-30  
U.S. Department of Transportation (DOT)  
1200 New Jersey Ave., SE., West Building, Ground Floor, Room 12-140  
Washington, DC 20590-0001

Attention: Federal Docket Management System Number FMCSA-2011-0146

Re: FMCSA Regulatory Guidance; Notice of Request for Public Comment (76 FR 31279; May 31, 2011)

Dear Administrator Ferro:

This letter is provided in response to the notice of request for public comments on regulatory guidance for the applicability of Federal Motor Carrier Safety Administration regulations to operators of certain farm vehicles and off-road agricultural equipment.

Plains Cotton Growers, Inc., an organization advocating on behalf of cotton producers in a 41-county area in Texas from the top of the Texas Panhandle to the Permian Basin, appreciates the opportunity to submit these comments.

Although Plains Cotton Growers, Inc., generally supports the mission of the Federal Motor Carrier Safety Administration to improve the safety of commercial motor vehicles (CMVs) and reduce crashes, injuries and fatalities, we are concerned about the proposed regulation of farm vehicles as CMVs as referenced in this notice.

Today's agricultural producers are dealing with increased costs on numerous levels, and subjecting farm vehicle drivers to commercial driver regulations would add to their expenses both financially and in time spent ensuring they are in compliance. We do not believe that this regulation will positively impact safety on our roadways. We believe that the long-standing, current farmer exemptions made by individual states are sufficient and have been for more than 25 years.

Many of our producers have crop-share lease agreements because they are the best fit for their particular operation, and they are very common in our service area. We do not agree with the notion that those producers with these agreements should be subject to different regulations than those who do not.



Further, we feel it is important for the Agency to understand the true essence of these agreements, as they are not designed to be a “for-hire” arrangement; they are more of a partnership in which, in many cases, a producer who is of retirement age and no longer able to carry out the tasks associated with farming forms an agreement with a younger producer who is capable of continuing his heritage and good farming practices. These crop-share lease agreements are integral to preserving family land in many instances and ensuring the future of agriculture.

Although Plains Cotton Growers, Inc., agrees with FMCSA’s proposed guidance on whether implements of husbandry meet the definitions of a CMV, we believe that the list of what constitutes an implement of husbandry should be expanded so that states can have more flexibility to make decisions regarding exemptions, waivers and exclusions based on varying agricultural factors in their respective state. For example, cotton harvesting equipment is not mentioned in the list of examples in the guidance, which could make it difficult for states to ensure that these and other specialized types of equipment for various crops are addressed in their legislation.

If these proposed regulations were to become law, it would be extremely detrimental to agriculture and to our economy, especially in rural areas such as most of West Texas. We believe that individual states are the best equipped to maintain existing exemptions, waivers and exclusions for farmers and farm vehicles, and should continue to be granted the flexibility and authority to do so as they have for more than 25 years.

Thank you for your consideration and please feel free to contact us should you wish to discuss our position.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Verett", written over a light gray rectangular background.

Steve Verett  
Executive Vice President