



Filed Electronically February 20, 2018

February 20, 2018

Mr. Larry W. Minor
Associate Administrator for Policy
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590-0001

RE: Docket No. FMCSA-2017-0360
Hours of Service of Drivers of Commercial Motor Vehicles; Proposed Regulatory Guidance Concerning the Transportation of Agricultural Commodities; Extension of Comment Period (Filed 1/18/18)

Dear Mr. Minor:

The U. S. Poultry & Egg Association, the National Chicken Council and the National Turkey Federation are trade associations representing the producers and processors of chickens, turkeys, other poultry and eggs and affiliated industry suppliers. Our associations appreciate the opportunity to submit these comments on the Regulatory Guidance Concerning the Transportation of Agricultural Commodities published in the *Federal Register* December 20, 2017 with a request for extension of the comment period filed January 18, 2018.

The poultry industry agrees that definitive clarification is needed concerning the transportation of agricultural commodities. In the agricultural exception in 49 CFR 395.1(k) (1) i specifically addresses two scenarios: (1) driving an unladen commercial motor vehicle to either pick up an agricultural commodity or on a return trip following the delivery of an agricultural commodity; and (2) application of the agricultural commodity exemption to trips involving transportation of the commodity more than 150 air-miles from its source. In addition, the Agency requested comment on scenarios where a trip involves the loading of agricultural commodities at multiple sources and the meaning of the term "source" in connection with the loading of certain commodities.

We understand that Congress required the Federal Motor Carrier Safety Administration (FMCSA) to mandate the use of electronic logging devices (ELDs) in the July 2012 MAP-21 law. The majority of our collective members have installed ELDs in their fleets and enjoy the benefits of the technology including enhanced recordkeeping and other fleet management tools. The flexibility provided in this guidance would not deter the poultry industry from utilizing electronic logging devices; it would simply clarify how the industry is to record agricultural and personal use exempt time in conjunction with regular drive time.

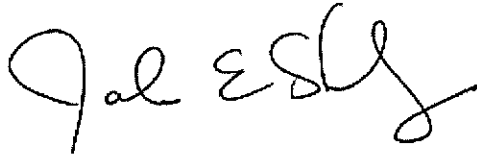
These comments only focus on those sectors of our membership engaged in agricultural production – chicken, turkey, and egg production as well as feed production. Our members utilize both common carriers as well as their own fleets. The Hours of Service (HOS) agricultural exemption has already caused a great deal of confusion amongst our members and it still remains unclear if this exemption applies to our industry based on the guidance given by FMCSA. The industry is accustomed to being classified as agricultural as our products are agricultural commodities, by utilizing the following definition:

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"Agricultural commodity means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7.U.S.C. 1471] and insects)."

We respectfully ask for clarification on this matter. We support the right for our member's' fleets to utilize these exemptions in their daily business. Thank you for this opportunity and please do not hesitate to contact us if we may be of further assistance. Thank you for your consideration.

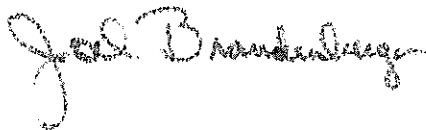
Respectfully submitted,



John E. Starkey, P.E.
President
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Mike Brown
President
National Chicken Council



Joel Brandenberger
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