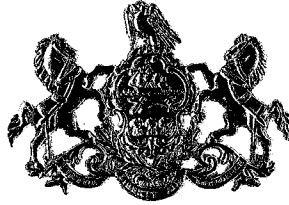


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Majority Caucus Chairman



Senate of Pennsylvania
MIKE WAUGH
SENATOR

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SENATE FIREFIGHTERS AND
EMERGENCY SERVICES CAUCUS,
MAJORITY CHAIRMAN

2745

February 24, 2010

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RECEIVED
2010 MAR -1 AM 9:47
INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Final-Form Version of Pennsylvania Department of Transportation Proposed Rulemaking on
Intrastate Motor Carrier Safety Requirements – IRRC No. 2745, Reg. No. 18-414

Dear ~~Chairman~~ *Chairman* Coccodrilli:

Recently, the above referenced final-form rulemaking was brought to my attention by individuals, as well as the Pennsylvania Farm Bureau. They have expressed what I believe to be valid concerns for the implications these proposed regulations could have on agricultural vehicles.

As a result of an “audit” of Pennsylvania’s state highway safety regulations by the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT), the PA Department of Transportation (PennDOT) has proposed to remove existing exemptions for drivers of implements of husbandry and farm trucks from Pennsylvania regulations.

This proposed change has the potential to greatly affect the 45,000 farm families in the Commonwealth. For example:

- No one under 18 years of age, including a farmer’s children, will be permitted to legally operate a farm tractor or truck if it is pulling another implement when the combined weight is over 17,000 pounds.
- Any driver of a farm tractor or truck, if operating on a public road and towing another implement, will need to have medical certification and operators of farm trucks over 17,000 pounds will need the same certification, if operated more than 150 miles from the farm.
- For vehicles meeting the 17,000 pound threshold, driver’s logs and employee recordkeeping will be required to document hours of operation, breaks, and more.
- Pre- and post-trip inspections must be conducted, maintenance documented and reports maintained and filed.

(cont’d)

Mr. Arthur Coccodrilli
February 24, 2010
Page 2

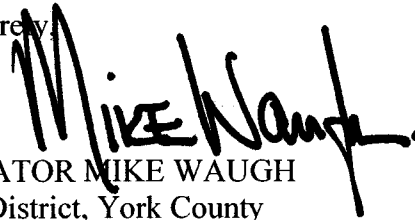
I certainly recognize the importance of farm vehicle safety and the safety of others, especially when these vehicles are operated on public roadways. However, I am concerned that the current proposal is excessive for our agricultural producers and rather than increase safety, simply increases paperwork.

Further details of these concerns are well-outlined in the Pennsylvania Farm Bureau's comments submitted in response to the proposal. I ask that you carefully consider these comments when ruling on the requirements.

Also, I am in receipt of the Federal Motor Carrier Safety Administration's determination on "tractors" being included in the definition of "commercial vehicle". While the FMCSA's February 23rd memo on this matter seems to indicate tractors would not fall under the classification of a "commercial vehicle," the Pennsylvania Farm Bureau has conveyed several warranted concerns in response to the FMCSA memo. One important point that PFB made in a February 23rd memo to your Regulatory Analysts is in regards to FMCSA's 2007 audit, in which they deemed Pennsylvania's exemption of implements of husbandry and farm trucks from the intrastate motor carrier safety regulations as "deficient." PFB also pointed out the fact that FMCSA has insisted Pennsylvania remove this exclusion or risk the loss of federal funding.

Thank you for your consideration of my concerns and those expressed by others on this matter. Should you need anything further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Mike Waugh". The signature is written in a cursive, slightly slanted style.

SENATOR MIKE WAUGH
28th District, York County

MLW/em

Cc: The Honorable John C. Rafferty, Chair, Senate Transportation Committee
The Honorable J. Barry Stout, Minority Chair, Senate Transportation Committee
Mr. William Buser, York County Farm Bureau