

Modernizing Agricultural Transportation Act of 2021

Senator John Hoeven (R-ND) and Senator Michael Bennet (D-CO) have introduced the Modernizing Agricultural Transportation Act, which would establish a working group at the Department of Transportation to examine the Hours of Service (HOS) regulations and the Electronic Logging Device (ELD) regulations.

Working Group: This legislation would require the Secretary of Transportation to establish a working group within 120 days of enactment charged with--

- Identifying obstacles to the “safe, humane, and market-efficient transport of livestock, insects, and other perishable agricultural commodities” and
- Developing guidelines and recommending regulatory or legislative action to improve the transportation of these commodities.

The bill designates various stakeholders that the working group would need to consult and ensures it will consider certain issues, including:

- (1) The impact of existing HOS rules under the Federal Motor Carrier Safety Regulations (FMCSRs);
- (2) Incompatibilities and other challenges and concerns caused by the HOS rules and ELD rule provisions;
- (3) Initiatives and regulatory changes that maintain and protect highway safety and allow for the “safe, efficient, and productive marketplace transport” of livestock, insects, and perishable agricultural commodities; and
- (4) Other related issues that the Secretary considers appropriate.

The working group shall be composed of a cross section of the transportation and agricultural communities, at the Secretary’s discretion, but include, the Department of Agriculture, individuals with knowledge and expertise that includes highway safety, the commercial motor vehicle and transportation industries, animal husbandry, and the transportation of livestock, insects, and agricultural commodities.

Within one year after it is established, the working group is to submit a report to the Secretary that includes its findings as well as initiatives and regulatory and legislative changes that the working group identifies as necessary to protect highway safety and allow for the safe, efficient, and productive marketplace transport of the named commodities.

Required Regulatory Rulemaking: Within 120 days of receiving the working group’s report, the Secretary is to propose regulatory changes, taking into account the findings and recommendations of the working group. These regulatory changes shall include:

- Changes to the HOS regulations, and
- Changes to the ELD regulations.

Electronic Logging Device (ELD) Delay: The bill would suspend the provisions of 49 U.S.C. § 31137(a) – (f) as it would apply to commercial motor vehicles (CMV) hauling livestock, insects, or perishable agricultural commodities until the date on which the Secretary proposes regulatory changes.

Industry Support: National Pork Producers Council (NPPC), National Cattlemen’s Beef Association (NCBA), United States Cattlemen’s Association (USCA), Livestock Marketing Association (LMA), American Farm Bureau Federation (AFBF), the American Honey Producers Association (AHPA), The American Horse Council, the Rocky Mountain Farmers Union (RMFU), the National Association of State Departments of Agriculture (NASDA), American Sheep Industry Association (ASI), the National Turkey Federation, and the National Aquaculture Association.

If you have any questions, please contact Tyler Hardy (Tyler_Hardy@hoeven.senate.gov) in Senator Hoeven’s office or Patrick Donovan (Patrick_Donovan@bennet.senate.gov) in Senator Bennet’s office.