



## **Farm Truck “Farm to Market” Exemption**

*March 2010*

For most wheat producers, delivering grain to market involves trucking the product from the farm field to a local elevator. The governing law is: “Trade, traffic, or transportation in the United States (1) Between a place in a State and a place outside of such State, including a place outside the U.S; (2) Between two places in a State through another State or a place outside the U.S; or (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the U.S. • 49 CFR 390.5”

A farmer that transports grain to an elevator that then loads the grain onto railcars or trucks for out-of-state shipment, therefore, is considered to be engaged in interstate commerce because this transportation – from the field to grain elevator – is only the first leg of an interstate shipment. Vehicles engaged in interstate commerce are necessarily subject to the Federal Motor Carrier Safety Regulations. Individual states have the authority to grant an exemption to farm trucks engaged only in intrastate transportation from those same safety regulations.

To reduce the burden on producers taking their product just a few miles down the road, NAWG believes all farm trucks should be exempted from this definition of interstate commerce for the in-state movement of commodities from farm to market so that these in-state farm to market movements are not necessarily subject to Federal Motor Carrier Safety Rules at the discretion of individual states in which such transportation occurs. At present, individual states do not have the discretion to exempt farm trucks operating in interstate commerce under the strict terms of the definition for same in 49 CFR 390.5.

### **Inconsistent Application**

The definition of interstate commerce has not been applied uniformly across states to date. However, state regulators have recently been notified that they must comply with full enforcement of this statute.

Individual states are not currently allowed to exempt farm trucks from FMCSA regulations when they are operating in interstate commerce, under the threat of the loss of federal grant dollars and sanctions. States are, however, allowed to gain an exemption from FMCSA regulations for farm trucks operating strictly in intrastate commerce.

### **Clarification Needed**

NAWG and state wheat associations support a farm to market exemption from interstate commerce regulatory enforcement to allow the movement of wheat from the farm to its first point of delivery where title is transferred within the state of origin.

NAWG recognizes that farmers still need to comply with federal regulation requirements for cross-state border traffic and that all farm vehicle drivers are subject to federal safety regulations.

#### **National Association of Wheat Growers**

415 Second Street, NE, Suite 300 | Washington D.C. 20002 | [www.wheatworld.org](http://www.wheatworld.org)  
Phone: 202-547-7800 | Fax: 202-546-2636