



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

October 11, 2011

1200 New Jersey Avenue, SE
Washington, DC 20590

Refer to: MC-PSD

Mr. Mark D. Lowe
Director, Motor Vehicle Division
Iowa Department of Transportation
P.O. Box 9204
Des Moines, IA 50306

Dear Mr. Lowe:

In response to your August 15 request, and in accordance with 49 CFR 381.200, the Federal Motor Carrier Safety Administration (FMCSA) is granting a waiver to the State of Iowa so that it may exceed the 180-day annual limit on the validity of restricted commercial driver's licenses (CDLs) for drivers in farm-related service industries (49 CFR 383.3(f)(3)(ii)). The waiver will be for the period November 13, 2011 to December 14, 2011.

Section 383.3(f) allows States to issue restricted CDLs to individuals employed in specified farm-related service industries. These individuals are not required to take the CDL knowledge and skills tests to obtain this restricted CDL. The restricted CDL must be limited to a period or periods totaling 180 days or less in any period of 12 months (Section 383.3(f)(3)(ii)). You have requested that FMCSA extend the 180-day limit to a total of 210 days to include the designated Iowa harvesting season ending on December 14, 2011.

The Iowa Administrative Code provides two seasonal periods within calendar year 2011: spring planting from March 15 to June 30 (108 days), and fall harvesting from October 4 to December 14 (72 days). Thus, the two seasonal periods total 180 days—the maximum time permitted.

Favorable weather conditions in Iowa permitted spring planting to proceed as normal, but subsequent rainfall throughout the State prevented the timely delivery of crop nutrients and crop protection products, and delayed the application of nitrogen fertilizer. In some areas, replanting was necessary. Eventually, these delays put the remaining activities of the spring period behind schedule. In response, the State of Iowa extended the spring period by 30 days to July 30, and allowed restricted CDL holders to operate during that extra month. Thus, the spring season lasted from March 15 to July 30, a total of 138 days.

The fall harvesting season in the State of Iowa requires the entire period from October 4 to December 14 to complete the harvest. This is a period of 72 days. However, the spring 138-day period and a fall 72-day period would result in a total of 210 days for the two seasonal periods—30 days more than the 180 days permitted by the Federal regulation. Therefore, the State of Iowa seeks relief for a period of 30 days.

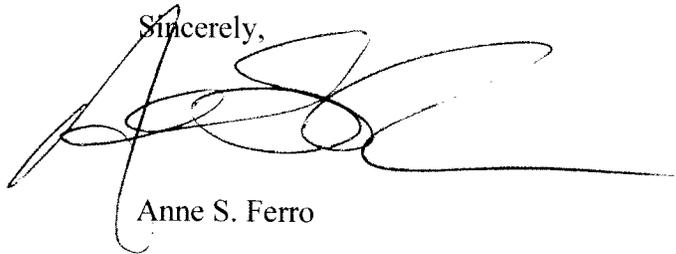
The FMCSA may grant brief waivers from most of the Federal Motor Carrier Safety Regulations for unique, non-emergency events (49 CFR 381.200 et seq.). Based on the information you have provided, we believe the 30-day waiver will achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

Because of these unique and non-emergency circumstances, a waiver, limited in scope and circumstances, is justified. There is no decrease in the safety performance levels these drivers must maintain because the waiver does not relieve the drivers of the requirements of a restricted CDL. The most important of these requirements is that the driver be capable of safely operating the commercial vehicles necessary for harvesting.

Therefore, in consideration of the above, the State of Iowa may exclude the 30-day planting and harvesting season from November 13 to December 14, 2011, in any calculation of the total days in the seasonal periods (49 CFR 383.3(f)(3)(ii)).

Should you need additional information or assistance, please contact Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, at (202) 366-4325 or email him at tom.yager@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne S. Ferro', with a long horizontal flourish extending to the right.

Anne S. Ferro

cc: Darin G. Jones, Field Administrator, Midwestern Service Center
Shirley McGuire, Division Administrator, Iowa