



November 17, 2015

Dear Surface Transportation Bill Conferees:

I write to commend the House and Senate for having passed a multi-year reauthorization of federal transportation programs. Getting fresh fruits and vegetables to the marketplace quickly and safely is essential to produce providers' ability to stay in business. As the conference to reconcile the House and Senate versions of the transportation bill progresses, I want to bring your attention to particular proposals that enhance the produce industry's ability to provide Americans with an abundant supply of fresh fruits and vegetables.

I urge you to ensure the provisions below are included in the final version of the transportation bill that is presented to the House and Senate for approval:

National motor carrier hiring standards amendment by Representative Duncan (TN) -

The Duncan Amendment clarifies that motor carriers who have not been prioritized for a compliance review by FMCSA due to their safe operations are equal in safety status to "satisfactory" rated carriers. The amendment clarifies the requirements that an entity must meet before hiring a motor carrier for the delivery of goods. The transportation bill passed by the House Transportation and Infrastructure Committee currently contains language that requires a hiring entity to check to ensure that a motor carrier is:

1. registered with and authorized by the FMCSA to operate as a licensed motor carrier;
2. has the minimum insurance required by federal law; and
3. has a satisfactory safety fitness determination by the FMCSA.

The Duncan amendment inserts "or be unrated" in the third requirement. Currently, there are 447,665 small business trucking companies who, because of their safe operations, have yet to be audited by the FMCSA. By adding the words "or be unrated" it ensures that these safe small businesses are not significantly disadvantaged. FMCSA routinely equates "satisfactory" and "unrated" carriers in their rulemakings and regulations. The Duncan amendment also adds a fourth requirement that must be checked by hiring entities to further enhance safety. This fourth condition requires that a motor carrier has not been issued an out-of-service order to prohibit a carrier from conducting operations. We believe the language in the Duncan amendment helps to bring clarity and certainty to the process of selecting a motor carrier, while also enhancing safety and efficiency.

Port Performance Act amendment by Representative Newhouse (WA) -

Domestically, fresh fruits and vegetables are overwhelmingly moved by truck. However, as Americans consume an increasingly diverse array of fresh produce and as we strive to increase export opportunities for American produce, a growing share of fruits and vegetables move through America's ports. This proposal, a counterpart to language included in the Senate's transportation reauthorization, is an important first step to gain empirical visibility into how U.S.

ports are operating, identify key congestion issues and ensure our nation's commerce continues to flow efficiently. There is a strong need to start collecting basic uniform data on port performance as a means to address ongoing congestion issues which impact the national economy. This is an essential step to ensure that we fully understand the current and future challenges facing our ports and identify the right solutions.

Again, I commend Congress for the progress that has been made on a much needed update to America's transportation policies. Your support for the provisions described above would be most appreciated. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Guenther". The signature is written in a cursive style with a large initial "R".

Robert L Guenther
Senior Vice President, Public Policy
United Fresh Produce Association