

Beth,

Just as with the currently-printed version of 49 CFR 395.1(k), the “second stage” transportation of agricultural commodities would be exempt from the hours-of-service regulations if the transportation takes place within a 150 air-mile (172.5 statute mile) radius of the source of the commodities. This is interpreted to be the *original* source, so the radius would be measured, for example, from the farm even though the second-stage movement might be from the grain elevator to another storage facility; i.e., both the grain elevator and the storage facility would have to be within 150 air-miles of the farm. Obviously, once the grain is co-mingled, it becomes impossible to determine the actual original source, so for all practical purposes the *agricultural commodity* exemption ends once the grain is moved from the farm to the elevator.

However, depending on the purpose of the transportation of the grain away from the elevator, it might come under the provision for exemption of *farm supplies* if the grain is being taken to feed livestock, for example. This starts a new first-stage movement of the grain as a farm supply (it was categorized as an agricultural commodity when brought from the farm to the elevator.)

I realize this may sound a bit confusing, but unfortunately that is often the case when we try to apply regulatory exceptions to a variety of scenarios.

Please let me know how I might clarify this better, or if you have any other questions.

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