

## ● **FEDERAL TRANSPORTATION LAWS (*MIGRANT WORKER MOTOR CARRIERS*)**

*STATUTORY CITATION:* 49 USC §§ 31501 – 31504 and §§ 501 – 526

*RELATED REGULATIONS:* 49 CFR Part 398

*GENERAL SUMMARY:* Chapter 315 of the federal transportation laws authorizes the U.S. transportation secretary to prescribe operating standards and equipment requirements for vehicles used to transport migrant agricultural workers, qualifications and maximum hours of service for drivers of such vehicles, and requirements for the comfort of passengers. Chapter 5, in turn, authorizes enforcement of the statutory and regulatory provisions governing migrant worker transportation and establishes penalties for violations.

*SPECIFIC TERMS AND CONDITIONS:* Individuals, businesses, associations and other entities (other than those providing service to the general public) that transport 3 or more migrant agricultural workers at a time to or from their employment on a trip of at least 75 miles and across state lines, in any motor vehicle other than a passenger car or station wagon, are required to comply with detailed regulatory requirements and restrictions, summarized in brief below.

*Exception* — The standards below do not apply to transportation of migrant workers when (1) the vehicle is designed or used to transport between 9 and 15 passengers, including the driver, (2) the carrier is directly compensated for the transportation service, and (3) the vehicle is operated beyond a 75-mile radius from the driver's normal work-reporting location. Drivers and vehicles in these cases are subject to safety regulations for commercial motor carriers, which are considerably more stringent.

**QUALIFICATIONS OF DRIVERS OR OPERATORS** — Drivers must meet certain physical qualifications, including eyesight and hearing criteria, and submit to initial and periodic physical examination evidenced by a doctor's certification. Drivers must also meet age and experience requirements and possess a valid operator's license for the class of vehicle to be driven.

**DRIVING REGULATIONS** — Drivers must adhere to state and local driving rules and observe prescribed procedures related to vehicle equipment, safe loading, rest and meal stops, authorized types of vehicles, vehicle fueling, and other safety measures.

**HOURS OF SERVICE** — No driver may drive, or be permitted or required to drive, for more than 10 hours (excluding rest and meal stops) in any period of 24 consecutive hours, unless the driver is afforded 8 consecutive hours of rest immediately following the 10-hour driving period.

**VEHICLE PARTS AND ACCESSORIES** — Vehicles must be equipped with prescribed devices, parts and accessories, in accordance with specifications covering lighting devices, brakes, coupling devices and fifth wheels, tires, and the passenger compartment.

**PROTECTION OF PASSENGERS FROM WEATHER** — To protect passengers from inclement weather, the passenger compartment of any vehicle (other than a bus) carrying migrant workers must be equipped with a top at least 80 inches high above the floor, and with facilities for covering the sides and ends of the passenger compartment. Any removable weather-protective devices such as a tarpaulin must be secured in place.

**VEHICLE INSPECTION AND MAINTENANCE** — The person in control of any vehicle used to transport workers is obligated to inspect and maintain the vehicle and its accessories, to assure its safe and proper operating condition.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Washington, D.C. 20590 (800-832-5660)*. Through field offices in every state, FMCSA agents are authorized to inspect vehicles being used to transport migrant agricultural workers. Any vehicle found on inspection to be likely to cause an accident or breakdown by virtue of its mechanical condition or loading may be declared and marked "out of service" and may not be operated until required repairs noted on the compliance check form have been completed. The agency is authorized to receive and investigate complaints, to conduct related hearings, and when violations are found, to assess civil money penalties. Violators are also subject to criminal penalties.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — The migrant worker transportation regulations are also enforced by state motor carrier safety enforcement agencies.