Purpose: To establish a procedure that outlines the rules and procedures for the safe operation and use of implements of husbandry which include motorized agriculture equipment and on the College campus.

1. For purposes of clarification, the California vehicle code defines implements of husbandry as:
   
a. Vehicles used exclusively in the conduct of agricultural operations. For a complete list of implements of husbandry, see Vehicle Code section 36005 (http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=veh&codebody=&hits=20)

   b. Any farm tractor used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semi-trailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer. (V.C. 36015.)

   c. Exempt from certain laws regarding lights, brakes, windshields, registration, and size limitations (with some specified exceptions). (See V.C. 36500-36520 for the specific rules), if implements of husbandry are only incidentally operated or moved over a highway.

   A "highway" is defined as "a way or place of whatever nature publicly maintained and open to the use of the public for purposes of vehicular travel. (V.C. 360.) As it relates to Pierce College, De Soto Avenue, El Rancho Drive, Victory Boulevard, Stadium Way, Olympic Drive, Mason Ave, Brahma Drive, are all considered highways.

   Incidental movement over a highway is defined as movement involving a total distance of no greater than one mile from the point of origin of the trip. (V.C. 36005(k).)

   Vehicles such as water trucks are exempt from vehicle registration, and are not considered implements of husbandry. Such vehicles are otherwise subject to all applicable vehicle requirements. (See V.C. 36101.) Forklift trucks are also not considered as implements of husbandry and are subject to OSHA regulations with include training and certification.

2. For purposes of clarification, the California vehicle code defines when a drivers license is required to operate implements of husbandry as:
a. "Any person, while driving or operating an implement of husbandry incidentally operated or moved over a highway is not required to obtain a driver's license; except that the driver of any farm tractor while being used to draw a farm trailer carrying farm produce between farms or from a farm to a processing or handling point and return, and the driver of an automatic bale wagon which is being operated as specified in Section 36102, but is not being operated as provided in subdivision (k) of Section 36005, shall be in possession of a driver's license of the appropriate class other than a junior permit." (V.C. 36300.)

b. Any person, driving an implement of husbandry must possess a valid class C driver's license if operating a combination of vehicles (e.g., tractor plus implement) at a speed in excess of 25 miles per hour or when towing a spray or fertilizer applicator rig, a trailer or semi-trailer (with a capacity greater than 500 but less than 1,000 gallons) used exclusively for the transportation and application of anhydrous ammonia, or a trap wagon (with a tank capacity not exceeding 1,000 gallons). (V.C. 36305.)

c. "No person shall move or drive a lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry or tools used exclusively for the production or harvesting of agricultural products at a speed in excess of 35 miles per hour." (V.C. 36400.)

3. For purposes of clarification, the California Labor Code (section 1294.1; 29) and Code of Federal Regulations ("C.F.R.") 570.33 defines work prohibitions for minors as:

a. Minors under 16 may not be employed or permitted to work in the following agricultural occupations (Labor Code section 1294.1(a); 29 C.F.R. 570.71):

i. Operating a tractor of over 20 power take off ("PTO") horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor

ii. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines: corn picker; cotton picker; grain combine; hay mower; forage harvester; hay baler; potato digger; or mobile pea viner; power post-hole digger; power post driver; or non-walking type rotary tiller

iii. Operating or assisting to operate (including starting, stopping adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines: trencher or earthmoving equipment; forklift; potato combine; power-driven circular; band or chain saw
iv. Working on a farm in a yard, pen or stall occupied by a: bull, boar, or stud horse maintained for breeding purposes; sow with suckling pigs; or cow with newborn calf (with umbilical cord present)

v. Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) from a height of over 20 feet

vi. Driving a bus, truck or automobile when transporting passengers or riding on a tractor as a passenger or helper

vii. Working inside: a fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere; an upright silo within two weeks after silage has been added or when a top unloading device is in operating position; a manure pit; or a horizontal silo while operating a tractor for packing purposes

viii. Handling or applying (including cleaning or decontaminating equipment, disposing or returning empty containers of, or serving as a flagman for aircraft applying) agricultural chemicals classified under Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as Category 1 of toxicity, identified by the word "poison," and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word, "warning," on the label

ix. Handling or using a blasting agent including but not limited to dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord

x. Transporting, transferring, or applying anhydrous ammonia

b. Minors under 16 may work in the above occupations in the following circumstances (Labor Code section 1295):

i. Student-learners in a bona fide agriculture program under a written agreement that provides that the work is incidental to training, and intermittent, for short periods of time, and under close supervision of a qualified person, and includes the following: (1) safety instructions given by the school and correlated with the student-learner’s on-the-job training, (2) a schedule of organized and progressive work processes for the student-learner, (3) the name of the student-learner, and (4) the signature of the employer and a school authority, each of whom must keep copies of the agreement.

ii. 14 or 15 year olds who hold certificates of completion in either a tractor operation or a machine operation program of the United States Office of Education Vocational Agriculture Training Program and are working in the occupations for which they have been trained. Farmers employing minors who have completed the program must keep a copy of the certificate of completion on file with the minor's records.
4. For purposes of clarification, the limits of work by volunteers are defined as:

   a. The work of volunteers should not adversely affect or displace the work of those currently employed. Education Code section 74201, which refers to volunteer aides within the community college districts, states:

      i. "Notwithstanding any other provisions of law, any person may be permitted by the governing board of any community college district to serve as a non-teaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform non-instructional work which serves to assist such certificated personnel in performance of teaching and administrative responsibilities. Such a non-teaching volunteer aide shall not be an employee of the district and shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

      ii. "No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position; nor may a district refuse to employ a person in a vacant classified position and use volunteer aides in lieu thereof.

      iii. "It is the intent of the Legislature to permit community college districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements."

      iv. Education Code section 88249, a general provision relating to volunteers, states: "Notwithstanding the provisions of this article, or any other provisions of law, a community college district may utilize volunteers in the supervision and instruction of students, but any such volunteer shall be subject to the provisions of Section 72401 and this article."

   b. There does not appear to be any express prohibitions in the Education Code on the type of work that volunteers can do, so long as Section 74201 is adhered to. However, as explained below, state and federal labor laws restrict the types of work that minors are permitted to do.

5. Procedures to establish safe use of implements of husbandry will be established within each operational farm unit which includes the Equestrian Center and Farming operations.

6. The established procedures may be jointly maintained between all parties or maintained separately. These procedures will be available for inspection and will be updated as necessary to reflect changes occurring at the College.
7. The procedural guide shall be called a “Manual for Operation of Agriculture Equipment.” This manual shall contain manufacturer’s information regarding the various types of farm equipment along with a training syllabus, and certificate programs which will identify and certify each individual’s completion date of training for each piece of equipment.

8. A sample training manual will be provided by the administration which may be customized by the individual departments.

9. Individual department Managers will review and monitor this program at least once a semester to insure 100% compliance.

10. **Exceptions:** All exceptions to these procedures must have the prior written approval of the Dean of Academic Affairs Agriculture and College Enterprise Manager.

Approved by:

/s/ Charlotte Doctor          /s/ Larry Kraus
Charlotte Doctor,              Larry Kraus,
Dean of Academic Affairs Agriculture  College Enterprise Manager

**Date: March 29, 2006**