

United States Senate

WASHINGTON, DC 20510

July 7, 2015

The Honorable John Thune
Chairman, Committee on Commerce,
Science, and Transportation
512 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Thune:

We write to express our gratitude for your leadership on the important matters under the jurisdiction of the Committee on Commerce, Science, and Transportation, especially your active involvement in the efficiency and safety of our surface transportation network. As the Committee continues to develop its surface transportation reauthorization bill, we would like to bring to your attention an issue related to federal Hours of Service (HOS) regulations that we hope will be addressed in the Chairman's mark.

As you know, the Federal Motor Carrier Safety Administration (FMCSA) finalized changes to the federal HOS regulations (76 FR 81134) in December of 2011. As of July of 2013, drivers of commercial motor vehicles are required to take a 30-minute break after at most eight consecutive hours of work. It is our understanding that this provision has proven to be incredibly burdensome and difficult to implement for the ready mixed concrete industry, given the unique conditions of their work.

Concrete is a perishable product needed on a just-in-time basis. Once a delivery is started, it must be completed or the concrete may harden in the truck causing thousands of dollars' worth of damage. Concrete delivery often takes more than 2 ½ hours to complete given the nature of the construction industry. Companies need the flexibility to deliver concrete on demand when the customer needs it. Mixer drivers typically spend only about 40% of their on-duty time actually driving, the other 60% is spent at the plant waiting to be dispatched, at the jobsite waiting for the contractor to receive the concrete, unloading concrete, and performing other non-strenuous or administrative duties.

It is important to note that unlike many other commercial motor vehicle drivers, a ready mixed concrete driver's delivery is on average only 14 miles from the plant. Often, drivers are only operating their vehicles about 4 to 6 hours per day. Additionally, the ready mixed concrete industry already possesses some of the lowest crash rankings amongst other commercial motor vehicles.

Understanding these issues, FMCSA has issued guidance and a limited and temporary exemption in an effort to address the 30-minute break rule for the ready mixed concrete industry, yet confusion persists due to the temporary nature of the current exemption. To that end, we ask that you provide clarity for these drivers by including a permanent exemption from 49 C.F.R.

395.3(a)(3)(ii) for drivers of ready mixed concrete mixer trucks in the Chairman's mark of the Commerce Committee surface transportation bill.

Thank you for your consideration of this request. We look forward to working with you to advance a multi-year surface transportation bill this year. Please let us know if there is any additional information we can provide to you or your staff regarding this issue.

Sincerely,



Dean Heller
U.S. Senator



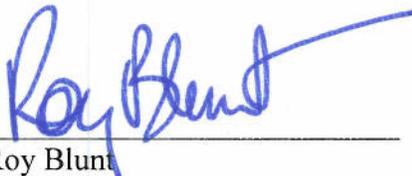
Dan Sullivan
U.S. Senator



Kelly Ayotte
U.S. Senator



Cory Gardner
U.S. Senator



Roy Blunt
U.S. Senator

Cc: The Honorable Deb Fischer, Chairman of the Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security