



OHIO CONCRETE • OHIO READY MIXED CONCRETE ASSOCIATION

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09-223-TR-ORD July 25, 2009

The Public Utilities Commission of Ohio (PUCO)
180 E. Broad St.
Columbus, OH 43215

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**Office of Chairman
P.U.C.O.**

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PUCO

Dear Chairman Schriber:

This letter is to oppose any changes to Section 4901:2-5-02 that would eliminate the construction exemption for hours of service. This exemption was put in place due to the distinct differences in the driving time of a local construction materials delivery driver.

A survey was recently conducted of the ready mixed concrete industry to determine how much time a concrete truck driver actually spends on the road driving the truck. Currently available dispatching software tracks this information down to the minute. The results of the survey for 2008 are as follows:

Loads/Day	Distance to/from Job	Time to/from Job (min)	Discharge Time	Driving Time (hrs)	Hours/Day	% Driving Time
3.4	29.6	51.8	53.3	2.9	9	32%

We oppose the eliminating the construction exemptions for the following reasons:

1. From our experience with the current hours of service rules, there is no reason to eliminate the construction exemption. We have not experienced any safety issues or increased accident rates that can be attributed to the exemption.
2. As the above schedule indicates the average driver hauls 3 – 4 loads of ready mix concrete every day. The driver spends 25 minutes driving to the job, about 50 minutes unloading and 25 minutes back to the plant. Not only is he driving short rounds but he is constantly in and out of his truck every day lifting 50 pound chutes on most loads. Ready mix drivers cannot be compared to a driver who is driving multiple hours without a break. The physical activity required of a ready mix driver significantly reduces driver fatigue compared to an over-the-road driver behind the wheel for hours without a break.
3. The cost of doing business for all ready mix companies will increase at an economic time when companies cannot afford one more cost. What is the added cost? Producers will be forced to hire more drivers to cover the same workload.
4. Driver W-2's will decrease from working fewer hours.
5. Furthermore, we believe this rule change is in direct opposition to Governor Strickland's Executive Order 2008-04S: Implementing Common Sense Business Regulation.

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We appreciate your consideration of our request, and we would be open to meeting to further discuss the construction exemption.

Sincerely,

A handwritten signature in black ink, appearing to read "K. L. Caubbe". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kenneth L. Caubbe, P.E.
President and Executive Director