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# THE OHIO TRUCKING ASSOCIATION

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PUCO

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PUCO Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

On behalf of the Ohio Trucking Association, we respectfully provide the following comments to Proposed Rule Changes and Request for Comments, Case No. 09-223-TR-ORD.

The Construction Hours of Service Exception provides the trucking industry the added flexibility that is absolutely necessary during the construction season. Our members have informed us that they utilize this exception 10 % of the time. If the exception was to be removed, carriers will be forced to purchase additional equipment and or hire additional drivers to accomplish the same amount of work as they now accomplish using the exception. Additional vehicle on the highway equates to more congestion and adding to pollution.

On June 24, 2009, the Commission proposed to eliminate the exemption of the maximum driving time rules for the private motor carriers engaged in intrastate transportation of construction materials and equipment. The proposed rule changes contained in this proposal attempts to accomplish the same elimination only by inserting the current PUCO hours of service rules that are effective right now to every motor carrier that operates in the state of Ohio. This proposal effectively eliminates the construction exception and replaces it with the currently permitted hours of service rules. Simply put, this puzzles the members because we addressed this exact same topic in July

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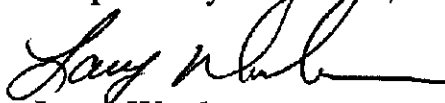
of 2009. In our response dated July 31, 2009, we pointed out the fact the PUCO has not offered any statistics that would indicate a crash problem associated with motor carriers utilizing the construction exception. In the proposed rule change, the PUCO has failed to provide justification for the removal of the hours of service exception. In our July 2009 response, we pointed out the fact the PUCO provides complete and unlimited exclusion of the rules to carriers working on road projects and the Federal Motor Carrier Safety Administration provided total relief of the hours of service to the utilities industry based upon the industries needs of flexibility and lack of crash statistics that reflect a crash problem associated with driving long hours. This week the FMCSA provided the motor carriers delivering anhydrous ammonia to the farmers during the planting season a 90 day hours of service exemption.

The industry is still suffering one of the most devastating economical times in history, with most members of the industry seeking more regulatory relief rather than increased regulations. The timing of the commission's decision to propose removal of this exception is for economical reasons not good. This exception allows the motor carrier to provide services at a lower cost to the consumer and makes the motor carrier more flexible when bidding new work.

In conclusion, the PUCO offers to change these rules to mirror the current legal limits for the State of Ohio. In essence, the proposed rules change removes the exemption that has been valued by the industry since 1998. PUCO has failed to prove the exemption compromises safety in any manner, which leads us to question why the PUCO is so insistent to remove an exemption that the industry needs so badly.

The Ohio Trucking Association respectfully requests the Commission abandon their efforts to remove the industry valued Construction Hours of Service Exception.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Larry Woolum", written over a horizontal line.

Larry Woolum

Director of Regulatory Affairs  
Ohio Trucking Association