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OHIO AGGREGATES & INDUSTRIAL MINERALS ASSOCIATION

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August 10, 2009

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

RE: Case No. 09-223-TR-ORD – Construction Hours of Service Exception

The Ohio Aggregates & Industrial Minerals Association opposes any changes to Section 4901:2-5-02 that would eliminate the construction exception for hours of service.

Ohioans on average utilize 11 tons of aggregate per person, per year and over 90% of this material is delivered by truck within a 50 mile radius of where it was mined. Additionally, the shortened construction season in Ohio, necessitates that drivers make the best and most efficient use of their time on the road and at the jobsite. Also, it should be noted that over 50% of all our materials are paid for by tax dollars.

From a safety standpoint, construction materials delivery drivers are not subject to the same fatigue factors as the Over-The-Road operator as they are often idle for short periods of time while at the jobsite or at the loading site which offers ample time to move about and take short breaks.

The above facts are the reason that the Construction Hours of Service exception was implemented. To remove it during a time of depressed economic activity would be to ignore the genesis of the exception and place additional burdens on a core, critical industry sector that is struggling to keep Ohioans employed.

We ask that the proposed changes to Rule 4901:2-5-02 (E) and (F) be removed as they are not necessitated or supported by safety related data nor are the changes consistent with the Governors Executive Order 2009-04S, "Implementing Common Sense Business Regulation".

Respectfully Submitted,


Patrick A. Jacomet
Executive Director
Ohio Aggregates & Industrial Minerals Association

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