

# FMCSA Finalized Favorable Changes for Ready Mix Hours of Service Regulations

The Federal Motor Carrier Safety Administration (FMCSA) finalized its adoption and interpretation of changes to the federal hours of service (HOS) regulations specific to ready mixed concrete truck operation on July 22, 2016. FMCSA's published changes are the direct result of victories obtained by NRMCA regulatory and legislative departments and then adopted and interpreted from last year's transportation bill passed by Congress, known as Fixing America's Surface Transportation Act or FAST Act. Specifically, the new HOS language covers ready mixed concrete trucks and their drivers concerning the industry-wide exemption from the 30-minute break and changing from 12 hours to 14 hours the reporting time contained in the 100 air-mile logging exemption.

## **30-MINUTE BREAK EXEMPTION:**

Makes permanent the exemption issued by FMCSA in April 2015 for the ready mixed concrete industry for the 30-minute break rule. While the original exemption had a number of caveats in order to use the exemption, the regulation now specifically states: "A driver of a ready-mixed concrete delivery vehicle subject to the requirement for a 30-minute rest break in §395.3(a)(3)(ii) may use 30-minutes or more of time spent while waiting with the commercial motor vehicle at a job site or terminal to meet the requirement for the 30-minute rest break, providing the driver performs no other work during the break."

## **100 AIR-MILE LOGGING EXEMPTION (12 TO 14 HOURS):**

Created a ready mixed concrete truck driver specific logbook exemption that increases the 12-hour on-duty logging threshold contained in the 100 air-mile logging exemption to 14 hours in order to be consistent with the 14-hour driving window contained in the HOS regulations.

It is important to note that based on how FMCSA decided to incorporate the new language into the Code of Federal Regulation (CFR), the language likely preempts the industry from having to install and use Electronic Logging Devices (ELDs) in many, if not most, cases. This specific and favorable incorporation also likely means that compliance with the 30-minute break (whether under FMCSA guidance or the exemption noted above) will not come into play until a driver has been on-duty past 14 hours. While most of this is "in the weeds" analysis, it holds important developments for the industry. As a result, in the coming weeks NRMCA will be creating and distributing fact sheets\* detailing the new HOS changes and implications.

Other HOS provision changes that impact ready mixed concrete drivers include:

**24-HR CONSTRUCTION MATERIALS RESTART:** Originally, drivers of hauling construction materials could restart miles from their plant. That distance is now codified as 75 air miles.

**FUTURE EXEMPTIONS:** Exemptions from FMCSA regulations, when granted, can now last for five years instead of the original two years, and be renewed for up to five years. The provision also contains an avenue for resubmitting a denied application.

Finally as more analysis and related impacts are realized, NRMCA will communicate such developments and prepare the necessary fact sheets\*

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