



California Construction Trucking Association

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CalConTrk.org

December 24, 2014

Docket Management Facility
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE.
Washington D.C. 20590-0001

RE: Docket Number – FMCSA – 2014 – 0420

Hours-of-Service of Drivers: Specialized Carrier & Rigging Association (SC&RA); Application for Exemption

Administrator Darling,

The California Construction Trucking Association (“CCTA”) submits these comments in response to the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (“FMCSA” or “Agency”), Notice and publication on November 24, 2014 at 79 Fed. Reg. 226, seeking comments on an application for exemption from the 30-minute break requirement submitted by the SC&RA.

The CCTA is the largest non-profit association of construction trucking firms in the U.S. Founded in 1941 and headquartered in Upland, California. The CCTA advocates at the state and federal level for sensible legislation and regulation on behalf of our members. The CCTA is made up of five distinct subdivisions of which one is our heavy-haul conference comprised of owner-operators and motor carriers specializing in the movement of vehicles/loads exceeding statutory limitations on the size, weight, and loading of vehicles (permit loads).

The CCTA encourages FMCSA to grant the exemption from the 30-minute break requirement (49 CFR 395.3(a) (3) (ii)) requested by SC&RA because we believe granting the exemption request will achieve the same level of safety benefit when compared to those drivers still mandated to take the break.

DISCUSSION

The CCTA has previously filed comments supportive of granting an exemption from the 30-minute break requirement submitted by the National Ready Mixed Concrete Association (“NRMCA”) (see: Docket Number: FMCSA-2013-0317). We believe the 30-minute break requirement when adopted by FMCSA was too broad in scope and never considered all the extenuating circumstances that make this requirement problematic for motor carriers and drivers alike. As with the NRMCA exemption request, the SC&RA request describes fact patterns that make their request appropriate.

The transportation of permit loads is highly regulated by both states and local units of government. To our knowledge, the safe movement of these types of shipments has never been identified by FMCSA where operations pose a higher crash risk due to fatigue. The fact that these types of shipments are heavily regulated by states, in certain cases requiring police escort, underscores the fact that safety is already paramount in these operations and granting this exemption will not change the stringent oversight already present. Highway safety will not be harmed by granting this request.

The SC&RA letter requesting an exemption correctly describes many confounding factors for those under permit loads from being able to comply with the 30-minute break requirement. While California for example will allow 24 hour movements of permit loads, there are many state imposed daytime curfews in major metropolitan areas typically between 7-9 a.m. and 4-6 p.m. Much of the Los Angeles basin imposes daytime curfews between 6 – 9 a.m. and 3-6 p.m. (see attachments: Caltrans Curfew Maps for Los Angeles, Sacramento, San Diego, and San Francisco).

Attempting to balance compliance with the 30-minute break requirement and state/local curfew requirements – especially in major metropolitan regions actually places an added stress on the drivers of these vehicles that is counterintuitive to the safety goals of FMCSA.

Additionally, the limited availability of accessible parking to accommodate the temporary parking of a permit load further complicates the ability of drivers to comply with the 30-minute break requirement. This is not simply a matter of the motor carrier or driver needing to engage in “better trip planning” as is often the bureaucratic response to this issue. “Better trip planning” cannot produce what does not exist – a legal parking space for these types of shipments. This is actually an acute issue within the major metropolitan regions of this country.

CONCLUSION

The CCTA is supportive of the SC&RA request for exemption from the 30-minute break requirement and FMCSA should expeditiously grant the relief sought.

Respectfully submitted,

A handwritten signature in black ink that reads "Joe Rajkovacz". The signature is written in a cursive, flowing style.

Joe Rajkovacz

Director of Governmental Affairs & Communications

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Western Trucking Alliance

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