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November 25, 2016

T. F. Scott Darling III, Administrator
Docket Management Facility
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE. Room W12-140
Washington, DC. 20590

RE: Hours of Service of Drivers: American Concrete Pumping Association (ACPA); Application for Exemption [Docket No. FMCSA-2016-0342]

Dear Administrator Darling,

The Western States Trucking Association (“WSTA”)¹ supplies these comments in response to the Notice of application for exemption; Request for comments published in the Federal Register on October 25, 2016.

The WSTA is supportive of FMCSA granting the exemption requested by the ACPA from the 30-minute rest break provision in 49 CFR 395.3(a) (3) (ii). Concrete is a perishable commodity and as such once the pump-operator begins pumping concrete, needing to comply with the 30-minute break requirement can have significant negative ramifications for both the product and machinery. Ironically, the ready-mix concrete drivers delivering product to a work site that is dependent on the pump operator performing their job function are exempted from the 30-minute break requirements.

On Sept. 13, 2013 the WSTA (then known as the California Construction Trucking Assn.) filed supportive comments on behalf of an identical exemption request from the National Ready Mixed Concrete Association (see: https://westrk.org/wp-content/uploads/2013/07/CCTA_NRMCA.pdf or Docket No. FMCSA-2013-0317) that was ultimately granted by FMCSA. The fact patterns we outlined in those comments are applicable to this request by the ACPA. In fact, our comments filed at the time asked FMCSA to expand the exemption to operators of concrete pumpers.

The WSTA is confident that if FMCSA grants this exemption request the equivalent or greater level of safety will be achieved compared to current regulation.

Joe Rajkovacz

Western States Trucking Association
Director of Governmental Affairs & Communications

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¹ The *Western States Trucking Association* is the oldest, independent nonprofit trucking association in the U.S. founded in 1941. We are headquartered in Upland, CA. Our nearly 6,000 member and affiliated motor carriers are engaged in virtually every mode of trucking including construction, port drayage, cross-border, general freight, heavy-haul and agricultural operations. The WSTA has a subdivision, the California Concrete Pumpers Alliance made up of the major pumpers based within the state who would benefit by the grant of this exemption.

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