



Dirk Elsperman, President  
Robert C. Lanham, Jr, Senior Vice President  
Dan K. Fordice, III, Vice President  
Jorge Fuentes, Treasurer  
Stephen E. Sandherr, Chief Executive Officer  
Jeffrey D. Shoaf, Chief Operating Officer

October 21, 2019

Docket Management Facility  
U.S. Dept. of Transportation  
1200 New Jersey Ave. SE  
Washington DC 20590-0001

RE: Docket ID: FMCSA-2018-

leading general contractors, more than 9300 specialty contractors, and more than 10,000 material suppliers and service providers to the construction industry. AGC members perform construction contracts in all 50 states and own and operate fleets of commercial motor vehicles to carry out these construction contracts. As such, AGC members are directly impacted by the

AGC is working with numerous construction industry associations as part of the Construction Coalition recommending a broad construction industry exemption from current Hours of Service (HOS) rules. AGC individually and as part of the Construction Coalition submitted comments on the August 23, 2018 Advance Notice of Proposed Rulemaking (ANPRM) pointing out the unique nature of construction industry driving and why a broad industry exemption was necessary. The comments also pointed out that both Congress and the FMCSA recognized this uniqueness by providing construction industry drivers with several different exemptions from various parts of the Hours of Service rules. AGC reiterates the call for FMCSA to adopt a construction industry exemption.

## Work Reporting Location

One issue that was not addressed in the NPRM but on which FMCSA is seeking further information is the provision on work reporting location. Currently to be eligible for the short-haul exemption a driver must begin and end its shift at the same work reporting location. AGC supports the Coalition recommendation that FMCSA provide an exception to this requirement if the short-haul driver ends their work shift at a different location than the one from which they were originally dispatched.

There is nothing magical about a normal work reporting location. Going back to the same origin point every day does not necessarily promote safer driving habits. Many drivers begin their duty period from home, or from different jobsites, or motels on the road. Construction operations can also be mobile. Moving regularly from location to location. The construction job sites are always changing. With modern telecommunications between drivers and management, it is not necessary for the driver to be physically present at a work reporting location to be relieved from duty in person. Drivers often now communicate with dispatchers and managers electronically on a daily basis, often exclusively, with no diminution in safety.

AGC supports the Coalition suggestion that the rule simply require the driver to establish the origin point for that duty period, record it on a paper log, using GPS or some equivalent means, and be relieved from duty within 14 hours. Drivers can notate their origin for the day in order to establish the 150 air-miles radius. If they are relieved from duty by the end of the 14-hour duty period, they would be exempt under § 395.1(e)(1).

Changing the work reporting location requirement would provide contractors efficiencies in their trucking operations. Planning could be enhanced to take advantage of what needs to be hauled and what trucks are near. Contractors lose many hours a week moving trucks due to the location issue. It would also relieve some stress among dispatchers and drivers. It would eliminate the urgency drivers feel about returning to their work reporting location before their driving hours expire. This would enhance safety.

AGC urges FMCSA to undertake a further revision of the HOS rules to make the work reporting location requirement more flexible.

## Proposed Rule Changes

AGC strongly supports the following proposed changes in the HOS rules:

Short-Haul Drivers - AGC supports an exception from 12 hours to 14 hours and extend the maximum distance qualified short-haul drivers may operate from a 100 to a 150 air-mile radius.





