



CONCRETE CAPITOL CONNECTION

UPDATES ON LEGISLATION, REGULATION, AND CASE LAW - December 2015

Dear Member:

Congress Passes Two-Week Highway Bill Extension: On Friday November 20, President Obama signed a second two-week extension, [HR 3996](#), into law giving lawmakers until December 4 to finalize the conference report on the surface transportation reauthorization. The bicameral conference committee is tasked with resolving the differences in the Senate and House passed transportation bills. The bills include three NRMCA priorities on the Federal Motor Carrier Safety Administration's (FMCSA) hours of service regulations that are important to the ready mixed concrete and construction industries. The first is included in the House and Senate bill and would make permanent the hours of service 30-minute break exemption issued by FMCSA in April 2015. The second was included in the House-passed highway bill and would increase the logging requirement for ready mixed concrete truck drivers from 12 hours to 14 hours in order to be consistent with the maximum allowable on-duty driving time. The last provision included in the House bill was a provision to increase the air-mile radius from 50 miles to 75 for the transportation of construction materials and equipment in order to satisfy the 24-hour restart period. NRMCA sent a [letter of support](#) to the conferees urging them to preserve these provisions in the final bill.

Electronic Logging Devices Rule Nears Completion: The Federal Motor Carrier Safety Administration's (FMCSA) rule on electronic logging devices (ELDs) that record drivers duty status for commercial motor vehicles was cleared from the Office of Management and Budget (OMB) on November 16. The final rule is expected to be finalized over the next week or so before final publication in the Federal Register. The date the rule will become effective is expected to be two years after its publication, but that timeframe is not certain. NRMCA submitted comments on the proposed rule in June of 2014 stating concerns about compliance for short-haulers. As proposed, a short-haul driver in compliance with the 100 air-mile radius exemption would not be required to use an ELD. However, if that driver falls out of compliance with the 100 air-mile radius exemption by driving past the 12-hour on-duty threshold 8 days in any 30 day period, then the driver would be required to use the ELD. NRMCA believes that the rule is overly burdensome and highly expensive to implement, especially when taking into consideration that drivers in the ready mixed concrete industry do not drive for more than four to six hours per day and on average travel only 14 miles away from the concrete plant. The proposed ELDs rule is technically unachievable for the ready mixed concrete industry and would not streamline hours of service regulation compliance, which is the rule's overall intent.

Senate Votes to Stop Obama's Climate Rules: On November 17, the Senate voted on two Congressional Review Act disapproval resolutions on the Clean Power Plan. The first resolution, [SJ Res 23](#), would stop the Environmental Protection Agency's (EPA) carbon rule from going into effect for newly built power plants. The second resolution, [SJ Res 24](#), would halt the rule to reduce carbon emissions from existing power plants by 32 percent by the year 2030. Both resolutions passed by a vote of 52-46 with Senators Joe Donnelly (D-IN), Joe Manchin (D-WV) and Heidi Heitkamp (D-ND) voting with the Republicans. The House Energy and Commerce Committee brought up and passed similar resolutions in committee the following day. The White House has threatened to veto the two chambers' disapproval resolutions.

Republicans Introduce Bill on NLRB Reforms: On November 16, Congressman Joe Wilson (R-SC) introduced [HR 4022](#), the National Labor Relations Board Reform Act. Specifically, the bill makes changes to the NLRB's ability to regulate workplace disputes. The bill changes the makeup of the board from five to six members and also lessens the authority of NLRB's top lawyer. The NLRB has faced much criticism over the past year from Republican members of Congress stemming from recent labor ruling decisions such as the Browning-Ferris Decision on the joint employer rule. Currently, the bill has a total of 16 cosponsors to the legislation.

Senate Ends Work on THUD bill: On November 18, the Senate began debate on the Transportation, Housing, and Urban Development (THUD) appropriations bill. The bill passed out of committee in June with a funding level of \$55.65 billion and now has an updated funding level of \$57.27 billion. The bill contains measures on truck weight and size, which have proven to be contentious issues in the Senate. Senator Roger Wicker (R-MS) introduced an amendment to the bill that would allow an increase in tractor-trailer length only if the Secretary of Transportation found it was necessary based on a "statistically significant finding" from a study, that a length increase would not negatively impact safety on the road. The amendment passed by voice vote, but the Senate ended debate of the bill shortly after consideration of the bill began. The THUD bill will now be included in the end of year omnibus spending package.

Sincerely,

NRMCA Government Affairs

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Notice:



Final Call: Entries for NRMCA's 2016 Kid's Art Contest, sponsored by the Truck Mixer Manufacturers Bureau, are now due. The theme for the contest is "Ready Mixed Concrete Truck Driving Safety." The contest is open to children up to grade 12 who have a relationship to an NRMCA Member. Entries must be post marked no later than **December 31, 2015** and should be mailed or delivered to Jill Landry.