

WRMCA SCOOP

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The Next Big Fight Between Republicans and Democrats Could Have Significant Consequences

by Peter Kammer, WRMCA Governmental Affairs

A lawsuit filed in the Wisconsin Supreme Court in early August sets events in motion that may lead to a significant long-term change in the balance of power in Madison. The lawsuit asks Wisconsin's newly liberal-controlled state Supreme Court to throw out Republican-drawn legislative maps as unconstitutional. This could upset political boundary lines before the 2024 fall election.

The long-promised action is backed by Democrats and was filed by a coalition of law firms and voting rights advocacy groups. It comes the day after the Wisconsin Supreme Court flipped from a conservative to liberal majority, with the start of the term of a justice who said that the Republican maps were "rigged" and should be reviewed.

The lawsuit asks that all 132 state lawmakers be up for election next fall in newly drawn districts. In Senate districts that are midway through a four-year term in 2024, there would be a special election with the winner serving two years. Then the regular four-year cycle would resume again in 2026. The suit asks the Wisconsin Supreme Court to take the case directly, rather than have it work through lower courts, arguing that the state legislative maps are an unconstitutional gerrymander. Notably, the lawsuit does not challenge the congressional maps.

The petition filed with the Supreme Court argues that the current maps unconstitutionally retaliate against some voters based on their viewpoint and free speech; create non-contiguous districts that include scattered fragments of detached territory; treat some voters worse than others based on their political views and where they live; and violate the promise of a free government.

If the court sides with those seeking new legislative maps, it would be up to the court to decide how new maps would be drawn and who would submit them. Liberal justices are now in the majority of the court with the arrival of Justice Janet Protasiewicz. Protasiewicz ran with support from Democrats and other critics of the current maps and was outspoken during the campaign about her desire to revisit the issue.

Republicans are pushing for Protasiewicz to recuse herself from the case given her comments during the campaign. If Protasiewicz doesn't recuse herself from the redistricting cases, Republican Assembly Speaker Robin Vos has threatened to consider taking the unprecedented step of impeaching her. The Republican-controlled Legislature argued that Protasiewicz prejudged the case and must step down from hearing it, which could leave the court deadlocked 3-3. Speaker Vos established a panel consisting of former state Supreme Court justices to look into criteria over a potential impeachment of liberal justice.

Experts say that there's a lot of uncertainty over what an impeachment trial could look like if the Wisconsin Supreme Court decides to directly take up the redistricting case and Protasiewicz decides not to recuse herself. The unknowns include when the process would start and if Republicans have enough support in both houses to impeach the liberal justice. One possibility could be that the Assembly votes to impeach her, but the state Senate does not hold an impeachment vote, which would keep her on the court but essentially render her unable to make decisions on the court. The state constitution requires the Senate to proactively acquit the justice before she may resume activity on the court. Observers are now watching to see what happens next on the Supreme Court. Expectations are, we will see activity near the end of 2023 or in early 2024.

ASSOCIATION NEWS

WRMCA New Member

Axley Attorneys - <https://www.axley.com/>

ACI Grade 1 Fall Class

ACI Grade 1 will be held on Thursday, October 26th at Carew Concrete, 244 West Pioneer Road, Fond du Lac. Class instruction will take place from 7:30am to 10:30am followed by the written exam at 11:00am. Lunch will be at noon and the Performance Exam/Field Testing begins by 1pm. Download registration [here](#). Contact Kim at knovak@wirmca.com with questions.

Save the Date 2024 Technical Workshop

The 2024 WRMCA Technical Workshop will be held January 18th-19th at the Kalahari Resort in Wisconsin Dells. Join the Technical Committee for their next meeting on Tuesday, October 17th. Contact Cherish at cschwenn@wirmca.com for more information.

Save the Date 2024 OES Workshop

The 2024 WRMCA OES Workshop will be held February 29th-March 1st at the Kalahari Resort in Wisconsin Dells. Don't miss out on networking at the We're Partners reception on February 29th. Join the OES Committee for their next meeting on Friday, October 13th. Contact Kim at knovak@wirmca.com for more information.

Concrete Design Awards Call for Entries

The call for entries for the 42nd Annual Concrete Design Awards has been sent to the membership. The deadline to submit an award is **November 1, 2023**. Projects that have been completed in 2022 or 2023 are eligible to enter. **Special thanks to the following co-sponsors - ACI Wisconsin, Euclid Chemical, Oshkosh Corporation, Peters Concrete, Pumps Tire, Premiere Concrete Admixtures, Schmitz Ready Mix, and Sika Corporation.**

2024-2025 WRMCA Scholarship Program

The WRMCA is pleased to announce its 2024-2025 Scholarship Program. A scholarship will be awarded to **immediate family members of Wisconsin Ready Mixed Concrete Association members**. The WRMCA will award a \$5,000 scholarship if the winner chooses to go to the Concrete Industry Management programs offered at South Dakota State University, Middle Tennessee State University, New Jersey Institute of Technology, California State University at Chico and Texas State University. Other eligible programs would include those at Alpena Community College in Michigan and Rhodes State College in Ohio.

A \$2,500 scholarship will be given if the winner plans to enroll in a school of their choice.

Information for both scholarships, is available at www.wirmca.com. The deadline for applications is **November 30, 2023**. Please contact Kim at knovak@wirmca.com with any questions.

ASSOCIATION NEWS

WRMCA 2023 Driver of the Year Winners

WRMCA's OES Committee has selected the 2023 Ready Mixed Concrete Delivery Professional Driver of the Year. They were selected as the top drivers from a group of outstanding applicants from across the state of Wisconsin. All are honored for their career achievements, outstanding safety record, professionalism, driving competency and customer service skills. WRMCA has selected four winners, placed in categories based on yardage poured annually. **Acuity Insurance is the exclusive sponsor of the WRMCA Driver of the Year program.**

- The first category winner is 42-year veteran driver Allen Erdmann, from River City Ready Mix, whose home plant is in La Crosse.
- The second category winner is 25-year veteran mixer driver Denise Williams, from Zignego Ready Mix, whose home plant is in West Allis.
- The third category winner is 21-year veteran mixer driver Dale Karls, of Advanced Concrete, Inc., whose home plant is in Waunakee.
- The fourth category winner is 31-year veteran mixer driver Joel Trainor, of American Materials, LLC, whose home plant is in Menomonie.

WRMCA Concrete Delivery Professional Appreciation Week Winners

WRMCA's members' operations are only as strong as the individuals supporting them – this is why we want to show our appreciation for the Concrete Delivery Professionals. Thank you for your hard work, dedication and professionalism while delivering the world's most versatile building product. **Thank you to Acuity for exclusively sponsoring the week.** Each winner received a \$50 Kwik Trip gift card in the mail from WRMCA.

Winners on Monday, July 31st

1. Greg Anderle of Zignego Ready Mix
2. Steven Sires of American Materials
3. Nick Russell of BARD Materials
4. Frank DesJarlais of Carew Concrete & Supply

Winners on Tuesday, August 1st

1. Tim Fox of Northern Lakes Concrete
2. Steve Martig of Wingra Redi-Mix
3. Nicholas Lipp of Riv/Crete Ready Mix
4. Luke Verhagen of MCC, Inc.

Winners on Wednesday, August 2nd

1. Dennis Johnson of Riv/Crete Ready Mix
2. Brian Grandberry of Zignego Ready Mix
3. Mark Gerhard of BARD Materials
4. Rick Weber of Carew Concrete & Supply

Winners on Thursday, August 3rd

1. Michael Alwes of River City Ready Mix
2. Justin Noah of Schmitz Ready Mix
3. Jesse Statz of Wingra Redi-Mix
4. Jennifer Wiegelman of LYCON, Inc.

Winners on Friday, August 4th

1. Jeremy Geier of River City Ready Mix
2. Donald Meyer of Sternweis and Sons
3. Dave Kettner of MCC, Inc.
4. Justin Moravec of Schmitz Ready Mix

OES SAFETY

Worker Safety: The Most Overlooked Metric of Company Performance

What are the key metrics to consider when measuring your organization's performance? A simple Google search yields countless examples such as revenue growth, net profit margin, customer retention, on-time delivery, revenue by employee, and volume of products sold. While these are all important and need to be considered, I would argue they missed the most important metric – **Worker Safety**.

Let us start out with a story about Paul O'Neill and the publicly traded aluminum manufacturer, Alcoa. After O'Neill was hired as CEO in 1987, a speech was given to a room of Wall Street journalists and investors, but it was not what you would expect. According to an article written by David Burkus, there were no talks about cost reductions, inventory management, allocation of capital, or returns to shareholders. He simply looked out at the crowd and said, "I want to talk to you about worker safety." He continued, "I intend to make Alcoa the safest company in America. I intend to go for zero injuries." What made this confusing was that Alcoa was struggling financially but had an above average safety record. However, employees were still having lost-time accidents, and that was unacceptable to O'Neill. He took the path less traveled, and it certainly wasn't without its challenges.

But how did things work out in the end for O'Neill and Alcoa? As expected, the company safety culture and employee lost-time accidents improved dramatically. What was surprising to everyone besides O'Neill, when he retired from the company in 2000, was that revenue had increased five times and market value increased from \$3 billion to \$27+ billion. O'Neill recognized that employee safety was a cause he could rally the entire company behind. He knew that prioritizing safety meant improving the production process. It meant enhancing policies and procedures. It meant greater employee engagement and retention. It meant constant communication between executives, managers, and employees, on more than just safety. It meant improving the profitability of the organization.

What lessons can you implement at your organization to improve the safety climate? Simple is best so it can be understood and implemented by everyone within the organization. The Center for Construction Research and Training has a great presentation on the Foundations for Safety Leadership. Below are five of their leadership pillars and an additional tool (#5) shared with me by USI's Senior Risk Control Consultant, John Crawmer.

1. **Lead by example**
2. **Engage and empower team members**
3. **Actively listen and practice three-way communication**
4. **Develop others through teaching, coaching, and mentoring**
5. **Enforce expectations**
6. **Recognize (and reward) others for a job well done**

Being mindful of the length of this article, my intention was to keep the above as basic and straight forward as possible. If you would like to dive deeper into what safety could mean for your company, let's have a conversation. I also want to draw attention to the WRMCA OES Workshop in February of 2024. Your OES Committee is putting together a great training agenda and I strongly encourage you to send members of your team (not just your Safety Director!) to the workshop.

Jake Pedersen, VP – Property & Casualty, USI Insurance Services (WRMCA Member)

Jake.pedersen@usi.com C: 608.509.5782

OES SAFETY

Revised WOTUS Rule Quick Read & Key Points

Overview. On September 8, 2023, EPA and the Corps [final rule amending](#) the January 2023 rule defining waters of the United States (WOTUS) was published in the federal register and is now in effect.

• **What does the Rule settle?**

- Significant nexus out as a jurisdictional test.
- Continuous surface connection between a wetland and a traditional navigable water (TNW) or a relatively permanent (RP) tributary required.
- Isolated and ephemeral waters (like vernal pools, playa lakes, prairie potholes) are out.
- Adjacent wetlands must have a continuous surface connection to a TNW or RP tributary.
- Wetlands separated by a barrier such as a man-made dike, barrier, natural river berm, beach dune and the like are no longer jurisdictional. However, a landowner cannot construct a barrier in wetlands that would otherwise be covered by the CWA.
- Interstate waters are categorically in without requiring a RP flow to a TNW, but interstate wetlands are out
- The January 2023 Biden rule cannot be enforced as a whole. It can only be enforced as amended.
- The Rule retains the exclusions in the Jan. 2023 Biden rule. These include, prior converted cropland, waste treatment systems, ditches, artificially irrigated areas, artificial lakes or ponds, artificial reflecting pools or swimming pools, water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand or gravel and swales and erosional features (e.g. gullies and small washes).

What is not settled under the Rule?

- What constitutes relatively permanent flow (RPF)?
- What criteria will be applied to determine where the water ends, and the wetlands begin and how temporary do interruptions have to be??
- How will the agencies define the extent of upstream tributary reach to meet the RPF test and will the agencies still use the ordinary high water mark criteria in determining tributary reach?
- Are upland ditches that flow into a TNW jurisdictional?
- How will the agencies determine the extent and frequency of flow needed to meet the adjacent wetland standard? For example, as noted in Judge Kavanaugh’s Sackett concurrence, “how temporary do interruptions in surface connection have to be for wetlands still be covered”?
- Will the agencies honor approved jurisdictional determinations (AJDs) issued under the 2020 rule? Previously they have said this will not, but they have not updated this policy post-Sackett (which is less inclusive than the 2020 rule)
- How does the rule affect ESA section 7 consultations?
- How will the rule affect ongoing and prospective CWA section 401 WQC process with the states?
- How will the rule affect the scope of assumable waters for states that wish to take over the 404 program (Only New Jersey, Michigan and Florida have done so)?

What are the likely future issues?

- Clarifying guidance is needed especially addressing relatively permanent flow, but the rule does not address whether this will happen.
- Sackett does not allow for an RPF to flow through a non jurisdictional water downstream to a TNW, but this is in the January 2023 rule preamble – what will the Corps consider jurisdictional?
- Workshops with affected stakeholders and the public are planned for this fall – how much input will EPA and the Corps use in future guidance and or rulemaking?
- Need to resolve litigation under the January 2023 Biden rule that currently has left that rule in place in 24 states.
- Litigation likely challenging the revised rule and will be needed to address some of the remaining questions.
- How will states “fill the gaps” in wetland protection?
- Does the rule’s categorical inclusion of interstate waters without regard to evidence of RPF to a TNW comport with Sackett?

WRMCA ANNUAL CONVENTION

WRMCA/IRMCA Annual Convention

March 5-7, 2023

Hyatt Regency Coconut Point

Bonita Springs, FL

The convention will begin with a reception on Tuesday, March 5th and conclude with dinner on Thursday, March 7th.



HOTEL INFORMATION

Hyatt Regency Coconut Point - <https://www.hyatt.com/en-US/hotel/florida/hyatt-place-coconut-point/napzc>.

Reservations: \$399/night for King/2 Queens (includes \$10 resort fee)

To make a reservation, click on this link <https://www.hyatt.com/en-US/group-booking/NAPRN/G-CWRM> or call the hotel at 239-390-4335 and reference the WRMCA/IRMCA Meeting. The room block is available March 5th-10th.

If you would like to try to reserve the room rate one or two days prior to the 5th, you will need to call the hotel. The group rate is based on room availability for those dates.

Create memories that will last a lifetime at this award-winning tropical resort near Naples, Florida. Enjoy exclusive access to five water slides, four refreshing pools, a lazy river, and a secluded private island. This Southwest Florida resort in Bonita Springs offers endless excitement in a beautiful setting. **A registration form including sponsorship opportunities will be sent this fall.**



WRMCA SPONSORED WEBINARS



ABCs of Carbon Neutral Concrete: LCAs, EPDs and PCRs

Date: Wednesday, October 18, 2023

Time: Noon

Presenter: Dean Frank, PE (NEU, An ACI Center of Excellence for Carbon Neutral Concrete)

Registration Link: <https://cvent.me/GnE55R>

LCAs, EPDs, and PCRs... there are many acronyms and terms associated with evaluating the carbon neutrality of concrete. Join Dean Frank, NEU Executive Director, to learn about existing tools and processes related to assessing environmental information related to carbon neutrality of concrete and how these tools and processes relate to and depend on each other.

Evaluation of Concrete Core Test Results According to ACI 318-19

Date: Wednesday, November 8, 2023

Time: Noon

Presenter: Luke Snell, P.E., Honorary Member of ACI, Emeritus Professor from Southern Illinois University Edwardsville

Registration: <https://cvent.me/EMlEnl>

Description: This presentation by Luke Snell, P.E. and an Honorary Member of ACI will take us step by step through the process of how to make a decision with core test results. Remember everyone is on edge when cores are needed – the concrete may be below strength and correction measures even removed may be needed!!!

Presenter Bio: Luke M. Snell is a concrete consultant and Emeritus Professor from Southern Illinois University Edwardsville. He has done extensive consulting work on construction and concrete problems throughout the U.S. and internationally. He has also written over 400 articles on concrete, construction materials, and construction education.

He is a past chair of American Concrete Institute's (ACI) Committees 517, Accelerated Curing of Concrete; E702, Designing Concrete Structures; Chapter Activities Committee; International Chapters, Educational Activities Committee and was on ACI's Board of Direction. Snell is an Honorary Member of ACI and received the ACI Joe W. Kelly Award (Teaching award), the ACI Chapter Activities Award, the ACI Educational Committee Member of the Year, the Henry L Kennedy Award and the ACI Certification Award. He is a licensed Professional Engineer in Illinois and Missouri.

NRMCA's Build with Strength Program



The Build with Strength program is an initiative of the National Ready Mixed Concrete Association to educate the design and build communities on the benefits and proper use of concrete for buildings. Through the Concrete Design Center, a free consulting service supporting the program, architects, structural engineers, developers, and contractors can learn about the positive impacts the use of concrete can have in commercial construction of 3- to 7-stories including:

- Energy Efficiency
- Ownership and Lifecycle Savings
- Strength for the Ages
- Lasting Value
- Durability and Resilience
- Fire Resistance

The initiative focuses on various commercial projects including multifamily residential, K through 12 and higher learning educational, health and long-term care facilities, hospitality construction, industrial, and mixed-use commercial projects.

When provided a set of plans in the preliminary or schematic design phase, the build with strength team can prepare a design assistance report that examines the following:

- Architectural Design – Our expert team can recommend the best concrete system for the project, to maximize the advantages of the project including economy, resilience, and sustainability.
- Cost Estimating – By referencing national construction cost data bases, the report will provide cost comparisons between the project as designed, and the costs to build with the recommended concrete alternatives.
- Operating Cost Comparisons – for multifamily, hospitality, and single-family projects, comparative costs of ownership and operation can be provided.

Eight regional representatives support the program throughout all 50 states with additional staffing providing estimating, building codes and standards, and marketing support. To date over 550 projects originally designed with competitive building materials have been converted to concrete.

Donn Thompson is our local NRMCA rep and can be contacted at dthompson@nrmca.org or 224.627.3933.

For more information check out www.buildwithstrength.com/design-center.

Local Streets

Concrete Intersections

When paving streets and roads, the right material makes all the difference, particularly when it comes to at-grade intersections. The pavement within an intersection can receive twice as much traffic as the approaching roadway.

The stresses exerted by vehicles stopping, accelerating, or turning at intersections can cause damage more than at any other location, resulting in significantly increased future maintenance costs.

Concrete intersections offer durability, safety, skid resistance, and improved light reflectivity, while eliminating the frequent maintenance costs associated with traditional pavement methods.

Questions about
Concrete Intersections?

Visit paveahead.com or
call us at 833-485-1192

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Department of Labor Updates Davis-Bacon/ Prevailing Wage Rules, Exempts Concrete, “Material Suppliers”

Recently, the US Department of Labor (DOL) published its long-awaited update to Davis-Bacon regulations, or rather prevailing wage rules on federally assisted construction projects. DOL stated that the update is “the first comprehensive regulatory review in nearly 40 years, revisions to these regulations will promote compliance, provide appropriate and updated guidance, and enhance their usefulness in the modern economy.”

Luckily, the rewrite largely leaves how Davis-Bacon is applied to ready mixed concrete producers unchanged. At the urging of NRMCA, and its sister associations, DOL agreed that “material suppliers”, such as concrete producers, should continue to not be covered under Davis-Bacon. DOL, however, did clarify what a material supplier entails through adoption of a new definition. While the new rule and new definition uphold how ready mixed concrete producers are classified, it does contain some new language.

The new definition specifically states, “an entity is a material supplier if: (a) its only obligations for work on the contract or project are the delivery of materials, articles, supplies, or equipment, which may include pickup of the same in addition to, but not exclusive of, delivery, and which may also include activities incidental to such delivery and pickup; and (b) its facility or facilities that manufactures the materials, articles, supplies, or equipment used for the contract or project (1) is not located on, or does not itself constitute, the project or contract’s primary or secondary construction site, and (2) either was established before opening of bids on the contract or project, or is not dedicated exclusively, or nearly so, to the performance of the contract or project. All other entities engaged in work on the site of the work are contractors or subcontractors.”

NRMCA, along with its sister associations, and coalition groups submitted numerous comments, met with DOL, the White House Office of Management and Budget (OMB), and the Small Business Administration in an effort to uphold material supplier exemptions, which ultimately succeeded. As well, NRMCA advocated for concrete plants to no longer be covered under Davis-Bacon that are erected on jobsites, or used primarily for supply to a dedicated jobsite. Unfortunately, DOL rejected this argument and has instead chosen to retain and reassert such provisions in its rewrite.

The updated rule will become effective 60 days after its published in the Federal Register, which should happen in the next few weeks. To review the final rule, [click here](#). To view a changes comparison chart, [click here](#). To view Frequently Asked Questions, [click here](#). The final rule is effective October 23, 2023.

CIM INFORMATION



New Online Program!

FOR CONCRETE
INDUSTRY
EMPLOYEES



Challenges to Growth:

- Need to work full-time to pay bills and have health insurance?
- Can't uproot your life to go back to school for your degree?
- Want to dust off your college credits and put them to good use?
- Could you achieve the lifestyle you desire if you had a flexible, affordable, structured online management program available?



The ONLINE CIM Program was developed as a solution to these challenges to help you achieve your desired lifestyle.

Program coursework includes principals of management, economics, accounting, finance, and business law, in addition to the core Concrete Industry Management courses.

This program is specifically designed to help you develop into an exceptional manager capable of identifying and supporting the revenue driving forces in your business.

Make SDSU's flexible, online, Bachelor of Science degree in Concrete Industry Management with a built-in Management minor part of your lifestyle strategy.

To learn more, scan the QR code above.

GET IN TOUCH

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NRMCA Monthly Safety Initiative

Volume 4, Issue 8



Safety Around Sedimentation Pits at the Plant

Sedimentation Pits and the Ready Mixed Concrete Industry

Virtually every concrete plant has a set of sedimentation pits somewhere at the facility. These basins are usually concrete lined with two, three, or more cells primarily designed to separate fine, solid material from water coming from mixer truck washout. Sedimentation pits can vary in size and shape, but all have one thing in common: there are safety issues for anyone who works or travels near the pits, and all employees should beware of the hazards to ensure their safety.

What to Know About Safety Around Sedimentation Pits

First and foremost, when near sedimentation pits employees should be keenly aware of vehicle traffic. Mixers may be backing or travelling in congested areas reducing a driver's vision. Loaders may be entering and backing out of the cells during clean-out. Mixer drivers should be extremely cautious when backing in or out. Areas around the system may be wet and can become very slippery. Use of good construction boots is a must. Mixer drivers should ensure 3-points of contact when entering or exiting the cab of the truck or climbing to or descending from the washout platform. The pH of the water in pits is usually very high. No one should ever go into the pits, and signage should be in place to warn of the dangers. Mixer drivers may also need gloves, eye protection and other PPE as determined by company policy. Some producers station a life-saving ring/buoy with rope at sedimentation pits in case of emergency rescue. Truck washing using acids are usually performed near these basins. Make sure to use the proper types of gloves and face shields when using acids. As well, sedimentation pits should be well lit for nighttime and early morning operations. Finally, housekeeping should be performed on a regular basis to ensure safety at sedimentation pits.



Sedimentation Pit Safety Do's and Don'ts

- Think first while working around sedimentation pits
- All employees should be trained about hazards associated with sedimentation systems
- Always use 3 points-of-contact when climbing or descending ladders
- Follow all safety warning signs
- Never walk on the "free-board" walls of the cells
- Never go around or stand on railing systems that surround pits
- Always utilize correct PPE, especially boots with proper soles
- Be especially careful when working alone

Resources

NRMCA: [Plant Safety](#)

Contacts

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NRMCA Monthly Safety Initiative

Volume 4, Issue 9



Hours of Service for Mixer Drivers

Hours of Service and Ready Mixed Concrete Drivers

Hours of Service (HOS) regulations are federal and state regulations that limit when and for how long drivers of commercial motor vehicles (CMVs) may drive during the course of an entire day and an entire week. Specifically, HOS rules apply to CMV drivers (such as mixer truck drivers) transporting property or passengers and weigh at least 10,001 lbs. The purpose of HOS regulations is to keep drivers alert while driving, reduce driver fatigue and reduce accidents associated with driver fatigue. HOS rules are overseen by the Federal Motor Carrier Safety Administration (FMCSA) and/or state enforcement agencies.

What to Know About Mixer Drivers and Hours of Service

While HOS rules have gained a lot of attention and seen a number of changes over the last 20 years, they have actually been in place since 1939. The most recent changes with an impact on ready mixed concrete drivers came in September 2020 and are still in effect today. Not only are there federal regulations, but about half of the states observe "intrastate tolerance guidelines", which are less stringent HOS rules. These state rules are allowed by federal DOT but have to be adopted by individual states in order to be utilized on the state level. In any case, federal rules apply if a driver crosses state lines. The federal HOS regulations, in part, include:

Throughout an entire day:

- A mixer driver may not drive after an on-duty period until they have had at least 10 consecutive hours off-duty;
- Mixer drivers may not drive beyond the 14th hour after coming on-duty, until they have had 10 consecutive hours off-duty (this provision is known as the 14-hour driving window);
- Once a week, the 14-hour window can be extended up to 16 hours, if the driver is released from duty at the 16th hour;
- Mixer drivers may not drive more than 11 hours within the 14- or 16-hour driving windows;
- A 30-minute break is required after 8 hours of driving time (instead of on-duty time), but allows an on-duty/not driving period to qualify as the required break (see *NRMCA HOS Guide* for more information); and
- Mixer drivers must keep a daily log denoting their driving status in 15-minute increments unless

they can take advantage of the 150 air-mile logging exemption. Electronic logging devices are permissible (see *NRMCA HOS Guide* for more information).

Throughout an entire week:

- If a concrete producer does not operate every day of the week, then drivers may not drive after they have been "on-duty" for 60 hours in any 7-day period (ex. plant is open only Monday-Saturday).
- Similarly, if a concrete producer operates every day of the week (Monday-Sunday), then drivers may not drive after they are "on-duty" more than 70 hours in any 8-day period.
- Mixer drivers may re-start the 60-hour/7-day or 70-hour/8-day clock after they have had at least 34 consecutive hours of off-duty time; however, mixer drivers can take advantage of the "construction material exemption" only needing 24 hours of off-duty time to restart their weekly clock (see *NRMCA HOS Guide* for more information).

Hours of Service Do's and Don'ts

- Think first before and while operating a mixer truck
- Know what HOS rules are required in your area
- Maintain and document compliance with HOS rules
- Regularly train drivers on HOS rules
- Even if "hours" remain, an overly fatigued driver should not drive

Resources

NRMCA: [2023 Drivers' Hours of Service Guide](#) | FMCSA: [Hours of Service](#) (HOS)

Contacts

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EVENTS CALENDAR

WRMCA & Industry Events

Date	Event	Organization
September 29-October 3	NRMCA ConcreteWorks	NRMCA
October 3	Discover Curing: The Secret to Durable Concrete	ACI
October 13	OES Committee Meeting	WRMCA
October 17	Technical Committee Meeting	WRMCA
October 18	ABCs of Carbon Neutral Concrete	WRMCA
October 20-November 2	ACI Concrete Convention	ACI
October 26	ACI Grade 1 Certification	WRMCA
November 1	Concrete Design Award Deadline	WRMCA
November 8	Evaluation of Concrete Core Results According to ACI	WRMCA
November 9	WRMCA Board of Directors Meeting	WRMCA
November 15	Transportation Development Association Annual	TDA
November 30	Scholarship Entry Deadline	WRMCA
December 5	Northwest Region Committee Meeting	WRMCA
December 5	Northeast Region Committee Meeting	WRMCA
December 6	Annual Pheasant Hunt	WRMCA
December 7	North Central Region Committee Meeting	WRMCA
December 12	Southeast Region Committee Meeting	WRMCA
December 12	Southwest Region Committee Meeting	WRMCA
January 18-19	Technical Annual Workshop	WRMCA
January 23-25	World of Concrete	WOC
February 15-16	WCPA Annual Workshop	WCPA
February 29-March 1	OES Annual Workshop	WRMCA
March 5-7	Annual Convention	WRMCA
March 18-21	NRMCA Annual Convention	NRMCA
March 24-28	ACI Concrete Convention	ACI

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