

The

# READY-MIXER

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CONCRETE 2000

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## newsletter

July 2004

### Court Overturns HOS Rules

On July 16, the U.S. Court of Appeals for the District of Columbia Circuit vacated the U.S. Department of Transportation's controversial new hours-of-service regulation in its entirety.

The court's unanimous decision overturned years of work to update federal rules that have been in place largely unchanged for over 50 years.

Outlined in strongly worded language, the court's decision now sends the Federal Motor Carrier Safety Administration back to the drawing board to issue a new rule.

"We hold that the final rule is

*See Hours of Service, page 2*

### Join Us at Your Fall Convention

We are very excited about the line-up of speakers who have committed for the 2004 Fall Convention to be held September 12-14 at

Wintergreen  
Resort.

Your convention Chair, Morgan Nelson, has worked with the staff to confirm Philip Shucet, Commissioner of VDOT, who will

*See Convention, page 3*

Convention  
Hotel  
Reservation  
Deadline  
Aug. 12

### Concrete Paving of Martinsville Speedway Completed

*By Bob Nablo  
Industry Services Director*

After weeks of planning, the replacement of ready-mixed concrete portions of the Martinsville Speedway in Martinsville, Virginia, was completed in just two early morning placements. A much-publicized racetrack failure earlier this year caused the speedway to replace and repave the entire track in preparation for the upcoming NASCAR race in October. As in the past, the straight portions of the track and the pit areas are asphalt and the corners and turns are concrete.

The old concrete had survived harsh treatment for an average of 30 years, and removal showed that paving had only been about 3 1/2 inches thick. The new surface provides 28-foot-wide lanes more than 300 feet long at each end of the 1/2-mile racetrack, and the thickness has been increased to 6 inches.

APAC/Ballinger Paving successfully completed the work in two early-morning pours after agreeing to changes in the mix design and delivery procedure recommended by VRMCA member Boxley Materials Co., and VRMCA member F & R Inc., who performed the on-site concrete testing.



*Completed concrete corner and turn at Martinsville Speedway.*



*VRMCA member Boxley Materials delivers concrete for the repaving project.*

## ***Dinwiddie BOS Donates Land for Richmond ICF Project***

*By J. Keith Beazley  
Director of Industry Services*

In their July Board meeting, the Dinwiddie County Board of Supervisors approved the house plans and donated a lot for the construction of the Habitat for Humanity project sponsored by the Richmond Council. This house will be constructed of insulated concrete forms and will be the fourth house to be built in the county by Tri-Cities Habitat for Humanity and the Richmond Concrete Advisory Council.

The Board of Supervisors has worked closely with the projects and this land donation is the first step toward the joint project with the Richmond Habitat for Humanity, the

Tri-Cities Habitat for Humanity, the James River AIA Chapter, and the Richmond Advisory Council. This will be the first joint project of two separate Habitat chapters and will be a project of great exposure.

This project, like previous projects, will be used as a training ground for ICF construction. The Richmond Habitat chapter is using this to educate their members and hopes to build its own ICF home in the future.

Homeowners, builders, ICF distributors, building officials, and concrete salespeople have used the projects to learn hands-on the methods of construction for building with ICF block, and this is a major benefit to our members.

Public awareness has also been increased by this association with Habitat. CBS Channel 6 is planning to film a piece of this joint venture early this fall. The Richmond Council built the first Habitat house in the state in 1998 on Church Hill in Richmond. Since this first house, projects have been started in each region of the state.

The Richmond Advisory Council has been responsible for the sponsorship and building of nine ICF houses with Habitat for the benefit of our industry and the individuals who become the homeowners. Beautiful homes are built of concrete, and to the new homeowners of the Habitat projects, the safety, energy savings, and security are benefits not usually found in this type of home.

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## **Hours of Service**

*Continued from page 1*

arbitrary and capricious because the agency neglected to consider a statutorily mandated factor — the impact of the rule on the health of drivers,” the court said.

In addition, the court said the agency failed to consider the effect of the new rules on the health of truck drivers—as it is required to do under law.

The three-judge panel also expressed grave doubt that any of the challenged aspects of the agency’s regulation could survive scrutiny.

The court ordered the agency to revise its regulation in a manner consistent with the court’s opinion.

FMCSA issued a statement saying the agency was reviewing the court’s opinion, with assistance of the Department of Justice, to determine possible next steps.

“Under the court’s rules of procedure, the department has 45 days to review the decision and

decide whether to seek other legal remedies,” the agency statement read. “During that period of time, the current hours of service rule, announced in April, 2003, remains in effect.

“FMCSA will advise Federal authorities and State law enforcement partners of their responsibility to continue compliance with the current rule. FMCSA will advise major industry associations to educate motor carriers and drivers of the continued need for HOS compliance.”

The court issued the ruling in response to a petition filed by three groups, Ralph Nader’s Public Citizen, Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers. The ready-mixed concrete industry was not party to the suit.

Those groups claimed that the new hours of service rules, allowed truckers to spend more consecutive

hours driving than previously. The rule permitted a 14-hour workday with up to 11 hours of consecutive driving. Previously, truckers could drive no more than 10 consecutive hours.

The rule took shape slowly and was one of the most sweeping and most anticipated regulatory actions undertaken by the Transportation Department in years. But critics complained the Bush administration weakened key aspects, including minimum rest periods, when it was approved in April 2003.

But regulators stood by the initiative that took effect in January. “We believe it is an important safety tool, but we’ll have to look further into the court’s decision to see where we go from here,” DOT spokesman Robert Johnson said.

While a reversion to the old hours-of-service rules will ease

## Convention

*Continued from page 1*

be speaking on Highway Funding. Roy Pearson will return to give us his view on Virginia's economy and his forecast for the future.



*Steve Brogan*

Architect and tilt-up pioneer Glen Stevens will discuss the advantages and disadvantages of tilt-up versus pre-cast construction. We will also have speakers from the university of Virginia School of Architecture, and a speaker who will discuss current research that will impact the ready-mixed concrete industry.

We will also have Steve Brogan, an award winning comic ventriloquist, who will be the featured entertainer. A versatile entertainer, Brogan has received national awards for his work. He has appeared on Good Morning America and The Fox Network and is considered to be the best ventriloquist in the business.

**Please be sure to mark your calendar for September 12-14 and join us at the VRMCA 2004 Fall Convention at Wintergreen.**

## Hours of Service

*Continued from page 2*

restrictions on the ready-mixed concrete industry, the court's decision does create an opportunity for the FMCSA to create even stricter regulations, particularly given the source of the lawsuit brought before the court.

The new rule cut two hours off a trucker's allowable work day, including unloading and breaks, to 14 hours but permitted drivers to be

## Hampton Roads Council Enjoys Baseball Night at the Park

*By J. Keith Beazley  
Director of Industry Services*

"Take Me Out To The Ballgame" is the tune of the Hampton Roads Advisory Council annual summer event in July at the Tidewater Tides game in downtown Norfolk.

This All-American event is a ticket to a night baseball game, a party in a special section on the third baseline, and a picnic of chicken, hamburgers, hot dogs, cookies and watermelon.

The architectural firm that designed the stadium traveled to other team facilities and used the better of each one in the design of this field on the Elizabeth River, and the result is a fan-friendly ball field with old-fashioned excitement.

The members of the Hampton Roads Advisory Council buy tickets to this event as rewards to members of their companies, as a thank you to customers, and as a summer social event for the council. Families are encouraged to attend and spouses and children are very much a big part of this special night.

**Marie Derby**, Essroc Cement, is the chairman of the event and schedules the activity with the

Tides. Baseball, hotdogs, and refreshments make this annual event one that members mark on their July calendars.

### ACI Field Testing Technician Certification Program

*Upcoming 2004 Seminar  
and Exam Schedule*

**Harrisonburg**  
August 18, 19 & 23

**Richmond**  
September 15, 16 & 20

*To register call 434-977-3716.*

### Got News?

Send your  
announcements and  
employee  
recognition  
information to VRMCA  
by Fax: 434-979-2439

on the road for 11 consecutive hours, up one hour. It also permitted truckers to work up to 77 hours in seven days, or 88 hours in eight days—a more than 25 percent increase over the old rule.

It was aimed at increasing productivity and reducing fatigue, which can cause accidents. Regulators estimated the rule would save up to 75 lives and prevent up to

1,300 fatigue-related crashes annually.

The court's ruling came just a week before a key U.S. House of Representatives' committee was due to discuss the concerns that industry groups had with the regulations. As a result of the court's action, the Committee on Highways, Transit, and Pipelines hearing was cancelled.



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The Smart Road bridge, at 175 feet tall, is Virginia's tallest bridge. Approximately 9,647 cubic yards of high-strength concrete were used to construct the 2,000-foot long bridge.

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