HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

The Select Committee to Investigate:
Bureau of Aviation Pursuant to:
House Resolution 259:

Pages 1 through 25

Room 418
Main Capitol Building
Harrisburg, Pennsylvania

Wednesday, November 14, 1984

Met, pursuant to notice, at 10:10 a.m.

BEFORE:

REPRESENTATIVE AMOS K. HUTCHINSON, Chairman REPRESENTATIVE VICTOR JOHN LESCOVITZ REPRESENTATIVE BENJAMIN H. WILSON REPRESENTATIVE BARRY L. ALDERETTE REPRESENTATIVE RUDOLPH DININNI REPRESENTATIVE CHARLES F. NAHILL, JR. REPRESENTATIVE TED STUBAN REPRESENTATIVE HARRY E. BOWSER REPRESENTATIVE THOMAS J. MURPHY, JR. REPRESENTATIVE WILLIAM R. LLOYD, JR. REPRESENTATIVE JOSEPH A. STEIGHNER REPRESENTATIVE GEORGE MISCEVICH REPRESENTATIVE GORDON J. LINTON

ALSO PRESENT:

KAREN S. FLEISHER Legislative Assistant to Representative Wilson

Commonwealth Reporting Company, Inc.

700 Lisburn Road Camp Hill, Pennsylvania 17011

Camp Hill (717) 761-7150 Philadelphia (215) 732-1687 ALSO PRESENT: (CONT'D)

WILLIAM F. LYONS, III

Legislative Assistant to Representative Wilson

SCOTT CASPER

Executive Director of House Transportation

Committee

PAUL LANDIS

Executive Director of Republican Transportation

Committee

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CHAIRMAN HUTCHINSON: The meeting is called to order from the recess on House Resolution 259. It was called for last week on Wednesday and Thursday, and they called me up and said that there was answers that PennDOT was supposed to get, and that's why this meeting is being held this morning. Whatever answers they were told to bring back, we will listen to them this morning.

Vic, what things was PennDOT supposed to bring?

REPRESENTATIVE LESCOVITZ: Comparison between the
'79 audit and the 1984 internal audit; and if they plan to
take those problems brought up in that audit, what
recommendations are they going to make to correct those.

CHAIRMAN HUTCHINSON: Don Bryan.

MR. BRYAN: Yes, sir.

CHAIRMAN HUTCHINSON: The question is why this meeting was called is what I was told. The difference between what audit?

REPRESENTATIVE LESCOVITZ: There was a 1979
Attorney General's audit, and a 1984 internal audit done
by the Department. It looked like there was still some
problems that kept recurring. What we want to find out
is what PennDOT -- does PennDOT have plans to correct those
specific problems, or what does PennDOT plan to do in the
way of aviation, with management, and the use of the stateowned aircraft.

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CHAIRMAN HUTCHINSON: Go ahead.

MR. BRYAN: My recollection of the hearings as we left them was, indeed, as we said, you wanted some additional information on the '79 audit of the Harrisburg International Airport and on the one prepared last year by our own Controller.

What we have done, is, we have taken both of those audits. We have gone through them and I have prepared for the committee a written response and takes the recommendations in the 1979 audit and gives the status of our work regarding those recommendations up to the present time; and then we have taken, as well, the 1984 audit and we have taken the recommendations in that as well. I have for you in writing the status of our follow-up actions.

In addition to that, we have looked at Harrisburg International Airport from the point of view of our current procedures. I can report to the committee that we have procedures in place covering many of the things mentioned in the audits, as well as some of the questions raised by the committee at the last meeting. I have prepared for you copies of our policy manual, statement on the airport.

There is in here details regarding our real estate management, including particulars on our professional real estate manager at the airport, who is licensed.

We have included, as well, two typical leases;

one for an airline, and another for a property renter/
developer at the airport. I believe from looking at these
leases, you will be able to see that we have in them the
kinds of things that were recommended in the earlier, as
well as the more recent audit; such as, late-payment penalty,
escalation clauses, and other provisions for control of
tenants if they don't pay, allowing us, for example, to
confess judgment; and, indeed, to reject them from the
airport.

There was a particular question raised regarding occupany by our manager at the airport of one of the residents on the airport. I have included in this material our policy regarding the requirement that one of the key personnel at the airport, either the manager or the Chief of Maintenance or the Chief of Police or Fire, be on the airport at all times. That policy, as well as the lease with the manager, is included here.

I might say, that because of recent developments at the airport, we are going to demolish the remaining homes on the airport, so that at the present time, our Resident Manager there has vacated the premises and now has a home off field. However, we have made arrangements through the FAA to have our Chief of Maintenance on 24-hour call, handy to the airport, and we believe we can fulfill the need to have someone close by at all times; even though, at this point

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as a matter of fact for the last month and hereafter, we will no longer have a resident person on the airport. But, all of the detail covering that is in this volume as well.

There was also, at the last hearing, a list provided to us by Representative Wilson of a number of Secretary Larson's flights. He requested for additional information on those flights and the activities of the Secretary on those dates. We have provided you with answers to all of those questions.

Finally, at the last hearing, we were asked as well to provide detailed information regarding work done by the H. J. Williams Company for the Department. We have provided a summary of contract work that that company has done for the Department, beginning in 1973, up until the present time. You can see the value of all of the contract work, and for the recent years, you can see the number of contracts for which that company was not the successful bidder as well.

Finally, there is a general provision covering all of that work, and that provision is, that the construction contracts were let by competitive bidding and awarded only to the lowest responsible bidder.

That, I believe, Mr. Chairman, and Representative Lescovitz, and others, covers, to my knowledge, the questions that were raised at the last meeting. I would be

pleased to give this information to the committee. Although I brought only one copy of it here, I can work from it if you have other questions. We can provide additional copies, or you yourself, perhaps, could copy this internally and make distribution.

CHAIRMAN HUTCHINSON: Ben, do you have a question?

REPRESENTATIVE WILSON: I have a problem asking

questions on a document that I have yet to see. I guess

I have to have a general question.

We have an enormous amount of material that we have covered, enormous amount of questions that we have asked. I guess an enormous amount of answers that I feel have not been quite adequate, or whatever. I guess I have got to ask you and Secretary Larson if you feel at this point in time if your operation of the Bureau of Aviation, its airports, its leasing policies, its real estate action, its aircraft ownership leases and uses it at a point, after your operation for the past six years, that it should be compared to a business, compared to a real estate business, viewed on one hand, a flight operation of a major company, if you would, on another hand.

The indications from both your audits, internal audits, and Price Waterhouse, indicate that there is still no written policy on anything; no written policies on the management procurement of and use of aircraft. There's no

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written policy on real estate, its management thereof.

There are no job specifications that I could determine for the Bureau managers generally; your real estate manager,

Mr. Hamacher, has no background that I could determine.

I asked where to get it. He is a retired General, is the only thing I could determine.

I wonder at this point in time if all of this material hasn't kind of soaked in and you find that there are some changes that should be made in the near future to cure these problems that I have pointed out to you? I'm sorry that we had to go through this great extent to point them out to you, but I am afraid we did.

MR. BRYAN: First, let me say, Representative Wilson, that we do believe, in some, that tremendous progress has been made in all of the operations over the last several years; in the operation of the airports, in the conduct of our flight operations, in the development of state-wide aviation program.

In saying that, I, at the same time, would make the point that there is always room for change and for improvement. So, the audits that were performed here, including the Legislative Budget and Finance Committee Reports, are used by us, are taken by us and used by us as instruments to help us make further improvements in the operation. I would say at each point in time when you look

at those audits, recommendations were made for improvements and we have followed up on those recommendations. I expect that as we go forward in time, there will always be suggestions for improvement and we should take those suggestions seriously, and we do, and continue to make improvements.

With regard to written policies; though, I must take exception to this extent to your comment. We do have written policies, state-wide, for the use of transportation in the conduct of state business. We have them within the Department. These are written management directives.

So far as the use of state aircraft use is concerned, I believe it was shown the last time, we had an opinion of counsel back in '79. There is a management directive that has been revised most recently, March 1st, 1984, covering all of travel and subsistence allowances for state employees. There's a Master Policy Manual covering the operation of state-owned, leased, or chartered aircraft that goes back several years; most recently amended, October of this year. We do have a written manual for the conduct of flight operations that we have had now since 1982, as I recall, a copy of that which we provided the last time.

I feel that in the area of the operation of aircraft, there are, indeed, clear written policies in place covering all aspects of it.

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With regard to the state-wide programs, we have, as well, produced there written guidelines for our loan and grant program, for licensing and inspecting procedures. As I mentioned the last time, those all exist. They are, indeed, in writing.

At the airport, if there is a deficiency, and I will admit to this, there has been a recommendation from time to time that our leasing policies at the airport be reduced to writing. We do have a number of uniform policies governing the leasing and the use of property at the airport, but on a consolidated basis, we do not yet have a full policy that brings all of those pieces together. That does not exist as I speak to you today. We are committed to producing that this year.

We do have, however, and let me be very specific on this, standard lease forms; copies, of which I have provided to you in the material for today. We do have uniform rates that apply at Harrisburg International and Capital City Airport. I have included those rates in here as well; for landing fees, for the rent of land, for the rent of the buildings. So, there are uniform practices in place. Although the complete comprehensive written policy does not exist at this time, although I commit to you that the pieces will be pulled together and we will produce that this fiscal year.

CHAIRMAN HUTCHINSON: I have a question.

REPRESENTATIVE WILSON: May I continue, Mr.

Chairman.

CHAIRMAN HUTCHINSON: Why aren't the rates put in regulations instead of policy? Policy does not hold up in Court. Some of those things should be put into regulations, which takes time to do away with. Policy can be played with. I would like to see the rent --

I was over there yesterday and talking about rent, people not paying it and what to do with them. Without regulations, you can't throw them out very easy with just a policy.

MR. BRYAN: Let me say this. That, if we were to lock our rates literally into policy, we then would have to, as I understand things, through the formal -- excuse me. -- into regulations, we would then have to go through that formal procedure of changing it. That would, in my opinion, restrict our ability in negotiations with tenants to respond to changes in the market, and there are changes in the market.

CHAIRMAN HUTCHINSON: You can have that in the regulations where you could arbitrate. What he was talking yesterday, he was talking about bidding for places over there, rather than have an arbitrary sit down and discuss and come up to a figure.

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What I mean, if you have the regulations, you can at least have written in there that you could arbitrarily set a figure. You don't have to have the rates, but have it written in policy, have the same words in regulations, because policy is something that I am fussy about—all of the Departments.

I went over to PHA Housing. They never had regulations for three years, and it was like a ladies' poker game. The duces were wild if you had four aces in your hand. So, I mean, you have to have regulations so that I can do something about it. Policy can change overnight.

MR. BRYAN: I would may that it would be possible,
I believe, and perhaps appropriate, to reduce the procedures
to regulations so that people knew on what basis they can
apply for and expect to get use of the state property.

If we could provide some flexibility in the rate structure
so that we can respond to the marketplace, that sort of
thing, I believe would be workable.

CHAIRMAN HUTCHINSON: Anybody else have a question?

REPRESENTATIVE WILSON: Yes, I do. Mr. Bryan, you said you developed written policy effective in October of '84. That's a few days ago.

MR. BRYAN: For which --

REPRESENTATIVE WILSON: I think that's the words
I got, about some sort of written policy. Was that on
aircraft, or what?

MR. BRYAN: No. The Master Policy Manual on the
Operation and Use of State-owned Lease or Chartered Aircraft.
That goes back several years. It was most recently revised

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REPRESENTATIVE WILSON: What does that deal with?

That deals with who can use --

MR. BRYAN: That's right. We made the most recent revisions to reflect use by the legislature.

Actually, that was changed in August by letter, but we officially -- and that was after our meeting with the Legislative Budget and Finance Committee, but then we officially amended the Master Policy Manual 1 October, 1984.

REPRESENTATIVE WILSON: Let me get this chronology correct. You had a written policy on the use and who can use state-owned aircraft?

MR. BRYAN: Yes, but it did not specifically mention use by the legislature. It didn't exclude it, but it didn't specifically mention it. When the Legislative Budget and Finance Committee looked at the operation, they made the recommendation that we make explicit the use of the aircraft.

REPRESENTATIVE WILSON: I believe that's in the

Administrative Code. You have no choice.

MR. BRYAN: Well --

REPRESENTATIVE WILSON: I mean, as far as who can use it. That's defined in the Administrative Code.

I don't think that's the point I want to make; is, that we looked for some sort of a written policy as to who could use state-owned aircraft; who determined what aircraft was to be used for certain personnel; what personnel and persons' family were allowed to be on board, and we found none. We found no definition. You may have had a policy, but it didn't say that it had to be cost effective; it had to be cost utilized. We discovered many trips that were not cost effective or cost utilized. If that was your policy to be cost effective, then they were not adhered to.

MR, BRYAN: Well, our policy is to provide transportation.

CHAIRMAN HUTCHINSON: Excuse me a minute. Cost effective, what do you bring in, then, on your formula for cost effective?

REPRESENTATIVE WILSON: We have had instances where the state chartered aircraft when state-owned aircraft was available sitting there, which means that we are having the aircraft depreciate but not being used, and we went outside and paid a profitable price for somebody else to use it.

We have cases where the leasing of aircraft outside for charter purposes, at the same time state-owned aircraft were, as I would guess, renting aircraft that were not cost utilized. Example I can think of in my mind is, that the Secretary rented an airliner to fly to Pittsburgh with four people. It was a Beach 99 rented and took four or five people to Pittsburgh. I don't find that \$1,200 trip to Pittsburgh from Harrisburg to be cost effective, or with any kind of written policy that it adheres. There are some others in there, but I —

CHAIRMAN HUTCHINSON: Isn't time of a person -During last year or two years ago--I'm on the Highway
Commission, I flew to Greensburg on a Tuesday morning and
was back here to vote Tuesday afternoon because we had a
Commission meeting. Otherwise, I wouldn't have went there
because I didn't want to miss the session. That is time,
and nobody paid my fare on that plane. I also flew up to
another place, above Williamsport, at the same time for
another hearing and came back to vote. I mean, is that
cost effectiveness?

REPRESENTATIVE WILSON: I don't have any problem with that, Amos, it isn't in writing anywhere as to what is the decision to be made by the person running the flight department. If that's the way to determine it, then it should be written. I have no problem with that, except it is

not in writing.

CHAIRMAN HUTCHINSON: I would like to have it more than policy. I would like to have it in regulations.

REPRESENTATIVE WILSON: That's fine. I think that's wise.

CHAIRMAN HUTCHINSON: If this meeting has brought that out, and I am not here to get after every person. This session is about done; if we want to do something, we don't have subpoena powers, we don't have anything, and somebody mentioned Attorney General; that was the Auditor General, wasn't it?

REPRESENTATIVE WILSON: Auditor General.

CHAIRMAN HUTCHINSON: They didn't finish. I read the report last night. We are not here to crucify anybody. If your main purpose is to get PennDOT to write either a policy, and I'd rather have some of it in regulations, then we will gain something, but we are not here to hang anybody up like a rubber chicken, like I had a couple weeks ago.

REPRESENTATIVE WILSON: I have no disagreement with that, Mr. Chairman. I think that what we need, however, is a firm commitment out of the Secretary of Transportation and his Deputy Secretary that the answer is not going to be "we are working on it". Before this Resolution was introduced, I personally met with the Secretary, and all I got from him was "we are working on it". I don't think that's

adequate.

CHAIRMAN HUTCHINSON: I will guarantee you that I will be -- My 7,700 votes will hold up in court, so I don't have to worry about that, and I'll be Secretary of Transportation (sic); and, if they don't by February 1st start working on something what you want or something in the neighborhood that I want, or maybe other members want, then we will have another hearing and we will ask for subpoena power.

REPRESENTATIVE STUBAN: I'm glad to know you,

Amos --

REPRESENTATIVE WILSON: Yes, sir. I like that.

CHAIRMAN HUTCHINSON: No, no, no. I'm not qualified to be Secretary -- I mean, Secretary of Transportation/Committee of the House. Sometimes, it gets away. When you usually win by 3,000, you win by 7,700. Your head gets a little big.

REPRESENTATIVE WILSON: Mr. Chairman, I would ask that you amend one thing in your statement. I like your statement; that we have in our hands that policy by February the lst; not the fact that they are going to start February the lst.

CHAIRMAN HUTCHINSON: If you're going to go by policy, they can have it written, but by regulations they wouldn't.

REPRESENTATIVE WILSON: They can have it before us 1 for consideration by that time. 2 CHAIRMAN HUTCHINSON: Right, some kind of form. 3 MR. BRYAN: As I understand, Mr. Chairman, you 4 are asking me to develop a draft regulation, if you will, 5 for the use of state-owned aircraft --6 CHAIRMAN HUTCHINSON: Right. 7 MR. BRYAN: -- and have it in your hands by 1 8 February? 9 CHAIRMAN HUTCHINSON: Rìght. 10 REPRESENTATIVE WILSON: Mr. Chairman. 11 CHAIRMAN HUTCHINSON: And leasing. You are 12 talking about whether they lease a plane. This is another 13 thing. 14 REPRESENTATIVE WILSON: There are three areas you 15 have to cover. 16 CHAIRMAN HUTCHINSON: You are talking about leasing 17 airplanes. Airplanes are sexy. 18 REPRESENTATIVE WILSON; I'm glad I have one. 19 CHAIRMAN HUTCHINSON: I don't mean intercourse 20 or anything like that, but I mean they are sexy argument 21 for people. About 10 years ago, the Honorable Jim Kelly 22 was County Commissioner, and the three Commissioners wanted 23 to buy a plane; to go to Washington, to go to different 24 meetings they went to, to save time. There was a big

hullabaloo, not by the people, but other politicians that didn't like it. Shapp bought an airplane, the Honorable Governor Shapp bought an airplane, excuse me. He had to sell it back, lease a plane, and by the time -- and Thornburgh is still using that plane that they leased, that the ex-Governor of New York had owned as a state employee.

I think that we have to get to a place that aviation is a place in this country. A person's time that is busy can't always go to an airport and sit and take a 15-hours round trip from Philadelphia that I took last December the 7th, and almost went off the runway in Pittsburgh with Leory Irvis and Caltigirone on the plane.

There is points that they might have went before the stod king (phonetic) if it wasn't a regulatory controlled system. I think they ought to have something written. You are a hundred percent right, who goes on that plane, what it is. If somebody else goes on that plane with him, how much it cost. That's what I want. Is that all right, then, with you?

REPRESENTATIVE WILSON: I think you are on the right track, and I do think that we are going in the right direction. It's a shame we had to have this hearing to get them to go in the right direction.

I would suggest the areas to be covered are the real estate management, the aircraft usage, who pays, who

uses, and under what circumstances they could be used, and I think we need a job specification for the personnel they have. Those are the three areas that I find there's been no movement whatsoever, really.

REPRESENTATIVE DININNI: Mr. Chairman,

CHAIRMAN HUTCHINSON: Representative Dininni.

REPRESENTATIVE DININNI: Mr. Chairman, I would like to pose a question to you also. You said you would like to have policy written into the regulations, and you included rental of properties, or rates. I disagree with that a hundred percent.

CHAIRMAN HUTCHINSON: It couldn't be -- It could be they could have it what they are going to do. It couldn't be like playing from one ballpark to another. I don't mean specific rates. We were told yesterday they were going to bid on them and take the highest bidder. So, the next time they could lease it to somebody else, if there isn't -- Policy don't give you no clear-cut thing. Every day you could be making policy.

REPRESENTATIVE DININNI: True, Amos, but yet, at the same time, you know we are talking about local takeover in the very near future, and yet, I don't want anything where their hands are tied and then the local people are going to be straddled with a long-term lease and it could be a bad lease.

Let's take that bidding procedure. That may sound good, regardless of how low it is, are you going to take it? Is that the policy? I certainly hope not because we are alliable to be straddled with a lease here for 25, 30, 40, 50 years for peanuts, and you are going to ask me to permit local takeover. No way will I do that.

CHAIRMAN HUTCHINSON: If they have local takeover like we have in Westmoreland County, they have all --

REPRESENTATIVE DININNI: No, but you can't change what is already done. To me, I like to give the Department the authority and ability to go out and negotiate these leases on a long-term basis, but a good one, as long as they have escalator clauses. I don't think it should be in the regulations. That's the only comment I have.

CHAIRMAN HUTCHINSON: We will work out something by February the 1st. You and I and Ben can work out, and the rest of the Committee can talk about that.

REPRESENTATIVE WILSON: Mr. Chairman, one thing I have, if I may ask.

CHAIRMAN HUTCHINSON: Go ahead.

REPRESENTATIVE WILSON: I see the Secretary sitting there. If he would agree to what we are coming to in this point in time, his actions, because he is the leader over Mr. Bryan, the Deputy Secretary. I would wonder if he would care to make his commitment to this resulting

compromise, or whatever it is.

SECRETARY LARSON: I'm pleased to work with the Chairman and this Committee to come to a resolution satisfactory to the Committee. I pleage myself to do that in the time frame that you said.

REPRESENTATIVE WILSON: I would like to submit for the record a summary of what we found, Mr. Chairman.

I will just submit it into the record so that that would be available to the Committee and to the Secretary for some sort of a conclusion to those aspects.

CHAIRMAN HUTCHINSON: So accepted.

(Representative Wilson entered the following conclusions for the record, based on the research done into the policies and practices of PennDOT'S operation of the Bureau of Aviation):

SUMMARY

"Use of State Aircraft - Commuter use questionable--Secretary Larson and Secretary Dennis particularly.

"Scheduling practice not established (no policy).

"Chartered aircraft for long trips questionable. Commercial service availability not considered as regular practice.

"Use and reimbursement for aircraft use by

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"Underutilization of single engine aircraft? 2 "Coordination of flights inconsistent--evidence 3 of waste through unnecessary use of charters, excessive deadheading, little attention paid to cost effective 5 operation of aircraft. 6 "Harrisburg International Airport: 7 "Automated accounting system failed, \$75,000 8 expense; 9 "Property Management firm fired, \$132,000 loss; 10 "\$536,000 'uncollectible' rents; 11 "Utility costs underestimated for billing--losses 12 unknown; 13 "Lessors occupy space without leases/payments--14 losses unknown; 15 "Commission--basis tenants not audited or checked-16 losses unknown; 17 "Two-thirds of all rent payments in arrears--no. 18 late penalties--losses unknown; 19 "Wide disparity in rental rates, commission 20 percentages -- undercharges for space--losses known; 21 "No master list of tenants terms and available 22 property-losses unknown (no way to check on tenants); 23 "Airport Management personnel job specifications 24

non-existent."

relatives and non-employees not established.

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CHAIRMAN HUTCHINSON: Anybody else have any
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    statements to make or any questions to ask, forever hold
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    your peace?
               REPRESENTATIVE WILSON: No, no, no, not forever
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    hold their peace.
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               CHAIRMAN HUTCHINSON: Any questions?
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                    ( No audible response )
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               CHAIRMAN HUTCHINSON: The meeting is now
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    adjourned.
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                    ( At or about 10:35 a.m., the public
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   hearing was adjourned. )
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CERTIFICATION

I, hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me, or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Karen J. Runk - Reporter