

COMMONWEALTH OF PENNSYLVANIA  
JOINT SENATE AND HOUSE TRANSPORTATION COMMITTEE

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In re: Senate Bill 1057 and House Bill 1722

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Stenographic report of hearing taken  
in Room 8-E, East Wing, Main Capitol.  
Harrisburg, Pennsylvania

Wednesday  
September 6, 1989  
9:00 a.m.

HON. J. DOYLE CORMAN, CHAIRMAN  
HON. JOSEPH A. PETRARCA, CHAIRMAN

MEMBERS OF SENATE AND HOUSE COMMITTEE

Hon. Clarence D. Bell	Hon. Victor J. Lescovitz
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Hon. Russ Fairchild	Hon. Joesph A. Steighner
Hon. Richard A. Giest	Hon. Donald W. Snyder
Hon. Edwin G. Holl	Hon. Thomas M. Tigue
Hon. Dick L. Hess	Hon. Michael R. Veon

Also Present:

Paul Parsells, Executive Director  
Greg Warner  
Sheryl Simpson  
Paul Landis

Reported by:  
Dorothy M. Malone, RPR

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1                   CHAIRMAN CORMAN: Good morning. The Senate  
2 and House Transportation Committee are holding this joint  
3 public hearing today to receive testimony about Senate  
4 Bill 1057 and House Bill 1722, identical legislation  
5 enacting the Uniform Commercial Driver's License Act.  
6 This legislation will ensure Pennsylvania's compliance  
7 with federal law that requires a national standard for  
8 testing and licensing commercial truck and bus drivers. By  
9 April 1992 an estimated 320,000 licensed drivers will have to  
10 take a written test and about 18,000 drivers will have to  
11 take an additional driving skills portion examination.

12                   Failure of Pennsylvania to comply with  
13 the federal law will mean a loss of federal highway funds.  
14 So while we have options, they are somewhat limited,  
15 we must comply with the federal law.

16                   Representative Petrarca and I thought the  
17 Committee should have a joint hearing to receive testimony  
18 not only on the contents of legislation but also how  
19 our Committees can help make the transition to the new  
20 licensing system go smoothly.

21                   At this time it is my pleasure to introduce  
22 the other senators, some of which have not yet arrived,  
23 so the other senator is Senator Bell and I. Representative  
24 Petrarca will introduce the House members or call the  
25 roll, whichever.

1 CHAIRMAN PETRARCA. We will have roll call.  
2 Paul.

3 MR. PARSELLS: Representative Petrarca.

4 CHAIRMAN PETRARCA: Present.

5 MR. PARSELLS: Representative Clark;  
6 Representative Daley; Representative Gruitza;  
7 Representative Lescovitz, Representative Lloyd, Representa-  
8 tive Lucyk; Representative Markosek; Representative Murphy,  
9 Representative Preston, Representative Steighner.

10 REPRESENTATIVE STEIGHNER: Here.

11 MR. PARSELLS: Representative Tigue.

12 REPRESENTATIVE TIGUE: Here.

13 MR. PARSELLS. Representative Veon.

14 REPRESENTATIVE VEON: Here.

15 MR. PARSELLS: Representative Wozniak;  
16 Representative Dininni; Representative Civera, Representative  
17 Dietterick.

18 REPRESENTATIVE DIETTERICK: Here.

19 MR. PARSELLS. Representative Fairchild.

20 REPRESENTATIVE FAIRCHILD: Here.

21 MR. PARSELLS. Representative Giest,  
22 Representative Hess, Representative Nahill, Representative  
23 O'Brien, Representative Snyder, Representative Telek.

24 CHAIRMAN PETRARCA: Thank you. Representa-  
25 tive Veon on the House side, the prime sponsor of the

1 identical legislation that Senator Corman introduced in  
2 the Senate, so we felt it more appropros to get together  
3 and since the mandated legislation of the Federal  
4 Government, we are here to expedite this legislation.  
5 Senator.

6 CHAIRMAN CORMAN: Thank you. Our first  
7 person to give testimony today will be John J. Zogby,  
8 Deputy Secretary for Safety Administration, Pennsylvania  
9 Department of Transportation. Jack, did you want to come  
10 up and take the mike? He has already passed out copies of  
11 his testimony. I think you should have those.

12 MR. ZOGBY: Thank you, Senator, and good  
13 morning. I have with me Doug Tobin, who is the Director  
14 of Driver Licensing in the Commonwealth.

15 I think it would be appropriate to begin  
16 with a review of the background and history of this  
17 activity that culminated in the form of Senate Bill 1057  
18 and House Bill 1722.

19 Over the past ten years, in fact, over  
20 the past several decades, we have seen significant safety  
21 improvements in the nation's transportation system.  
22 However, an area where desired improvements have not  
23 reached the level that those of us in the state and  
24 Federal Government felt they should is in the area of  
25 truck and bus safety. Both the social and economic losses

1 associated with traffic crashes involving commercial  
2 motor vehicles has been a focus of public concern for  
3 these past two decades. This concern has come from  
4 Pennsylvania citizens, your constituents, from this body,  
5 that is, the General Assembly, from the industry itself  
6 and from the U.S. Congress.

7 More than 6,000 commercial motor vehicle-  
8 related fatalities have occurred nationwide every year  
9 since 1984. In 1988 alone, commercial vehicles were  
10 involved in 5469 fatal accidents resulting in 6372 highway  
11 deaths; 355 of those occurred here in Pennsylvania. In  
12 fact, in Pennsylvania we have had over 300 deaths each  
13 year since 1984. It is estimated that these costs, the  
14 accident costs associated with these deaths nationwide,  
15 are \$6 billion each year.

16 When considering the issue of unsafe  
17 commercial drivers by those who have been studying it,  
18 and particularly the United States Congress, two major  
19 problems were consistently identified: (1) state licensing  
20 procedures were not uniform and may not adequately evaluate  
21 an applicant's qualifications to drive a commercial vehicle  
22 and (2) drivers could easily obtain licenses from more  
23 than one state and thereby avoid possible license sanctions  
24 by spreading out traffic convictions among these various  
25 licenses.

1                   The Congress took action to enhance  
2 commercial vehicle safety and reduce highway fatalities,  
3 and that was the passage of the Commercial Motor Vehicle  
4 Safety Act of 1986. The Act regulates drivers of heavy  
5 trucks and buses more strictly. It requires licensing  
6 agencies to implement new knowledge and skill tests, to  
7 retest and relicense all existing commercial drivers, and  
8 to participate in a national information system called  
9 (CDLIS). The Act will lead to improved driver quality.  
10 Commercial drivers will better understand the rules of  
11 the road and possess the special skills necessary to  
12 operate their vehicles safely. Additionally, the  
13 possibilities to obtain or use multiple licenses will be  
14 virtually eliminated.

15                   Only 31 states utilized any form of  
16 classified driver licensing system at the time the Act  
17 was passed, and those systems varied from state to state.  
18 Only 12 of these states, including Pennsylvania, required  
19 behind the wheel road testing in trucks or buses. Even  
20 though Pennsylvania was one of the 12 states requiring  
21 behind the wheel testing, you may recall, there was a  
22 period in the mid-70s when drivers could obtain a  
23 Pennsylvania heavy truck or bus license simply by declaring  
24 that qualification on their renewal notice. In fact,  
25 in our experience many drivers qualified themselves for

1 Class 1 through 6. Many of these drivers completed their  
2 licensing test in an automobile, but they are now authorized  
3 to drive a three-axle or inter-city bus or a tractor-  
4 trailer combination throughout Pennsylvania or the nation  
5 without ever demonstrating a proficiency to drive these  
6 heavy type vehicles.

7           The Commercial Motor Vehicle Safety Act  
8 addresses these discrepancies. The states have many new  
9 driver licensing requirements with which to comply. States  
10 will continue to license commercial drivers, establish  
11 fees, renew licenses, and determine the age and fitness  
12 requirements of intrastate drivers. States will also need  
13 to comply with federal testing and licensing criteria,  
14 blood alcohol level provisions, and with other sanctions.  
15 Failure to comply with the minimum federal requirements  
16 could lead to the loss of up to ten percent of federal-  
17 aid highway funds, as Senator Corman pointed out. For  
18 Pennsylvania that could mean a loss of over \$19 million  
19 in 1993 which would be the first year of these sanctions  
20 enactment and in excess of \$38 million each year thereafter.

21           When Congress deliberated on this issue  
22 they identified five items that they felt should be  
23 addressed. They were:

- 24           1) a uniform licensing system
- 25           2) a single driver's license





1 out-of-state licensing agency prior to the issuance of a  
2 Pennsylvania CDL.

3 - notifying the licensing state of any  
4 conviction for commercial driver moving traffic convictions

5 - adopting blood alcohol concentration  
6 levels at which a person is deemed to be operating a  
7 commercial motor vehicle under the influence of alcohol,  
8 and

9 - adopting of single license and domicile  
10 requirements

11 The legislative proposals before you meet  
12 those requirements. The proposals follow the model uniform  
13 legislative package developed by the Federal Highway  
14 Administration and the American Association of Motor  
15 Vehicle Administrators. This was a means of ensuring  
16 uniformity of legislation between states and compliance  
17 with federal standards.

18 The proposals reflect the permissible  
19 exemptions for firefighters, farmers within a radius of  
20 25 miles of the farm, and for military personnel. They  
21 exceed the federal standard by raising the minimum  
22 commercial driver licensing age to 21, by including  
23 recreation vehicles, and retaining our current, stricter  
24 definition of a school bus.

25 In a study sponsored by the Federal Highway

1 Administration, they found that commercial drivers under  
2 the age of 21 are up to six times as likely to become  
3 involved in fatal crashes as older drivers. This is  
4 supported by our own Pennsylvania accident data. The  
5 data further suggests that judgment might be a factor,  
6 noting that drivers under the age of 21 had a higher  
7 incidence of citations for reckless driving, moving  
8 violations, speeding, and failure to yield, which suggests  
9 a lack of maturity in younger drivers. It's also been  
10 a requirement, under Federal Highway rules, that commercial  
11 drivers involved in interstate commerce be at least 21  
12 years of age.

13           Since our licensing system currently requires  
14 drivers of recreation vehicles to obtain a heavy truck  
15 license, we've continued that requirement in the proposals.  
16 That requirement will further ensure that drivers of  
17 large recreation vehicles demonstrate an ability to control  
18 and safely operate their vehicles. And I have information  
19 that some of the vehicles manufactured today are as  
20 much as 45,000 pounds gross weight. The legislation  
21 proposed lowers the weight threshold from our existing  
22 30,001 pounds to the nationwide uniform 26,001 pounds.

23           Regarding our existing school bus definition,  
24 the federal act requires that all bus drivers comply with  
25 the federal minimum standards. School bus drivers are

1 included in the program by that mandate. Pennsylvania has  
2 had a successful school bus program for many years.

3 We've retained the current capacity definition of a school  
4 bus, which is 11 or more passengers, including the driver,  
5 to enable those who are involved in programs, the parents,  
6 students, administrators, employers to continue those  
7 benefits that are established by our pupil transportation  
8 program which includes an annual medical exam, training  
9 requirements and periodic road testing of driver  
10 qualifications.

11 Timely enactment of the legislation will  
12 ensure that a Pennsylvania commercial driver can continue  
13 to drive in other states, and that is also a time  
14 restricted activity. It will also provide each commercial  
15 driver the opportunity to complete the test requirements  
16 by the mandatory date of April 1, 1992, while enabling  
17 the Commonwealth to avoid the loss of federal funding.

18 Of the approximately 1.1 million drivers  
19 we have on file, and remember those are the ones who  
20 qualified themselves back in the '70s, we had estimated,  
21 based on national models and on the commercial driver  
22 populations in other like states, that we have about  
23 320,000 legitimate commercial drivers who will need to  
24 be retested and relicensed. We also have approximately  
25 20,000 new commercial drivers who want to be tested each

1 year.

2                   With the more comprehensive testing  
3 requirements of the commercial driver license program,  
4 a phased implementation approach is necessary. The  
5 legislative proposals also do that. The content of the  
6 driver's examination will be amended to bring the testing  
7 program into compliance with the federal standard. That  
8 enables us to begin to retest drivers and new applicants  
9 early next year.

10                   Mandatory compliance with the commercial  
11 driver testing program for currently licensed commercial  
12 drivers would begin in November, 1990, as authorized in  
13 the legislation. All drivers would be required to complete  
14 appropriate knowledge exams. The federal act does not  
15 allow the knowledge exams to be waived. The skill test  
16 can be waived for drivers, who over a specified period  
17 of time, who do not have:

18                   - any major suspensions or convictions on  
19 their record,

20                   - do not have a record of an accident  
21 where they were at fault, any drunk driving accident,  
22 leaving the scene of an accident, any felony, misdemeanor  
23 of the first degree or misdemeanor of the second degree,  
24 in other words, any major offense,

25                   - one other requirement for not waiving the

1 skill test is the person has to be regularly employed  
2 in a job requiring the operation of a commercial motor  
3 vehicle. The requirements there are two years,

4 - have driven a representative vehicle  
5 for the past two years preceding the application or have  
6 previously passed a skills test given by a state with a  
7 classified licensing and testing system, provided that  
8 the testing was completed in a representative vehicle  
9 for that classification.

10 With timely enactment of the legislation,  
11 all testing of currently licensed commercial drivers must  
12 be completed by March 31, 1992. Our programs call for  
13 that.

14 The sanction and penalty provisions contained  
15 in these proposals follow the federal requirements and have  
16 an effective date of April 1, 1992. At that time, we  
17 would have a program which complies with federal criteria.

18 The changes proposed to the licensing  
19 system will be extensive, and include.

20 - retraining of driver license examiners  
21 - identifying testing sites  
22 - administering test and processing exam  
23 results  
24 - changing the content of the driver  
25 licenses

- 1                   - identifying and implementing changes to  
2 the data processing systems
- 3                   - developing scheduling systems
- 4                   - printing and distributing new commercial  
5 drivers manuals
- 6                   - having drivers adequately prepare for and  
7 pass knowledge exams
- 8                   - having employers ensure drivers are  
9 prepared for testing. Many of these activities are already  
10 underway.

11                   The cost to the Commonwealth to implement  
12 this program will be approximately \$16 million, which  
13 includes the cost to both the Department and the State  
14 Police thru March 1992. The proposals call for an  
15 additional \$10 per year commercial driver licensing fee  
16 and an additional \$50 restoration fee following any  
17 commercial driver suspension, revocation, recall, or  
18 disqualification. These fees are comparable to fees  
19 being established by other states. And I believe that  
20 information was also passed out to you.

21                   One other issue I felt should be brought  
22 to your attention is the concern with those that have  
23 difficulty reading. To address that concern, we are  
24 working on a literacy program which could be used by  
25 interested drivers, employers, labor groups and associations.

1 A new commercial drivers manual is available for use by  
2 groups who wish to help their drivers prepare for the test.  
3 A video training aid to be used with the manual is also  
4 available. We will have an alternative testing format  
5 to the written test available prior to April 1992 for those  
6 with literacy problems. The alternative format will  
7 likely include oral or automated testing, although such  
8 an alternative will not exist for the hazardous material  
9 endorsement test.

10 I hope this information provides the  
11 necessary background to help you understand the  
12 importance and necessity of these legislative proposals.  
13 For the safety benefit gained by the public, the drivers,  
14 and employers, this legislation will be good for the  
15 Commonwealth.

16 Thank you and at this time I will answer  
17 any questions, Senator.

18 CHAIRMAN CORMAN: Thank you very much.  
19 That certainly is a good review of where we are and  
20 possibly why we are here.

21 BY CHAIRMAN CORMAN:

22 Q I have a question about the school bus  
23 portion of it. I am led to believe that Pennsylvania has  
24 been looked upon as a model state with our school bus  
25 rules and regulations and many other states have patterned



1 themselves after Pennsylvania. Is that true?

2 A That is true, sir. We have been into this  
3 some ten years and we have been looked at as a model.

4 Q And we have a pretty good safety record?

5 A And we have a pretty good safety record.

6 Q Is it possible that the testing that we  
7 now require could be adopted as the same tests that we  
8 would require in this or why are we changing it?

9 A Well, the test that was developed for  
10 national uniformity was developed under the federal act  
11 with the guidance of the Federal Highway Administration  
12 and an association of states involved in motor vehicle  
13 administration. The tests that we have developed in  
14 the past with regard to school bus operations, although  
15 many of it would be unique to that operation, many of  
16 the issues there are in the new testing procedure. I  
17 can ask Doug to respond further to that.

18 Many are in it but it is a much more  
19 comprehensive testing that will be required now of school  
20 bus drivers. Is that not correct?

21 MR. TOBIN: That is correct, Senator. The  
22 new national test has been validated and has been  
23 statistically proven to be a reliable test. I can't  
24 say the same for our current test for school bus drivers.  
25 That is one of the criteria for judging whether or not

1 we are in substantial compliance with the federal law  
2 and regulation.

3 BY CHAIRMAN CORMAN: (To Mr. Tobin)

4 Q So is the answer we must use their  
5 questions?

6 A We have two options. We can use their  
7 questions or we can spend a lot of money to develop a  
8 new test that would be essentially the same test.

9 Q My question was not must we spend a lot  
10 of money. My question was --

11 A I understand, Senator.

12 Q Must we use their exact questions or do  
13 we have the ability to ask the questions we believe are  
14 correct?

15 A We must ask the questions. We also have  
16 the ability to ask questions and we will ask for school  
17 bus operators some additional questions which pertain  
18 to school bus operations such as maintaining order and  
19 discipline on a school bus and so forth, emergency  
20 evacuation procedures.

21 MR. ZOGBY: Well, to relate directly to  
22 your question, Senator, we can design our own test but  
23 then it must be approved for, at least the reciprocity  
24 part, by the Federal Highway Administration regulation.  
25 That is what Doug was alluding to when he said it would

1 cost us a lot more money. I don't think our school bus  
2 operators, those who are trained in this, would have any  
3 difficulty passing the commercial drivers test.

4 BY CHAIRMAN CORMAN. (To Mr. Zogby)

5 Q I don't know how to judge that as yet. I  
6 met with a group yesterday and they felt they had a pretty  
7 good program in place now and showed me some evidence that  
8 maybe if we spent more time concerning ourselves about  
9 the safety boarding the buses and departing from the bus  
10 and educating the people who ride the buses, the school  
11 children, safety practices getting on and getting off,  
12 we might be spending money far more wisely than the  
13 additional testing of drivers, who seemingly are proving  
14 themselves to be pretty safe. That is all I am trying to  
15 get at before we put a whole bunch more difficulties  
16 on some people who seemingly are demonstrating they are  
17 pretty good drivers. Maybe we ought to consider whether  
18 we want to do that or do some other things.

19 Things that we have to do to make the  
20 system work you identified them as identify testing sites,  
21 administering tests and processing exam results. Where  
22 are we going to do that so that this will not cause major  
23 confusion to all the drivers of trucks and buses?

24 A We have a couple of options that we are  
25 pursuing and showing some positive reaction to. One is

1 what we call third-party testing which is an acceptable  
2 form of testing under the federal criteria, and that  
3 would be those who are in the industry could set up testing  
4 under an acceptable criteria to the Commonwealth and  
5 have their instructors trained under the federal criteria.  
6 Administer the tests to their own drivers or even to  
7 other drivers. We have had a reaction I believe from  
8 88 parties that would be considered third-party testing.  
9 That would be for the skill test, sir. Our own State  
10 Police have been identifying many of the locations they  
11 have used previously. They will need a few additional,  
12 at least in this first couple years before the implementa-  
13 tion date. I think after that they will be able to handle  
14 the novice driver as they have in the past. It will be  
15 the same. But yet that is a concern that there are enough  
16 testing sites, there are enough people to test, and that  
17 is why we opted for the third-party testing criteria.

18 Q So trucking companies could administer  
19 the test themselves if they chose to do that under proper  
20 supervision?

21 A That is correct.

22 Q How many other states have already passed  
23 this legislation?

24 A I believe I said 38. As of the last  
25 reading, we had 38 states passing.

1 CHAIRMAN CORMAN: Thank you very much.  
2 Representative Petrarca, do you have questions?

3 CHAIRMAN PETRARCA: Yes.

4 BY CHAIRMAN PETRARCA:

5 Q John, I was approached by operating  
6 engineer 66 and they said there was two states out of the  
7 38 that passed this legislation. That they exempted  
8 grade all cranes and construction equipment. Do you  
9 know what two states these were?

10 A I have no idea.

11 Q That is the language the Senator and I  
12 are looking for.

13 A We will look for that. We'll make a note  
14 of that. We'll follow up.

15 CHAIRMAN PETRARCA: Any members --  
16 Representative Veon.

17 REPRESENTATIVE VEON. Thank you, Mr.  
18 Chairman.

19 BY REPRESENTATIVE VEON.

20 Q Jack, some concerns have been expressed by  
21 the recreation vehicle industry. Specifically they have  
22 some documents that said of the 38 states that have passed  
23 it, no other states are requiring the commercial drivers  
24 license, but that in our legislation we do. I was  
25 wondering if you could comment on that.

1           A     Well, I know California requires it. I  
2 am not sure how many states do require it. I do know  
3 that the federal law was perhaps not silent but they  
4 certainly weren't specific on it. Most states' reactions  
5 to the recreation vehicle is that when they get to the  
6 weight limits defined by the federal criteria, that the  
7 driver of that vehicle probably, because of, perhaps in  
8 so many cases, his infrequent use, probably needs the  
9 training more than even a commercial driver.

10                   The federal law was silent on it in the  
11 sense because the federal law really has no jurisdiction  
12 over private ownership of these type of vehicles. While  
13 they do in interstate commerce traditionally. And so  
14 they were silent on it.

15                   We thought it would be wise here in  
16 Pennsylvania that at some level the recreation vehicle  
17 owner should be tested. Now according to our records,  
18 and these may be wrong, we looked in our motor vehicle  
19 registration record, we have 60 some vehicles registered  
20 in that class weight. Maybe what we can do is if we look  
21 at it, we might find more that are up above the 26,000  
22 pound level anyway. Those people, we found that a good  
23 percentage of them in fact had a Class II or III license.  
24 Now how they obtained it I am not sure. It may have been  
25 through the recertification program.

1           Q     They have some interesting points here.  
2     Instead of taking the full Committee's time at this time,  
3     what I would like to do is I would like to have the  
4     Department respond in writing to the various points and circu-  
5     late that to the member for their information. I think they have  
6     some good questions that for the members' information I  
7     am sure we are going to get a lot of these questions.  
8     If you could respond in writing, that would be helpful?

9           A     Okay.

10          Q     Also concern has been raised, how many times  
11     can an individual take the test?

12          A     Three times.

13          Q     Three times?

14          A     You mean take it with a failure?

15          Q     Yes.

16          A     Up to three times.

17          Q     Up to three times; some folks raise a good  
18     point where we are asking that they voluntarily come in  
19     and take the test now. And if they would take it and  
20     fail three times now, they would be without a license  
21     even prior to April 1 of 1992. Has some thought been given  
22     to give some grace period at least up until the federal  
23     deadline of 1992? In other words, to add to the incentive  
24     for them to come in now, if they come in now and three times  
25     fail it, they are done automatically even if they do that

1 prior to 1992.

2           A     What Doug was pointing out to me, the  
3 voluntary stage which starts sometime in January through  
4 November of 1990 will be by the third-party testing  
5 mechanism except for the novice driver. The novice driver  
6 will have to start through the State Police. Those people  
7 who would come in through that system, of course, it is  
8 going to be through the third-party tester, they will  
9 have an opportunity for applying, getting the education.  
10 They already are classified as Class II or III operators.  
11 The point at which they apply to us for the commercial  
12 driver license under the new criteria is the point at  
13 which we will start the clock on when they can pass that  
14 test. Now if the company chooses, as we in PennDOT choose,  
15 to train the drivers by giving them the opportunity to  
16 review the manual, get briefed on that through some type  
17 of training mechanism, we have videos prepared for our  
18 own employees that we will make available to corporations  
19 or associations or unions that they can go through that  
20 mechanism and I think then, Representative Veon, that  
21 they will have a good opportunity to pass that within  
22 three times.

23                     I think the other question on the other  
24 side would be with all that preparation, if they don't  
25 pass, and I am really concerned about the skills portion



1 if that is going to be the crux of it, I think at that  
2 point we have to question whether in fact they should  
3 retain a commercial driver's license.

4 REPRESENTATIVE VEON: I appreciate that.  
5 My concern is really on the written portion and a lot of  
6 these folks obviously have not been to school for a long  
7 time. I think we need to pay close attention if you are  
8 asking them to come in voluntarily early, it seems to me  
9 you are taking away some of the incentive for them to do  
10 that if in fact they take it X amount of times and they  
11 lose their license prior to the federal deadline even  
12 being here of '92. I just want to throw that out. Maybe  
13 perhaps we ought to consider giving them some additional  
14 opportunities at least up to the federal deadline. That  
15 would be my suggestion. I can follow up on that at a  
16 later time, but I did want to bring that up.

17 CHAIRMAN CORMAN: Could we caution all  
18 members of the panel that we have a full day.

19 REPRESENTATIVE VEON: Sure, one more  
20 question.

21 BY REPRESENTATIVE VEON.

22 Q The other question regarding the drunk  
23 driving issue, and I wanted to be clear as to how the  
24 .04 may or may not affect a driver with his driving his  
25 own vehicle and where it is .10 and then also on page 35

1 of the legislation, Section 1612, we say commercial  
2 drivers prohibited from operating with any alcohol in  
3 system. I was wondering how that might relate to  
4 the .04?

5 A The .04 in fact is the federal regulation.  
6 And if you are operating a commercial vehicle and you are  
7 tested out at .04 blood alcohol concentration, you are  
8 in fact driving drunk and you get the full provisions of  
9 the federal law which calls for an initial one-year  
10 suspension. The second time you get caught in that or  
11 within, I believe it is five years, it is a lifetime  
12 disqualification.

13 Now, with respect to the zero level, that  
14 is your further reference, that refers to anybody who  
15 has any evidence of alcohol in their system will be put  
16 out of service for 24 hours. Will not be allowed to drive.  
17 That carries that.

18 A person who loses their commercial driver's  
19 license under .04 will still be able to retain his  
20 passenger car license. Of course, if it is .1 then he  
21 loses both. But if he is between .04 and .1 he will still  
22 have the ability to retain his passenger car license.

23 REPRESENTATIVE VEON: Thank you, Jack.

24 Thank you, Mr. Chairman.

25 CHAIRMAN CORMAN: Senator Bell.

1 SENATOR BELL. Thank you, Mr. Chairman.

2 BY SENATOR BELL:

3 Q Jack, how does this affect the volunteer  
4 fireman driving a fire truck?

5 A It does not. They are exempted from this  
6 act.

7 Q What is this Class D license?

8 A What we did is we put in a provision of  
9 Class D which is similar to our current Class 1 that  
10 you can operate any vehicle up to 26,000 pounds or if  
11 you are not trailing a vehicle over 10,000 pounds. So  
12 it is a passenger car, van, that type.

13 Q And that is a new class of license?

14 A Yes. We changed the classes, Senator,  
15 to conform with the federal law.

16 Q Does that mean if I drive a pick-up truck  
17 I need a Class D?

18 A A pick-up truck would be a Class D.

19 Q I would take a new license?

20 A Yes.

21 Q It means every person in Pennsylvania  
22 driving a pick-up truck has to take a new license exam?

23 A No, sir. No, sir. They would be automatical-  
24 ly classified into the new class.

25 Q I thought they can waive the skills test

1 but they have to take the knowledge test.

2 A That is for anybody who is classified  
3 into the commercial driver's license classes which will  
4 be class --

5 Q Which includes Class D?

6 A A, B and C.

7 Q Why do you define it Class D then in this?  
8 I am confused.

9 A Well the Class D will be the current --

10 CHAIRMAN CORMAN: Excuse me. Is that  
11 class, which? I can't determine you're saying E or C.

12 MR. ZOGBY: D, I am sorry, sir.

13 CHAIRMAN CORMAN: A, B, C, D.

14 SENATOR BELL: D as in dog.

15 MR. ZOGBY. Pennsylvania's classification  
16 system was always Classes 1 through 6 and they progressed  
17 through the numbers in something like a hierarchy of  
18 weight. However, Class 4 was school bus, Class 5 was  
19 motorcycle and Class 6 was the mopeds. So our 1, 2, and  
20 3 was passenger car, pick-up trucks, vehicles less than  
21 26,000 pounds. Class B were those vehicles that were  
22 26,000 pounds or rather were trailering something over  
23 10,000 pounds. Class 3 was the combination vehicle  
24 over 26,000 pounds.

25 The new federal law just reversed the order.

1 They said Class A is the highest level vehicle. So if  
2 you got a Class A license, you can drive anything, a B,  
3 C or D, that is, without the endorsements. Then Class B  
4 relates to our old Class 2 Class C was put in as a  
5 provision for including our school bus operators and  
6 hazardous materials. And then Class D will be our current  
7 Class 1 and those people will be automatically put into  
8 that class. They won't have to be tested.

9 BY SENATOR BELL:

10 Q How about taxicabs?

11 A Taxicabs will be Class D.

12 Q D?

13 A Yes.

14 SENATOR BELL: Thank you, Mr. Chairman.

15 CHAIRMAN CORMAN: Thank you very much.

16 We have been joined now by Representative Lucyk,  
17 Representative Hess and Senator Holl. Have any of you  
18 any questions before we continue?

19 (No response.)

20 Thank you very much. Thank you very much  
21 for coming, John. I am sure we will have more questions.

22 MR. ZOGBY: Thank you.

23 CHAIRMAN CORMAN: I'm sorry, Representative  
24 Tigue.

25 BY REPRESENTATIVE TIGUE:

1 Q Just a quick question, two really. Jack,  
2 is the Federal Government providing any funds to implement  
3 this?

4 A They have, Representative Tigue, they have  
5 provided over the last several years, we have taken  
6 advantage of \$100,000 a year for the last three years.

7 Q A hundred thousand a year and that is  
8 going to continue for implementation of this?

9 A It will continue, at least as we see it  
10 for the foreseeable future, with regard to things like  
11 redesigning our data processing system. We had to do  
12 some extensive redesigns of that to include this new  
13 class system, the new sanctions. As far as implementing  
14 the law, that is, test sites and putting in new examiners,  
15 I don't think they are going to provide any money for  
16 that.

17 Q One other question, how many other states  
18 require that a commercial driver licensee be at least  
19 21 years of age?

20 A Right now I think we are the only state.  
21 Do you know of any other?

22 MR. TOBIN: I don't know of any others.

23 BY REPRESENTATIVE TIGUE: (To Mr. Zogby)

24 Q Then why are we doing it?

25 A The obvious reasons were, as I tried to

1 point out, the accident data suggests, both on a national  
2 level and our own data, suggests that the operation of a  
3 commercial vehicle by those who are still in the process  
4 of learning or maturing shows that their involvement rate  
5 in fatal accidents is six to one.

6 Q But under the proposal, if I am 18 today  
7 and I have a Class .3' license, you are going to give me  
8 a commercial driver's license, you are not going to allow  
9 him to do it because he doesn't have it today?

10 A Yes, you are right. The law suggests that  
11 those who currently have the license would be grandfathered  
12 in. Those who would be applying would have to wait till  
13 21.

14 CHAIRMAN CORMAN: And I'm sorry, we also  
15 have Representative Geist who has joined us. Any other  
16 questions?

17 (No response.)

18 Thank you very much, Jack.

19 MR. ZOGBY: Thank you, sir.

20 CHAIRMAN CORMAN: The next person will be  
21 Mr. Robert J. Rhodes, President of the Pennsylvania School  
22 Bus Association and Elaine Farrell, Executive Director  
23 of Pennsylvania School Bus Association.

24 MR. RHODES: Thank you for giving us the  
25 opportunity to appear before the House and Senate

1 Transportation Committees today to present the views of the  
2 Pennsylvania School Bus Association on the issue of the  
3 commercial driver's license.

4 My name is Bob Rhodes and I am President  
5 of R. J. Rhodes Transit, Inc., located in Freedom,  
6 Pennsylvania and I am the current President of the  
7 Pennsylvania School Bus Association. R. J. Rhodes Transit  
8 has been transporting children to and from school for over  
9 50 years and we employ 150 school bus drivers who will be  
10 affected by the Commercial Drivers License law. Elaine  
11 Farrell is the Executive Director of the Pennsylvania  
12 School Bus Association and is here with me today to answer  
13 any questions you may have after the testimony.

14 The Association represents approximately  
15 50 percent of the Commonwealth's yellow school bus fleet  
16 with members from all areas of the state. There are 36,000  
17 plus school bus drivers in Pennsylvania who will be  
18 affected by the legislation passed to implement the  
19 federally mandated Commercial Drivers License Program.

20 Our interest in testifying is two fold. First, how the  
21 Commercial Drivers License legislation, as written, will  
22 impact school bus drivers and, secondly, how the school  
23 vehicle definition in the proposed legislation will impact  
24 districts and private school bus fleet owners.

25 Areas Affecting Drivers Directly





1 would request the Committee reconsider this requirement  
2 and lower the age to 19. Nationwide, including Pennsylvania,  
3 the school bus industry is having a difficult time recruiting  
4 individuals to drive a school bus. We anticipate that the  
5 new Commercial Drivers License law will make our job even  
6 more difficult and, therefore, request some leniency with  
7 the age requirement.

## 8 2. LEARNER'S PERMITS

9 Current law requires a person to obtain a  
10 \$5.00 learner's permit to learn to drive a school bus.  
11 The final license obtained is FREE.

12 The proposed legislation requires a separate  
13 learner's permit for each endorsement a person applies for.  
14 In the case of an average school bus driver, the following  
15 endorsements would be required:

16 "P" - Passenger endorsement

17 "S" - School Bus endorsement

18 "K" - No Air Brakes

19 This will cost \$15.00.

20 The school bus industry requests your  
21 consideration of reviewing the learner's permit procedure  
22 so that a person who wishes to drive a school bus is not  
23 subject to a potential 200 percent increase for the  
24 privilege.

## 25 3. FEES

1                   Currently, school bus drivers, as mentioned,  
2 pay a \$5.00 school bus learner's permit fee and then the  
3 usual \$24.00 fee to renew a Class 1 license which includes  
4 the Class 4 School Bus endorsement. School bus Class 4  
5 licenses are renewed every four (4) years without  
6 additional fees.

7                   The fees included in the proposed legislation  
8 require the endorsement permit fees as well as a \$10.00  
9 annual Commercial Drivers License fee. In the case of  
10 school bus drivers who are not accustomed to incurring  
11 license fees, this will require an initial outlay of as  
12 much as \$79.00; \$15.00 for three (3) endorsement permits,  
13 \$40.00 for a four (4) year Commercial Drivers License,  
14 and \$24.00 to renew their Class 1 license.

15                   School bus drivers work part time, are  
16 very highly regulated by federal and state safety laws,  
17 and must adhere to \$10.00 criminal history checks as well  
18 as \$25.00 annual physicals.

19                   The Pennsylvania School Bus Association  
20 requests consideration of a \$6.00 yearly Commercial Drivers  
21 License fee which will at least, at a minimum, match the  
22 current \$24.00 Class 1 license renewal fee.

### 23 School Vehicle Definition

24                   Current regulation defines a "school  
25 vehicle" as "any passenger car or truck with a passenger

1 seating capacity of not more than ten passengers, including  
2 the driver..." PennDOT and the State Police have permitted  
3 vans, such as 12 or 15 passenger vans, to transport  
4 children to and from school or on field trips if only ten  
5 passengers are on board to comply with the regulations.  
6 As a result, there are probably hundreds of 12 or 15  
7 passenger vans owned and operated by school districts,  
8 Intermediate Units, and school bus contractors. They are  
9 convenient to use on narrow dirt roads where a school bus  
10 cannot travel, or when a small group of students go on a  
11 field trip that does not require the use of a large  
12 school bus.

13 The proposed legislation defines a "school  
14 vehicle" as "a motor vehicle designed for carrying no  
15 more than ten passengers, including the driver..." This  
16 implies that 12 or 15 passenger vans, currently in use  
17 with ten passengers aboard would be prohibited.

18 The concern the school bus industry has  
19 is the tremendous financial burden placed on districts,  
20 Intermediate Units and contractors to replace these  
21 vehicles. The second concern is the lack of communication  
22 that would not be provided to the van owners, as to the  
23 new definition, and the ultimate confusion as to the proper  
24 enforcement of the use of school vehicles.

25 PSBA supports several sections of the

1 proposed bills including:

2 1. THIRD PARTY TESTING

3 Currently State Police barracks are over-  
4 burdened with 16 year-olds obtaining licenses, individuals  
5 testing for new classes of licenses and school bus drivers  
6 trying to renew their Class 4 school bus drivers' licenses.  
7 Appointments can run into weeks and months, discouraging  
8 many individuals from renewing much-needed licenses to  
9 be employed.

10 The third party testing concept will  
11 alleviate the back-up that exists at State Police barracks  
12 by permitting individuals to become third party examiners  
13 for the road test portion of the required exams. We would  
14 hope that the intent of the proposed legislation is to  
15 also permit third party testers to continue to road test  
16 new drivers and those requiring retesting every four (4)  
17 years after the transition period for the commercial  
18 drivers license. School bus drivers will continue to be  
19 the only class of drivers who will require retesting,  
20 aside from drivers of hazardous materials.

21 2. "S" SCHOOL BUS ENDORSEMENT

22 Pennsylvania has one of the best 20 hour  
23 school bus driver training programs in the nation. Several  
24 states do not even have a school bus driver required  
25 training course. Pennsylvania has the fourth largest

1 fleet of school buses in the nation with a very low  
2 accident rate.

3 The "S" endorsement is not required by  
4 the federal Commercial Drivers License regulations or law.  
5 We support both the Senate and House bills' requirement  
6 for the "S" endorsement which will mean the continuation  
7 of the 20 hour and 10 hour mandated courses of instruction  
8 and annual physicals for all school bus drivers.

### 9 3. SUSPENSIONS

10 Although school bus drivers are already  
11 prohibited from consuming alcohol eight hours before  
12 driving a school bus, we support the bills' strict drug  
13 and alcohol policies and resulting suspension or loss of  
14 license. This provision will clearly make for a safer  
15 commercial vehicle and safer roadways for everyone to  
16 travel on.

### 17 Conclusion

18 The school bus is the safest form of  
19 transportation on a roadway in the United States. Stringent  
20 driver and equipment regulations contribute to this,  
21 resulting in a safe ride for children to and from school  
22 each day. The federal Commercial Drivers License require-  
23 ments did not specifically target school bus drivers as a  
24 group of individuals who needed to improve their driving  
25 skills, but were included because of the precious cargo

1 they transport.

2 Our concerns shared with you today are  
3 intended to assist the Transportation Committees in  
4 enacting legislation that is fair to school bus drivers  
5 as well as other groups of individuals affected while  
6 keeping within the constraints of the federal requirements.

7 Thank you. Elaine and I will be happy to  
8 answer any questions you may have.

9 CHAIRMAN CORMAN: Thank you very much. You  
10 have given me some new questions to ask the people from  
11 PennDOT which have agreed to stick around until the end  
12 of our hearing today and we will get questions at the  
13 end. Senator Bell.

14 SENATOR BELL: No questions.

15 CHAIRMAN CORMAN: Senator Holl.

16 SENATOR HOLL: No questions.

17 CHAIRMAN CORMAN: Representative Petrarca.

18 CHAIRMAN PETRARCA: Any questions on our  
19 side?

20 (No response.)

21 CHAIRMAN CORMAN: Thank you very much.

22 We will let you off easy.

23 MR. RHODES: Thank you.

24 CHAIRMAN CORMAN: John J. Bell, Pennsylvania  
25 Farmers' Association. Before you slip out, I guess I would

1 like to congratulate the school bus people for the good record  
2 you have in safety and interest in the subject. Thank you.

3 Proceed.

4 MR. BELL: Senator Corman, Representative  
5 Petrarca, members of the Senate and House Transportation  
6 Committees. Good morning. My name is John Bell. I am  
7 Legislative Counsel for the Pennsylvania Farmers' Associa-  
8 tion. My testimony today is being offered on behalf of  
9 our Association and the over 22,600 farm families who  
10 comprise our Association's membership. We would like to  
11 thank the members of both the Senate and the House  
12 Transportation Committees for the opportunity to present  
13 our views, relative to the proposed legislation to implement  
14 the federal commercial driver's license standards.

15 The Pennsylvania Farmers' Association and  
16 our national affiliate, the American Farm Bureau Federation,  
17 were active participants in the process leading to the  
18 adoption of minimum federal standards to be met in state  
19 commercial driver's licensing. While we were generally  
20 supportive of Farm Bureau's efforts to exclude from  
21 standard requirements farm vehicle operators, we were  
22 aware that many of the licensing standards to be imposed  
23 on states were similar to the requirements already imposed  
24 on Pennsylvania drivers under the state's Classified  
25 Driver's Licensing law.



1                   We continue to believe that a primary  
2                   purpose for driver's licensing is to ensure that a person  
3                   has adequately demonstrated the actual ability to demonstrate  
4                   a class of vehicle he or she wishes to operate, whether  
5                   the vehicle is a farm truck, commercial truck or passenger  
6                   vehicle. We support the attempt in the legislation you  
7                   are considering to maintain the relative testing and  
8                   licensing standards currently implemented under Pennsylvania's  
9                   current classified driver's licensing system.

10                   A serious concern that we had with the  
11                   federal licensing requirements was in the area of  
12                   transportation of hazardous materials. Specifically, we  
13                   were fearful that all farmers and farm employees would be  
14                   required to obtain commercial licenses to operate implements  
15                   of husbandry and exempt farm trucks on the sporadic chance  
16                   that they may be operating a vehicle meeting the threshold  
17                   quantities as to require placarding of the vehicle.

18                   The Federal Motor Carrier Regulations  
19                   already impose requirements upon drivers in intrastate  
20                   transportation of hazardous materials, regardless of the  
21                   distance to be transported. To impose additional  
22                   requirements of "commercial" driver's testing and licensing  
23                   on these operators would cause substantial practical  
24                   problems for both farm vehicle operators and those  
25                   commissioned to administer the requirements without having

1 any additional positive impact on safety.

2 We appreciate that the proposed legislation  
3 recognizes the needlessness of these requirements and  
4 support the provisions currently contained in the bills  
5 to exempt from commercial driver's license requirements  
6 operators of implements of husbandry and operators of farm  
7 vehicles operated within a 25-mile radius of the farm.

8 There is one amendment we would recommend  
9 to the proposed legislation. As currently drafted, the  
10 bills would prohibit any person under 21 years of age  
11 from obtaining a commercial driver's license in Pennsylvania.  
12 Our current law permits a person 18 years of age to obtain  
13 a Class 2 or Class 3 driver's license. And the current  
14 Federal Motor Carrier Regulations permit persons under 21  
15 years to operate restricted farm use trucks without  
16 distance limitation and to operate restricted farm use  
17 combinations within a 150-mile radius of the farm.

18 As neighboring states adopt and implement  
19 the farm vehicle operator waiver from federal commercial  
20 driver's license standards, a blanket imposition of an  
21 age minimum of 21 in Pennsylvania would create an inequity  
22 between Pennsylvania drivers and those of other states  
23 in the operation of larger farm registered trucks and  
24 combinations on Pennsylvania roads. Pennsylvania farmers,  
25 family members and employees under 21 would be prohibited

1 from operating larger farm trucks and combinations on  
2 roads in their home state, but similarly situated persons  
3 residing outside Pennsylvania would not.

4 We believe such inequity has no logical  
5 purpose and would recommend that you amend the proposed  
6 legislation to permit persons at least 18 years of age  
7 and operating solely farm registered vehicles to obtain  
8 a commercial driver's license.

9 Again, we would like to thank you for the  
10 opportunity to share with you our views. I will take  
11 any questions you may have at this time.

12 CHAIRMAN CORMAN: Thank you very much.  
13 Senator Bell.

14 SENATOR BELL: Mr. Chairman, the witness,  
15 Mr. Bell, just raised a point that I think is very, very  
16 important. In other words, if you are driving down I81  
17 and if you are from Pennsylvania, you have to be 21. If  
18 you are from Virginia, only 18. That is a lot of BS.

19 CHAIRMAN CORMAN: Senator Holl.

20 SENATOR HOLL: No questions.

21 CHAIRMAN CORMAN: Representative Petrarca.

22 CHAIRMAN PETRARCA: No questions.

23 CHAIRMAN CORMAN: Thank you very much.

24 We appreciate your taking time to come in and sharing  
25 this information with us.

1 MR. BELL: I appreciate this opportunity,  
2 sir. Thank you.

3 CHAIRMAN CORMAN: Dorsey Musselman,  
4 Central Pennsylvania Truckers Association.

5 MR. MUSSELMAN: Thank you, Mr. Chairman.  
6 Good morning, Mr. Chairman and members of the panel.  
7 I would like to take the opportunity to thank all involved  
8 for the opportunity to be here today.

9 My name is Dorsey Musselman. I am an  
10 owner-operator truck driver and have been for the past  
11 29 years.

12 Today I am here representing the Central  
13 Pennsylvania Truckers Association of Bedford, Pennsylvania  
14 of which I am President, and also United Truckers News,  
15 which my wife, Ethel, who is accompanying me, is the  
16 Executive Secretary. This United Truckers News consists  
17 of five independent trucking associations with a combined  
18 total membership of well over 2,000 truckers of which most  
19 are leased to various PUC and ICC carriers.

20 The majority of our members are in favor of  
21 the Commercial Driver License Program, however, we have  
22 some reservations, so far the few states that have started  
23 to administer the written and driving tests, the results  
24 have been disastrous. And when you ask yourself why?

25 We feel without a doubt anytime anyone takes

1 on a project of any kind, where neither side is prepared  
2 properly you can usually count on a failure.

3 For this program to be a success and have  
4 any meaning whatsoever and be able to contribute to better  
5 highway safety for everyone involved, which should be  
6 the goal of everyone here today, then certain steps must  
7 be taken.

8 Number 1. Who will administer the written  
9 test?

10 The person who administers the written test  
11 should have some knowledge of what is involved with driving  
12 a heavy vehicle especially an 80,000 pound rig. Also  
13 be familiar with the questions and answers.

14 One concern all drivers I have talked to  
15 and including myself, is where do I actually go to take  
16 the test? If this is my responsibility to schedule the  
17 time to take the test, it could become a major problem  
18 when you consider the large amount of drivers involved  
19 here. Also we feel the main reason the drivers have  
20 failed the test in states where the test has already been  
21 given is no instructor ever reviewed the questions and  
22 answers with them or explained why. Therefore, we feel  
23 we should have access to some instructions prior to taking  
24 the test.

25 Number 2. Driving Skill Test.

1                   This test to be given by anyone other than  
2 someone who is fully qualified to drive the vehicle that  
3 the test applies to makes the test meaningless and will  
4 have no impact on safety whatsoever. In other words, what  
5 we are saying, if you are not qualified to drive my truck,  
6 your opinion as to my ability to drive a truck is worthless.

7                   Number 3. Driver's obligation and  
8 opportunity to properly take the above two tests.

9                   What we need as a driver is a copy of the  
10 tests, ample time to study and prepare, and the tests to  
11 be administered under proper conditions so we are able to  
12 pass the tests, but more important if the driver learns  
13 something good from this whole experience, then we will  
14 become more safety conscience and better drivers.

15                  As a matter of fact, when you check all  
16 reputable national statistics of highway accidents,  
17 commercial drivers already are almost twice as good as  
18 other drivers. There is a reason for this. We may have  
19 some bad drivers in our industry, but doesn't every other  
20 industry or group of people in this country have their  
21 problems. A very high percentage of truck drivers that  
22 I have been involved with over the years are hard working,  
23 honest and decent family-oriented people. Most owner-  
24 operators like myself mortgaged their homes, family farms  
25 and whatever else in order to purchase their trucks,

1 therefore have a very good built-in reason to succeed.  
2 We realize one accident can destroy a life's time of  
3 hard labor for more than one person or family. Not to  
4 mention the pain or suffering it may cause innocent people.

5 It is our understanding that certain groups  
6 may be exempt, such as farmers, and firemen. We feel  
7 this is absolutely wrong. We feel if Pennsylvania  
8 establishes a fair and decent program of testing,  
9 responsible drivers should be willing to participate  
10 and exemptions of any type have no valid argument.

11 One other concern we have, we have been  
12 told the tests have been based on a sixth grade reading  
13 level. This may sound easy, but let me assure you a large  
14 number of drivers who have a safe driving record at the  
15 present have been out of high school from 30 to 50  
16 years. Many of these drivers like myself being out of  
17 school for 36 years, when I look at the homework the  
18 children in my immediate family bring home, I soon discover  
19 by today's standards of sixth grade work, I am practically  
20 illiterate.

21 So this is one of the big reasons I support  
22 better education for me and my fellow drivers, we need  
23 to catch up. So that is why I am asking for a fair shake  
24 and a chance for improvement. And the goal of this whole  
25 program should be highway safety instead of revenue raising.

1 And I would like to say that we support Mr. Jack Zogby on  
2 the fee schedule that they put in. Ten dollars a year,  
3 we feel, is very fair.

4                   Once again I would like to thank  
5 Representative Hess and Senator Corman for the opportunity  
6 and everybody else who made it possible for me to be here  
7 today.

8                   We would be glad to answer any questions  
9 you would have and in the future we will be available  
10 to assist you in any way we possibly can to establish an  
11 excellent commercial driver license program in Pennsylvania.  
12 Thank you.

13                   CHAIRMAN CORMAN: Thank you very much,  
14 Mr. Musselman. I agree with you. If we are going to  
15 pass this legislation and make it meaningful, we must  
16 make certain that test sites and the people giving the  
17 tests and all that sort of thing fits together very well.  
18 Otherwise there is going to be great havoc. All you have  
19 to do is drive down the road and see how many trucks are  
20 out there and how many drivers we are talking about to  
21 know the system better and work smoothly or we are going  
22 to have havoc.

23                   MR. MUSSELMAN: That is right.

24                   CHAIRMAN CORMAN: It is our desire to work  
25 with PennDOT to see that they do provide adequate test sites.



1 And as you have heard, they will allow certain qualified  
2 people to test our drivers.

3 MR. MUSSELMAN: We like that.

4 CHAIRMAN CORMAN: Any questions?

5 (No response.)

6 That's a fire alarm that goes off regularly.  
7 We'll ask the people out in the hall if we should leave.  
8 Otherwise we'll call on Henry E. Beaver, State Legislative  
9 Director, United Transportation Union; Donald W. Dunlevy,  
10 Secretary of Pennsylvania State Legislative Board, United  
11 Transportation Union.

12 CHAIRMAN PETRARCA: I would like to take  
13 this opportunity to introduce Vic Lescovitz.

14 CHAIRMAN CORMAN: Thank you very much. I  
15 hope that we have the noise under control in a minute.  
16 To allay the fears of everyone, this happens about every  
17 hour in this part of the building.

18 Good morning. You may proceed.

19 MR. BEAVER: Good morning, Chairman Corman  
20 and Chairman Petrarca, distinguished members of the panel.  
21 I have with me today Donald Dunlevy, who is the Secretary  
22 of the Pennsylvania State Legislative Board and Dick  
23 Lechette, who is a bus driver for SEPTA.

24 My name is Henry E. Beaver and I am the  
25 Director for the Pennsylvania State Legislative Board of

1 the United Transportation Union. The United Transportation  
2 Union represents bus drivers on the Suburban Division of  
3 the Southeastern Pennsylvania Transportation Authority.  
4 These members are currently required to possess a Class 2  
5 driver's license and, as a result of the federal legislation,  
6 will be required to obtain a Class B Commercial Driver's  
7 License (CDL) with a passenger endorsement.

8           The federal mandate for the individual  
9 states to enact legislation providing for a commercial  
10 driver's license stems from the fact that many states gave  
11 little or no regard to the need for demonstrating or  
12 possessing any skills or qualifications to operate such  
13 vehicles. Pennsylvania, with its requirements for  
14 obtaining a Class 2 or 3 license, was not one of the states  
15 which brought to focus the need for such a requirement.  
16 Therefore, I would initially like to stress the fact that  
17 we believe Pennsylvania has in no way been deficient or  
18 lacking in its requirements for obtaining such a license,  
19 particularly with regard to Class 2 licenses. Consequently,  
20 we believe no need exists to substantially depart from  
21 Pennsylvania's current qualifying requirements other than  
22 to satisfy the new federal standards and to protect,  
23 without undue hardship, the status of our experienced,  
24 qualified, professional drivers.

25           First of all, the United Transportation Union

1 recommends retention of the current ten passenger capacity  
2 (including driver) definition of a bus as a threshold for  
3 requiring a commercial driver's license with a passenger  
4 endorsement rather than raising it to the 16 passenger  
5 threshold as established by the new federal regulations.  
6 I remind you that this threshold only became effective in  
7 Pennsylvania on July 1, 1986, as the result of relatively  
8 recent legislation with concern for the safety of the  
9 traveling public and the United Transportation Union  
10 believes it should continue to be maintained at that level.  
11 Such action, taken prior to the establishment of the  
12 federal regulations, is illustrative of the fact that, in  
13 the interest of safety, Pennsylvania has seen fit to act  
14 on its own initiative well before the Federal Government  
15 established its licensing requirements, as well as most  
16 other states. Additionally, an increase in the current  
17 threshold from 10 to 16 could conceivably encourage the  
18 use of "gypsy vans" or unregulated "jitneys" in certain  
19 areas, which would be contrary to the intent of the  
20 federal law. We agree that the exemption for van pools  
21 or ride-sharing programs should continue to remain in  
22 effect, and all of this is permissible under the Federal  
23 Highway Administration's final rule.

24 We must all recognize the fact that many  
25 of those required to take the test have been long-term

1 career drivers with little formal education and who are  
2 functionally illiterate or deficient in reading comprehen-  
3 sion. To many of these individuals a written test is a  
4 potentially job-threatening situation, even though they  
5 possess the skills and knowledge necessary to safely  
6 operate a commercial vehicle. Recognizing this fact, the  
7 Federal Highway Administration's final rule requires a  
8 knowledge test which can either be oral, written, or  
9 given with automatic equipment. From an administrative  
10 standpoint, a written test may be preferable but in  
11 fairness to those with such reading and comprehension  
12 deficiencies, provisions should be made for oral testing  
13 for these individuals. One way to mitigate this problem  
14 may be to provide an immediate oral retest for anyone  
15 failing to first pass a written knowledge test. I stress  
16 the word immediate for two reasons:

17 (1) to eliminate any unnecessary anxiety  
18 or stress caused by a prolonged waiting period on those  
19 who initially fail a written knowledge test, and

20 (2) to avoid the necessity of making a  
21 return visit to the testing location and the resultant  
22 loss of time to those individuals.

23 This provision should be optional at the  
24 request of the applicant but, of course, could not apply  
25 to the hazardous material endorsement, which is required

1 to be written and for which reading comprehension is an  
2 absolute necessity.

3           Next, the Pennsylvania Department of  
4 Transportation (PennDOT) or any other administrator of  
5 the tests should be required to provide a list of all the  
6 questions and answers which will appear on the test as  
7 is currently done with all standard PennDOT license  
8 applications. In this way, those who are deficient in  
9 reading comprehension will have an opportunity to seek  
10 out clarification and eliminate some of the anxieties  
11 associated with testing such as this. This is especially  
12 true of those individuals who have not been subjected to  
13 such testing for 20 to 30 years or more and whose income  
14 is dependent on passing the test. In anticipation of  
15 any objections to this proposal on the basis that it is  
16 like cheating, I emphasize that the purpose here is not  
17 to challenge these individuals but to assure that they  
18 know certain principle aspects of their jobs. I reiterate  
19 the fact that these individuals are skilled and knowledge-  
20 able professionals who truly do know their job functions  
21 thoroughly but many of which are not proficient in their  
22 ability to adequately determine, through written language,  
23 the particular question being asked of them. It is in the  
24 Commonwealth's best interest from the standpoint of  
25 commerce and employment to assure an orderly transition in

1 this matter and such questions and answers would be a  
2 great asset in doing so.

3 The Federal Highway Administration's final  
4 rule permits states to waive the skills test for those who  
5 meet certain conditions, which are listed in the Federal  
6 Register, Volume 53, Number 140, for July 21, 1988, on  
7 page 27651, and which are appended to my written testimony.  
8 The United Transportation Union recommends adoption of  
9 such a waiver in the interest of reduced costs and  
10 unnecessary inconvenience to both individual drivers and  
11 the Commonwealth. We see no justification or benefit  
12 in requiring experienced, veteran drivers to take a test  
13 to prove they possess the skills to do what they have been  
14 doing safely for years. Those who do not fall within the  
15 above guidelines and all new applicants would, of course,  
16 have to perform the skills test.

17 The United Transportation Union further  
18 recommends changing the proposed legislation to provide  
19 that failure to pass either portion of the test or the  
20 endorsement tests for a CDL (Class A, B or C) will auto-  
21 matically renew an existing Class 2 or 3 license until  
22 April 1, 1992, which is the effective date for implementa-  
23 tion of the CDL provisions. The United Transportation  
24 Union recognizes the necessity of beginning to certify  
25 commercial motor vehicle operators as the normal renewal

1 dates arise in order to effectuate an orderly transition  
2 to the new CDL program, however, inasmuch as the deadline  
3 for compliance isn't until April 1, 1992, certain  
4 individuals should not be selectively penalized or  
5 forced to comply with its provisions prior to that time.  
6 Certainly there would be no objection to qualifying prior  
7 to the compliance date inasmuch as that has no adverse  
8 effect on any individual, however, no single individual  
9 should be subject to disqualification and resultant loss  
10 of employment prior to that time or in a non-uniform  
11 manner. Thus, the United Transportation Union believes  
12 that it is proper to renew an existing Class 2 or 3  
13 license through April 1992, for those who may initially  
14 fail the CDL test.

15 In the area of third-party testing, both  
16 of the major transportation authorities in the Commonwealth  
17 -- Southeastern Pennsylvania Transportation Authority  
18 (SEPTA) and the Port Authority of Allegheny County (PAT) --  
19 have extensive training and qualification programs for  
20 passenger certification, both of which have excellent  
21 track records. It is the United Transportation Union's  
22 belief that they should each be certified as third-party  
23 testers for passenger drivers as we know of no one in the  
24 Commonwealth more qualified or equipped to do so.

25 Inasmuch as certain traffic violations

1 could result in the permanent loss of an individual's  
2 CDL, the United Transportation Union believes that it is  
3 imperative that commercial drivers have the absolute right  
4 without reproach to refuse to move vehicles which they  
5 determine to be unsafe, noncomplying, or having any  
6 inoperative or malfunctioning equipment. For example,  
7 an inoperative speedometer could cause a commercial driver  
8 to inadvertently exceed the speed limit and, therefore,  
9 be subject to a "serious traffic violation" resulting in  
10 the ultimate loss of the CDL and resultant loss of  
11 employment. Any employer requiring or coercing an  
12 individual to operate a commercial vehicle in violation  
13 of this provision should be made subject to appropriate  
14 fines or other penalties as deemed necessary. The  
15 consequences for the commercial driver are far too severe  
16 and therefore certain protections must be afforded to  
17 those individuals.

18 With regard to those who are presently  
19 employed as commercial drivers, or as a condition of  
20 continuing employment are required to perform the skills  
21 portion of the test, the United Transportation Union  
22 believes that the legislation should require such employer  
23 to provide the vehicle necessary to perform the test at  
24 no cost to the employee. Absent this provision a serious  
25 problem could arise insofar as a person's ability to



1     acquire a vehicle in which to perform the test. Undoubtedly,  
2     most employers would voluntarily provide such a vehicle  
3     but this protection should be included as protection  
4     against those who for various reasons would otherwise  
5     deny their employees the use of a vehicle or charge the  
6     employee for its use.

7                     Finally, the United Transportation Union  
8     believes that the CDL validation and the non-CDL (or  
9     private auto) violation of the license should be mutually  
10    exclusive due to the varying criteria, standards, and  
11    circumstances which apply to each of these. For instance,  
12    an individual, alone in their automobile and finding  
13    themselves late for a wedding, ball game, or some other  
14    commitment important to them, would be most likely to  
15    exceed the speed limit or take some other unauthorized  
16    shortcut, as I'm sure we all have done at one time or  
17    another. However, given the circumstances surrounding  
18    such an incident, I do not believe it should impact on  
19    that individual's certification to drive a commercial  
20    vehicle. In the converse, a suspension or denial of the  
21    right to operate a commercial vehicle, due to a violation  
22    in that type of vehicle and considering the skills and  
23    knowledge necessary to do so, should not impact on a  
24    person's authorization to drive an automobile particularly  
25    in light of the comparative minimal skills required to do

1 so. Commercial drivers should thus not be held to a  
2 higher standard than any other Class D driver. I further  
3 point out that a person about to drive a commercial  
4 vehicle does not approach this task as casually as they  
5 would approach the driving of their personal automobile.  
6 On the other hand, the driver of a private automobile,  
7 as a matter of routine, does not approach that task with  
8 the seriousness of a person about to drive a commercial  
9 vehicle, starting with the pre-trip inspection. Addition-  
10 ally, a person who loses their CDL with its higher  
11 standards should not be further penalized in their attempt  
12 to find further employment by having their Class D license  
13 suspended as well. Therefore, the United Transportation  
14 Union believes that any sanctions taken against the  
15 operator of one type of vehicle should not apply to their  
16 opportunity to operate the other type.

17 The United Transportation Union believes  
18 that these changes would be beneficial to all concerned  
19 and facilitate implementation with the least amount of  
20 adversity. I would also like to point out the potential  
21 impact on such items as the state's unemployment compensa-  
22 tion fund if the same situation occurring in California  
23 was repeated here. In the initial testing period in that  
24 state, 38 percent of the applicants failed to pass the  
25 CDL test. Certainly no one believes that 38 percent of

1 those applicants were unqualified but the resultant impact  
2 of such a catastrophe on the various state agencies caused  
3 by massive unemployment claims, excessive costs and man  
4 hours related to further retesting and negative impact on  
5 commerce would all be detrimental to the Commonwealth,  
6 its citizens, and its industry. It behooves us all to  
7 facilitate a smooth, orderly and complete transition to  
8 the new system for as many of our professional commercial  
9 drivers as is possible and I hope you find our suggestions  
10 helpful.

11 Thank you. We would certainly address  
12 any questions you might have.

13 CHAIRMAN CORMAN: Thank you very much.  
14 In part, in answer to some of your questions, and your  
15 testimony was all very good, we agree on the skills  
16 portion and professional drivers who don't have violations  
17 recorded against them will be grandfathered into the  
18 program. As well as I have forgotten what the other  
19 note was I had. Any questions? Senator Bell.

20 SENATOR BELL: Thank you, Mr. Chairman.

21 BY SENATOR BELL:

22 Q Mr. Beaver, Mr. Zogby when he discussed  
23 42 pages of law, which I don't think anybody can understand,  
24 didn't see fit to tell us that some of the state require-  
25 ments are far greater than the federal requirements.

1           You have told us that it could be a written or an  
2 oral test or an automated test. Would you be so kind as  
3 to furnish the joint chairmen what you have picked up as  
4 where the state has exceeded the federal requirements?

5           A     We certainly can do that, Senator.

6           Q     Send it later to him in writing.

7           A     Yes, sir.

8           Q     Now you talked about a written test. Mr.  
9 Zogby didn't tell us who prepared the written test. Who  
10 does prepare the written test?

11          A     Well, as far as we can understand it,  
12 it will be a third party. From my understanding, I think  
13 that the State Educational Board, I think it is Indiana  
14 University is going to set up the testing procedures.

15          Q     Would there be different written tests  
16 for every state?

17          A     No, I think it is a standard test.

18          Q     Is that a federal requirement?

19          A     Yes, it is a federal requirement and I think  
20 it is on an eighth grade level.

21          Q     Now, I am going to give you a hypothetical  
22 situation. Your SEPTA buses run very close to the borders  
23 of New Jersey and Delaware. If a person lives in New  
24 Jersey will he be able to drive a SEPTA bus with a New  
25 Jersey license?

1           A     We have discussed this, Senator, very much  
2     so. We do have a lot of people who work on SEPTA in the  
3     southeast quarter and they do live in New Jersey. We  
4     understand that a person who lives in this Commonwealth  
5     must have a CDL once this program is initiated. If those  
6     people live in New Jersey and New Jersey seeks to do  
7     nothing, and from what I understand right now, New Jersey  
8     is in chaos when it comes to the CDL program. If they  
9     would say it is all right we are going to take the  
10    penalties set down by the federal mandate and do nothing  
11    on the CDL course, I think then that SEPTA in its right  
12    would certainly test those people according to the grades,  
13    the skills test of the CDL.

14                 As far as the Commonwealth goes, I don't  
15    believe they would have any control over those people  
16    living in Jersey providing Jersey does not do anything  
17    with that federal mandate.

18           Q     You outguessed my question. Let's say  
19    Delaware adopts the CDL and they are 18 years old and  
20    they have an oral test. But Pennsylvania says you live  
21    in Pennsylvania, you cannot work for SEPTA unless you are  
22    21. But if you lived in Delaware, you could work for  
23    SEPTA if you are 18. Am I correct?

24           A     Yes, we are at a disadvantage in that. That  
25    is true.

1                   SENATOR BELL: Thank you. Thank you,  
2 Mr. Chairman.

3                   CHAIRMAN CORMAN: Senator Holl.

4 BY SENATOR HOLL:

5                   Q     Mr. Beaver, you do not refer to the section  
6 of the law, proposed law, that deals with blood alcohol  
7 level. Do you have any comments?

8                   A     Well, the only comments I have, Senator,  
9 is this. It seems like we're going to live in two  
10 different worlds. If we have a CDL license in regards  
11 to alcohol, the federal mandate says 0.04. At the same  
12 time our people who are driving on D licenses or the  
13 No. 1 license as it is today, their alcohol content,  
14 of course, would be required to be below 0.10. The  
15 discrepancy there I don't think is really fair. I think  
16 that somewhere along the line we have to address this  
17 as we go down in this program.

18                   I also heard testimony today about zero  
19 level testing. This is impossible. There is no testing  
20 laboratory in the United States that can give you a zero  
21 level testing for alcohol. It is impossible. And yet  
22 some of the carriers are going to come up with the idea  
23 that it has to be a zero level testing for alcohol. No  
24 way you can do that.

25                   Q     Mr. Beaver, do you have any idea why the

1 levels have been changed? Has your organization  
2 experienced any problems with blood alcohol level?

3 A Not that I could really address to you,  
4 Senator. I don't believe that we have had any problem with  
5 it. Except that I know that SEPTA has in their working  
6 conditions zero level of testing for alcohol. We can  
7 give you some more information on it. My secretary says  
8 we did have some problem with it, but as I stated before,  
9 there is no way that we can test for zero alcohol. I mean,  
10 each one of us would come up with some kind of a sample.

11 BY CHAIRMAN CORMAN:

12 Q The other point I wanted to raise to you,  
13 you talked about if we can put the law into effect prior  
14 to the federal mandated time of April 1, 1992. The only  
15 reason we are starting early is that we would allow the  
16 drivers to start earlier to try to qualify so that there  
17 isn't a stampede at the end. Our law would not require  
18 that everyone have a CDL prior to April 1, 1992 either.  
19 We are just going to get the process started early enough  
20 so that we could have an orderly transition.

21 A We appreciate that. Except those people  
22 that are going to fail these written tests or such tests  
23 that the Department sets up as criteria, if the person is  
24 still knowledgeable in their skills and he doesn't really  
25 have to have that CDL until April 1st, 1992, we don't

1 think he should be deprived of working for his livelihood.

2 Q Oh, I see. Your point was if the person  
3 fails, he ought not to be dismissed.

4 A That is correct, sir.

5 CHAIRMAN CORMAN: I am not sure how that  
6 works but we will certainly look at that. Thank you.

7 CHAIRMAN PETRARCA: Representative Lescovitz.

8 REPRESENTATIVE LESCOVITZ: Thank you,  
9 Mr. Chairman.

10 BY REPRESENTATIVE LESCOVITZ:

11 Q The only question I had was on page 5  
12 I believe of your testimony you talk about third-party  
13 testing and you mentioned SEPTA and the Port Authority of  
14 Allegheny County in the legislation, billed to third party.  
15 Do you want to elaborate on that or do you just believe --  
16 Mr. Dunlevy or yourself can mention something about that.  
17 Do you believe that SEPTA does have the necessary personnel  
18 to handle the third party?

19 A Well, I have a bus driver from SEPTA with  
20 me. He is one of my people and I am certain he can address  
21 any questions you have as far as their certification for  
22 testing drivers. I think SEPTA, in its outline, Dick,  
23 you could comment on that and maybe tell the representative  
24 what SEPTA does on their testing.

25 MR. LECHETTE: SEPTA has a very thorough and



1 comprehensive training program for bus drivers when they  
2 are hired. And I have with me an outline that the  
3 instructor goes through with a new student to qualify him  
4 as a bus driver. All the safety features he must know,  
5 the rules of the road. In here are four manuals. Two  
6 of them are Pennsylvania Driver Code manuals, the regular  
7 one for license 1, and the yellow for 2 and 3 which they  
8 are given, and also the owner's manuals for the neoplane  
9 buses. There are two types of neoplanes and both of those  
10 manuals are given. The operators, during their training,  
11 study these and all the testing, written testing, is taken  
12 out of these four manuals.

13 They also have a comprehensive training  
14 program on the rails and they do requalify each rail  
15 operator every year. I happen to be a rail operator right  
16 now and I qualify every year with a written test. I must  
17 go out and perform a driving test on the rails, go through  
18 all the signal operations, the switching operations,  
19 and I must qualify every year or I am withheld from work  
20 until I do. Maybe a day or two and I study and I go back  
21 and take the test again.

22 REPRESENTATIVE LESCOVITZ: Thank you, Mr.  
23 Chairman. I just wanted to make sure that was noted here  
24 for the record so the Department and the Committee would  
25 know that, SEPTA's program.

1 MR. DUNLEVY: To go a little bit farther  
2 on that, I believe SEPTA requires a written exam every  
3 year, too, for these operators which I think it is  
4 imperative that they do become a third-party testing,  
5 certified.

6 CHAIRMAN PETRARCA: Representative Steighner.

7 REPRESENTATIVE STEIGHNER: Thank you, Mr.  
8 Chairman.

9 BY REPRESENTATIVE STEIGHNER:

10 Q Very briefly, I am well aware of SEPTA's  
11 in-depth training and safety program as well as many of  
12 the trucking firms throughout Pennsylvania not only ad-  
13 hering to the federal and state guidelines, but many of  
14 them have their own in-house safety and training programs  
15 as well and some of them are even of a higher standard.  
16 It is for that reason that on page 6 of your testimony  
17 I am a little confused where I think you are suggesting  
18 to the two Committees that a person's driving record not  
19 have an impact on whether they receive certification.  
20 I am somewhat puzzled. Are you telling us that a person  
21 who has a personal driving record of their own automobile,  
22 their personal vehicle that they transport their husband  
23 or wife and/or family members and have a track record of  
24 speeding, stop sign violations, red light violations,  
25 that that history not be considered as far as the

1 certification is concerned? If I am understanding your  
2 testimony in the second paragraph of page 6 --

3 A No, sir, we are not going on that side of  
4 the coin at all. It is on the other side of the coin where  
5 you would be operating a commercial vehicle and you may  
6 be stopped for possibly an overload or some criteria that  
7 would be a minor infraction where you would lose your  
8 commercial driver's license and we don't want them to lose  
9 their Class D or their personal, private automobile  
10 license so that they would still be able to earn a  
11 livelihood.

12 Q On the converse that is what you are  
13 saying?

14 A Yes.

15 Q But in the sentence preceding that is  
16 where you talk about the examples of a person going to  
17 a wedding, a ball game, etc., etc. However, given the  
18 circumstances surrounding such an incident, I do not  
19 believe it should impact on that individual's certification  
20 to drive a commercial vehicle.

21 What exactly are you saying there?

22 A We are saying the guy in his automobile  
23 is liable to do a lot of things that he wouldn't do with  
24 his commercial vehicle either.

25 Q With his family members in a vehicle?

1           A     Well, not necessarily, not necessarily.

2           Q     I'm having a difficult time separating  
3 the two. It is the same individual at least behind the  
4 operating vehicle.

5                   MR. DUNLEVY: Representative, let me  
6 answer that. This came out of some of our discussions.  
7 In cases of individuals, yourself maybe at a fundraiser or  
8 alone, not necessarily with his family. I think with his  
9 family he would take the same approach as he would with  
10 a bus full of people. We are talking about people that  
11 in a situation where they are alone, they are late,  
12 in a different context and they would get on that bus  
13 recognizing they are hauling passengers, take that approach  
14 to that vehicle differently than they take that approach  
15 to a commercial vehicle. I think the whole mindset is  
16 different as you get into the vehicle, one or the other.  
17 I don't think the impact on the private and personal use  
18 should impact on the operation of a commercial vehicle  
19 given the differentiation between the two and the different  
20 standards, the two classes.

21                   REPRESENTATIVE STEIGHNER: With all due  
22 respect, I think you are totally incorrect. That is all,  
23 Mr. Chairman.

24                   CHAIRMAN CORMAN: Thank you very much.  
25 Thank you for taking time to come and tell us your ideas.

1 MR. BEAVER: Thank you.

2 CHAIRMAN CORMAN: Mr. William Yocum,  
3 Pennsylvania Motor Truck Association. Good morning,  
4 Bill.

5 MR. YOCUM: Good morning, Senator.

6 CHAIRMAN CORMAN: Identify yourself for  
7 the record and proceed.

8 MR. YOCUM: Senator, Representative  
9 Petrarca, gentlemen and ladies: My name is Bill Yocum.  
10 I am President of the Pennsylvania Motor Truck Association,  
11 a trade association representing 2300 members who operate  
12 trucks on the highways of Pennsylvania. Our members  
13 include both for-hire carriers, commonly referred to as  
14 trucking companies and private carriers, those who use  
15 trucks in furtherance of some other primary business.

16 PMTA supports the enactment of legislation  
17 necessary for Pennsylvania to adopt the federally mandated  
18 Commercial Driver License Program. We have worked closely  
19 with the Department of Transportation in planning for the  
20 adoption of the Commercial Driver License Program and we  
21 pledge our support to the Department in implementing the  
22 plan.

23 Before accepting questions, I would like  
24 to respond to a couple questions that Senator Bell asked  
25 other witnesses. I think I can clarify. First, with regard

1 to the age, you used the illustration of the Pennsylvania  
2 driver and the Virginia driver on Interstate 81 or 83.  
3 The Virginia driver would have to be 21 years of age.  
4 A minimum commercial driving age of 21 has been in force  
5 for interstate carriers since 1937. So he would be in  
6 violation and subject to fine.

7 Now, with regard to who prepared the test,  
8 the Federal Highway Administration contracted with the  
9 Essex Corporation to prepare the written test. We are  
10 giving seminars for the benefit of our members to help  
11 them learn how to prepare for the written test and we are  
12 offering to them audio tapes with the idea that the truck  
13 driver can play that audio tape as he goes down the road  
14 rather than listen to country music.

15 (Laughter.)

16 I will be happy to respond to any questions.

17 CHAIRMAN CORMAN: Thank you very much.

18 Your comments are certainly right to the point. Any  
19 questions of Mr. Yocum?

20 REPRESENTATIVE VEON: Thank you, Mr.

21 Chairman.

22 BY REPRESENTATIVE VEON:

23 Q Mr. Yocum, the previous people that testified  
24 from the UTU had two points and if you would care to  
25 comment on them. Number one was they are asking us to put

1 in the legislation that would require an employer to  
2 provide the vehicle necessary to take the test and to not  
3 allow the employer to charge for the use of using that  
4 vehicle to take the test. I wonder if you had any comments  
5 on that?

6 A In our industry that does not appear to  
7 be a problem. We have a severe driver shortage that is  
8 going to get much worse before it gets better. Anyone  
9 that I am aware of wanting to hire a driver will provide  
10 the vehicle in order to have that driver qualify for the  
11 necessary tests.

12 Q At first glance you would not oppose  
13 mandating that in this legislation?

14 A I oppose mandating most anything. I would  
15 prefer to let the free marketplace work it out.

16 Q Thank you. And my last question is regarding,  
17 they also mention here perhaps we ought to look at  
18 legislation where employers may require employees to take  
19 out unsafe vehicles and they end up being fined for some  
20 violations on the road for that. They are asking us to  
21 provide some kind of job protection or protecting that  
22 license for an individual who is sent out by an employer  
23 with an unsafe vehicle, forced out basically.

24 A There are present remedies for that problem.  
25 The Federal Bureau of Motor Carrier Safety always responds

1 to a complaint from a driver. The driver faced with  
2 those circumstances should simply refuse to take the  
3 vehicle out, an unsafe vehicle. And if he is discharged  
4 for that, he has recourse with the Bureau of Motor Carrier  
5 Safety and let me tell you his employer will be in big  
6 trouble.

7 REPRESENTATIVE VEON: Thank you, Mr. Yocum.  
8 I would like to follow up at a later time on this issue.  
9 Thank you, Mr. Chairman.

10 CHAIRMAN CORMAN: Senator Bell.

11 BY SENATOR BELL:

12 Q Mr. Yocum, does this proposed bill presented  
13 by the House and Senate, which are Mr. Zogby's bills,  
14 do they exceed the federal requirements?

15 A It is my belief that they adhere to the  
16 federal requirements. I don't see that they exceed them  
17 in any aspect.

18 Q Of course, the age limit of 21.

19 A No, in fact the federal requirement is 21.

20 Q For intrastate?

21 A No, not for intra.

22 Q This requires intra.

23 A Not for intrastate driver carrier. At  
24 intrastate for-hire carrier has had the 21 age limit.

25 Q Would you get your staff to carefully



1 analyze if there are excessive requirements in these bills  
2 over what the federal requirements are and then furnish  
3 it to the Chairman?

4 A I will do that. A preliminary perusal  
5 and study indicates that they are not in excess of the  
6 federal requirements.

7 Q How about the requirement of a written test?  
8 Is that a federal requirement?

9 A Yes.

10 Q In other words, you can't give oral tests?

11 A There is a provision for giving an oral  
12 test in extenuating circumstance.

13 Q How about intrastate, within the state,  
14 can an oral test be given for that?

15 A This -- yes, it could be. That is right.

16 Q These are points I think our Chairman ought  
17 to, because I have tried on occasion to read federal law  
18 and federal regulations and you have to be a wizard from  
19 Oz to understand those things and I know you people have  
20 the legal assistance that would help.

21 A Right.

22 SENATOR BELL: Thank you, sir.

23 CHAIRMAN CORMAN: No other questions.

24 Thank you very much, Bill.

25 MR. YOCUM: Thank you.

1 CHAIRMAN CORMAN. Mr. Robert T. Wooten,  
2 Assistant General Manager for Public Affairs for SEPTA.  
3 Please identify yourself for the record and proceed.

4 MR. WOOTEN. Good morning. I am Robert T.  
5 Wooten, Assistant General Manager for Public Affairs for  
6 the Southeastern Pennsylvania Transportation Authority.  
7 With me this morning is Mr. Phillip LeBurto (phonetic),  
8 who is a safety officer at SEPTA.

9 I am not going to read my testimony. I am  
10 just going to make a few comments, most of which are  
11 follow ups to what I have heard from other people this  
12 morning. SEPTA, obviously, supports the intent of the  
13 legislation and recognizes that the Commonwealth must  
14 comply with the federal statute. We share the concern  
15 that has been expressed this morning regarding the timing  
16 and the logistics and do urge as expeditious an implementa-  
17 tion of the CDL program as possible. We have approximately  
18 4,000 employees who will be required to obtain a commercial  
19 driver's license. A breakdown on that is approximately  
20 3,000 of them are bus operators and the other thousand  
21 made up of street supervisors and maintenance personnel  
22 who do, in the performance of their duty, have to operate  
23 a bus on occasion.

24 Secondly, I would like to follow up on the  
25 testimony of Mr. Beaver and reiterate and urge that SEPTA

1 be strongly considered as a third-party tester. Again,  
2 on the uniqueness of, I suppose, of our operation and our  
3 willingness even to work with our fellow HAMTA members  
4 and PennDOT so that we could even provide that opportunity  
5 to other agencies across Pennsylvania if they so desire  
6 to utilize our services.

7 Thirdly, in terms of the age situation,  
8 SEPTA's practice on qualifying people as an operator  
9 requires five years of a clean driving record. So that  
10 the effect of the 21 age stipulation for operators is moot  
11 to us because of our present practice. However, it is a  
12 potential impediment to maintenance personnel. We do  
13 hire maintenance mechanics below the age of 21, and if  
14 the age 21 limit is imposed, that is a potential problem  
15 for our hiring practices.

16 And finally, Senator Bell had earlier  
17 raised the issue of operators in other states and indeed  
18 we do have bus drivers who are residents of Delaware and  
19 New Jersey and we would urge as much consideration so that  
20 Commonwealth residents are not put at a disadvantage.

21 And I would entertain any questions.

22 BY CHAIRMAN CORMAN:

23 Q But the age requirement, regardless of  
24 whether they are in New Jersey, Delaware or Pennsylvania  
25 still requires five years clean record. So they would have

1 to be 21 to be hired as a driver.

2 A That is right.

3 Q Regardless of what state they are from?

4 A That is right, but the maintenance problem --

5 Q The maintenance, your reason they would  
6 need a CDL is because of road testing the vehicle possibly?

7 A That is right. It is simply the transporting  
8 of vehicles from a depot to a heavy shop or some incidental but  
9 important parts of their function do require them to  
10 operate a vehicle on the streets.

11 Q Maybe there could be an exemption made  
12 for incidental driving for maintenance purposes.

13 A Yes, yes.

14 CHAIRMAN CORMAN: Thank you. Any questions?

15 CHAIRMAN PETRARCA: Representative Nahill.

16 BY REPRESENTATIVE NAHILL:

17 Q I infer from your last statement when you  
18 talk about five years of a clean driving record, that you  
19 would not be heartily in favor of the other proposal which  
20 is you have two separate lives, one in a car and one in  
21 a commercial vehicle?

22 A No, and our practice now is we have a  
23 cooperative effort with the Commonwealth where we get  
24 information about the status of someone's driving record.

25 Q Do you have any information or background

1 for instance on somebody who has accumulated a lot of  
2 personal car violations? What happens with them when  
3 they get behind the wheel of a bus?

4 A I'm going to defer to Mr. LeBurto.

5 MR. LeBURTO: Representative, an annual check  
6 is made of the driving record. We get the abstract from  
7 Harrisburg and we review that. If that record shows any  
8 suspensions that may have occurred in the last seven years,  
9 any traffic accidents they have had in the last two years  
10 and any physical impairments that they may have picked up  
11 on, when we find someone who has had a problem with  
12 suspension, revocation, we will then have them straighten  
13 it out with the authorities. If it is a matter of just  
14 paying some fines and costs, take care of that. We will  
15 put them back to work, but we do hold them off if they  
16 are suspended.

17 BY REPRESENTATIVE NAHILL: (To Mr. LeBurto)

18 Q Have you ever studied the effect of  
19 somebody who has a bad personal driving record versus what  
20 they do behind the wheel in a bus?

21 A What we found, the real extreme individual,  
22 the one who has had five or six suspensions over a seven-  
23 year period, someone who is habitually a problem, they  
24 generally turn up in our accident records. The tendency  
25 is to be a less careful driver than someone that is a clean

1 driver.

2 CHAIRMAN PETRARCA: Representative Snyder.

3 BY REPRESENTATIVE SNYDER. (To Mr. Wooten)

4 Q Could you give me a thumbnail sketch of  
5 how you think this third-party testing is going to work?

6 A Well, I think the first thing that has to  
7 be worked out is for us to enter into discussions with  
8 PennDOT and to describe to them our current training  
9 program, how we qualify drivers outside of the license  
10 program but to the satisfaction of putting people out  
11 on the street carrying passengers. And I suspect that  
12 that dialogue would reveal a considerable amount of  
13 compatibility and it would serve the purpose.

14 Q Let me make sure I understand that. The  
15 concept of third-party testing is that you would qualify  
16 your own commercial drivers as opposed to PennDOT  
17 qualifying them?

18 MR. LeBURTO: Sir, the conversation I  
19 have had with the Bureau has been that PennDOT officials  
20 will run a class to teach SEPTA chief instructors on  
21 the requirements of being an examiner. They would then  
22 be certified by the state after they passed whatever  
23 requirements the state would impose. Subject to audits  
24 to see that we are training correctly in accordance with  
25 the state requirements. Maintaining a record file on each

1 individual. Making sure that our instructors or the  
2 tester is also driving safely.

3 BY REPRESENTATIVE SNYDER: (To Mr. LeBurto)

4 Q They then would test only SEPTA employees  
5 or others as well?

6 A Our intention is just to take care of our  
7 employees only. We have no interest in training truck  
8 drivers or whatever other than SEPTA of course.

9 REPRESENTATIVE SNYDER: Thank you.

10 CHAIRMAN CORMAN: Senator Bell.

11 BY SENATOR BELL: (To Mr. Wooten)

12 Q Are you familiar with the reason why  
13 in Pennsylvania the State Police instead of PennDOT tests  
14 drivers for licenses? Do you know the history of it?

15 A No, I do not, sir.

16 SENATOR BELL: Before they put the State  
17 Police in, the testing was pretty corrupt.

18 CHAIRMAN CORMAN: Thank you very much.  
19 We appreciate your taking the time to be at this hearing  
20 and sharing with us.

21 MR. WOOTEN: Thank you.

22 MR. LeBURTO: Thank you.

23 CHAIRMAN PETRARCA: Mr. Chairman, two  
24 legislators just came in late, Representative Civera and  
25 Representative Joe Markosek

1 CHAIRMAN CORMAN: At this time we will  
2 call Mr. James Moore, Executive Vice President of Pennsylvania  
3 Recreational Vehicle and Camping Association. Mr. Moore.  
4 Good morning, please identify yourself and proceed.

5 MR. MOORE: Good morning. I am Jim Moore  
6 of the Pennsylvania Recreational Vehicle and Camping  
7 Association. Senator Corman, Representative Petrarca  
8 and members of the Joint House/Senate Transportation  
9 Committee:

10 The Pennsylvania Recreational Vehicle  
11 and Camping Association consists of RV dealers, RV  
12 manufacturers and private campgrounds. We ask your  
13 consideration to exempt owners of motor homes over 26,000  
14 pounds gross vehicle weight rating from the parameters  
15 of this CDL program.

16 I have attached a letter that I sent to  
17 PennDOT regarding my views on this.

18 The bills as written, I might add, I  
19 would challenge anyone, lawyer or not, to read these  
20 bills and make your determination that they did in fact  
21 decide to cover motor homes. The only way this is really  
22 determined is PennDOT's interpretation. Then you say,  
23 well, how did you figure out it was covering motor homes?  
24 The way I did is that PennDOT for three years has been  
25 beating the drum with the American Association of Motor



1 Vehicle Administrators that Pennsylvania wanted motor  
2 homes to be covered under the Commercial Driver's License  
3 Program. To this day I don't know why.

4 As has previously been mentioned, 38 states  
5 have already passed the Commercial Driver's License.  
6 Not one of them covers the motor homes. Pennsylvania is  
7 truly going to be an island on this. I presented a lot  
8 of this information to the PennDOT officials and I even  
9 point out the Federal Register of April 14, 1988, one  
10 paragraph in it and I will read out loud.

11 "The Congress intended that the provisions  
12 of the Act apply both to interstate and intrastate drivers  
13 involved in trade, traffic and transportation in all  
14 sectors of the economy. Drivers of foreign vehicles,  
15 fire fighting equipment, military vehicles and transit  
16 buses are subject to the commercial driver's license  
17 requirements. However, the requirements do not apply to  
18 a driver of a vehicle for personal use such as a recreational  
19 vehicle that would otherwise meet the definition of a  
20 commercial motor vehicle."

21 Now this is from the Federal Highway  
22 Administration. So what I am telling you is that both  
23 the Federal Highway Administration and the AAMVA have both  
24 said that their intention was never to include motor homes.  
25 Jack Zogby has testified, put in the record that they only

1 have about 60 of these. We don't understand why PennDOT  
2 wants to make Pennsylvania an island with the number one  
3 manufacturing state of RVs in the eastern United States.  
4 Tourism is the number two industry of Pennsylvania. We  
5 are certainly a part of the tourism. I just truly don't  
6 understand it.

7           If the Committee would so desire, we could  
8 produce parameters of the motor home driver. But I  
9 think one of the important things is the motor home driver  
10 averages 3500 miles a year. Furthermore, when those miles  
11 are driven, what time of day those miles are driven and  
12 where they are driven, I think is very important. Most  
13 people that own these big motor homes spend their winters  
14 in Arizona, Florida, someplace else, not Pennsylvania  
15 highways. They are usually lifetime Pennsylvania residents  
16 and I think they do in fact have pride in keeping a  
17 Pennsylvania license plate on their motor home.

18           Now clearly if Pennsylvania becomes an  
19 island strictly for motor homes and no one else is doing it,  
20 it is no real large task to set up a legal residency,  
21 say, in Florida where you spend six months and you set  
22 up a mailbox and get your regular driver's license from  
23 the State of Florida or wherever else you want and not  
24 have to be subjected to the commercial driver's license  
25 just because you own a motor home. I think that would be

1 sad though. It makes no sense to force Pennsylvania  
2 residents to do this. I might say it is foolish for  
3 our tourism industry also to have Pennsylvania in the  
4 tourist industry create a myth, and it will be a myth,  
5 there will be no truth to it. That Pennsylvania, if you  
6 drive through Pennsylvania and you have a big motor home,  
7 they are liable to require you to have a commercial  
8 driver's license. So you better drive around Pennsylvania.  
9 I understand that legally out-of-state drivers won't  
10 necessarily fall under it, but those rumors will get  
11 around. I am not going to read all the written testimony  
12 I have presented to the members of the Committee. We  
13 just ask your consideration. We don't think these motor  
14 homes are in the same league for safety problems. In  
15 fact, opinion is cheap. Everyone has one. Let us fall  
16 on strictly the traffic record, the statistics. They are  
17 available. We just do not think that the owners of motor  
18 homes, and remember, this isn't all motor homes, granted.  
19 It is motor homes over 26,000 GVWR. Quite frankly, there  
20 aren't a whole lot of those made but there are some.  
21 Usually the reason that they are increasing in gross vehicle  
22 weight rating, our future development is to make a  
23 heavier chassis, to come up with a system that the motor  
24 home will handle better. I refer to a lot of these ones  
25 that are over this as always on a greyhound bus chassis

1 because most people understand what that is. Those motor  
2 homes, their cheap version starts at 275,000. Most of  
3 them run about 450,000. So that is why you don't have  
4 that many of them.

5           The use of a motor home, most of the  
6 people have them, they live in them a large part of the  
7 year. Number two, they are used for sporting events.  
8 If you go to the races, Pocono 500, if you go to the  
9 Penn State football games, you will see the tailgate  
10 parties. The fact is if you are a football fan, you know  
11 those motor home drivers, they wait until that traffic  
12 subsides. They are not prone to get out in rush traffic.  
13 That is part of the beauty of them.

14           All I am saying, gentlemen, no other state  
15 has included motor homes in this legislation. I have  
16 even contended, I don't know, it is just contended that  
17 a couple of people at PennDOT have a personal vendetta.  
18 Why, I don't know. I have asked them. Doug Tobin and I  
19 have dealt with each other for years. I can't understand  
20 it. But he has been on it for three years now, and the  
21 only possible reason that I even knew these bills were  
22 going to cover motor homes is because he has been beating  
23 the drum for three years with the AAMVA.

24           Senator, I remain available for any  
25 questions your Committee may have.

1                   CHAIRMAN CORMAN: Thank you. Yes, I have  
2 just been handed a letter that was written by R. P. Landis,  
3 Associate Administrator for Motor Carriers, U.S. Department  
4 of Transportation. And he writes a letter to a David J.  
5 Humphreys, President of Recreational Vehicle Association  
6 in Virginia. He cites the vehicles that are to be included.  
7 The definition of Congress includes all trade, traffic and  
8 transportation conducted both intrastate and interstate  
9 commerce and then he states, "A recreational vehicle  
10 however, which is not used in commerce and is operated  
11 solely as a family personal conveyance for recreational  
12 purposes is not covered under the Act."

13                   So I don't know who this Mr. Landis is.  
14 The letter certainly indicates to me it was not their  
15 intention to talk at least about motor homes.

16 BY CHAIRMAN CORMAN:

17                   Q     What would be your thoughts about what is  
18 commonly called a fifth wheeler trailer that seems to me  
19 looks just about like a regular tractor trailer? Might  
20 we have a need for requirement of a license there? I  
21 have never been in one.

22                   A     The fifth wheel trailer is engineered like  
23 the large tractor trailers. As far as the same type of  
24 connection, they connect to the bed of a pick-up truck.  
25 Quite frankly, they tow superbly, much better than our

1 regular travel trailers as far as roadability. I don't  
2 think they are a traffic hazard. I think their traffic  
3 record speaks for them. Senator Bell referred to earlier  
4 those pick-up trucks. A lot of people don't realize,  
5 even the little, tiny Datsun pick-up trucks are commercial  
6 vehicles in that they must in fact pay for a license fee  
7 based on really the gross combination weight rating. That  
8 is the GVWR plus whatever they are going to be hauling.

9 So frankly, the present law without CDL  
10 being in existence already covers it.

11 Q Do you have any statistics from a reliable  
12 source of motor homes and travel trailers, accidents?

13 A Sir, the most reliable statistics we go  
14 by are the insurance industry's statistics.

15 Q Do you have some of those statistics --

16 A I don't have them with me.

17 Q -- that you could forward to me?

18 A Yes, sir, I can.

19 CHAIRMAN CORMAN: I would appreciate if  
20 you would do that and I will distribute that information  
21 to the Committee. Okay, thank you very much. We appreciate  
22 you being with us today, Mr. Moore, and bringing us this  
23 important information.

24 MR. MOORE: Thank you, sir.

25 (Complete prepared testimony of Jim Moore,

1 Executive Vice President, Pennsylvania Recreational  
2 Vehicle and Camping Association was as follows:)

3 "On behalf of the PRVCA membership...RV  
4 dealers, RV manufacturers, and private campgrounds,  
5 I ask your consideration to exempt owners of  
6 motor homes over 26,000 pounds GVWR from the  
7 parameters of the CDL program.

8 "Attached is my letter to PennDOT explaining  
9 my view of PennDOT's wording to include motor  
10 homes in the new CDL program.

11 "The CDL program will affect all RV  
12 manufacturers who have their own commercial  
13 trucks to haul their RVs to dealers' lots or  
14 out of state. Pennsylvania ranks fourth in RV  
15 manufacturing and fifth in RV ownership in the  
16 country. The parameters for commercial truck  
17 safety of the CDL is something the PRVCA supports.

18 "However, I am totally perplexed at the  
19 PennDOT managers who worded the CDL bills with  
20 the intent that owners of motor homes over  
21 26,000 pounds GVWR would have to obtain a  
22 commercial driver's license.

23 "Why?...Their own association, AAMVA, who  
24 helped foster this national CDL program clearly  
25 says that it is not their intent to include RVs

1 under the CDL program.

2 "I also address your attention to the  
3 attached copy of the Federal Register with my  
4 letter to PennDOT, specifically the paragraph  
5 I have boxed.

6 "According to our national association,  
7 RVIA, that as of September 1, 1989 exactly 38  
8 states have passed a Commercial Driver's License  
9 program...not one of those states' programs  
10 includes motor homes...not one.

11 "Pennsylvania is the number one RV manufac-  
12 turing state in the eastern United States...  
13 tourism is the number two industry of  
14 Pennsylvania...and the RV industry is unquestion-  
15 ably a part of that tourism industry.

16 "Doug Tobin of PennDOT has told our  
17 national association, RVIA, that "the Senate  
18 wants RVs under the commercial driver's license."  
19 If this is true, I ask..."Why?"

20 "Does someone really feel that large motor  
21 homes are in the same league as commercial  
22 trucks?

23 "Motor home owners average 3,500 miles  
24 traveled. .per year and usually that isn't all  
25 in Pennsylvania. That isn't even a rough week



1 for a cross country truck.

2 "Motorhome owners normally do not travel  
3 during topic rush traffic...they normally  
4 embark on trips on days less likely to be  
5 heavily traveled...and when they're traveling  
6 if they get tired, they pull off the road and  
7 take a nap...in a comfortable bed or couch.

8 "I will grant you that some motor home  
9 owners do detract from the normal patterns I  
10 have described...when Penn State and Pitt foot-  
11 ball teams play home football games...but, even  
12 then, if you would note, they usually let the  
13 main traffic subside, before they leave the  
14 stadium.

15 "If some legislators have had a bad  
16 experience with a motor home as PennDOT claims,  
17 I'm truly sorry. But I still don't believe  
18 that should cause Pennsylvania owners of large  
19 motor homes to all be penalized...yes penalized.

20 "Most people who buy those large motor  
21 homes worked all their lives to enjoy the life-  
22 style that motor homes gives them...in their  
23 declining years...visiting the USA, visiting  
24 relatives, and grandchildren, escaping to  
25 Florida and Arizona in the wintertime, and

1 sometimes using them for tailgate parties at  
2 football games...but normally using that motor  
3 home as their home to return to Pennsylvania's  
4 spring through fall seasons and visit family.

5 "Pennsylvania passing CDL to include motor  
6 homes will make Pennsylvania an embarrassment  
7 to our RV industry, to motor home owners who  
8 license in Pennsylvania, and non-Pennsylvania  
9 motor homes who will be fearful to visit  
10 Pennsylvania...because the other states don't  
11 require a commercial driver's license for large  
12 motor homes.

13 "Understand, those motor home owners whose  
14 motor homes carry Pennsylvania plates and there  
15 is also a Pennsylvania driver's license in their  
16 wallet...because they're Pennsylvanians can...  
17 if forced to...get their license plates and  
18 driver's license in other states like Florida  
19 and Arizona...it really isn't that big a deal...  
20 just a lot of troublesome forms to fill out  
21 caused by their native state...but at least these  
22 other states don't require a commercial driver's  
23 license...perhaps only Pennsylvania will require  
24 it.

25 "How sad to force some native Pennsylvanians

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to give up their Pennsylvania residency!

"How foolish to post "not welcome" signs to large motor home owners from everywhere who thought tourism was important to Pennsylvania.

"Why are Pennsylvania's Transportation officials waving a red safety flag for large motor homes...when none of their counterparts are?

"Are Pennsylvania transportation safety experts really smarter than their peers throughout the country in discovering and defining a safety problem that seems to concern no one else...or are PennDOT officials saying that Pennsylvania motor home owners don't drive as safely as all other motor home owners.

"Members of both the House and Senate Transportation Committees, please support an amendment to exempt motor homes from the Commercial Driver's License."

(Letter from Jim Moore to Jack Zogby was as follows:)

September 1, 1989

Jack Zogby  
Deputy Secretary for Safety Administration  
Pennsylvania Department of Transportation  
1200 Transportation and Safety Building  
Harrisburg, Pennsylvania 17120

1 Dear Jack:

2 "On behalf of the Pennsylvania Recreational  
3 Vehicle and Camping Association I express total  
4 disappointment in your allowing the wording of  
5 the proposed legislative bills, Senate Bill  
6 #1057 and House Bill #1722 to include certain  
7 camping recreational vehicles to be affected by  
8 the Commercial Driver's License (CDL) proposal.

9 "I believe that the unique PennDOT position  
10 to include motor homes over 26,000 pounds GVWR  
11 and travel trailers over 10,000 pounds GVWR in  
12 the CDL program is not truly a PennDOT position,  
13 but is the personal vendetta of your CDL point  
14 man, Doug Tobin.

15 "I have met with Doug personally and the  
16 following is why I say that Doug has for some  
17 reason put his personal stamp on placing large  
18 RVs into the CDL program...even though federal  
19 guidelines clearly say the CDL program is not  
20 meant to cover recreational vehicles (see  
21 attachment from the Federal Register).

22 "1. Two and a half years ago Doug Tobin  
23 announced to AAMVA (American Association of  
24 Motor Vehicle Administrators) that he personally  
25 felt that RVs should be placed under a Commercial

1 Driver's License program.

2 "2. Almost two years ago at the joint  
3 New York/Pennsylvania Highway Users conference  
4 meeting in New York State, I expressed to you my  
5 surprise and concern that Doub Tobin was telling  
6 AAMVA people that he was going to include RVs  
7 in the Commercial Driver's License program. You  
8 told me then that you thought I was mistaken.

9 "3. Doug Tobin was a guest speaker at an  
10 executive committee meeting of the Pennsylvania  
11 Highway Users Federation meeting in 1989 on  
12 the topic of Commercial Driver's License. In  
13 front of approximately 15 executives Doug clearly  
14 said that the Commercial Driver's License would  
15 not affect recreational vehicles and handed out  
16 written guidelines on CDL (none of which  
17 intimated and had intention of covering RVs  
18 under the CDL program).

19 "4. In June of 1989, House Bill #1722  
20 and Senate Bill #1057 were printed.

21 "5. A careful reading of these bills  
22 caused me to go meet with Doug Tobin. (Frankly,  
23 you could read these bills over and over and  
24 never get the idea that there was anything in  
25 them which would cause drivers of motor homes

1 over 26,000 pounds and travel trailers over  
2 10,000 pounds to be affected).

3 "6. Doug told me the following:

4 "A. Yes, drivers of motor homes over 26,000  
5 pounds GVWR and travel trailers over 10,000  
6 pounds GVWR would have to obtain a commercial  
7 driver's license. (PennDOT interpretation, not  
8 legislative intent, would mandate this.)

9 "B. When I pointed out to Doug that it  
10 was clearly printed in the Federal Register  
11 the RVs were not intended to be part of the CDL,  
12 he said that he wasn't aware that an individual  
13 state couldn't have more stringent parameters  
14 than what AAMVA recommended.

15 "C. When I pointed out that he had  
16 recently told the executive committee of the  
17 Pennsylvania Highway Users Federation that it  
18 would not affect RVs, Doug said he didn't  
19 remember saying that...but he didn't deny he  
20 said it.

21 "D. Then Doug proceeded to tell me that he  
22 believed that owners of larger RVs should have  
23 to obtain a commercial driver's license.

24 "E. He then told me he had a relative who  
25 owned two motor homes over 26,000 pounds GVWR

1 and he felt that his relative should have to  
2 obtain a commercial driver's license.

3 "Jack, I have no idea if that relative of  
4 Doug's is his "unfavorite" relative or even if  
5 he is a Pennsylvania resident. But I believe  
6 it to quite possibly be a factor in Doug Tobin's  
7 personal vendetta to have Pennsylvania be  
8 perhaps the only state which requires certain RV  
9 owners to obtain a commercial driver's license.

10 "Jack, I believe there is no way you could  
11 read those bills and know that there was an  
12 intent to require certain RV owners to obtain  
13 commercial driver's licenses.

14 "I also believe that perhaps very few of  
15 the legislators who are sponsoring the bills  
16 are aware that PennDOT's point man, who worded  
17 the bill, clearly intends to require commercial  
18 driver's license for owners of motor homes over  
19 26,000 pounds GVWR and travel trailers over  
20 10,000 pounds GVWR.

21 "Inasmuch as PennDOT is obviously the  
22 enforcer of the commercial driver's license,  
23 if PennDOT interprets the definition of  
24 "commercial motor vehicle" on page 18, lines  
25 18-30 and page 19, line 1-5 of both bills to say

1 it includes certain RVs, it does.

2 "Therefore, I ask your support to amend  
3 the wording of page 19, line 5 to read as  
4 follows:

5 "The term does not include an implement  
6 of husbandry, a motor home or a house trailer.

7 "Jack, I have worked with both you and  
8 Doug Tobin for many years and I respect both  
9 of you as professionals. But in this instance  
10 Doug is going overboard against the grain of  
11 the Federal Government and other states. I  
12 understand from our national association, RVIA,  
13 that Doug is telling them, "our Senate wants  
14 RVs to be commercial."

15 "I am sending a copy of this letter to  
16 Doug and also the legislators.

17 "Jack, in closing let me point out that if  
18 Pennsylvania mandates CDL for RVs, Pennsylvania  
19 will become an island and cause people to  
20 register the affected RVs in other states, and  
21 even obtain driver's license from that state if  
22 necessary.

23 "It's embarrassing, and it's not needed.

24 "Sincerely,

25 Jim Moore



1 Executive Vice President  
2 Pennsylvania Recreational Vehicle and Camping  
Association"

3 CHAIRMAN CORMAN: We have decided here  
4 that we are going to proceed with all the rest of the  
5 witnesses instead of taking a lunch break and then coming  
6 back. So at this time we'll call Mr. Edward Keller,  
7 Mr. Richard Bloomingdale from AFSCME, Council 13 and  
8 hopefully Mr. Larry Klos, Mr. John Morris and Mr. Harry  
9 Lombardo. Are they present? They may not be here. Are  
10 they here? Marvelous. Thank you very much. We will  
11 proceed without a luncheon break if all the people are  
12 here.

13 Please identify yourself. Good morning.  
14 Identify yourself for the record and proceed.

15 MR. BLOOMINGDALE: Good morning. My name  
16 is Rick Bloomingdale. Ed Keller could not be here today.  
17 So I will be offering AFSCME's testimony. I am the  
18 Legislative Director of AFSCME Council 13, which represents  
19 80,000 members across the Commonwealth of Pennsylvania.

20 With me is Barry Bogart also of our  
21 legislative department.

22 I want to thank the Chairmen for the  
23 opportunity to testify concerning the issue of the  
24 Commercial Driver's License found in Senate Bill 1057  
25 and House Bill 1722.

1                   Because the number of commercial vehicle  
2 accidents was on the rise, it was the intention of Congress  
3 in 1986 to pass a law which would guarantee a qualified,  
4 safe driver behind the wheel of every 18-wheeler on our  
5 highways, in buses that we ride to work and those that  
6 transport our children to and from our schools, by April  
7 1st, 1992. We feel that the federal legislation missed  
8 the point entirely. We at AFSCME feel that because of  
9 deregulation, companies have not been able to keep their  
10 vehicles in safe working condition, and drivers push  
11 themselves to their limits to keep their companies  
12 profitable. Rather than deal with the above-mentioned  
13 pressures, Congress put the responsibility on the drivers.

14                   However, since we cannot change federal law  
15 here and because AFSCME represents thousands of public  
16 workers in both state and local governments that are  
17 affected by these new federal requirements to obtain a  
18 commercial driver's license, we are taking steps to comply.  
19 In fact, AFSCME has initiated and cooperated fully with  
20 the Department of Transportation and Penn State University  
21 in the development of a program called "ROAD to Success"  
22 (Real Opportunity for Advancement and Development). This  
23 is a pilot program in operation in four counties of the  
24 Commonwealth: Allegheny, Philadelphia, Centre and Dauphin.  
25 And it will be expanded to the remaining 63 counties.

1                   The ROAD program is designed to determine  
2 what kind of training and help employees need in order to  
3 prepare for and pass the new knowledge test required by  
4 the Federal Commercial Motor Vehicle Safety Act of 1986.

5                   Federal law leaves you with the responsi-  
6 bility of implementing their legislative intent by mandating  
7 that the state pass legislation adopting the federal  
8 standards for obtaining a commercial driver's license,  
9 but at the same time giving the state some flexibility  
10 in the test procedure and time constraints prior to April  
11 1, 1992.

12                   The two pieces of legislation, House Bill  
13 1722 and Senate Bill 1057, go a long way towards satisfying  
14 the federal mandate. But we feel there are some changes  
15 that need to be made. The two tests, knowledge and skills,  
16 should be overseen by state government. Testing of  
17 Pennsylvania's drivers must continue to be performed by  
18 the driver license examiners of the State Police as it is  
19 today. We must not allow the integrity of the tests or  
20 the safety on our highways to be sacrificed to corporate  
21 profits.

22                   There is also a need to provide within this  
23 legislation driver protections, protections that will  
24 allow a driver all the time he or she needs to get ready  
25 for the federal test.

1                   For instance, if a driver's current  
2 Class 3 license expires between November 1, 1990 and  
3 April 1, 1992, in order to keep driving, that person must  
4 take the federal test right then whether they are ready  
5 or not. We feel that is an unfair burden on those drivers  
6 who by sheer bad luck have a license that expires in that  
7 time frame. One solution would be to extend those Class  
8 3 licenses until April 1, 1992. With that option the  
9 driver would have the same amount of time to prepare  
10 as everyone else.

11                   Another driver protection would be the  
12 flexibility the feds have allowed in the knowledge test.  
13 The state can give it written, orally or by machine.  
14 We feel that the drivers should have those options. We  
15 hope you will consider our comments and add them to the  
16 state legislation.

17                   AFSCME urges swift passage of this legisla-  
18 tion. I will answer any questions from the members of  
19 the Joint Committee at this time.

20                   Thank you. I will be glad to answer any  
21 questions at this time.

22 BY CHAIRMAN CORMAN:

23                   Q     Currently the commercial operators inspect  
24 their own vehicles. If they prove they can do that  
25 successfully are you opposed to that as well?

1           A     No, whatever they do now is fine.

2           Q     Then why can't they be properly instructed  
3 to test their drivers so that we have more availability  
4 of the tests to the various drivers to qualify?

5           A     Well, inspecting the vehicles, there are  
6 obviously unsafe vehicles on the roads as I think a couple  
7 of weeks ago the State Police did a major pull over and  
8 inspection of trucks and pulled a number of them off the  
9 roads and sent a lot of them back to their docks to be  
10 fixed. So I think the private sector has not done a very  
11 adequate job of making the vehicles totally safe. Adding  
12 the testing procedure on top of that I think would lead  
13 to some possibilities of expediency to get the drivers  
14 back on the road to protect their profits, which is a  
15 reasonable, - I mean; it is not reasonable but it is some-  
16 thing that they have to deal with.

17                   CHAIRMAN CORMAN:  Senator Bell.

18           BY SENATOR BELL:

19           Q     You represent all the PennDOT drivers?

20           A     Yes, sir.

21           Q     And you don't want PennDOT checking their  
22 own drivers?

23           A     Well, I think it would be the same as a  
24 company. A company checking its own drivers there is room  
25 for, let's say, some unfair pressures on the supervisors.

1 Q The word is corruptness.

2 A Well, okay. Currently I think --

3 Q I just want to point that out. Everybody  
4 doesn't trust everybody in PennDOT.

5 (Laughter.)

6 A So, we would urge that the testing  
7 procedure be left with the State Police and the driver's  
8 license examiners who currently do that testing.

9 CHAIRMAN CORMAN: I don't see any other  
10 questions. Thank you very much for taking time and coming  
11 to share with us today.

12 Mr. Larry Klos, President, Business Agents  
13 Amalgamated Transit Union, Local 85. Please identify  
14 yourself and then proceed.

15 MR. KLOS: I would like to thank this  
16 Committee for the opportunity to be here today to testify.  
17 My name is Larry L. Klos, and I am the President of  
18 the Pennsylvania Joint Conference Board of the Amalgamated  
19 Transit Union. With me today are Mr. Warren George,  
20 International Vice President of Amalgamated Transit Union  
21 and Mr. John Remark, Financial Secretary of Local 85.

22 I represent over 5,000 transit workers in  
23 the State of Pennsylvania. I am also the President of  
24 Local 85 of the Amalgamated Transit Union in Pittsburgh.  
25 Our international office is located in Washington, D.C.

1 which represents over 176,000 transit workers throughout  
2 the United States and Canada.

3 Our main concern here today is to testify  
4 to this Committee on the problems and unanswered questions  
5 on House Bill 1722 and Senate Bill 1057 which will comply  
6 with the Commercial Motor Vehicle Safety Act of 1986.

7 At present, 34 states have already passed legislation to  
8 comply with the federal regulations and we are here today  
9 to bring some of the problems that may arise in this  
10 state in reference to the new commercial driver's license.

11 1. If available should there be third-  
12 party testing? The Port Authority of Allegheny County  
13 does have a Safety and Training Department that could  
14 accommodate the skill testing. Will they be required?

15 2. Will there be a grandfathering clause  
16 on skill tests? What are the requirements?

17 3. Written tests of multiple choice and  
18 will there also be verbal testing for individuals with  
19 literacy?

20 4. Types of license, CDL and private  
21 operating license are they one in the same?

22 5. Age restrictions of under 21 years of  
23 age before eligible to apply for a CDL under the present federal  
24 regulation would restrict individuals on job selection  
25 by seniority.

1                   6. Number of times a person would have to  
2 be tested to receive CDL? Number of times permitted  
3 to take test with permit of a CDL?

4                   7. Number of passengers per vehicle  
5 to require the operator to have a CDL. The federal  
6 regulation states 16 passengers plus operator should be  
7 reduced to ten including operator so there would be a more  
8 professional driver to transport the public.

9                   8. The act requires that by April 1992  
10 operators and maintainers must have a CDL. Prior to  
11 April 1992 operators and maintenance should be permitted  
12 to work in their classifications without a CDL.

13                   9. Civil Service standards should apply  
14 to test scores for passing grade for the CDL or their  
15 past driving record.

16                   10. Safety standards of the amount of  
17 passengers permitted in the vehicle, sitting and standing  
18 while in operation.

19                   11. The inspection of the equipment prior  
20 to operation and the right of refusal.

21                   12. The act requires strict standards for  
22 all individuals to maintain the CDL, but does not require  
23 the employer to put a safer piece of equipment on the  
24 highway. This must be addressed.

25                   Failure of the individual who is required



1 to be tested for a CDL and also to maintain his/her CDL  
2 could be devastating to the livelihood of that individual.  
3 We ask that this Committee take into consideration our  
4 comments, and amend the present House Bill 1722 and  
5 Senate Bill 1057.

6 Thank you. I am available for questions.

7 CHAIRMAN CORMAN: Thank you very much.

8 Do we have questions?

9 CHAIRMAN PETRARCA: Representative Hess.

10 BY REPRESENTATIVE HESS:

11 Q Mr. Klos, only one question. Number nine  
12 of your statement here you are saying the Civil Service  
13 standard. What standard are you referring to?

14 A Right now I believe if you apply for a job  
15 at the post office, if you had military service there is  
16 a percentage that can be adapted to that testing.

17 Q As I understand, you are saying then that  
18 in this testing procedure if you have to score a score of  
19 hypothetical 70 or 65, because of the Civil Service  
20 standard, you are asking them to automatically give you  
21 five or ten points and give you a passing grade?

22 A Some type of percentage or the individual  
23 who may have 30 years of a driving record with no  
24 accidents, no problems, yet he is required to take a  
25 test on Monday. If he can't pass that test does that mean

1 Tuesday he is not a good operator.

2 Q I understand what you are saying there  
3 about the safe driving for over 20 or 30 years. But I  
4 think you are defeating your purpose by giving points  
5 by not passing the test, the Civil Service test, you  
6 are comparing apples and oranges.

7 A Well, sir, it is only a suggestion because  
8 of the fact that we believe, we have a lot of senior  
9 people operating coaches today who do have perfect driving  
10 records, but again --

11 Q I am not questioning that portion.

12 A Well, it is a comment one way or another,  
13 sir.

14 REPRESENTATIVE HESS: Thank you.

15 CHAIRMAN CORMAN: Thank you very much for  
16 coming and sharing with us today. Mr. John P. Morris,  
17 President of Pennsylvania Conference of Teamsters.

18 MR. BRAINARD: Good morning.

19 CHAIRMAN CORMAN: Good morning. Identify  
20 yourself and proceed.

21 MR. BRAINARD: My name is Norton Brainard  
22 and seated with me today are Gary Sheehan and Ken Stocker.  
23 We are here representing Mr. Morris for the Pennsylvania  
24 Conference of Teamsters. We share the Committees' interest  
25 in the impending Commercial Driver Licensing legislation

1 (S. 1057, H.B. 1722), primarily because it will affect a  
2 large percentage of our 140,000 Pennsylvania Conference  
3 members.

4 We have several areas of concern which the  
5 proposed legislation does not cover, and which we would  
6 like to see addressed in some fashion. These areas are:

7 1) Literacy Funding -- Many of our members  
8 who will be required to take the written CDL tests have a  
9 literacy problem. In addition, most of these persons have  
10 not taken any type of a written test for years -- and are  
11 thus inadequately prepared for the stresses involved.  
12 PennDOT has instituted a pilot literacy program for its  
13 affected workers who will need help in this area, receiving  
14 almost \$500,000 in state and federal funding.

15 Laudable as PennDOT's pilot program is, it  
16 does nothing to help those literally thousands of non-  
17 PennDOT drivers who need this kind of assistance, or face  
18 losing their jobs. We want some form of state funding  
19 for a literacy program to benefit Teamster members included  
20 in the legislation. Although the amount needed to fund  
21 such a program may be in excess of \$500,000 range, in  
22 comparison the cost becomes minimal -- \$500,000 would  
23 provide unemployment benefits for less than 95 displaced  
24 Teamster drivers -- better to help these productive workers  
25 retain their jobs through literacy training.

1                   2) Insurance Company Safeguards -- Under  
2 the current system, it is possible that a driver holding  
3 a CDL could be penalized by his insurance company if he  
4 has an accident or incurs a traffic violation while driving  
5 his personal automobile, and vice-versa. Some kind of  
6 safeguard against this kind of cross-referencing of  
7 information, perhaps a statutory law or rule promulgation,  
8 must be incorporated into the CDL legislation to protect  
9 Pennsylvania's drivers from hidden surcharges and sudden  
10 cancellations by their insurance companies.

11                   3) Bread & Butter Licensing -- Under the  
12 federal guidelines, a driver who incurs a serious traffic  
13 violation while operating a commercial vehicle could lose  
14 not only his CDL, but also his personal operator's license.  
15 While the loss of a CDL would prohibit a driver from only  
16 one form of employment, the loss of a personal driving  
17 license could bar a worker from many jobs. Some provision  
18 allowing for a special type of license, restricted to  
19 on-the-job use and other specific periods, should be  
20 incorporated into the legislation.

21                   4) Written CDL Testing -- We have four  
22 areas of concern with the written testing:

23                   a) Oral Tests -- PennDOT proposed to limit  
24 the availability of oral testing to those CDL applicants  
25 who have flunked the written CDL test once. In our opinion,

1 this places an unnecessary stress on functionally illiterate  
2 and reading comprehension deficient applicants; the oral  
3 examination should be available upon demand. PennDOT  
4 is currently allowing applicants for personal driving  
5 licenses to request oral examination; this practice should  
6 be extended to CDL applicants as well.

7 Also, for those drivers who have a fluency  
8 problem in English, the oral tests should be available  
9 in Spanish and other languages.

10 b) Written Test Locations -- the tests  
11 should be offered in major cities around the state,  
12 possibly through the community college system.

13 c) Earned Experience Credit -- Under the  
14 federal guidelines, CDL applicants must correctly answer  
15 80 percent of the questions on the basic knowledge and  
16 on each of the written endorsement tests the applicants  
17 would need to pass. While this percentage proves how well  
18 an applicant studied, it does not provide an adequate  
19 measure of the applicant's actual driving experience.

20 We propose that a credit for experience  
21 be included in the written testing procedure, similar to  
22 the credit given to veterans in the civil service system.  
23 In New York, a credit percentage system that accounts  
24 for a driver's actual years of hands-on driving is being  
25 considered. Under this "earned experience credit" system,

1 a driver would receive the following amount of credit  
2 towards his written test score for each year of driving  
3 experience:

4	Hired date to one year	-- 5 percent
5	One to two years	-- 10 percent
6	Two to five years	-- 15 percent
7	Five to ten years	-- 20 percent
8	Ten years or more	-- 25 percent

9 The use of such a credit system would allow  
10 for a more equitable scoring process by factoring in  
11 the invaluable years of experience accumulated by career  
12 drivers.

13 d) Availability of Written Test Questions --

14 Given the serious consequences of flunking the CDL exam  
15 for many drivers (namely, the loss of their livelihood),  
16 PennDOT should be required to provide in advance a list of  
17 all questions which will be used on the written knowledge  
18 and endorsement tests. This information will allow  
19 drivers to maximize their studying and test preparation  
20 while minimizing the associated anxiety and stress.

21 5) Skills Testing -- The skills test portion  
22 of the CDL testing process should be grandfathered for  
23 those drivers with good driving records for the previous  
24 two years.

25 6) Blood Alcohol Content/DUI Determination --

1 Currently, a driver may be detained by a police officer  
2 for DUI if the officer has reasonable grounds to suspect  
3 the driver of having alcohol in his system. This method  
4 is imprecise, impractical, and highly arbitrary, at best.

5           Given the serious nature of a DUI violation  
6 (and the serious penalties involved for the convicted  
7 CDL holder), it is imperative that a more elaborate and  
8 reliable method of detection than just an officer's  
9 suspicions be required.

10           7) Mechanics of the CDL Changeover Process --

11 Because of the complexities of the ongoing CDL changeover  
12 process, some minor adjustments are needed, such as:

13           a) A limit should be established on the  
14 cost of the CDL license, the CDL test itself should be  
15 given free of charge to all applicants, and the state  
16 should be required to pick up any excess retesting charges  
17 or costs for all currently licensed (Class 2, 3 and 4)  
18 drivers who wish to be tested.

19           b) Section 12(e) of the proposed CDL  
20 legislation should be changed to provide that failure to  
21 pass either portion of the test or the endorsements for  
22 a CDL (Class A, B, or C) will automatically renew an  
23 existing Class 3 license which will be valid until April  
24 1, 1992 and will expire on that date.

25           8) Protection for Drivers Against Unsafe

1 Equipment Violations and Mislabelling of Hazardous

2 Materials Cargoes -- Under the federal guidelines, drivers  
3 are held responsible for driving unsafe equipment and  
4 for the proper labelling of their hazardous materials  
5 cargo. In many instances, drivers are forced to drive  
6 inadequately equipped or unsafe vehicles. Unscrupulous  
7 shippers have also been known to mislabel hazardous  
8 materials cargoes in order to circumvent the current  
9 stringent federal regulations.

10           Individuals need the right to refuse to  
11 handle unsafe or noncomplying equipment and mislabeled  
12 hazardous cargo, since any violations in these areas would  
13 affect the status of their CDL license.

14           Also, any violation charged to a driver  
15 due to the condition of a vehicle, or to the registration/  
16 inspection stickers, or any similar condition, should be  
17 charged to the company which owns the vehicle, not to the  
18 driver.

19           With these modifications, the proposed CDL  
20 legislation would provide for a smooth changeover to the  
21 CDL system, and would allow all affected drivers the  
22 opportunity to obtain a CDL with a minimum of inconvenience  
23 and discomfort. The Pennsylvania Conference of Teamsters  
24 stands ready to offer any further assistance necessary.  
25 We thank you for your attention today.



1 CHAIRMAN CORMAN: Thank you very much.

2 CHAIRMAN PETRARCA: Representative Markosek.

3 REPRESENTATIVE MARKOSEK: Thank you, Mr.

4 Chairman.

5 BY REPRESENTATIVE MARKOSEK:

6 Q Just a quick question regarding illiteracy.

7 I understand it is a problem. Do you have any idea of  
8 the percentage of the drivers that would have a problem  
9 with that?

10 A We have had meetings with the Department  
11 of Education and their figure is, the test is geared  
12 to approximately a sixth grade level. Hazardous materials  
13 is upwards to almost an eighth grade level. The Department  
14 of Education estimates that approximately 30 percent of  
15 Pennsylvania's population fails to read at a sixth grade  
16 education level startling as it may seem.

17 REPRESENTATIVE MARKOSEK: Thank you.

18 CHAIRMAN PETRARCA: Representative Veon.

19 REPRESENTATIVE VEON: Thank you, Mr.

20 Chairman.

21 BY REPRESENTATIVE VEON:

22 Q The same questions that I asked Mr. Yocum,  
23 number one, do you think it is necessary as the UTU  
24 suggested to require the employer to provide a vehicle  
25 to take the test at no charge? Do you think it is

1 necessary to put that in the legislation?

2 Two, my other question was regarding the  
3 current safeguards. If there are any an employee has  
4 when he is required to take out an unsafe vehicle, if  
5 any.

6 A I will address those to the best of my  
7 knowledge, Representative Veon. As far as mandating the  
8 requirement that a driver has some protection in the  
9 legislation, we feel very strongly that it should be there.  
10 The issue as to whether or not there are other bodies  
11 being the Federal Highway Safety Commission that will take  
12 reports of unsafe vehicles. In all practicality that  
13 may work, for instance, with a vehicle without brakes.  
14 But if you get down to the nit-picky stuff that the CDL  
15 legislation requires, it is not going to be safeguarded  
16 and drivers are going to be taking vehicles possibly with  
17 defective speedometers and they are going to be forced  
18 into that situation. And then if they are caught for  
19 speeding, they are going to have to pay the consequences.

20 REPRESENTATIVE VEON: Thank you. Thank  
21 you, Mr. Chairman.

22 CHAIRMAN CORMAN: Thank you very much for  
23 coming.

24 BY CHAIRMAN CORMAN:

25 Q Yes, I do have one question.



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(Laughter.)

CHAIRMAN CORMAN: I apologize. Since all the witnesses are present, we decided to proceed straight through instead of taking a lunch break and I hope that doesn't inconvenience you.

MR. LOMBARDO: Well, it does but it is my fault, not yours. I am not really prepared to testify at this time, but I would at least raise some questions. In my attempt to prepare for these hearings today, yesterday when I had most of this data available to me the first time, some questions have arisen that would be of concern to our membership that at some point need to be answered for us.

CHAIRMAN CORMAN. Certainly please do this. Besides the oral statement you wish to make today please send us a written document of the various concerns that you have and I will see that it is distributed to all members of the two Committees.

MR. LOMBARDO: Thank you. Okay, for the record, my name is Harry Lombardo. I am the President of the Transport Workers' Union Local 234 in Philadelphia. We represent about 5600 operators and vehicle maintainers in the Philadelphia region who work for SEPTA.

Some of the concerns that we have deal with the issue of grandfathering operators who have presently

1 held Class 2 operator's licenses for a number of years  
2 already. Would they be required to take skills and  
3 knowledge tests or is there some method people are  
4 considering that would just grandfather those folks in  
5 and deal specifically with new employees?

6 We are concerned with regards to the  
7 literacy of our membership in their ability to take the  
8 battery of tests that are suggested to be required. Is  
9 there some provision that the state will provide for  
10 training, some grant money that maybe unions could tap  
11 into or the transit agencies that we work for in conjunction  
12 with the unions could tap into to provide some type of  
13 training for our members.

14 We would be curious to know the number of  
15 times a person would be eligible to take the test before  
16 being considered washed out and unable to acquire a  
17 CDL license in the event they have difficulty passing the  
18 test.

19 The other area of concern that we have is  
20 in regards to the area of pre-trip inspections. There  
21 are a number of items that suggest that a vehicle should  
22 not go in service if they are defective. How would those  
23 regulations be enforced? For example, if an operator  
24 inspects a vehicle and determines that some turn signals  
25 are inoperable, marker lights inoperable, does he have the

1 right to refuse to take that vehicle out? If the vehicle  
2 does go out, what mechanism is there to resolve any  
3 disputes between the employer and the employee in regards  
4 to who made the determination for the vehicle to go on  
5 the street? How would these grievances be resolved?  
6 Typically through the grievance and arbitration procedure  
7 or what kind of protections does the state intend to  
8 provide the employees who are obligated to fulfill the  
9 requirements that you would set.

10 In regards to maintenance employees who  
11 repair vehicles that would be required to be tested,  
12 many of our members are hired under the age 21. The  
13 standard as I understand is that people of 21 years of  
14 age be required to get a commercial driver's license.  
15 That would wipe out a significant number of our maintenance  
16 employees who are hired at the age of 18. Would limit  
17 their promotional opportunities and certainly maybe  
18 disqualify some people who are presently in positions  
19 simply because of their age. You have to consider how  
20 you are going to handle those people.

21 I guess at this point, since I am not  
22 very well prepared then, that is all the comments I would  
23 like to make. But I certainly would like an opportunity  
24 to prepare a formal statement and submit it to you at a  
25 later date. Thank you.

1 CHAIRMAN CORMAN: We certainly would. I  
2 apologize to you for not waiting until 1:15 when you were  
3 regularly scheduled. However, if you submit it in writing,  
4 we will certainly see that it is distributed. Questions?

5 (No response.)

6 No questions. I thank you very much and  
7 I thank all others who were here today. This concludes  
8 our hearing on the subject for today.

9 (Whereupon at 12:40 p.m. the hearing was  
10 adjourned.)

11 (Prepared statement of Diane Farrell,  
12 Recreation Vehicle Industry Association was as follows:)

13 DATE: September 5, 1989

14 TO: Representative Joseph A. Petrarca  
15 State of Pennsylvania

16 COMPANY: House of Representatives

17 FROM: Dianne Farrell  
18 Recreation Vehicle Industry Association  
(800) 336-0154

19 COMMENTS/INSTRUCTIONS:

20 "Attached are comments submitted by the  
21 Recreation Vehicle Industry Association, the  
22 trade association representing 300 manufacturers  
23 of motor homes, travel trailers and van conver-  
24 sions. Together, our manufacturers produce over  
25 95 percent of all these products sold in the

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United States.

"RVIA is very concerned over the provisions in H 1722 and S 1057 which require operators of motor homes (personal vehicles driven for less than 30 days a year) to obtain commercial driver's licenses in order to drive their motor home over 26,000 GVWR.

"To date, 38 states have passed commercial driver license legislation and no state has seen fit to require operators of motor homes to obtain a commercial driver's license.

"For your information, attached is a notice from the Federal Register and a letter from the FHWA clarifying that motor homes operated for personal use are not considered commercial vehicles.

"RVIA welcomes the opportunity to discuss this matter with you and we can share with you how other states have chosen to treat motor homes. We can be reached at 1-800-336-0154.

"IF YOU DO NOT RECEIVE THE NUMBER OF PAGES INDICATED, PLEASE CALL THE TELEPHONE NUMBER LISTED ABOVE AS SOON AS POSSIBLE.

The Honorable Ray A. Barnhart  
Federal Highway Administrator  
U.S. Department of Transportation



1 400 Seventh Street, S.W.  
2 Washington, D.C. 20590

3 Dear Mr. Barnhart:

4 "The Recreation Vehicle Industry Association  
5 (RVIA), the national trade association  
6 representing the manufacturers of recreation  
7 vehicles (including motor homes and travel  
8 trailers) and their related suppliers, urgently  
9 requests the Federal Highway Administration to  
10 confirm our firm conviction that the provisions  
11 of the Commercial Motor Vehicle Act of 1986  
12 (the 1986 Act) do not apply to recreation  
13 vehicles because neither the language of that  
14 Act nor its legislative history indicate any  
15 such intent. However, several states mistakenly  
16 believe that recreation vehicles (motor homes  
17 and travel trailers) are 'commercial motor  
18 vehicles' as defined in the 1986 Act. Consequent-  
19 ly, those states believe they are required by  
20 federal law to apply the licensing and other  
21 provisions of the 1986 Act and FHWA regulations  
22 issued thereunder, to recreation vehicles (motor  
23 homes and travel trailers), in order to be  
24 eligible for federal grants under that Act.

25 "Concerns about the unsafe operation of

1 of trucks and buses on our nation's highways  
2 and the resulting alarming increase in the number  
3 of serious truck accidents, fatalities,  
4 injuries and property damage are what  
5 motivated Congress to pass the 1986 Act.  
6 Among the major factors contributing to the  
7 increase in truck accidents since deregulation  
8 are overweight and poorly-maintained  
9 trucks, drivers who continued to drive  
10 trucks under other state licenses after  
11 their licenses had been revoked by one or  
12 more states because of poor driving records,  
13 and overly fatigued truck drivers who had  
14 driven with little or no rest for long  
15 periods of time over great distances.

16 "In contrast, the drivers of recreation  
17 vehicles are not subject to any of the  
18 competitive economic pressures to cut safety  
19 corners that truckers experience. Recreation  
20 vehicles are family vehicles that are  
21 driven solely for pleasure during family  
22 leisure periods and vacations. Since  
23 recreation vehicle drivers are not part  
24 of the 'truck driver' problem that Congress  
25 addressed in the 1986 Act, they were not

1 intended to be included in its solution.

2 "The term 'commercial motor vehicle'  
3 in the 1986 Act should be construed in the  
4 same manner as in similar previously enacted  
5 laws administered by FHWA and regulations  
6 issued thereunder, which do not classify  
7 recreation vehicles as 'commercial motor  
8 vehicles.'

9 "FHWA regulations governing vehicle size  
10 and weight limitations and route designations  
11 (issued under the authority of the Surface  
12 Transportation Assistance Act (STAA) as amended)  
13 define a commercial motor vehicle as a 'motor  
14 vehicle designed or regularly used for carrying  
15 freight, merchandise, or more than ten passengers,  
16 but not including vehicles used for van pools.'  
17 Moreover, FHWA has interpreted the 102 inch  
18 vehicle width limitation imposed by the STAA  
19 as applying only to commercial vehicles and that  
20 the states are free to regulate the width of  
21 recreation vehicles and other vehicles as they  
22 see proper.

23 "The Motor Carrier Safety Act of 1984 was  
24 enacted to provide uniform commercial motor  
25 vehicle safety measures and strengthened

1 enforcement to reduce the number of fatalities  
2 and injuries and the level of property damage  
3 related to truck operations. This Act defines  
4 a commercial motor vehicle as 'any self-propelled  
5 or towed vehicle used on highways in interstate  
6 commerce to transport passengers or property...  
7 if such vehicle has a gross vehicle weight rating  
8 of 10,001 or more pounds,...is designed to  
9 transport more than 15 passengers; or...is used  
10 in the transportation of materials found by  
11 the Secretary of Transportation to be hazardous...'  
12 Recreation vehicles are not subject to this Act  
13 or regulations issued thereunder by FHWA.

14 "The Commercial Motor Vehicle Safety Act  
15 of 1986 mandates minimum standards for states  
16 to follow in the licensing of persons to operate  
17 commercial motor vehicles. The definition of  
18 a commercial vehicle in this Act closely follows  
19 the 1984 Act definition. However, the definition  
20 in the 1986 Act refers to motor vehicles used  
21 'in commerce' to transport passengers or property,  
22 whereas the 1984 Act refers to motor vehicles  
23 used 'in interstate commerce' to transport  
24 passengers or property.

25 "The purpose of substituting 'in commerce'

1 for 'in interstate commerce' in the definition  
2 of commercial motor vehicle was to make the 1986  
3 Act apply to all operations of commercial motor  
4 vehicles that Congress can regulate under the  
5 commerce clause of the Constitution (Article I,  
6 Section 8, Clause 3). The same purpose was  
7 expressed by the words 'in commerce' in the  
8 definition of commercial motor vehicle in the  
9 Tandem Truck Safety Act of 1984. The words  
10 'in commerce' did not make additional types of  
11 vehicles such as 'family' recreation vehicles,  
12 subject to either of these Acts.

13 "Accordingly, the term 'commercial motor  
14 vehicle' in the 1986 Act does not include  
15 recreation vehicles and the licensing and other  
16 provisions of the 1986 Act do not apply to  
17 operators of recreation vehicles.

18 "In conclusion, RVIA respectfully requests  
19 that you:

20 "1. Promptly confirm in writing that  
21 'family' recreation vehicles are not 'commercial  
22 motor vehicles' under the 1986 Act;

23 "2. Place a copy of that confirmation in  
24 Docket No. MC-125, and

25 "3. Include a statement to that effect in

1 the preambles of Federal Register notices and  
2 the text of proposed and final regulations  
3 issued in Docket No. MC-125 and other dockets  
4 under the authority of the 1986 Act.

5 Sincerely,

6 David J. Humphreys, President

7 David J. Humphreys, President  
8 Recreation Vehicle Industry Association  
9 P.O. Box 2999  
1896 Preston White Drive  
Reston, Virginia 22090

10 Dear Mr. Humphreys:

11 "This is in response to your letter of  
12 March 19 to Federal Highway Administrator R. A.  
13 Barnhart requesting a determination of the  
14 applicability of the Commercial Motor Vehicle  
15 Safety Act of 1986 (the Act) to drivers of  
16 recreational vehicles. Your letter has been  
17 forwarded to the Federal Highway Administration's  
18 Office of Motor Carrier Standards for reply.

19 "The Act defines a commercial motor vehicle  
20 as one which is used in commerce to transport  
21 passengers or property. The vehicle must have  
22 a gross vehicle weight rating greater than  
23 26,000 pounds; or be designed to transport more  
24 than 15 passengers including the driver, or be  
25 used in the transportation of hazardous materials,

1 with some exceptions for certain classes and  
2 quantities of hazardous materials. The definition  
3 of commerce includes all trade, traffic and  
4 transportation conducted both in intrastate  
5 and interstate commerce. A recreational vehicle,  
6 however, which is not used in commerce and is  
7 operated solely as a family/personal conveyance  
8 for recreational purposes is not covered under  
9 the Act.

10 "We will place a copy of your letter in  
11 the public docket, and will fully address this  
12 issue in the preamble of our next regulatory  
13 document published on this subject, as you  
14 have requested.

15 "Thank you for your interest in motor  
16 carrier safety.

17 Sincerely yours,

18 R. P. Landis  
19 Associate Administrator for Motor Carriers"

20 I hereby certify that the proceedings and  
21 evidence taken by me in the within matter are fully and  
22 accurately indicated in my notes and that this is a true  
23 and correct transcript of the same.

24 Dorothy M. Malone  
25 Dorothy M. Malone, RPR  
135 S. Landis Street  
Hummelstown, PA 17036

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