

ORIGINAL

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

IN RE: HOUSE BILL 1607  
OUT-OF-STATE COMMERCIAL DRIVERS' LICENSES & BACKHAULING  
Transportation Committee

MAIN CAPITOL, MAJORITY CAUCUS ROOM 140  
HARRISBURG, PENNSYLVANIA

FEBRUARY 12, 2004, 10:00 A.M.

BEFORE:

HON. RICHARD GEIST, COMMITTEE CHAIRMAN  
HON. RONALD MARSICO  
HON. JOHN MAHER  
HON. JOHN EVANS  
HON. ROY BALDWIN  
HON. DICK HESS  
HON. EDWARD WOJNAROSKI, SR.

LORRAINE K. TROUTMAN, RPR  
REPORTER - NOTARY PUBLIC



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1 CHAIRMAN GEIST: I would like to thank  
2 Ron Marsico and others on this committee who  
3 have really been bringing this problem to our  
4 attention. It is a problem that we know we have  
5 to address.

6 At this time I would like to have Chris  
7 call role and turn it over to Representative  
8 Marsico. We will have a very learned experience  
9 today. Thank you.

10 MS. LATHAM: Geist.

11 CHAIRMAN GEIST: Present.

12 MS. LATHAM: Baldwin.

13 REPRESENTATIVE BALDWIN: Here.

14 MS. LATHAM: Bard.

15 REPRESENTATIVE GEIST: (NO RESPONSE)

16 MS. LATHAM: Evans.

17 REPRESENTATIVE EVANS: Here.

18 MS. LATHAM: Fairchild.

19 REPRESENTATIVE FAIRCHILD: (NO  
20 RESPONSE)

21 MS. LATHAM: Forcier.

22 REPRESENTATIVE FORCIER: (NO RESPONSE)

23 MS. LATHAM: Harper.

24 REPRESENTATIVE HARPER: (NO RESPONSE)

25 MS. LATHAM: Hess.

1 REPRESENTATIVE HESS: Here.  
2 MS. LATHAM: Marsico.  
3 REPRESENTATIVE MARSICO: Here.  
4 MS. LATHAM: McGill.  
5 REPRESENTATIVE MCGILL: (NO RESPONSE)  
6 MS. LATHAM: Saylor.  
7 REPRESENTATIVE SAYLOR: (NO RESPONSE)  
8 MS. LATHAM: Watson.  
9 REPRESENTATIVE WATSON: (NO RESPONSE)  
10 MS. LATHAM: Wilt.  
11 REPRESENTATIVE WILT: (NO RESPONSE)  
12 MS. LATHAM: McCall.  
13 REPRESENTATIVE MCCALL: (NO RESPONSE)  
14 MS. LATHAM: Dermody.  
15 REPRESENTATIVE DERMODY: (NO RESPONSE)  
16 MS. LATHAM: LaGrotta.  
17 REPRESENTATIVE LaGROTTA: (NO RESPONSE)  
18 MS. LATHAM: Laughlin.  
19 REPRESENTATIVE LAUGHLIN: (NO RESPONSE)  
20 MS. LATHAM: Melio.  
21 REPRESENTATIVE MELIO: (NO RESPONSE)  
22 MS. LATHAM: Petrarca.  
23 REPRESENTATIVE PETRARCA: (NO RESPONSE)  
24 MS. LATHAM: Roberts.  
25 REPRESENTATIVE ROBERTS: (NO RESPONSE)

1 MS. LATHAM: Ruffing.

2 REPRESENTATIVE RUFFING: (NO RESPONSE)

3 MS. LATHAM: Santoni.

4 REPRESENTATIVE SANTONI: (NO RESPONSE)

5 MS. LATHAM: Washington.

6 REPRESENTATIVE WASHINGTON: (NO

7 RESPONSE)

8 MS. LATHAM: Wojnaroski.

9 REPRESENTATIVE WOJNAROSKI: Here.

10 REPRESENTATIVE MARSICO: Thank you,

11 Mr. Chairman.

12 You may be seated.

13 CPT. HAUGHT: Thank you.

14 REPRESENTATIVE MARSICO: I want to  
15 thank you very much for allowing us to have this  
16 meeting with the Transportation Committee and  
17 Subcommittee on Highways -- it is very important  
18 to us -- on safety and security violations that  
19 we have heard about from our State Police,  
20 PennDOT motor carrier investigators, as well as  
21 the P.O.C. investigative team.

22 If there is something that needs to be  
23 done, thank you for allowing us to have this  
24 meeting. Hopefully, we will have other meetings  
25 following this in other parts of the state.

1 And, again, I want to thank you.

2 First to testify today are the panel of  
3 the State Police, Captain Robert J. Haught,  
4 Director of Safety Program Division, Bureau of  
5 Patrol. If you would introduce your fellow  
6 constituents.

7 CPT. HAUGHT: Certainly, sir.

8 To my right is Lieutenant Rodney  
9 Witherite, Troop F, Montoursville. He is the  
10 former patrol section commander from Troop H  
11 Harrisburg. To my left is Corporal Ted Pounds.  
12 He works in the safety program --

13 CHAIRMAN GEIST: Is that turned on?

14 CPT. HAUGHT: There is a green light  
15 on.

16 CHAIRMAN GEIST: Pull it closer to you.

17 CPT. HAUGHT: Is this better? How  
18 about now?

19 CHAIRMAN GEIST: Yes.

20 CPT. HAUGHT: There we go.

21 Good morning. As you stated, I am  
22 Robert J. Haught, Director of the Safety Program  
23 Division of the Bureau of Patrol.

24 To my right is Lieutenant Rodney  
25 Witherite, the colonel assigned to Troop F

1 Montoursville; very recently the patrol section  
2 commander for Troop H Harrisburg, and actively  
3 involved in the Capitol Beltway activities.

4 To my left is Corporal Ted Pounds,  
5 Commercial Vehicle Enforcement Coordinator  
6 within the State Police, Bureau of Patrol.

7 Good morning, Mr. Chairman and members  
8 of the committee. I am Captain Robert J.  
9 Haught, Director, Safety Program Division within  
10 the Bureau of Patrol of the Pennsylvania State  
11 Police.

12 On behalf of the Commissioner of the  
13 Pennsylvania State Police, Colonel Jeffrey B.  
14 Miller, I would like to thank the House  
15 Transportation Committee for this opportunity to  
16 speak to you today on truck safety and security  
17 issues.

18 Commercial vehicle traffic on our  
19 nation's highways continues to increase  
20 steadily. This is an especially important issue  
21 for all Pennsylvanians as the Commonwealth  
22 interstate highway system provides easy access  
23 for commercial vehicles to the northeast from  
24 most points in the Continental United States,  
25 and conversely from the northeast to all points

1 south and west.

2 The nexus here, in central  
3 Pennsylvania, is Interstate Routes 78, 81, 83  
4 and the Pennsylvania Turnpike, coupled with the  
5 ever-increasing number of commercial motor  
6 vehicles on these very highways serve as  
7 constant reminders of why we are the keystone  
8 state, and the pivotal role Pennsylvania plays  
9 in the movement of commodities nationwide.

10 In response to the unprecedented growth  
11 of the trucking industry, the Pennsylvania State  
12 Police began its participation in the Commercial  
13 Vehicle Enforcement, or CVE, Program by active  
14 involvement in the Motor Carrier Safety  
15 Assistance Program, or MCSAP, in 1986.

16 Its mission was then and continues to  
17 this day to promote traffic safety while  
18 protecting the integrity of the highway  
19 infrastructure of the Commonwealth.

20 While the complement fluctuates  
21 periodically, there are approximately 250  
22 troopers who are MCSAP certified. These  
23 troopers who serve as motor carrier inspectors  
24 or MCIs are strategically located throughout the  
25 Commonwealth.

1           In addition, there are 26 mobile CVE  
2 teams comprised with PennDOT motor carrier  
3 enforcement officers and troopers working in  
4 concert, and one similarly staffed CBE team  
5 assigned to an inspection facility equipped with  
6 a stationary scale situated along Interstate 80  
7 in Western Clarion County.

8           How do we focus on safety? Nine years  
9 ago, the State Police conceived and initiated  
10 the Pennsylvania Operation for Safe Trucks or  
11 POST.

12           On a regional basis and at rest areas  
13 near state borders, MCIs, CBE team members and  
14 other agency personnel conducted  
15 around-the-clock weighing and inspecting of  
16 commercial vehicles.

17           In conjunction, traffic enforcement  
18 details were assigned to the highways leading up  
19 to and departing from the inspection sites.

20           Other troopers were assigned to any  
21 runaround highways to ensure that drivers who  
22 attempted to avoid the inspections were picked  
23 up in the safety net.

24           The duration of this initiative was  
25 designed to ensure the commercial vehicle driver



1 could not just wait it out on the other side of  
2 the state border.

3 The word soon spread that Pennsylvania  
4 was serious about commercial vehicles and  
5 highway safety.

6 As a proactive measure, other  
7 commercial vehicle enforcement programs have  
8 been initiated with our partnership: PennDOT,  
9 the Public Utility Commission, the Department of  
10 Environmental Protection or DEP, and even the  
11 Department of Revenue, when there are issues  
12 relating to unpaid taxes, dyed fuel, et cetera.

13 In order to address various issues  
14 related to trash haulers, PennDOT, the DEP and  
15 the State Police have conducted extensive  
16 inspection and safety programs, including  
17 project NO, TrashNet, Waste Haulers' Inspection  
18 Program (WHIP) and Operation Cleansweep.

19 Focusing on traffic and safety  
20 violations, we took the concept of the  
21 previously-described POST Program and devised  
22 Operation STRIKE Three.

23 While recognizing that individual  
24 troops were better aware of their commercial  
25 vehicle issues, a systematic process was put

1 into place whereby the troops could outline  
2 their problems and formulate an operational plan  
3 to address them. This process became our Troop  
4 Truck Crash Prevention Initiative program.

5 In 1999, PennDOT and the State Police  
6 held strategic planning meetings concerning the  
7 efforts and results of our mutually staffed  
8 weight details. We decided to shift the focus  
9 from weighing and measuring vehicles to safety  
10 and crash prevention; in other words, to overall  
11 commercial vehicle enforcement.

12 In this regard, our weight details then  
13 became commercial vehicle enforcement, or CVE,  
14 teams.

15 We do not operate in this safety arena  
16 alone; however, we work directly with the  
17 trucking industry through the Governor's Motor  
18 Carrier Safety Advisory Committee, as well as  
19 through cooperative efforts with elected  
20 officials, the Pennsylvania Motor Truck  
21 Association, highway safety advocates, various  
22 media and other partners and stakeholders.

23 Excellent examples of these  
24 partnerships which focus on engineering  
25 enforcement and education, include the Capital

1 Beltway Advisory Committee in the Harrisburg  
2 area, the I-78 Coalition in eastern  
3 Pennsylvania, the I-95 Corridor Coalition in the  
4 Philadelphia area, and the Safe 80 Coalition in  
5 northeastern Pennsylvania.

6 Our participation in the Commercial  
7 Vehicle Safety Alliance, known as CVSA, allows  
8 us input on issues of national concern that  
9 involve out-of-service criteria for both drivers  
10 and vehicles.

11 We also participate on highway safety  
12 and law enforcement committees of the  
13 International Association of Chiefs of Police,  
14 American Association of Motor Vehicle  
15 Administrators, and the Pennsylvania Chiefs of  
16 Police Association, to name only a few, where  
17 issues related to commercial drivers and  
18 vehicles are addressed.

19 Are we resting on our morals because of  
20 these efforts? Absolutely not. It does not  
21 appear that there will be any decrease in the  
22 amount of truck traffic over the upcoming years.  
23 In fact, we expect the increase to continue.

24 Crashes involving commercial motor  
25 vehicles evoke a public reaction, whether it is

1 at fault in the crash or not.

2 A crash involving a commercial motor  
3 vehicle often results in serious injury or death  
4 if another vehicle is involved. In addition,  
5 truck crashes cause highway congestion, public  
6 inconvenience, and economic losses.

7 Along with the more historically known  
8 issues involved commercially, we currently live  
9 in times that have expanded and raised those  
10 issues to that of national security.

11 All types of commodities are  
12 transported on our roadways. Criminals travel  
13 on our roadways. Therefore, all types of  
14 potential threats exist on our roadways.

15 On major holidays or when the national  
16 security alert system is elevated to heightened  
17 level, PennDOT and the State Police activate  
18 holiday security awareness patrols focusing on  
19 helping to keep our state and nation as safe as  
20 possible.

21 At this time, I would like to take the  
22 time to provide you with a statistical  
23 recapitulation of commercial vehicle enforcement  
24 of the preceding four years.

25 Members of the Pennsylvania State

1 Police inspected 132,307 commercial motor  
2 vehicles, resulting in the discovery of 286,082  
3 equipment violations, as well as 107,578 driver  
4 violations. During the same time period, 47,337  
5 vehicles and 10,485 drivers were placed out of  
6 service.

7 Additionally, 123,450 speeding  
8 citations, as well as 102,296 citations for  
9 other moving violations were issued, and 155  
10 driving under the influence of alcohol or  
11 controlled substance arrests were effected.

12 In closing, I extend my thanks to the  
13 Chairman and members of this Committee for the  
14 opportunity to address you today on these very  
15 important issues.

16 As proud members of the Pennsylvania  
17 State Police, we all carry on a tradition of  
18 excellence that began in 1905. Of the many  
19 missions of the Pennsylvania State Police, one  
20 is to "promote traffic safety, enforce existing  
21 statutes, recognize and eliminate traffic  
22 hazards, and encourage motorists to practice  
23 safe driving techniques."

24 We join with our partners in trying to  
25 attain the significant goal of reducing

1 fatalities dramatically over the next few years.

2 The Pennsylvania State Police, working  
3 in conjunction with PennDOT, has established a  
4 department-wide goal of revision of injury and  
5 fatal crashes by 20 percent by the end of  
6 calendar year 2004.

7 As an objective toward attaining this  
8 goal, the department is looking to our motor  
9 carrier enforcement efforts to play a critical  
10 role in our overall strategy for achievement.

11 To that end, we will be training an  
12 additional 30 troopers as certified motor  
13 carrier inspectors in September of this year.

14 Further, by adopting a zero-tolerance  
15 policy and enforcing the Vehicle Code and all  
16 offenses related to the operation of commercial  
17 vehicles, the State Police continue to strive to  
18 make and keep Pennsylvania's highways safe.

19 I am more than willing to respond to  
20 any questions or comments that you may have for  
21 me at this time.

22 REPRESENTATIVE MARSICO: Thank you very  
23 much for your testimony. On page 9, I believe  
24 it is, of your testimony, you talked about the  
25 number of violations, equipment violations and

1 all of the numbers there; 132,307 commercial  
2 motor vehicles --

3 CPT. HAUGHT: That's correct.

4 REPRESENTATIVE MARSICO: -- resulting  
5 in the discovery of 286,082 equipment  
6 violations.

7 CPT. HAUGHT: Yes, sir.

8 REPRESENTATIVE MARSICO: What kind of  
9 violations are we talking about here?

10 CPT. HAUGHT: I would like to yield to  
11 Corporal Pounds, who is our Commercial Vehicle  
12 Enforcement Coordinator, for a little better  
13 illustration.

14 REPRESENTATIVE MARSICO: That is an  
15 astounding number of violations. I would just  
16 like to get clarifications.

17 CPL. POUNDS: Yes, sir. Those  
18 violations could be as small as a light that is  
19 not operating, up to an inoperative brake or a  
20 bad tire, something along those lines, sir.

21 REPRESENTATIVE MARSICO: Then going on,  
22 as well as 107,578 driver violations; another  
23 astounding number.

24 CPL. POUNDS: Yes, sir. Those could be  
25 as minor as a medical card that is improper or

1 as major as a driver who has exceeded his hours  
2 of service.

3 REPRESENTATIVE MARSICO: Do you have a  
4 number of multi-book violations? Do you have  
5 any idea what that might be?

6 CPL. POUNDS: No, sir, I do not.

7 REPRESENTATIVE MARSICO: An approximate  
8 percentage of 107,000 violations, how many of  
9 those are logbook violations?

10 CPL. POUNDS: Sir, I would not be able  
11 to give you an accurate percentage for that.

12 REPRESENTATIVE MARSICO: Could you get  
13 back to us at some point?

14 CPL. POUNDS: Yes.

15 CPT. HAUGHT: We certainly could. Yes,  
16 sir.

17 REPRESENTATIVE MARSICO: Another  
18 alarming statistic is the same time period, you  
19 mentioned 47,337 vehicles and 10,485 drivers  
20 were placed out of service.

21 What are some of those -- why are they  
22 placed out of service?

23 CPL. POUNDS: The out-of-service  
24 violations for equipment range from the braking  
25 violations to load securement, anything along



1 that line that we figure are extremely dangerous  
2 items and are laid out in the Commercial Vehicle  
3 Safety Alliance Out-of-Service Criteria.

4 And the driver out of service, as I  
5 indicated, would be for hours of service, for  
6 violations of any of those rules. Those are  
7 also listed in that out-of-service criteria.

8 REPRESENTATIVE MARSICO: One of the  
9 issues that we are going to talk about today is  
10 the non-English-speaking drivers, commercial  
11 drivers' licenses, being able to obtain  
12 illegally CDLs.

13 When you come across one of those  
14 drivers, are you able to place them out of  
15 service?

16 CPL. POUNDS: No, sir, we are not.

17 CPT. HAUGHT: Could I ask for some  
18 clarification, sir? When you make reference to  
19 illegally obtained or procured.

20 REPRESENTATIVE MARSICO: Well --

21 CPT. HAUGHT: If there were some fraud  
22 associated with the acquisition or if it was  
23 simply a matter of an individual who applied for  
24 a state DMV?

25 REPRESENTATIVE MARSICO: Well, that is

1 a good question. If one of your troopers  
2 happens to come across a non-English speaking  
3 driver --

4 CPT. HAUGHT: Yes, sir.

5 REPRESENTATIVE MARSICO: -- with a  
6 CDL --

7 CPL. HAUGHT: Yes, sir.

8 REPRESENTATIVE MARSICO: -- what  
9 happens? You have an individual who can't speak  
10 English or read English, who is on our highways?

11 CPT. HAUGHT: It is not an  
12 out-of-service violation, sir.

13 REPRESENTATIVE MARSICO: Would you  
14 suggest that it should be?

15 CPT. HAUGHT: We would ask for some  
16 clarification from the federal government with  
17 regard to that.

18 The Commercial Safety Alliance, the  
19 alliance promulgates out-of service criteria  
20 that we recognize and that we follow.

21 The Commercial Vehicle Safety Alliance  
22 has approached the Federal Motor Carrier Safety  
23 Administration for clarification on this issue.  
24 There's been no action taken at this time. The  
25 long and short of it is, it is not an

1 out-of-service violation.

2 REPRESENTATIVE MARSICO: How long has  
3 this been going on? How long have you been  
4 waiting for a clarification?

5 CPT. HAUGHT: The most current  
6 information that I have is from within the last  
7 one to two years, sir.

8 REPRESENTATIVE MARSICO: I am going to  
9 have to ask the President today. He is in my  
10 district.

11 Actually, I mean, this is outstanding.  
12 It's just alarming. The news about this is  
13 alarming to me that drivers, once you find they  
14 can't speak, are allowed to get back in their  
15 truck.

16 CPL. HAUGHT: That is not to say that  
17 we cannot proceed with charges. We do. The  
18 Federal Motor Carrier Safety Regulations  
19 specifically state -- and if you will bear with  
20 me for one second.

21 Federal Motor Carrier Safety  
22 Administration, U.S. Department of  
23 Transportation, General Qualifications of  
24 Drivers: A person shall not drive a commercial  
25 motor vehicle unless he or she is qualified to

1 drive a commercial motor vehicle, except as  
2 provided elsewhere.

3 A person is qualified to drive a  
4 commercial motor vehicle if he or she is at  
5 least 21, can read and speak the English  
6 language sufficiently to converse with the  
7 general public, to understand highway traffic  
8 signs and signals in the English language, to  
9 respond to official inquiries and make entries  
10 on reports and records.

11 We are not given the opportunity and  
12 the authority to arrest or cite, if you will, a  
13 summary offense for that violation, and we do  
14 make those arrests.

15 REPRESENTATIVE MARSICO: How many  
16 arrests have you made in the last year? Do you  
17 have any idea?

18 CPT. HAUGHT: I have a figure in the  
19 last, I believe it is, three years, sir. I have  
20 an indication of 45 such arrests from within the  
21 Department, many of which occurred on the  
22 Pennsylvania Turnpike.

23 Those have been charges brought under  
24 Title 75 of the Vehicle Code, Section 4107,  
25 Unlawful Activity.

1 REPRESENTATIVE MARSICO: Thank you.

2 CPT. HAUGHT: That would be from  
3 January 2001 through the end of calendar year  
4 2003.

5 REPRESENTATIVE MARSICO: Do you think  
6 that the driver's lack of English language  
7 skills impact the safety and security of  
8 highways and motorists?

9 CPT. HAUGHT: It may very well. It may  
10 very well.

11 REPRESENTATIVE MARSICO: How about the  
12 rest of the panel? Lieutenant Witherite?

13 LT. WITHERITE: Again, sir, I would  
14 believe so.

15 CPL. POUNDS: Yes, sir, I would agree  
16 with the Captain that it could very well impact.

17 REPRESENTATIVE MARSICO: Okay. I don't  
18 have any other questions at this time. I will  
19 turn it over to Chairman Geist.

20 CHAIRMAN GEIST: For about 24 years, I  
21 came in here as a freshman when George Wolf was  
22 lobbying for Pennsylvania Motor Truck, that's  
23 how far back it goes.

24 I always wondered why we never had a  
25 linear chain of command when it came to truck

1 motor safety carrier enforcement.

2 We have DEP. We have the PUC. We have  
3 PennDOT. We have the Pennsylvania State Police.

4 CPT. HAUGHT: Yes, sir.

5 CHAIRMAN GEIST: We do not have a  
6 Deputy Secretary of any agency responsible.

7 CPT. HAUGHT: For overall commercial  
8 vehicle safety?

9 CHAIRMAN GEIST: That's correct.

10 CPT. HAUGHT: That's correct, sir.

11 CHAIRMAN GEIST: I just want to ask  
12 you, what would you think if we created a deputy  
13 secretaryship at PennDOT, and legislatively  
14 moved all of these activities under one area of  
15 responsibility so that we would have a very  
16 accurate reporting, and we would know what is  
17 out there, and give us a chance also to  
18 incorporate the homeland security part of that,  
19 end of that?

20 CPT. HAUGHT: I can tell you, sir, that  
21 there have already been high-level discussions  
22 at the Commissioner and Secretary level within  
23 the Pennsylvania State Police and the  
24 Pennsylvania Department of Transportation  
25 respectively looking into and perhaps beyond the

1 feasibility of creating one enforcement agency,  
2 one overall enforcement agency.

3 The approval has been granted to at  
4 least explore the feasibility. We are very,  
5 very early into the discussions. We formed some  
6 work groups. Beyond that --

7 CHAIRMAN GEIST: I am very interested  
8 in having this committee bring a bill to the  
9 General Assembly to do that.

10 After our trip that we made to Waste  
11 Management's facility at Pine Grove, and got a  
12 chance to see what they do and what their  
13 intelligence brings up, it really becomes  
14 imperative that we have a better handle on all  
15 of this.

16 And I would also want to incorporate  
17 the rail freight end of that so that we have the  
18 ability to view the containers before they are  
19 put on the train and after they come off the  
20 train.

21 That is the end of my comment. That is  
22 just my political statement. I want to thank  
23 you for your testimony. It was excellent.

24 CPT. HAUGHT: Thank you, sir.

25 REPRESENTATIVE MARSICO: Any other

1 questions from the committee? Representative  
2 Baldwin.

3 REPRESENTATIVE BALDWIN: Thank you.

4 On page 10 of your report, Captain, you  
5 cited there have been 155 driving under the  
6 influence of alcohol or controlled substance  
7 arrests.

8 CPT. HAUGHT: Yes, sir.

9 REPRESENTATIVE BALDWIN: Do you know  
10 how many of those were actually ended in  
11 convictions?

12 CPT. HAUGHT: I do not have a firm  
13 number of convictions.

14 Quite honestly, that is undoubtedly a  
15 conservative estimate, the 155. That is also  
16 with a lower threshold, lower B.A.C. threshold,  
17 for commercial vehicle drivers.

18 I cannot give you a hard, fast figure  
19 with what percentage of convictions, no, sir, I  
20 cannot.

21 REPRESENTATIVE BALDWIN: The reason I  
22 ask that question, Captain, is my local Manheim  
23 Township Municipal Police has indicated that  
24 it's difficult to get a conviction under the way  
25 the current law is written.



1 Do you have any comment on that as far  
2 as CDL?

3 CPT. HAUGHT: I don't know what the  
4 difficulty would be. Can you elaborate on that  
5 at all? Can you give me any more information,  
6 sir?

7 REPRESENTATIVE BALDWIN: Unfortunately,  
8 I don't have that report with me.

9 CPT. HAUGHT: I do not know of any  
10 groundswell from within law enforcement, be it  
11 my department or various other municipal  
12 agencies, that are encountering those issues.

13 That is not to say that they don't  
14 exist, but I don't have any information with  
15 respect to that, sir.

16 REPRESENTATIVE BALDWIN: So if I would  
17 give you that information, you could look into  
18 it?

19 CPT. HAUGHT: Certainly.

20 REPRESENTATIVE BALDWIN: I will have it  
21 in writing then. Thank you.

22 CPT. HAUGHT: Thank you, sir.

23 REPRESENTATIVE MARSICO: Any other  
24 questions? Yes. Representative Hess.

25 REPRESENTATIVE HESS: Thank you,

1 Representative Marsico.

2 Captain, just two quick questions.

3 CPT. HAUGHT: Yes, sir.

4 REPRESENTATIVE HESS: One would be on  
5 those who are driving CDL equipment or should  
6 have CDL licenses --

7 CPT. HAUGHT: Yes, sir.

8 REPRESENTATIVE HESS: -- is there a  
9 large number on the highway that you stop and do  
10 not have CDL licenses that are operating these  
11 trucks?

12 CPT. HAUGHT: It would be naive of me  
13 to say otherwise. There obviously would be  
14 some. I would think that the number that would  
15 be encountered in addition to the actual number  
16 that would be on the highway at any given time  
17 would be very small.

18 REPRESENTATIVE HESS: Very small.

19 CPT. HAUGHT: I think it would be very  
20 small.

21 REPRESENTATIVE HESS: And those driving  
22 without a CDL license, are a large number of  
23 those non-English speaking?

24 CPT. HAUGHT: Driving without a CDL?

25 REPRESENTATIVE HESS: Yes.

1 CPT. HAUGHT: Actually, have none? I  
2 want to make sure I understand the question,  
3 sir.

4 REPRESENTATIVE HESS: My question is of  
5 those who do not have a CDL license, the  
6 percentage that would be non-English speaking  
7 people.

8 CPT. HAUGHT: I don't know if I could  
9 make that leap, sir.

10 The data that I have seems to show that  
11 the majority of issues we have had with  
12 non-speaking -- non-English speaking commercial  
13 vehicle drivers has been an inability to be  
14 conversant or to be able to understand basic law  
15 enforcement commands at an inspection site, or  
16 an inability to read or maintain some sort of  
17 record of daily service, commonly referred to as  
18 driver's log.

19 REPRESENTATIVE HESS: Thank you.

20 CPT. HAUGHT: Yes, sir.

21 REPRESENTATIVE MARSICO: Representative  
22 Evans.

23 REPRESENTATIVE EVANS: Thank you,  
24 Mr. Chairman.

25 Thank you, Captain, for your testimony

1 here today.

2 I have a question regarding Troop E,  
3 in the Erie area.

4 CPT. HAUGHT: Yes, sir.

5 REPRESENTATIVE EVANS: It is my  
6 understanding that there have been an unusually  
7 high number of accidents involving large rigs  
8 this winter in that region of the state.

9 CPT. HAUGHT: Weather related to  
10 Interstate 90?

11 REPRESENTATIVE EVANS: 90/79 corridor.

12 CPT. HAUGHT: Okay. 79.

13 REPRESENTATIVE EVANS: I don't have the  
14 specific response. There was a recent article  
15 in the Erie Times News, which illustrated the  
16 extent of the problem this year being extremely  
17 abnormal. One of the fatalities involved an  
18 out-of-state truck driver and also involved a  
19 State Police vehicle.

20 I am just wondering from your  
21 perspective, is there something that is lacking  
22 in the way of safety education for drivers on  
23 icy road conditions that could help to prevent  
24 this? I mean, it is tough enough to stop a car  
25 in these types of conditions, but for large

1 trucks it is even more difficult. What can be  
2 done to help alleviate this?

3 CPT. HAUGHT: I don't think there can  
4 ever be enough education. I would ask that if  
5 there was further education, it would be across  
6 the board, as we have seen locally, especially  
7 Interstate 81 in the Carlisle area, as well as  
8 nationally.

9 Various studies have shown that while  
10 it is difficult to say at times, as many as 70  
11 to 80 percent of the crashes involving  
12 commercial motor vehicles, a vehicle over 26,000  
13 pounds involved something that was done by the  
14 driver of a passenger motor vehicle.

15 Now, does it make it any less severe or  
16 less tragic for somebody who has lost someone?  
17 Certainly not. But it illustrates the point  
18 that if there is more education, if that is the  
19 finding, it certainly would benefit passenger  
20 drivers as well as commercial vehicle drivers.

21 REPRESENTATIVE EVANS: It does seem a  
22 lot of these incidents involve out-of-state  
23 operators that may not be familiar with these  
24 types of driving conditions.

25 I would comment on Representative

1 Marsico's comments earlier that the statistics  
2 are lacking in some regard in these issues.

3 Perhaps it would be beneficial to look  
4 troop by troop to see if there has been any  
5 fluctuation in recent years, particularly this  
6 year.

7 CPT. HAUGHT: I know historically,  
8 although I am not from that area nor have I ever  
9 worked in an area further north than Mercer,  
10 Pennsylvania, I know that that area of the  
11 Commonwealth pretty regularly gets battered  
12 pretty hard with the weather.

13 Now, I don't know what type of a  
14 contribution that would make despite the  
15 statistics that you have alluded to, but that  
16 could be a factor as well.

17 REPRESENTATIVE EVANS: Thank you,  
18 Mr. Chairman.

19 REPRESENTATIVE MARSICO: Mr. Mustin, I  
20 believe you had a question.

21 MR. MUSTIN: Yes.

22 Later this morning Representative Hanna  
23 is going to be testifying, and I wanted to  
24 follow up on something that Representative  
25 Marsico started on.

1           Representative Hanna has introduced  
2           House Bill 1607, which deals with the  
3           confiscation/impoundment of trucks over 17,000  
4           pounds for non-payment of fines.

5           He has a District Justice in his  
6           district that covers a large segment of  
7           Interstate 80. And he has literally thousands  
8           of citations that have gone unpaid because of  
9           a -- because of trucks in excess of 17,000  
10          pounds.

11          It goes along with what Representative  
12          Marsico said concerning foreign, you know,  
13          non-speaking drivers, who have the commercial  
14          license. And somehow or another some of their  
15          employers from out of state have some sort of  
16          wedge on them, and they don't pay the fines.

17          If they don't pay the fines, they lose  
18          their license, and they will just go and get  
19          somebody else. Some of these trucks are  
20          supposedly in very deplorable condition.

21          You put them out of service, but the  
22          driver waits until, you know, your patrol shift  
23          changes; and then they drive off, basically  
24          unchecked.

25          CPT. HAUGHT: Would this be District

1 Justice Maggs?

2 MR. MUSTIN: Yes, it would.

3 CPT. HAUGHT: Sir, we checked into that  
4 issue maybe a month or two ago. We actually  
5 checked with the office. We checked with our  
6 local commanders in Wyoming. And we found out  
7 that while there is a significant amount of  
8 citations that have gone unpaid as a result of  
9 commercial vehicles, it's been cut in less than  
10 half of the figure you gave.

11 We checked and found while the numbers  
12 are fewer, that certainly doesn't minimize the  
13 issue at hand. We took a look at that bill and  
14 we have entered some comments on there. We have  
15 some concern with seizure and confiscation.

16 For the most part, we have issues  
17 with -- from my interpretation of the  
18 bill -- responsibility for each County Sheriff  
19 was eliminated. That is my recollection. Where  
20 the sheriff had heretofore been given the, if  
21 not authority, actually the responsibility to  
22 store the vehicle.

23 The sheriff has been stricken from the  
24 language. I find that troublesome. We have  
25 monumental issues that we or any law enforcement



1 agency would face with respect to storage,  
2 storage fees, who pays whom.

3 We also have issues as any time, not  
4 just with a crash, but any time there is any  
5 confiscation of a vehicle, many times we are  
6 dealing with perishable goods. And that raises  
7 its own set of issues.

8 MR. MUSTIN: Have those comments been  
9 communicated to Representative Hanna so that  
10 potentially some amendments could be drafted?

11 CPT. HAUGHT: Sir, the comments were  
12 provided on that bill from within the Bureau of  
13 Patrol. I had involvement in the comments  
14 personally, and they were forwarded to our  
15 legislative affairs office inter-departmentally.

16 MR. PARSELLS: Could we get a copy of  
17 those comments?

18 CPT. HAUGHT: Yes, sir.

19 REPRESENTATIVE MARSICO: Representative  
20 Wojnaroski has questions, please.

21 REPRESENTATIVE WOJNAROSKI: Thank you  
22 very much, Mr. Chairman.

23 I, too, want to applaud you gentlemen  
24 for an excellent presentation.

25 Sir, I have one question. In light of

1 the increased raises in turnpike fees coming up  
2 this year, which will include truckers, do you  
3 see an exodus of a lot of truckers moving on to  
4 interstates and, if so, how do you plan to cope  
5 with that?

6 CPT. HAUGHT: My response to that  
7 question, sir, will be based a lot on personal  
8 knowledge and staying abreast of this situation  
9 in the media, whether it be print, television,  
10 radio.

11 There has been a very strong lobbying  
12 effort that has been ongoing for some time  
13 against this from within the industry. One of  
14 the linchpins of the argument was that it was  
15 going to force a lot of people out of business;  
16 a secondary or tertiary effect would be that  
17 people that were not forced out of the business  
18 would have to look at alternative routes,  
19 perhaps even circumventing the Commonwealth.

20 I don't know quite how that could be  
21 done, as evidenced by some of my earlier  
22 comments about the pivotal role we play, in just  
23 looking at us on the map of the continental  
24 United States.

25 There is a sentiment that other

1 routes -- you are correct. There is at least a  
2 sentiment that there are other routes that will  
3 be explored.

4 If through our local experience and  
5 through our coordinated efforts with the  
6 Pennsylvania Department of Transportation,  
7 various highway surveys we find that traffic is  
8 being diverted, you have a couple of issues  
9 there; highway usage and attendant safety. You  
10 also have other issues with respect to large  
11 vehicles perhaps being on highways that they are  
12 not authorized to be on.

13 So you have a lot of different issues  
14 that you need to look at. And if it comes to  
15 pass that we need to shift our resources, that  
16 is what we do, sir.

17 REPRESENTATIVE WOJNAROSKI: Thank you  
18 very much, sir.

19 REPRESENTATIVE MARSICO: Any other  
20 questions?

21 I have three short questions I just  
22 thought of.

23 Any idea where these foreign drivers  
24 are getting their licenses, these CDLs? And the  
25 follow-up to that is, Is anyone investigating

1 this? Are the feds investigating the obtaining  
2 of these illegal licenses?

3 CPT. HAUGHT: We have found anecdotally  
4 that many of the non-English speaking commercial  
5 vehicle drivers that we encountered seemed to  
6 be, for whatever reason, from New York State or  
7 the State of New Jersey.

8 I don't know that beyond the potential  
9 for fraud in the actual acquisition of a  
10 commercial driver's license, perhaps through a  
11 third party, I don't know of any investigation  
12 that is ongoing.

13 I do know of one case in point that  
14 resulted in a very tragic accident in Butler  
15 County, an individual got lost, was driving a  
16 commercial motor vehicle. He was from Bosnia.  
17 He got lost. Ended up on a road he shouldn't  
18 have been on, on Route 8 just north of Butler,  
19 close to Slippery Rock. Turned around.  
20 Neglected to stop at a stop sign at the  
21 intersection of State Route 8.

22 Unfortunately there was a family from  
23 North Carolina that was traveling on Route 8 on  
24 vacation. Five individuals from the van  
25 perished that day.

1           There is a federal investigation that  
2 is going on in the state of Utah with respect to  
3 a third-party vendor, several third-party  
4 vendors, as to how certain individuals obtain  
5 commercial drivers' licenses in Utah. This is  
6 not involving the Utah Department of  
7 Transportation or Department of Motor Vehicles,  
8 but it is a third-party.

9           From what I understand, the third-party  
10 vendor that provided the commercial driver's  
11 license to the subject of Bosnia is not one that  
12 have had charges brought against them. That is  
13 the only federal investigation that I know of at  
14 this point; and it has very tragic ties to the  
15 Commonwealth.

16           REPRESENTATIVE MARSICO: One other  
17 question. We haven't touched on back hauling,  
18 and that is one of the reasons we wanted to have  
19 this hearing as well --

20           CPT. HAUGHT: Yes, sir.

21           REPRESENTATIVE MARSICO: -- back  
22 hauling of food products and medical waste.

23           CPT. HAUGHT: Yes, sir.

24           REPRESENTATIVE MARSICO: Can you  
25 comment on that at all? Are you finding any of

1 that yet?

2 CPT. HAUGHT: The statistical data that  
3 I was able to obtain show within the last four  
4 years we have had 11 prosecutions from within  
5 our department, not PennDOT, not DEP, not the  
6 municipal police agencies, but from within the  
7 State Police we have had 11 prosecutions  
8 throughout the Commonwealth in the last four  
9 years.

10 REPRESENTATIVE MARSICO: Do you think  
11 you have enough state troopers to patrol the  
12 highways and to investigate these situations?

13 CPT. HAUGHT: Yes, sir, I do.

14 REPRESENTATIVE MARSICO: You think you  
15 have enough?

16 CPT. HAUGHT: Yes, sir. We are more  
17 than happy with the funding that we have been  
18 provided by the Governor's office.

19 REPRESENTATIVE MARSICO: Even though  
20 you are 270 short of those comparable to you --

21 CPT. HAUGHT: That is correct.

22 REPRESENTATIVE MARSICO: -- you still  
23 think it is enough?

24 CPT. HAUGHT: Yes, sir.

25 REPRESENTATIVE MARSICO: I don't know

1 if my constituents agree with you. I don't know  
2 if many of the legislators here in the capitol  
3 agree with that.

4 Again, I want to thank you for your  
5 testimony. It was well-done and well-informed.  
6 Do you have anything else to add?

7 CPT. HAUGHT: I believe Mr. Mustin has  
8 a question.

9 REPRESENTATIVE GEIST: I'm sorry,  
10 Mr. Mustin.

11 MR. MUSTIN: I just wanted to follow up  
12 on your response about the Utah situation.

13 CPT. HAUGHT: Yes, sir.

14 MR. MUSTIN: Is it not the requirement  
15 of the federal government that a third party  
16 vendor is only allowed to certify the driver,  
17 that the actual written test that a commercial  
18 driver has to take has to be certified by the  
19 state agency?

20 CPT. HAUGHT: That is my understanding.  
21 But the contention has been that there were some  
22 individuals that were found who procured a CDL  
23 through a third vendor in the State of Utah.

24 And there were some shortcuts that were  
25 taken, and there were some of the key steps that

1 were not taken.

2 MR. MUSTIN: But that doesn't occur  
3 here in Pennsylvania; is that correct?

4 CPT. HAUGHT: Not to my knowledge, no,  
5 sir.

6 REPRESENTATIVE MARSICO: Thank you very  
7 much. I appreciate it. Anyone else?

8 (NO RESPONSE)

9 REPRESENTATIVE MARSICO: Again, thanks  
10 for your time and cooperation with us. We  
11 appreciate it. We will go on to the next panel.

12 CPT. HAUGHT: Thank you, sir.

13 REPRESENTATIVE MARSICO: Okay. Next to  
14 testify is from the Department of  
15 Transportation, Dan Smyser, who is the Chief of  
16 Motor Carrier Division; and Rebecca Bickley,  
17 Director of the Bureau of Driver Licensing; and  
18 also from the PUC, Public Utility Commission,  
19 Michael Hoffman, who is Director of the Bureau  
20 of Transportation and Safety.

21 Before you begin, I want to ask you, if  
22 you can, to summarize your statements somewhat.  
23 I don't want to keep the President waiting. He  
24 is up in my district at Central Dauphin High  
25 School.



1           No, seriously, it looks like we have a  
2 long hearing here, and I would like to condense  
3 it somewhat, if we could.

4           MS. BICKLEY: Good morning. My name is  
5 Rebecca Bickley and I am the Director of the  
6 Bureau of Driver Licensing. I would like to  
7 begin by thanking the Committee for the  
8 invitation to testify today.

9           Ensuring that drivers' licenses are not  
10 getting into the wrong hands and that the  
11 knowledge, skill and ability to safely handle  
12 their vehicles as well, are vital concerns for  
13 all Pennsylvanians.

14           I would like to first address how  
15 PennDOT ensures that the identity of drivers is  
16 a valid identity prior to issuance of a license.

17           As part of a nationwide effort to  
18 ensure the licensing process is as secure as it  
19 can be, Pennsylvania has been a leader among  
20 states in improving identification requirements  
21 for all drivers.

22           Because the driver's license has become  
23 the most requested form of identification in the  
24 United States, and in light of national and  
25 state security efforts, PennDOT has responded by

1 significantly strengthening and improving the  
2 licensing process.

3           Among the major program enhancements  
4 that we've made are: We limit the types of  
5 source identification documents used to  
6 establish identity, primarily relying on  
7 state-issued birth certificates or military IDs.

8           When an applicant is transferring their  
9 driver's license from another state, we no  
10 longer accept the license as the proof of  
11 identity. We require other source  
12 identification documents before establishing a  
13 driver's record in Pennsylvania.

14           We require all applicants to provide a  
15 social security card, unless they can provide  
16 written proof from the Social Security  
17 Administration itself that they are not eligible  
18 for a Social Security number.

19           We verify each and every Social  
20 Security number on line with the Social Security  
21 Administration prior to issuance of the license.  
22 We also require two forms of proof of residency  
23 in Pennsylvania for each and every applicant.  
24 And for non-U.S. citizens, we have implemented  
25 the Lawful Presence Provisions of Act 152 of

1 2002. This law requires that non-citizens have  
2 lawful presence in order to apply for a driver's  
3 license in Pennsylvania. We do not issue  
4 licenses to non-U.S. citizens with short-term  
5 visitor status.

6 Additionally, if the applicant does not  
7 have permanent residency in the United States,  
8 the driver's license expires concurrent with the  
9 expiration of the INS credentials.

10 These requirements apply to all  
11 applicants for driver's licenses, including  
12 applicants for commercial licenses.

13 The commercial driver's licensing  
14 program, that is the CDL program, is a federal  
15 licensing program governed by federal laws and  
16 federal regulations, all 553 pages of them.

17 Overall, the CDL program is designed to  
18 ensure that commercial drivers have only one  
19 license, have the knowledge, skill and ability  
20 necessary to handle the complex demands of  
21 driving a large commercial vehicle, and are  
22 subject to stringent sanctions when convicted of  
23 high-risk driving violations.

24 In order to ensure that commercial  
25 drivers across the nation carry only one

1 driver's license, we check all new drivers'  
2 license applicants, even when applying for a  
3 non-commercial license on the commercial driver  
4 license information system, CDLIS.

5 CDLIS is a system that is a nationwide  
6 clearing house and repository of commercial  
7 driver licensing information. If the applicant  
8 were licensed in another state, the other  
9 state's license must be surrendered as part of  
10 the application process.

11 We also check all of our applicants  
12 through the on-line problem driver pointer  
13 system, PDPS, to determine whether or not the  
14 applicant's driving privilege is suspended in  
15 another state.

16 The next requirement in the commercial  
17 licensing process is to pass a knowledge test  
18 prior to issuance of a commercial learner's  
19 permit.

20 There is a knowledge test for each  
21 commercial licensing class and for each  
22 commercial endorsement.

23 The United States Department of  
24 Transportation, U.S. DOT, funds the commercial  
25 driver's manual and the national commercial

1 knowledge test. We use the most recent version  
2 of the manual and the test.

3 Please note U.S. DOT also funds the  
4 development of Spanish translations of the  
5 commercial manual and the commercial test.

6 The Office of Civil Rights in the U.S.  
7 DOT has determined that states must provide  
8 special language services to driver's license  
9 applicants with low English proficiency.

10 The Spanish commercial manual and test  
11 help ensure compliance with our Title 6  
12 obligations. Title 6 is a federal law that  
13 prohibits discrimination, including a  
14 prohibition against discrimination that is based  
15 on national origin.

16 The only CDL test that is not given in  
17 Spanish is the hazardous materials endorsement  
18 test. In order to respond to a hazardous  
19 materials emergency, the commercial driver must  
20 be able to read an emergency procedures manual;  
21 therefore, this test is only given in English.

22 General traffic signs, on the other  
23 hand, follow standard international formats.  
24 Please note, however, that the Spanish version  
25 of the commercial driver's manual and test

1 display only the English version of the sign,  
2 ensuring that the applicants recognize these  
3 signs.

4 In Pennsylvania, after passing the CDL  
5 knowledge test, the driver is then given a  
6 commercial learner's permit and cannot take a  
7 road test for at least 30 days, ensuring ample  
8 time to develop the complex skills necessary to  
9 safely handle the vehicle.

10 The skills test includes a pre-trip  
11 safety inspection of the vehicle, off-road  
12 skills maneuvers, and a very lengthy on-road  
13 skills test.

14 The extensive skills test further tests  
15 the driver's ability to understand traffic signs  
16 and to respond to simple English directions.

17 Overall, the commercial licensing  
18 program helps ensure that commercial drivers  
19 carry only one license, and that they have the  
20 basic knowledge, skill and the ability to handle  
21 a commercial vehicle.

22 Commercial drivers and carriers who  
23 employ them are also subject to numerous  
24 requirements. These are enforced through the  
25 note or carrier program.

1           Among these requirements is a provision  
2           that the driver must, when driving, be able to  
3           "read and speak English sufficiently to converse  
4           with the general public, to understand traffic  
5           signs and signals in the English language, to  
6           respond to official inquiries and to make  
7           entries on reports and records."

8           At first, this federal regulation seems  
9           in direct violation of the Title 6 requirement  
10          that we meet the needs of applicants that cannot  
11          speak or read English.

12          However, the guidance we have received  
13          from the Federal Motor Carrier Safety  
14          Administration, an arm of U.S. DOT, is that this  
15          provision addresses commercial drivers having  
16          rudimentary English skills when driving.

17          Dan Smyser, Chief of our Motor Carrier  
18          Division, will address carrier and roadside  
19          enforcement of these provisions.

20                 REPRESENTATIVE MARSICO: Dan, before  
21                 you begin, can you sort of summarize your  
22                 statement?

23                 MR. SMYSER: Sure.

24                 REPRESENTATIVE MARSICO: I know it is  
25                 somewhat difficult at times, but whatever you

1 can do.

2 MR. SMYSER: Gladly, because I strained  
3 my voice singing last night so there isn't much  
4 left.

5 Good morning. I am Dan Smyser, Chief  
6 of Motor Carrier Division in PennDOT. Our  
7 office serves as a lead agency for the  
8 federally-assisted motor carrier safety program.  
9 We also work in cooperation with the State  
10 Police and P.U.C. in the enforcement of safety  
11 regulations.

12 One quick point I want to make, Captain  
13 Haught talked about the inspections we are doing  
14 on the roadside.

15 When those inspections are done, the  
16 information on those inspections are provided by  
17 my office. We upload them to a federal database  
18 in D.C. where they keep track of the safety  
19 performance of all of the carriers.

20 One of the additional things we do here  
21 in Pennsylvania is when we do receive a report  
22 that shows a violation of the English-speaking  
23 requirement, we make a copy of that report,  
24 provide it to our federal partner here in  
25 Harrisburg, and they will contact the state in



1       which that carrier is based; for example, New  
2       Jersey or we have had a couple in Pennsylvania.

3               They are doing some follow-up reviews  
4       at the carrier's base of operation to determine  
5       if, in fact -- how many drivers they may have in  
6       this category, who are failing to comply with  
7       English speaking requirements. So we are  
8       complying with the federal government in this  
9       area.

10              The captain gave some statistics. I  
11       will give just a couple real quick numbers.  
12       These are statewide. These would be all of the  
13       agencies that are involved in the program.

14              As he mentioned in 1999, we redirected  
15       our efforts to improve the safety compliance and  
16       our push in the safety area.

17              From '99 through 2002, we increased the  
18       number of inspections done on roadside by 88  
19       percent, a very significant increase.

20              During that same period, truck-related  
21       fatalities decreased by 31 percent. Two very  
22       encouraging statistics. And we have also had  
23       decreases in our vehicle out-of-service and  
24       driver out-of-service rates, which are shown in  
25       my testimony.

1           One point I would make on non-English  
2 speaking drivers, is that the federal  
3 regulations have been quoted a couple times. It  
4 is somewhat subjective. It is not a real clear,  
5 clean-cut regulation.

6           If you have a regulation that tires  
7 have to be a certain size, it is very easy for  
8 the officer to make that determination if they  
9 meet that size or not.

10           The requirement to be able to converse  
11 and obey and respond to our official commands,  
12 it can be somewhat subjective from officer to  
13 officer.

14           We certainly have some officers out  
15 there who are bilingual, who can understand  
16 Spanish, Bosnian, French, whatever happens to  
17 come down the road. To them, it may not be as a  
18 severe issue, who does not understand some of  
19 these languages.

20           So it is a regulation that does need to  
21 be cleaned up. And I think it is a little  
22 difficult for the trucking industry to be able  
23 to enforce it with their folks, because they may  
24 feel that they converse well enough that they  
25 understand them.

1           One of the other concerns we have is  
2 both for the motoring public and for the  
3 inspectors. When they are out working, a lot of  
4 times most of their inspections, they are  
5 crawling under the vehicles and checking the  
6 brakes, the undercarriage and suspension.

7           You want to make sure when they are  
8 under that vehicle giving commands to that  
9 individual, that they know exactly what you are  
10 asking them to do.

11           If you ask them to step on the brake  
12 and they turn on the starter, it could be quite  
13 a frightening experience. It happened to me  
14 once. It was the last time I crawled under a  
15 vehicle, to be honest with you. So it is a real  
16 concern for officer safety as well as motoring  
17 public safety.

18           The question was asked, In Pennsylvania  
19 I did find some statistics looking at our  
20 reporting statistics. In the years 2002 and  
21 2003, we had 98 MCSAP inspections where there  
22 was a violation of the English-speaking  
23 requirement during that time.

24           Captain Haught mentioned that the  
25 Commercial Vehicle Safety Alliance, they have

1       been working on this issue for a couple years.  
2       It is a national concern. I am on the Executive  
3       Board of the Alliance. We have looked at the  
4       out-of-service issue.

5               The Alliance issued out-of-service  
6       criteria. The Board is working on trying to  
7       include that in the criteria. One of the  
8       situations we run into is the Alliance has  
9       established a policy that we will only change  
10      out-of-service criteria when we have improved  
11      the safety problem.

12             We are still collecting information  
13      from all of the states along with this  
14      association, which includes all 50 states, to  
15      document this problem.

16             On September 10th, the Alliance  
17      petitioned the federal government for revisions  
18      to the current provisions. What we asked was  
19      that the regulations be changed to say it is the  
20      responsibility of the driver motor carrier to  
21      communicate in the country in which the driver  
22      carrier is operating so that safety is not  
23      compromised, which is a little different way of  
24      saying what we have out there now.

25             The other provision we are recommending

1 is that we develop a standard test, some type of  
2 language proficiency test that the officer and  
3 company can use so that we know somebody who is  
4 testing is complying with the same standard.

5 In October of 2003, the federal  
6 government did acknowledge receipt of our  
7 petition, and they have yet to act on it. I  
8 guess that is the Reader's Digest version.

9 We appreciate the opportunity to be  
10 here. It has been a cooperative effort, and we  
11 look forward to continuing it.

12 REPRESENTATIVE MARSICO: Thank you very  
13 much for condensing your statement.

14 The numbers that you mentioned, just go  
15 back to those. Do they include the State Police  
16 as well as the P.U.C.?

17 MR. SMYSER: Yes, sir. Since we are  
18 the administrative agency, all inspection  
19 reports come into our office and we do the  
20 statewide numbers.

21 REPRESENTATIVE MARSICO: I am aware  
22 that 45 percent of the trucks that are inspected  
23 are placed out of service in Pennsylvania. The  
24 national average is around 22 to 25 percent.  
25 What are your thoughts on why our trucks are 45

1 percent out of service?

2 MR. SMYSER: I always take credit for  
3 the capable people we have out there on the  
4 road, that they are able to do very thorough  
5 inspections.

6 A number of our stops are made for what  
7 we call probable cause. In other words, when  
8 folks are working, as the trucks are coming  
9 through, they are looking for the problem  
10 trucks.

11 First, we are trying to get the maximum  
12 utilization of our force. Rather than just  
13 rounding every fifth truck, the folks are out  
14 there looking for the ones that appear to have  
15 violations to get them off the road first. I  
16 really view that through the experience and the  
17 efficiency of our inspection forces out there.

18 REPRESENTATIVE MARSICO: Thanks. Any  
19 questions of members?

20 (NO RESPONSE)

21 REPRESENTATIVE MARSICO: Okay. Thank  
22 you very much.

23 I think we are going to bring on the  
24 next testifiers. We thank you very much for  
25 your testimony today. It is very productive.

1 Mike, I think -- did you have testimony at all?

2 MR. HOFFMAN: I did not. I apologize.  
3 I will offer anything. I will answer any  
4 questions that you have.

5 REPRESENTATIVE MARSICO: Any questions  
6 for Mike?

7 (NO RESPONSE)

8 REPRESENTATIVE MARSICO: Thank you very  
9 much.

10 Our next panel is Foremost Towing  
11 Incorporated, Paul Johnson, who is the President  
12 of Pennsylvania Towing Association; and Brian  
13 Bolus, the Director for the Pennsylvania Towing  
14 Association and also from Minuteman Towing  
15 Incorporated.

16 We thank you for being here. You may  
17 begin your testimony.

18 MR. JOHNSON: Thank you. In the  
19 interest of time, would you like me to synopsise  
20 my remarks?

21 REPRESENTATIVE MARSICO: Yes, sir.

22 MR. JOHNSON: Good morning. My name is  
23 Paul Johnson. I am President of the  
24 Pennsylvania Towing Association. I am the owner  
25 of Foremost Towing in Harrisburg.

1           The association represents a towing  
2 industry in the Commonwealth. Our members are  
3 the people and the companies who help keep  
4 Pennsylvania highways safe. We remove wrecked  
5 and disabled vehicles and tow them to storage,  
6 and repair facilities and clean up the highway  
7 after a crash.

8           Today we are here to share information  
9 about towing-related issues relating to motor  
10 carrier crashes, frequently trash haulers.

11           You may not know this, but in many  
12 cases we are not paid for services we provide.  
13 Since towers do not work under a contract with  
14 PennDOT or State Police, we respond without any  
15 assurance of getting paid.

16           And the explanation of our  
17 recommendations is in my testimony and the  
18 synopsis is that we would recommend that  
19 Pennsylvania require motor carriers to ensure  
20 that the truck, tractor and cargo is a  
21 non-divisible item.

22           We recommend to create a fund, funded  
23 by taxpayers or carriers, to cover inadequate  
24 insurance coverage, to pay towing, storage and  
25 cleanup costs from motor carrier accidents; to



1 authorize a cleanup bond for trash trucks  
2 traveling through or in Pennsylvania to cover  
3 cost of towing, storage; indemnify carriers from  
4 hazardous materials and excessive cleanup  
5 expense; to permit overlength and overweight  
6 vehicles to be towed 50 miles; to allocate  
7 dedicated staff to enforce safety and insurance  
8 regulations on Pennsylvania interstate highways;  
9 and to exempt towers from any liability while  
10 performing their duties in quick clearance  
11 situations.

12 Just as you ask for our help in  
13 clearing your highways, we ask for help in  
14 dealing with some of the major problems we face  
15 in motor carrier accidents. Thanks for the  
16 opportunity to address you this morning.

17 CHAIRMAN GEIST: Thank you. Rick Geist  
18 substituting for Ron Marsico. Any questions?

19 (NO RESPONSE)

20 CHAIRMAN GEIST: Barry Smith has  
21 brought this to my attention quite vividly.

22 MR. JOHNSON: I understand. Thank you.

23 REPRESENTATIVE EVANS: Thank you,  
24 Mr. Chairman. Just one quick question.

25 The last bullet point, exempting towers

1 from any liability while performing their duties  
2 in quick clearance situations.

3 I am new to some of this language here.  
4 A quick clearance situation, is that something  
5 that is specified or is that an ambiguous term?

6 MR. JOHNSON: Well, that is a phrase  
7 that is coming into popularity, and it is  
8 explained in my testimony. A lot of cases it is  
9 imperative to clear the highways quickly to  
10 remove the damaged vehicles.

11 In the course of doing that -- and you  
12 do that for several reasons; number one, to  
13 prevent secondary accidents that could occur.

14 And to do that, we frequently have to  
15 sacrifice vehicles and cargo to get the highways  
16 cleaned. And there should be no responsibility  
17 on the tower in doing that, if he is doing that  
18 in that kind of a situation.

19 REPRESENTATIVE EVANS: I was just  
20 curious as to -- if any accident scene could be  
21 technically considered quick clearance.

22 MR. JOHNSON: Any accident should be  
23 considered a quick clearance. Any accident  
24 scene essentially should be a quick clearance,  
25 but on a secondary road where there are other

1       alternate routes, it is not as big an issue.

2               REPRESENTATIVE EVANS: Thank you,  
3       Mr. Chairman.

4               CHAIRMAN GEIST: Any others? Thank you  
5       very much. You are on.

6               MR. BOLUS: Good morning. My name is  
7       Brian Bolus. I am the director of the  
8       Pennsylvania Towing Association and owner of  
9       Minuteman Towing, based in Mifflinville,  
10       Pennsylvania, near Bloomsburg.

11              Our company has six locations servicing  
12       north, east and central Pennsylvania. Minuteman  
13       Towing is one of the largest heavy-duty towing  
14       and recovery companies in the state. Our  
15       company specializes in heavy-duty towing and  
16       recovery along 80, 81, 380, 84, 180 as well as  
17       outlying roadways.

18              In total, we cover over 200 miles of  
19       Pennsylvania interstate highways in the  
20       Scranton/Wilkes-Barre, Hazleton, Bloomsburg and  
21       Lock Haven areas.

22              Minuteman Towing is committed to  
23       helping to keep the Pennsylvania highways clear  
24       by our extensive investment in facilities,  
25       trained personnel and equipment.

1           In addition to heavy-duty tow trucks,  
2 we have excavators, skid-steer loaders, dump  
3 trucks, traffic control units, and a new 60-ton  
4 rotating crane, as well as many other support  
5 vehicles.

6           Our environmental corporation,  
7 Minuteman Spill Response, is a PEMA state  
8 certified hazardous materials emergency response  
9 team that specializes in tractor trailers.

10          I am here today to testify on behalf of  
11 the Pennsylvania Towing Association about  
12 several issues related to out-of-state municipal  
13 trash.

14          Waste is traveling on Pennsylvania's  
15 interstates to landfills in Pennsylvania and  
16 other bordering states. Minuteman Towing  
17 averages two accidents a week involving vehicle  
18 crashes of trash haulers.

19          My concerns are with inadequate  
20 insurance for cargo cleanup for all cargo  
21 carriers and the lack of insurance for valueless  
22 cargo, such as municipal wastes. Some carriers  
23 try to reduce their insurance premiums by  
24 limiting their insurance on recovery at an  
25 unrealistically low value, such as \$5,000.

1           The cost of towing, recovery, storage,  
2 cleanup and disposal fees should be primary  
3 insurance coverage.

4           In Pennsylvania, carriers hauling  
5 valueless commodities such as trash should be  
6 required to post a bond similar to that required  
7 of oversize and overweight vehicles. This bond  
8 should name as beneficiaries the Commonwealth  
9 and any contractor, including towing and cleanup  
10 companies called by the Department of  
11 Transportation or police agencies.

12           Tow companies, as well as recovery and  
13 cleanup companies, should be paid first from the  
14 bond, and any shortfall should be paid from an  
15 underinsured fund suggested in earlier  
16 testimony.

17           I have found that many private trash  
18 haulers originating in neighboring states are  
19 scamming the authorities in Pennsylvania. In  
20 most cases, the principal owners create a  
21 leasing company and lease the vehicles to a  
22 newly-created trash hauling business owned by  
23 the same individuals.

24           This arrangement lasted until there was  
25 a crash or until they have run up a tremendous

1 amount of debt, which triggers the company to  
2 declare bankruptcy and close.

3 The same company then leases the  
4 vehicles to a new trash hauling company that  
5 they establish and the cycle continues.

6 I have also dealt with companies that  
7 have bogus insurance. When stopped by  
8 Pennsylvania authorities, the driver appears to  
9 have a valid insurance card; however, when my  
10 company attempts to collect against the  
11 insurance, we find that it does not exist.

12 The most recent scam was in New Jersey  
13 from an insurance agency that was issuing  
14 valid-looking insurance cards that had no  
15 insurance.

16 The insurance company claimed that the  
17 agency embezzled the money. From our sources,  
18 we found that the company knew there was no  
19 insurance and deliberately attempted to defraud  
20 the authorities. This is a picture of a bogus  
21 insurance card that was used in several  
22 instances. (INDICATED)

23 When the vehicles are found to be in  
24 violation of federal, state or safety  
25 regulations or lack proper insurance, they

1       should be impounded until the violations have  
2       been corrected or resolved.

3               Tow companies should be able to tow an  
4       overweight or overlength vehicle up to 50 miles  
5       to an impound location, as stated in Paul  
6       Johnson's testimony. When insurance is  
7       inadequate, payment for the storage and towing  
8       of the impounded vehicle should be paid from the  
9       newly-created public fund. The fund would cover  
10      reasonable towing, recovery, storage, cleanup,  
11      site restorations, as well as disposal fees.

12              I urge the members of this committee to  
13      consider these initiatives: Establish an  
14      accident recovery and disposal bond for trash  
15      haulers traveling in or going through  
16      Pennsylvania to cover the cost of towing,  
17      recovery, storage, cleanup, site restorations as  
18      well as disposal fees; change legislation to  
19      allow overweight and overlength vehicles to be  
20      towed 50 miles; dedicate 50-plus existing P.U.C.  
21      safety enforcement officers to the Department of  
22      Transportation to patrol Pennsylvania's  
23      interstate highways to target safety and  
24      insurance issues of municipal trash haulers.

25              The cleanup bond would ensure that

1 private companies would be paid for their  
2 services when called on by Pennsylvania  
3 Department of Transportation or local  
4 enforcement.

5 Pennsylvania roadways would be cleared  
6 of trash in a timely manner, unlike this picture  
7 of a municipal trash accident one year ago.

8 (INDICATED)

9 The tractor-trailer loaded with  
10 municipal waste from New Jersey went over the  
11 embankment on Interstate 80 near Hazleton. The  
12 trucking company by the name of Falgi soon  
13 closed doors and went out of business. The  
14 garbage still lies next to the river, as you can  
15 see in this picture.

16 The trash cannot be cleaned up and  
17 delivered to a Pennsylvania landfill. There is  
18 no certificate of origin for the load.  
19 Unfortunately, this is just another example of  
20 Pennsylvania forced to deal with a pile of  
21 out-of-state trash, left without responsibility.  
22 The finance company that leased the units to  
23 Falgi now leases them to a newly-formed trash  
24 hauling company to repeat the cycle.

25 Minuteman Towing was directed to



1 impound overweight trash trucks stopped by  
2 Pennsylvania State Police on Interstate 80 for  
3 speeding --

4 CHAIRMAN GEIST: Excuse me. Can I ask  
5 you a question?

6 MR. BOLUS: Yes, sir.

7 CHAIRMAN GEIST: Do you mean to tell me  
8 that DEP is going to allow this garbage to lay  
9 around?

10 MR. BOLUS: It's been there for over a  
11 year, sir.

12 CHAIRMAN GEIST: That's unconscionable.

13 MR. BOLUS: This is a photograph of the  
14 actual truck. That is what we were left with  
15 afterward.

16 CHAIRMAN GEIST: Continue.

17 MR. BOLUS: Minuteman Towing was  
18 directed to impound an overweight trash truck  
19 that was stopped by the Pennsylvania State  
20 Police on Interstate 80 for speeding.

21 The vehicle weighing 105,000 pounds was  
22 traveling 98 miles per hour. The impounded  
23 vehicle was placed inside of the storage area  
24 where it sat for almost a year. The driver  
25 returned to India shortly after the incident

1 without paying the fine.

2 The finance company repossessed the  
3 tractor after the owner stopped paying on the  
4 unit. Minuteman Towing by law was required to  
5 release the tractor, and we were left with a van  
6 trailer loaded with decomposing garbage.

7 In the end, Minuteman Towing received  
8 no compensation for towing this grossly  
9 overweight vehicle, storing decomposing garbage  
10 for over a year, attorneys' fees, and disposing  
11 of the valueless cargo.

12 I am willing to address any questions  
13 you may have about Minuteman Towing and my  
14 company's experiences with accidents involving  
15 valueless cargo of municipal waste haulers.

16 CHAIRMAN GEIST: Thank you very much.  
17 Dan, address that question. When you have an  
18 accident like that along the road where DEP is  
19 responsible, why don't they clean it up?

20 MR. SMYSER: DEP is not responsible for  
21 cleanup in this case.

22 CHAIRMAN GEIST: Who regulates the DEP?

23 MR. SMYSER: They are not responsible  
24 for the cleanup. The carrier in this case or  
25 sometimes PennDOT -- I am familiar with this

1 particular situation, because we are trying to  
2 get the trash out of there also. Right now it  
3 is on our right-of-way, and we are stuck with  
4 it.

5 CHAIRMAN GEIST: One year?

6 MR. SMYSER: Yep. As he said, the  
7 company went out of business. We found out how  
8 they reincorporated. We found their new  
9 business and are trying to go after them now.

10 CHAIRMAN GEIST: I have no other  
11 questions. Any other questions?

12 (NO RESPONSE)

13 CHAIRMAN GEIST: Thank you very much.  
14 That was very enlightening. I know how quick  
15 they can respond to things. Let's make sure  
16 that they respond to this, and I hope that they  
17 do.

18 MR. BOLUS: These additional pictures  
19 here was from that one that had no insurance on  
20 it. Again, it was another one where they were  
21 falsifying insurance cards.

22 CHAIRMAN GEIST: By the way, that 98  
23 mile an hour --

24 MR. BOLUS: Yeah.

25 CHAIRMAN GEIST: Every trip down the

1 turnpike, that one guy is always on my bumper.

2 MR. BOLUS: Yeah, that was one that was  
3 left at our place for over a year. Again, had a  
4 tremendous amount of --

5 CHAIRMAN GEIST: Mr. Mustin has a  
6 question.

7 MR. BOLUS: Sure.

8 MR. MUSTIN: How often does it occur  
9 where you are asked to tow a vehicle and you end  
10 up getting stuck with it?

11 MR. BOLUS: On garbage?

12 MR. MUSTIN: Not just garbage, any  
13 truck tractor.

14 MR. BOLUS: We generally are not having  
15 any problem with other vehicles. It is mainly  
16 garbage companies, mainly because there is no  
17 insurance on the cargo. It is basically  
18 considered to have no value; but the cleanup  
19 from these guys that are rolling over almost  
20 daily is tremendous; and unfortunately, there is  
21 nobody paying for them. So it is our  
22 responsibility then to clean them up and dispose  
23 of them. And we can't bill for it. We are not  
24 getting paid on the deal.

25 MR. MUSTIN: Thank you.

1           CHAIRMAN GEIST: I have a question for  
2 you. How many foreign drivers have you found  
3 through this?

4           MR. BOLUS: Almost always.

5           CHAIRMAN GEIST: Almost always?

6           MR. BOLUS: Almost always. And the  
7 other problem we run into is generally a lot of  
8 these foreign drivers are from, for instance,  
9 New York -- Bronx, New York, Apartment 2.

10           Therefore, any legal action towards  
11 them is basically a futile attempt. And in most  
12 circumstances, for instance, if they were to  
13 have an accident without insurance or something  
14 like that, they just go back to their previous  
15 country, and we can't track them.

16           REPRESENTATIVE MARSICO: Unbelievable.  
17 Any other questions?

18           (NO RESPONSE)

19           REPRESENTATIVE MARSICO: We are moving  
20 on, the Chairman says. Thank you very much.

21           MR. BOLUS: Thank you.

22           MR. JOHNSON: Thank you.

23           REPRESENTATIVE MARSICO: Next to  
24 testify is Waste Management, Ray Delfing, Senior  
25 Market Area Safety Director; Tim Webb, Senior

1 Market Area Safety Director.

2 CHAIRMAN GEIST: Thank you, guys.  
3 Before you start, Tim, would you answer one  
4 question?

5 MR. DELFING: Yes, sir.

6 CHAIRMAN GEIST: The people who are  
7 watching this recording, we know how responsible  
8 Waste Management is.

9 MR. DELFING: Yes, sir.

10 CHAIRMAN GEIST: We know if that load  
11 was a Waste Management load, and it was there,  
12 you would have had it cleaned up.

13 And would you explain how it works with  
14 Waste Management so that everybody knows. I  
15 don't want to paint the whole industry with the  
16 same brush.

17 MR. DELFING: Gladly.

18 What we have done at Waste  
19 Management -- and you will see in some of the  
20 testimony packets that we gave you about the  
21 Waste Management system.

22 And what that does is it ensures that  
23 the drivers that are hauling for us, whether  
24 they are employees or third-party contractors,  
25 that they are in compliance with all of the

1 regulations; that the driver's license, the  
2 medical card, all of the things you've heard  
3 about this morning, as well as they have the  
4 certificate of insurance. Waste Management  
5 requires signature.

6 And in adherence to the cleanup,  
7 specifically as a rider on the policy, we  
8 require each hauler who hauls for us, in the  
9 contract, provide us with a certificate of  
10 insurance and the policy rider, so we can go  
11 through and make sure, in fact, we have those in  
12 place.

13 We also, through the system, have the  
14 ability if a hauler's insurance lapses,  
15 insurance is terminated by the insurer for  
16 whatever reason or they don't pay for riders and  
17 they don't have the insurance, we have the  
18 ability to not only cut off each driver driving  
19 for that system, but cut off the hauler so there  
20 is no way they can, in turn, get on roadways.

21 Obviously, in situations as you've seen  
22 this morning, the other thing that we did, above  
23 and beyond these situations, we send  
24 representatives out from our company to make  
25 sure the situation is addressed, providing the

1 information to the State Police and PennDOT as  
2 far as the insurance certificates, the contacts,  
3 the set-up policy, so these folks can get  
4 cleaned up quickly and get paid.

5 CHAIRMAN GEIST: You don't owe Tim's  
6 Towing any money, do you?

7 MR. DELFING: Pardon me? No, sir.

8 REPRESENTATIVE MARSICO: Okay. You may  
9 begin your testimony. Do you want to summarize  
10 it if you could, please.

11 MR. DELFING: Sir, with all due  
12 respect, given previous testimony, if I could  
13 read this testimony.

14 REPRESENTATIVE MARSICO: Sure.

15 MR. DELFING: It is very brief. It  
16 should not take longer than five minutes.

17 REPRESENTATIVE MARSICO: Go right  
18 ahead.

19 MR. DELFING: Okay. Good morning. My  
20 name is Raymond Delfing. I am Senior Market  
21 Area Safety Manager of Waste Management of  
22 Pennsylvania Incorporated, member of the Waste  
23 Industry Association.

24 Next to me is Tim Webb, also a Senior  
25 Market Safety Manager and Transportation Safety



1 and Compliance Manager for Waste Management's  
2 eastern group.

3 On behalf of Waste Management, it is  
4 our pleasure to testify before the panel.

5 A large part of my responsibility as  
6 Waste Management Safety Manager is to manage our  
7 transportation, safety and compliance programs.

8 Waste Management is one of the largest  
9 truck fleets in the State of Pennsylvania, and  
10 in light of the different state and federal  
11 agencies and regulations governing  
12 transportation and solid waste industry, we take  
13 our responsibility very seriously.

14 We have, accordingly, taken aggressive  
15 steps to promote safety and compliance through  
16 our compliance transportation safety program.

17 The importance of our task was never  
18 more evident than during Operation Clean Sweep  
19 in the spring of 2001. Operation Clean Sweep  
20 was a combined effort by the Pennsylvania  
21 Department of Environmental Protection,  
22 Pennsylvania Department of Transportation,  
23 Pennsylvania State Troopers and a number of  
24 local enforcement agencies to conduct a  
25 statewide series of comprehensive roadside

1 inspections of trash trucks. As a result of  
2 Operation Clean Sweep, Waste Management was  
3 committed to major improvements with an emphasis  
4 on transportation compliance and safety.

5 Since Operation Clean Sweep, the  
6 State's agencies have continued trash  
7 inspections on a smaller, yet effective, basis.

8 And since Operation Clean Sweep, the  
9 Pennsylvania legislature passed Act 90 of 2002.  
10 Act 90, in part, established a waste  
11 transportation and safety program.

12 Its mandated purpose was to protect the  
13 human health, public safety, welfare and the  
14 environment. The safety program gave the state  
15 Department of Environmental Protection the  
16 responsibility and power to enforce existing  
17 laws to protect the environment and the public  
18 health, safety and welfare along its highways.

19 Waste Management, along with the PWIA  
20 members, supported the waste transportation  
21 safety program.

22 We applaud the Department's efforts at  
23 integrating the safety program into the existing  
24 regulations governing the transportation of  
25 waste in Pennsylvania.

1 Waste Management implemented its own  
2 comprehensive transportation safety program  
3 centered on a computer-based system called Waste  
4 Master/Alive.

5 We have provided each of you with a  
6 handout briefly explaining the Alive/Waste  
7 Master system.

8 To work as a transporter for Waste  
9 Management, a transporter must enter into a  
10 standard transportation contract. The  
11 transportation contract requires the transporter  
12 to have a satisfactory DOT rating, to maintain  
13 appropriate insurance levels and to agree to  
14 abide by Waste Management's Alive/Waste Master  
15 system.

16 The contract also imposes exacting  
17 vehicle and driver standards and requires strict  
18 compliance with all applicable laws governing  
19 the transportation of waste on Pennsylvania's  
20 highways.

21 For example, in support of state and  
22 federal regulations, the contract specifically  
23 prohibits the backhauling of any foods and  
24 transfer trailers used to haul waste.

25 Developed in 2000 to manage

1 transportation safety and compliance,  
2 Alive/Waste Master is a computer-based tracking  
3 system that tracks driver, vehicle and  
4 operational compliance.

5 Once a transporter is under contract  
6 with Waste Management, each driver is issued a  
7 smart card. The smart card contains an embedded  
8 computer chip that maintains all of the  
9 information that is necessary to legally operate  
10 the vehicle in Pennsylvania.

11 For example, the smart card records the  
12 driver's commercial driver's license  
13 information, the driver's last physical exam and  
14 motor vehicle record.

15 The chip also stores the vehicle's  
16 identification number, current registration  
17 information, insurance information, a  
18 description of the vehicle and capacity limits  
19 and the DOT rating for the hauler.

20 It is worth reiterating that a driver  
21 is not permitted to haul for Waste Management  
22 without a valid smart card containing current  
23 information.

24 Allow me to explain how it works: The  
25 transporter is loaded at one of Waste

1 Management's transfer stations, and as he  
2 crosses the outbound scale, the driver presents  
3 the smart card and the scale master swipes the  
4 smart card in the system.

5 Instantaneously, the driver's  
6 information and the vehicle information is  
7 produced and checked for validity. If the  
8 information is valid and up to date, the truck  
9 is weighed to ensure it meets with DOT's vehicle  
10 weight requirements.

11 If the vehicle weight is legal, the  
12 time and date, destination and vehicle weight is  
13 recorded on the smart card, and the driver  
14 leaves for his or her designated landfill.

15 Once the driver reaches the designated  
16 landfill, the scale master swipes the smart card  
17 into the system. The scale master again  
18 confirms certain information, that the driver  
19 and vehicle information is valid and current,  
20 that the driver and vehicle match the outbound  
21 information, that the vehicle weight is within  
22 legal limits, and that the normal variance  
23 within the outbound scale, and that the load is  
24 not overdue. If the information is validated,  
25 only then is the vehicle allowed to enter the

1 landfill.

2 In the unfortunate event that a vehicle  
3 hauling for Waste Management is in an accident,  
4 our safety and compliance managers are able to  
5 get to the scene and use the driver's smart card  
6 to immediately provide state troopers and local  
7 police with critical driver and vehicle  
8 information.

9 In addition to the allotted Waste  
10 Management system, and as part of the company's  
11 transportation safety program, Waste Management  
12 has instituted a vehicle safety inspection  
13 program, a program similar to the State's  
14 trashnet. Teams of three employees, safety  
15 manager, compliance manager, and a mechanic,  
16 periodically conduct announced and unannounced  
17 roadside inspections at Waste Management's  
18 Pennsylvania landfills and transfer stations.

19 The team randomly selects vehicles,  
20 whether Waste Management owned or independently  
21 owned, and inspects the vehicle according to  
22 U.S. DOT and Pennsylvania DEP regulations and  
23 safety criteria.

24 For example, while the team's mechanic  
25 inspects the vehicle for mechanical compliance,

1 the safety manager and compliance manager are  
2 inspecting the vehicle for working fire  
3 extinguishers, properly annotated logbooks,  
4 hours of service, and proper paperwork.

5 If the team places a vehicle out of  
6 service, the vehicle is not permitted to leave  
7 the facility until the violation is corrected or  
8 the vehicle is towed.

9 If a driver is placed out of service,  
10 the vehicle is not allowed to move until a  
11 qualified driver moves it.

12 Waste Management's transportation  
13 safety program has not been without significant  
14 effort and cost, but we believe that the impact  
15 has been immediate and worthwhile.

16 In 2001 and again in 2002, Waste  
17 Management received the Commercial Highway  
18 Safety Award from the Bucks County Motor Carrier  
19 Traffic Safety Task Force in recognition of  
20 outstanding achievements in commercial highway  
21 safety.

22 The Bucks County Motor Carrier Traffic  
23 Safety Task Force recognizes commercial haulers  
24 who implement changes and introduce programs  
25 that enhance highway safety.

1           We continue to follow guidance from DEP  
2 and DOT to improve our safety program. The  
3 improvements made by Waste Management and those  
4 companies that work with Waste Management are  
5 evidenced at our high level of commitment to  
6 keeping Pennsylvania highways safe.

7           Thank you for allowing me to speak this  
8 morning. Mr. Webb and I welcome any questions  
9 the panel may have.

10           REPRESENTATIVE MARSICO: Thank you very  
11 much for your presentation. I have one  
12 question. Have you ever had any backhauling  
13 violations?

14           MR. DELFING: No, sir.

15           REPRESENTATIVE MARSICO: That is good  
16 news. Any questions from the members?

17           Representative Evans.

18           REPRESENTATIVE EVANS: Thank you,  
19 Mr. Chairman.

20           I just wanted to commend Waste  
21 Management for the presentation. It is very  
22 enlightening. I think that that smart card is a  
23 very wonderful tool that perhaps other carriers  
24 should take note of and wish to emulate in the  
25 future, because that certainly does cut down a



1 lot of the confusion that is out there.

2 It is a very expensive procedure for  
3 you to go through for your company to comply  
4 with.

5 MR. WEBB: The actual development of  
6 the initial program is basically four different  
7 computer systems that are linked together to  
8 make this happen. That was very, very  
9 expensive, yes, sir.

10 We originally ruled that out; and since  
11 then, we have done revisions to the software to  
12 do different things.

13 The smart card and technology that is  
14 used at the transfer of landfill end is \$10,000  
15 per location. The smart card itself is only  
16 about \$3.25.

17 REPRESENTATIVE EVANS: We realize this  
18 would be impossible for a lot of the small  
19 carriers to afford, but maybe they should work  
20 towards that goal. Because it certainly has  
21 been a worthwhile investment for your company.

22 MR. WEBB: Yes, sir, it has.

23 REPRESENTATIVE EVANS: Thank you.

24 REPRESENTATIVE MARSICO: Mr. Mustin had  
25 a question first.

1           MR. MUSTIN: Yes. On page 2, you  
2 talked about development in 2000. You talk  
3 about maintains all of the information that's  
4 necessary to operate a vehicle in Pennsylvania  
5 legally. And you talk about it accesses  
6 driver's commercial driver's license  
7 information. How do you do that on a real time  
8 basis?

9           MR. WEBB: Unfortunately, the  
10 information -- we cannot have real time. We  
11 cannot hook into the local DMV, unfortunately.  
12 We would love to be able to do that, and that  
13 was one of the visions that we had written out  
14 when we originally developed the program.

15           What we do do is we require in our  
16 contract, that the haulers and/or haulers who  
17 haul for those haulers, have to supply us with  
18 photocopies as well as we have to physically see  
19 the license, and in turn we track that.

20           Once they come to us, they have been  
21 through your local DMV or State Police agency  
22 and receive their state driver's license.

23           MR. MUSTIN: But the license could  
24 actually be suspended and they just haven't  
25 turned it in.

1 MR. WEBB: What we require with that is  
2 a current motor vehicle report which requires  
3 seven years backwards.

4 MR. MUSTIN: How often do you do that?

5 MR. WEBB: Once a year in accordance  
6 with DOT. The other thing the system allows us  
7 to do that we spoke of earlier where you may  
8 have a false card or false Social Security  
9 number being used, the system tracks all of that  
10 information so that if you have -- typically, if  
11 somebody is going to sell the information, they  
12 are not going to sell it just to one person.  
13 That information will go out to multiple people.

14 The system will bring that right to us.  
15 By looking at the different database elements,  
16 we are able to. In fact, those folks don't work  
17 for us.

18 MR. MUSTIN: If someone has the  
19 wherewithal to get through your system, at least  
20 up to a year if their license is suspended,  
21 because you are only asking for the --

22 MR. DELFING: No, sir, we ask for it  
23 once a year. We have to have it pulled within  
24 seven days, which goes back seven years when  
25 they apply to get a smart card.

1 MR. MUSTIN: But that smart card is  
2 good for how long then?

3 MR. WEBB: It is good for a year,  
4 because the first thing that expires on federal  
5 motor carrier, the MVR. It is required once a  
6 year. However, by the use of the system, I have  
7 the ability from anywhere in the country to cut  
8 off any driver and/or hauler at any time.

9 So if we get notified or something  
10 comes up or we have a problem with a particular  
11 driver or hauler, all we have to do is throw the  
12 switch; and therefore, that person cannot check  
13 out of any of our transfer stations.

14 REPRESENTATIVE MARSICO: Mr. Parsells.

15 MR. PARSELLS: Just a point of  
16 clarification. Every truck that comes into your  
17 landfills has had one of these or only your  
18 contract haulers?

19 MR. WEBB: Any contractor that is  
20 working for us has a smart card as well as the  
21 nine-digit number displayed.

22 MR. PARSELLS: You take other loads?

23 MR. WEBB: We do have a third-party  
24 person. With those persons, we have a safety  
25 transportation program, which they have to fall

1 within that, and they have to make sure they  
2 have the DEP Act 90 stickers, which we have  
3 backed fully with that program, as well as they  
4 have to be within the legal limits.

5 MR. PARSELLS: Thank you.

6 MR. WEBB: Thank you.

7 REPRESENTATIVE MARSICO: Anyone else on  
8 the committee?

9 MR. DELFING: No, sir.

10 REPRESENTATIVE MARSICO: Thank you,  
11 again, for your presentation and your time.

12 MR. WEBB: Thank you.

13 MR. DELFING: Thank you.

14 REPRESENTATIVE MARSICO: Moving right  
15 along. The next testifier is Jim Runk,  
16 President and CEO of Pennsylvania Motor Truck  
17 Association. Good morning.

18 MR. RUNK: Good morning.

19 REPRESENTATIVE MARSICO: Good morning.  
20 And you may begin.

21 MR. RUNK: Good morning, Mr. Chairman.  
22 I will be brief, because I am quite certain that  
23 I am not the President you are meeting later for  
24 lunch, so I will scoot along here.

25 I do appreciate the opportunity to be

1 in front of you today. This is an important  
2 issue. My name is Jim Runk, and I represent the  
3 largest state trucking association in the  
4 country with somewhere around 2300 members.

5 We would like to thank the members of  
6 ours that are responsible motor carriers, like  
7 the ones who testified here this morning,  
8 Minuteman and Waste Management, who are members  
9 of our association. We are very proud of the  
10 way they operate their vehicles.

11 The commercial driver's license is the  
12 issue that brings me here today. And I am not  
13 going to reiterate what was previously said, but  
14 we support the commercial driver's license. And  
15 we believe that it is obviously necessary.

16 We understand how some of this  
17 misinformation can be passed on through  
18 receiving licenses with drivers who can't speak  
19 English. Our industry is very concerned about  
20 that.

21 We have had incidents where drivers  
22 can't communicate with safety directors. They  
23 can't communicate with somebody after a  
24 hazardous spill. There are problems surrounding  
25 that.

1           The issue, as Dan Smyser indicated  
2 earlier, was brought to the attention of CVSA,  
3 the Commercial Vehicle Safety Alliance, of which  
4 he is a board member, and has asked them to put  
5 together a committee to look into the situation  
6 to see how the clarifications of this -- of the  
7 commercial driver's license could be handled.

8           We are professionals in the trucking  
9 industry, and we are aware of the problem, and  
10 we want to take all steps necessary to ensure  
11 the motoring public that our members and the  
12 motor carriers in the United States hire the  
13 best qualified operators, and to be able to  
14 improve safety on the highways.

15           With that, Mr. Chairman, I would like  
16 to take one second -- it is not in my written  
17 remarks -- to comment on earlier testimony by  
18 Captain Haught.

19           One of the issues that concerns us is  
20 the 42 percent increase on the Pennsylvania  
21 Turnpike. We have met with the turnpike on  
22 several occasions to discuss the issue, and the  
23 question came up about diversion, will carriers  
24 go to other roads.

25           I have already been in contact with

1 several members that are looking for  
2 diversionary routes. And they are going to see  
3 whether or not that is something that they can  
4 do.

5 Those diversionary routes are fairly  
6 slim, when you look at the geography of the  
7 State of Pennsylvania, with the Turnpike being  
8 the most notable highway to the south.

9 Our carriers want to divert to Route 80  
10 in the wintertime. Most of them divert to the  
11 turnpike in the wintertime because the turnpike  
12 is clear, it is patrolled, there is food and  
13 fuel.

14 Are they going to go across Route 68?  
15 I doubt it. Many of us that have been across  
16 it, you know it is mountainous and can conserve  
17 fuel and time.

18 The only other alternates are 22, Route  
19 30, the possibility of getting off at Bedford  
20 and going 99 North, which isn't completed yet.  
21 When you operate on the turnpike, our industry  
22 right now is about a 2 percent profit margin.  
23 So if you are operating at \$1.40 and you cross  
24 the turnpike, you've just lost 40 cents off of  
25 your profit on that whole trip.



1           So there is no question in my mind  
2           there is going to be diversion. Where it goes  
3           is going to be up to the logistics people and  
4           managers; however, there are probably going to  
5           be some roads that we should not be on. Even  
6           though we are allowed on them, it can cause  
7           congestion, traffic problems, and so on.

8           I'm sorry I didn't have it in my  
9           written testimony, but I wanted to bring it up  
10          because it was brought up earlier by the  
11          Captain.

12          I will answer any questions you might  
13          have and thank you for permitting us to be here  
14          today, Mr. Chairman.

15          REPRESENTATIVE MARSICO: Thank you. I  
16          have a couple questions.

17          Page 36 of your testimony, you talk  
18          about the CVSA, the Commercial Vehicle Safety  
19          Alliance. Who makes up that alliance?

20          MR. RUNK: That is made up -- it is a  
21          nationwide organization made up of safety  
22          professionals, enforcement, State Police, Dan's  
23          counterparts and their state P.U.C.s, and state  
24          transportation agencies, drivers, company  
25          management. They meet frequently to discuss the

1 issues to ensure that the uniformity is spread  
2 throughout the country, where our carriers don't  
3 have to worry about going into another state and  
4 having laws affect them of which they have no  
5 knowledge. So the idea of CVSA is to try to  
6 come out with uniform regulations with the  
7 industry.

8 REPRESENTATIVE MARSICO: Is there any  
9 alliance of homeland security or anyone from  
10 security or enforcement?

11 MR. RUNK: Mr. Chairman, I don't know  
12 that. I don't know how it is made up. I can  
13 find that out. My guess is one of the board  
14 members could probably answer that pretty  
15 quickly. I don't know.

16 REPRESENTATIVE MARSICO: I see this  
17 issue of non-English speaking drivers driving  
18 trucks as a homeland security threat as well,  
19 coming in from out of the country, obtaining  
20 these illegal CDLs, able to obtain a  
21 tractor-trailer.

22 You don't know what is in the  
23 tractor-trailer, it could be explosives in the  
24 tractor-trailer, and could obviously impose a  
25 security threat to our state and other states in

1 the nation.

2 MR. RUNK: I don't think there is any  
3 question about that; however, I think if you  
4 look, again, at my comment about the responsible  
5 industry, there are other obvious responsible  
6 carriers out there who aren't members of mine,  
7 although I wish they were.

8 I think you will find that those  
9 carriers are very, very careful who they hire  
10 with background checks. With new hazardous  
11 material, I think you will see that it's even  
12 going to be more strengthened. But I don't  
13 think you are going to have much of a problem  
14 with the responsible carriers in the United  
15 States.

16 REPRESENTATIVE MARSICO: I am just  
17 picking your brain a little bit with this and  
18 trying to get your comments. I know your  
19 organization makes up a very responsible driving  
20 force with CDLs, do a tremendous job, and are  
21 responsible like you say.

22 I just want to get some ideas from you.  
23 And I really think it could be a homeland  
24 security threat as well.

25 Are there any other questions from the

1 members? Staff?

2 (NO RESPONSE)

3 REPRESENTATIVE MARSICO: Thanks for  
4 your time.

5 MR. RUNK: Thanks for permitting us to  
6 be here today.

7 REPRESENTATIVE MARSICO: Next testifier  
8 is Ted Leonard, the Executive Director of the  
9 Pennsylvania AAA Federation. You may begin.

10 MR. LEONARD: Good morning,  
11 Mr. Chairman. I would be very happy to  
12 highlight and summarize the written testimony  
13 that I have provided.

14 First of all, the issue of truck safety  
15 is one of the concerns of our members and  
16 certainly of a lot of motorists. In all of the  
17 surveys we conduct, the issue of truck safety  
18 appear in the top three, along with aggressive  
19 drivers and DUI. So it is certainly on the  
20 minds of the motorists out there.

21 Secondly, it would be very difficult to  
22 understand how a driver without comprehension of  
23 the English language would also have any  
24 understanding or comprehension of our traffic  
25 safety laws, and be able to obey those.

1           It was a very tragic accident in  
2 Slippery Rock, Pennsylvania last July, which  
3 really brought this to national focus as far as  
4 AAA was concerned.

5           We are aware of the petition of the  
6 CBSA, and would certainly endorse that and lend  
7 any support to get that petition before the  
8 federal government, and have them clarify 49 CFR  
9 and potential conflicts with Title 6 that were  
10 mentioned earlier.

11           One of the programs that I have had the  
12 pleasure of being associated with in this  
13 position is ITS, Intelligent Transportation  
14 Systems.

15           One of the very successful low cost  
16 programs in that is variable message signing,  
17 which would enable a driver to be warned ahead  
18 of time if an interstate, for example, was fog  
19 bound or in our cases we have already seen this  
20 year snow bound in white-out conditions through  
21 a snow storm.

22           And it would be difficult to understand  
23 how a driver who had no comprehension of the  
24 English language or could not read it, could  
25 understand what a variable message sign was

1 telling him if the interstate ahead of him was  
2 snow bound.

3 I think the potential for a catastrophe  
4 would exist if a driver plowed on into a  
5 situation like this and ended up in a  
6 multi-vehicle accident.

7 The last thing I would like to mention  
8 is that we would certainly endorse  
9 Representative Geist's concept of centralizing  
10 motor carrier safety, homeland security, and any  
11 other issues dealing with motor carriers into  
12 one central office.

13 I would be happy to answer any  
14 questions at this time.

15 REPRESENTATIVE MARSICO: Any questions  
16 of Mr. Leonard?

17 (NO RESPONSE)

18 REPRESENTATIVE MARSICO: There are no  
19 questions. I thank you for your information.

20 MR. LEONARD: Thank you.

21 REPRESENTATIVE MARSICO: Is Officer  
22 Leaman here from Pennsylvania Capitol Police?  
23 Is he here yet?

24 (NO RESPONSE)

25 REPRESENTATIVE MARSICO: Seeing he is

1 not here and Representative Hanna is not here,  
2 we will take a five-minute break. We will be  
3 back in five minutes or so. Thanks.

4 (Break.)

5 REPRESENTATIVE MARSICO: Okay. Folks,  
6 we are about ready to roll again.

7 Okay. We are going to reconvene this  
8 hearing. If you want to take a seat up there.

9 We have been joined by Officer Leaman  
10 from the Pennsylvania Capitol Police. He is  
11 here to testify. We appreciate your time and  
12 your being here early.

13 I am going to ask you, if you  
14 can -- hold on a second. Go ahead and read your  
15 testimony. We are waiting for Representative  
16 Hanna. That's okay. If you want to begin, go  
17 right ahead.

18 OFR. LEAMAN: Thank you. Good  
19 afternoon, ladies and gentlemen. My name is  
20 John D. Leaman. The Commonwealth of  
21 Pennsylvania employs me as a Capitol police  
22 officer. I graduated from Pennsylvania State  
23 Police Academy in Hershey, PA in 1979. I was  
24 formerly the safety training officer for  
25 Friendly Transportation in Lancaster County. I

1 currently possess a valid Pennsylvania  
2 commercial operator's license.

3 I drive to the Capitol complex daily  
4 from my home in eastern York County, spending  
5 approximately two hours on the highway, some 70  
6 miles round trip.

7 Most of the events I will share with  
8 this panel occur on Interstate Route 83 North  
9 during the daytime hours, although returning  
10 home at 11 p.m. I have encountered some  
11 hazardous situations as well.

12 Every day I observe commercial  
13 vehicles, 18 wheelers, violating various  
14 sections of the Pennsylvania Vehicle Code  
15 without any interference or obvious presence of  
16 law enforcement authority.

17 Simply having signs posted is not  
18 enough. Every law enforcement agency knows that  
19 a real or evident police presence greatly  
20 reduces crime. Even having a police mannequin  
21 in a parked cruiser has proven to be an  
22 inexpensive but actual deterrent for would-be  
23 violators.

24 Some major concerns are listed below.  
25 Two weigh stations in the area of the Yocumtown



1 exits of I-83 are closed the majority of the  
2 time.

3 The two legally-posted northbound truck  
4 lanes, one north of the Conewago Creek bridge,  
5 and the other north of the Fishing Creek Road  
6 Exit, are routinely ignored by truckers.

7 The legally posted 65 mile per hour  
8 speed limit is reduced to 55 miles per hour on  
9 I-83 northbound from Reesers Summit to the York  
10 split on Pennsylvania Route 581, and yet  
11 truckers continue at a much higher rate of  
12 speed, seemingly oblivious to any speed limit  
13 signage.

14 Now, I would like to say that the  
15 habitual drivers are out-of-state drivers; but  
16 the fact is that none of them are actually local  
17 and are familiar with the area.

18 Drivers for Estes, Kinard, S & H,  
19 Shaffer/Crete and Waste Management are among  
20 those who regularly and carelessly disregard  
21 both their safety and that of others.

22 The most common Pennsylvania Motor  
23 Vehicle Code violations include: Obedience to  
24 traffic control devices, Subsection 3111(a);  
25 driving on right side of roadway, Subsection

1 3301(a)(b); overtaking vehicle on the left,  
2 Subsection 3303(a)(2); overtaking vehicle on the  
3 right, Subsection 3304(b), limitations on  
4 overtaking on the left, Subsection 3305; driving  
5 on roadways laned for traffic, Subsection  
6 3309(1) and (3); prohibiting use of hearing  
7 impairment devices, Subsection 3314(a); stop  
8 signs and yield signs, Subsection 3323(c); duty  
9 of driver in construction and maintenance areas,  
10 Subsection 3326; moving, stopped or parked  
11 vehicle, Subsection 3333; turning movements and  
12 required signals, Subsection 3334; driving  
13 vehicle at safe speed, Subsection 3361; maximum  
14 speed limits, Subsection 3362(a)(2) and (3),  
15 minimum speed regulation, Subsection 3364(a);  
16 careless driving, Subsection 3714; and reckless  
17 driving, Subsection 3736(a).

18 But truckers are not the only  
19 offenders. An ever increasing number of  
20 Maryland automobile drivers are traveling mile  
21 after mile in the passing lane, without passing  
22 any other vehicles, or simply riding the fast  
23 lane beside big rigs, thus creating a hazard in  
24 the trucker's riding zone.

25 The Pennsylvania Department of

1 Transportation also contributes to unsafe  
2 driving conditions in construction zones by  
3 erecting signs and arrows that are both  
4 confusing and misleading.

5           Narrowing a two-lane highway to one  
6 lane often promotes motorists' aggression, since  
7 everyone wants to be first in line.

8           Truckers are often observed straddling  
9 both lanes of travel approaching a construction  
10 zone in an effort to prevent other drivers from  
11 cutting ahead of them at the last minute.

12           On February 21st, 2003, I sent an  
13 e-mail to Pennsylvania State Police Commissioner  
14 Jeffrey Miller, describing the dramatic increase  
15 in aggressive drivers, especially truckers I am  
16 witnessing on Pennsylvania Route 30 west and  
17 I-83 north during the daytime hours. I  
18 suggested that a new task force be developed to  
19 crack down on all flagrant violators.

20           I noted my awareness of current  
21 budgetary restraints and manpower shortages.  
22 The United States Department of Transportation  
23 and Federal Highway Administration have provided  
24 funding in the past for highway safety programs.  
25 And I offered to participate along with other

1 area police officers in a concentrated effort to  
2 promote traffic safety at specifically  
3 identified traffic locations.

4 New or additional laws are not the  
5 answer. Sufficient regulations already exist.  
6 Commitment through manpower and the active and  
7 serious enforcement of these laws will  
8 ultimately save lives.

9 Over the past two years, I have  
10 observed a general increase despite aggressive  
11 and discourteous driving habits. Whether this  
12 is a social phenomenon of the times or just a  
13 temporal condition, it nonetheless appears to be  
14 increasingly evident with time.

15 Operating a motor vehicle in the  
16 Commonwealth of Pennsylvania remains a privilege  
17 that can be withdrawn rather than a guaranteed  
18 right.

19 A concentrated effort by the law  
20 enforcement community, the Pennsylvania  
21 Department of Transportation, and the Ad  
22 Council, that not only enforces the law but also  
23 includes public education, will both restore and  
24 promote a safer driving environment and preserve  
25 that privilege in Pennsylvania.

1                   Thank you for allowing me the  
2 opportunity to speak on this important matter.  
3 I will entertain any questions that you may have  
4 at this time.

5                   REPRESENTATIVE MARSICO: Thank you very  
6 much.

7                   Back in November, you contacted my  
8 office with regard to an arrest that was made  
9 here, I believe at the Capitol Complex, that was  
10 having to do with hazardous trucks. Could you  
11 tell us a little bit more about that?

12                  OFR. LEAMAN: I'm sorry,  
13 Representative, I am not sure I was included in  
14 that information. I heard about it but I don't  
15 have any specific details at this time.

16                  REPRESENTATIVE MARSICO: Was it a  
17 backhauling incident or was it a non-English  
18 speaking driver problem? Was it just an  
19 aggressive driver? Do you have any idea?

20                  OFR. LEAMAN: I am not sure. I would  
21 have to research that and get back to the  
22 committee on that.

23                  REPRESENTATIVE MARSICO: Any questions  
24 of the members? Staff?

25                  (NO RESPONSE)

1                   REPRESENTATIVE MARSICO:

2       Representative Evans.

3                   REPRESENTATIVE EVANS: Thank you,

4       Mr. Chairman.

5                   Yesterday in front of the House  
6       Appropriations Committee, I had an opportunity  
7       to give some brief testimony. One of the things  
8       I had advocated for in speaking to the  
9       Appropriations Committee was for the increase in  
10      the complement of State Police troopers.

11                  That is why I found it somewhat  
12      surprising this morning -- actually very  
13      surprising -- that Captain Haught had indicated  
14      in his testimony, and I note Representative  
15      Marsico followed up with a question in that  
16      regard, pertaining to the additional complement  
17      that is being suggested for the Pennsylvania  
18      State Police.

19                  The Captain indicated he felt the  
20      complement was at sufficient strength right now  
21      to handle these types of issues. Am I correct  
22      in making that assumption?

23                  In looking at your testimony and  
24      looking at the data that I have been able to see  
25      on this, and my personal experience, I drive

1 Interstate 80 from close to the state line at  
2 the 80/79 interchange clear to Bellefonte on a  
3 very regular basis.

4 And I can tell you from a personal  
5 observation that at least 80 percent of the  
6 time, if not higher, I have come across an  
7 entire stretch of highway without seeing one  
8 State Police vehicle. That to me doesn't seem  
9 like sufficient enforcement.

10 I wondered if you could elaborate on  
11 that and, reflecting on your testimony, where  
12 you think the needs could better be met in that  
13 regard?

14 OFR. LEAMAN: Well, sometimes  
15 administrative people try to put a good spin on  
16 things. And if you talk to the people that are  
17 on the front lines, you get a whole different  
18 perspective. And that is true in any  
19 organization.

20 What I have observed as recently as  
21 today coming up here, I came up -- I travel  
22 Route 30 west from the river, and then I jump on  
23 83 north. And that whole distance I observed  
24 one state trooper. He was situated in the  
25 southbound lane on 83 near a bridge overpass

1 with his radar unit. That was the only  
2 encounter that I observed for the 35 or so miles  
3 coming up here.

4 And once again, I didn't include in my  
5 testimony, but I was cut off on the way up,  
6 coming to this hearing, by a local truck, it was  
7 a timber, a log truck. It had no name on the  
8 cab, but that reminded me that I omitted that in  
9 my testimony, that there were a number of  
10 logging trucks that I know are from up north in  
11 our Commonwealth and they are going nowhere  
12 fast, in a hurry. And they cut out into the  
13 fast lane in front of me and eventually got back  
14 in, but it just supports what I have already  
15 testified to here this morning.

16 REPRESENTATIVE EVANS: We know that the  
17 fines are expensive, and even more expensive in  
18 a construction zone; but apparently drivers, not  
19 just truckers, but all drivers, a certain  
20 percentage are very aggressive and are not  
21 paying attention to these types of laws.

22 Do we need to raise the penalties even  
23 higher in your opinion?

24 OFR. LEAMAN: In my opinion, I believe  
25 stiffer penalties may help. But once again, I



1 go back to what I stated earlier, you just need  
2 to enforce the laws that are already in  
3 existence, and that means more manpower.

4 From what I heard, when I contacted the  
5 Commissioner a year ago, that they -- we are  
6 very stretched for funding and manpower, and  
7 that is why I suggested a task force.

8 A task force has been utilized already.  
9 It opens up federal funds, and you can take  
10 officers from a plethora of various departments  
11 that can either donate their time or resources  
12 or get federal funding for reimbursement. It is  
13 not an impossible task.

14 REPRESENTATIVE EVANS: Thank you very  
15 much for your very excellent testimony. This  
16 week Speaker John Perzel has named me as  
17 Chairman of the Subcommittee on Safety.

18 I am very pleased to be in that role.  
19 I want to thank Representative Marsico for  
20 allowing me to speak at his hearing today on the  
21 highway issue; but a lot of this does dovetail  
22 together and it is very, very good information.

23 Thank you, Mr. Chairman.

24 REPRESENTATIVE MARSICO: Any other  
25 questions from staff or members?

1 (NO RESPONSE)

2 REPRESENTATIVE MARSICO: Again, we  
3 thank you for your testimony. It is very  
4 informative. And, again, thanks for being here.

5 OFR. LEAMAN: Thanks, Mr. Chairman.

6 REPRESENTATIVE MARSICO: I note that  
7 Representative Hanna is here. We appreciate you  
8 coming. Do you want to come up to the mike?

9 Actually, you are early. We had to  
10 switch the schedule somewhat here. We thank you  
11 for being here early. You may begin your  
12 testimony.

13 REPRESENTATIVE HANNA: Thank you,  
14 Mr. Chairman. I appreciate you moving me to  
15 last, because that will give me more time. I  
16 probably need about three or four hours of your  
17 time. Will that be all right? You didn't think  
18 I was kidding.

19 Actually, I was. And I do have one  
20 other thought, if you are having difficulty  
21 finding State Police on the highways, just  
22 follow me. They seem to be everywhere I am. I  
23 seem to encounter them every time I make a trip  
24 back and forth between my district and here,  
25 especially around Route 15. I am only on 80 for

1 a brief period of time. There seems to be a  
2 stretch that is fairly well patrolled.

3 And that is not what brings me here  
4 today. What I wanted to talk about is a problem  
5 that has been ongoing. I represent all of  
6 Clinton County and a portion of Centre County.  
7 It happens to be a portion of Centre County that  
8 Interstate 80 travels through.

9 One of the District Justices in my  
10 district is a District Justice by the name of  
11 John Maggs, who came to me with this problem.  
12 And what I have provided you with is a package  
13 of articles that was written by our local  
14 newspaper after they interviewed District  
15 Justice Maggs.

16 This problem has been ongoing for  
17 years. And as you will note in the article,  
18 District Justice Maggs had some 1100 warrants  
19 outstanding, a good number of which were for  
20 truck violations on Interstate 80.

21 In the 28-mile stretch of Interstate 80  
22 that District Justice Maggs has jurisdiction  
23 over, there is a rest area that is frequently  
24 used for inspection of haulers. And on  
25 virtually every occasion, there are violations

1 found.

2 What has happened, if you would look at  
3 the article, I would just like -- the first page  
4 talks about how District Justice Maggs sets the  
5 stage for this.

6 He says the problem is that  
7 out-of-state drivers and trucking companies fail  
8 to pay fines for vehicle safety violations, and  
9 trucks that have been ordered not to move are  
10 back on the road as soon as law enforcement is  
11 not looking.

12 If it is a Pennsylvania driver or a  
13 Pennsylvania trucking company, we can get them  
14 and force them to pay their fines. If it is a  
15 driver, we can suspend a driver's license. If  
16 it is a company, we can suspend registration.

17 But since the driver is often from  
18 another state, they are getting away with the  
19 violations. And there is little to nothing the  
20 law can do about it. We can get a warrant for  
21 safety violations, but nobody will serve that  
22 warrant. So here I sit with 1100 warrants. It  
23 does nothing for the safety of the people on the  
24 highway.

25 I think that pretty well explains the

1 situation that he has encountered, and what he  
2 met with me about, and asked me to try to find a  
3 solution for him.

4 In our efforts to do so, we drafted  
5 legislation. In this particular session, it is  
6 House Bill 1607. I provided you with a copy of  
7 it. We introduced it at previous sessions. And  
8 at one point we amended it into a bill, and your  
9 executive director can correct me if my  
10 recollection of how this went is wrong.

11 But we amended it into a bill that,  
12 actually, I believe, made it to the Governor;  
13 but was vetoed for other reasons.

14 MR. BUGAILE: Yes.

15 REPRESENTATIVE HANNA: But we learned  
16 through the process there were concerns about my  
17 bill. And I want to acknowledge those with you  
18 today.

19 What my bill does is essentially allow  
20 the District Justice and state police to impound  
21 a vehicle until the fines and costs are paid, at  
22 least as security for a hearing or as a result  
23 of a guilty plea.

24 The concerns -- I mean, that sounds  
25 like the perfect solution on the surface; but

1 I'm sure that those from the trucking industry  
2 that are in the room will tell you right away it  
3 is essentially a violation of their due process  
4 rights. And that is the concerns that were  
5 raised regarding the legislation.

6 I am here to tell you today that I am  
7 prepared to work with you in whatever way we can  
8 to try to resolve those concerns.

9 I don't pretend to have the answer to  
10 that. Personally as a practicing attorney on a  
11 very part-time basis, I am not so sure that  
12 there isn't a way to get around the due process  
13 concerns.

14 The second concern I know has been  
15 raised has been raised by our State Police, and  
16 if we do start impounding these vehicles, what  
17 are we going to do with them?

18 My district is the perfect example of  
19 that. These safety checks are done at a rest  
20 area on Interstate 80. And if we start  
21 impounding every vehicle that has safety  
22 violations, until it's either fixed or the fine  
23 and costs are posted as security, that rest area  
24 is not going to be available for much else. And  
25 we are going to have to expand it for trucks.

1           So I am not sure how we address those  
2 concerns, but I think they are concerns that  
3 have to be addressed and can be addressed. And  
4 the reason is the safety of our motorists. It's  
5 not just the law enforcement issue, but I had  
6 the opportunity to view pictures that our state  
7 police officers brought in to me regarding this.  
8 And some of these vehicles are absolutely  
9 horrendous. And I am here to tell you that the  
10 majority of them that were in terrible shape  
11 were hauling trash.

12           And one picture that comes to mind, and  
13 I think it is even mentioned in the article, is  
14 a vehicle that had its axle chained to the  
15 frame. The U bolts or whatever that would  
16 normally hold that to the frame had been damaged  
17 in some way, and they had slipped a chain around  
18 both the frame and the axle.

19           And the thing that concerned the  
20 officer the most was that it was obvious that  
21 the chain had been on there for some time. This  
22 wasn't the first trip. This was seen as a  
23 solution. And this truck was put back on the  
24 highway even after that damage was obvious to  
25 its owners.

1           So there are really some horrendous  
2 situations out there. And for the safety of our  
3 motoring public, we have to do something about  
4 this, just to make law enforcement work a little  
5 more efficiently in dealing with these problems.

6           So with that, I will conclude my  
7 testimony and try to answer any questions.

8           REPRESENTATIVE MARSICO: Okay. Thank  
9 you very much.

10           Your handout, here, with District  
11 Justice Maggs on, I think it is the third or  
12 fourth page, talking about the officials say  
13 some truck drivers don't understand English,  
14 that is one of the major focuses of this hearing  
15 today. It is non-English speaking drivers with  
16 CDLs.

17           Do you have any idea how many  
18 violations up in your area are as a result of  
19 non-English speaking drivers?

20           REPRESENTATIVE HANNA: Mr. Chairman, I  
21 couldn't put a number on it; but I recall at  
22 least one instance, and I know there have been  
23 numerous of them, one instance that District  
24 Justice cited to me was the situation where a  
25 non-English-speaking driver, they brought in an



1        interpreter, and they asked him, you know, What,  
2        essentially, were you told when you were put in  
3        this truck and sent down the road? And his  
4        words were, essentially, I was told to follow  
5        the guy in front of me. He was told that is all  
6        he needed to know.

7                    The other thing I remember the District  
8        Justice telling me about the situation is that  
9        there are drivers who fully expect that when  
10       they get into a problem, that the company will  
11       back them up, come to their rescue, assist them  
12       in paying any fines as a result of the violation  
13       of the trucks.

14                   District Justice Maggs informed me that  
15       there are situations where the trucking  
16       companies will just abandon these drivers. They  
17       don't care. They are able to pull other drivers  
18       off the street and put them behind the wheel of  
19       the vehicle. They treat the drivers of these  
20       trucks just like they treat what they are  
21       hauling. They assume they are garbage, and they  
22       can move on and use someone else.

23                   I can't put numbers on it for you,  
24       Mr. Chairman; but I do recall those specific  
25       instances that District Justice Maggs mentioned

1 to me. And he said it is not uncommon to have  
2 to bring an interpreter to arraign individuals  
3 that are brought before him.

4 REPRESENTATIVE MARSICO: Thank you.  
5 Any question from members or staff?

6 (NO RESPONSE)

7 REPRESENTATIVE MARSICO: Again, we  
8 appreciate this information and your time. We  
9 hope to work with you with regard to your  
10 registration. And hopefully, we will come up  
11 with a solution.

12 Let me just say thanks to all of the  
13 testifiers that were here today. We know that  
14 we asked you to summarize your testimony. Most  
15 of you did, and we appreciate that.

16 I guess now is the time to conclude the  
17 testimony. Thank you, members of the committee  
18 and staff.

19 REPRESENTATIVE HANNA: Thank you.

20 (Proceedings concluded at 12:20 p.m.)  
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I hereby certify that the proceedings  
and evidence are contained fully and accurately  
in the notes taken by me on the within  
proceedings and that this is a correct  
transcript of the same.

*Lorraine K. Troutman*  
Lorraine K. Troutman, RPR  
Reporter - Notary Public

NOTARIAL SEAL  
Lorraine K. Troutman, Notary Public  
Lower Allen Township, Cumberland County  
My Commission Expires July 24, 2008