

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
TRANSPORTATION COMMITTEE
TRANSPORTATION HIGHWAYS SUBCOMMITTEE

ORIGINAL

IN RE: OUT-OF-STATE CDL AND BACKHAULING

STROUD TOWNSHIP CONFERENCE ROOM
1211 NORTH 5TH STREET
STROUDSBURG, PENNSYLVANIA

WEDNESDAY, MAY 19, 2004, 10:03 A.M.

BEFORE:

HON. RICHARD A. GEIST, CHAIRMAN
HON. RONALD S. MARSICO
HON. MARIO SCAVELLO
HON. KELLY LEWIS
HON. EUGENE F. MCGILL

ALSO PRESENT:

HON. WILLIAM I. GABIG

HILLARY M. HAZLETT, REPORTER
NOTARY PUBLIC



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1 CHAIRMAN GEIST: I'll call the hearing to
2 order at this time. I guess it's redundancy but I'll
3 introduce myself again. I'm State Representative
4 Rick Geist from Altoona, Pennsylvania. That's far,
5 far away from here.

6 What a beautiful town driving through
7 coming out here. You read about this place; and if
8 anyone has ever read the book, The Life and Times of
9 Jay Gold, it's one of the best books written in the
10 last ten years. I got a different perspective
11 driving in here today.

12 I would like to introduce at this time
13 Representative Marsico. He's the Subcommittee
14 Chairman who will run the hearing. He can introduce
15 the members at the panel here at the front and then
16 we will immediately get into this. I think that
17 he'll have another announcement to make.

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

20 Good morning, everyone. Again, thanks to
21 Representative Kelly Lewis, Mario Scavello for having
22 us here this morning. And to my far right is
23 Representative Will Gabig of Cumberland County. To
24 my far left is Representative Gene McGill from
25 Montgomery County and Paul Parcel, who is the

1 Executive Director of the House Transportation
2 Democratic Minority Committee. Thank you for being
3 here.

4 We're going to begin right away, if we can.
5 First on the agenda is Representative Lewis. Did you
6 want to make further comments or did you want to --

7 REPRESENTATIVE LEWIS: Again, on a formal
8 basis, I'm Kelly Lewis for the hearing on the Safe 80
9 Task Force and Legislative District 189 covering
10 Monroe and Pike County. We formed that along with
11 Mario Scavello back in 2001, and really the
12 leadership of Representative Geist and Representative
13 Marsico helped us get out of the gate on that task
14 force. And we modeled it directly after the Capitol
15 Beltway Project and the great initiatives they had
16 launched down there to try and reduce accidents.

17 We've been very successful on Safe 80
18 reducing accidents by almost 60 percent in the 3-year
19 period. We're very pleased with that result.

20 As everyone knows, we still have a long way
21 to go on that stretch of highway, a very dangerous
22 stretch of highway that was designed in the 1950s.

23 We're looking for assistance as we move
24 forward on engineering construction on some projects
25 over the next several years.

1 We're pleased to host this hearing today in
2 Monroe County. We're pleased that the House
3 Transportation Committee is showing an interest in
4 the topics that are very important to our taxpayers
5 in Monroe County.

6 Mario and I know firsthand how difficult it
7 is to address issues impacting Interstate 80, and so
8 we're pleased to have them front and center.
9 Everyone had to get on Route 80 for the most part to
10 get to this hearing today.

11 It was built to handle 13,000 vehicles per
12 day. Now we're hitting 75 to 80,000 vehicles today.
13 So just by the numbers, you can see the impact on the
14 issues.

15 We're pleased to have everyone here today.
16 We have a lot of folks from our Safe 80 Task Force.
17 We're pleased to be the host.

18 Thank you, Representative Geist.

19 CHAIRMAN GEIST: Go ahead.

20 REPRESENTATIVE MARSICO: Okay. The first
21 panel to testify is the Pennsylvania Public Utility
22 Commission. That's Michael Hoffman, Director of the
23 Bureau of Transportation and Safety; Gerald Clark,
24 Supervisor of the Scranton District Office; and David
25 Loucks, the Regional Enforcement Manager of the

1 Scranton District Office, Bureau of Transportation
2 and Safety. Welcome.

3 If I could mention that if you have written
4 testimony, we would ask that you submit it for the
5 record; but somewhat, if you can, summarize that
6 testimony if you're able to do that.

7 Thank you. You may begin.

8 MR. HOFFMAN: Good morning, Chairman Geist,
9 Subcommittee Chairman Marsico and members of the
10 Subcommittee.

11 My name is Michael Hoffman. I am the
12 Director of the Public Utility Commission, Bureau of
13 Transportation Safety. Accompanying me today are
14 David Loucks to my right, he's the Manager of the
15 Harrisburg and Scranton District Offices; and also
16 Gerald Clark, he's the Supervisor of the Scranton
17 District Office.

18 Following my testimony, David Loucks will
19 be providing us with a presentation about the
20 Commission's truck safety inspection enforcement
21 efforts that are being carried out in conjunction
22 with the Safe 80 Task Force.

23 I want to thank the members of the House
24 Transportation Subcommittee on Highways for this
25 opportunity to testify at today's hearing.

1 The Public Utility Commission regulates
2 for-hire motor carriers that transport persons or
3 property within the Commonwealth.

4 These carriers include not only trucking
5 companies but also motor coach operators, taxi
6 companies, limousine businesses, providers of
7 paratransit service, airport shuttle services, and
8 scheduled route bus carriers.

9 Currently, the Commission regulates over
10 7,000 motor carriers that provide transportation
11 services in Pennsylvania.

12 The Commission's truck safety efforts are
13 overseen by the Bureau of Transportation and Safety's
14 Motor Carrier Services and Enforcement Division.

15 The division carries out safety programs
16 for intrastate, for-hire property carriers to whom
17 the Division issues operating authority.

18 These programs include a roadside
19 inspection program on nine interstate routes, safety
20 fitness reviews for new operators, and a safety audit
21 program.

22 The Division also participates in the Motor
23 Carriers Safety Assistance Program, MCSAP,
24 administered by the Pennsylvania Department of
25 Transportation.

1 The Motor Carrier Safety Division is
2 comprised of 53 enforcement personnel who are
3 assigned to one of five district offices. Those
4 offices are located in Pittsburgh, Altoona,
5 Harrisburg, Philadelphia and nearby in Scranton.

6 Most enforcement officers have previous
7 police experience and/or a degree in a criminal
8 justice or a police science related field. Each of
9 our enforcement personnel have successfully completed
10 standard training courses in the inspection of
11 trucks, motor coaches, and vehicles carrying
12 hazardous materials, including cargo nets.

13 In addition, officers have received
14 training regarding vehicle registration requirements,
15 safety reviews, audits, and drug interdiction.

16 Each officer commits 40 percent of his or
17 her enforcement time to the MCSAP. The majority of
18 this time is focused on roadside truck safety
19 inspections; however, officers also conduct
20 inspections of motor coaches at various bus
21 destination points in the Commonwealth.

22 In June of this year, PUC enforcement
23 officers began assisting the Federal Motor Carrier
24 Safety Administration in its New Carrier Entrance
25 Program, which evaluates the safety management

1 systems of the carrier to assure it can comply with
2 the FMCSA regulations.

3 The MCSAP provides an 80 percent
4 reimbursement to the Commission, monies that they
5 spend on this program.

6 Over the past five years, Motor Carrier
7 Division enforcement officers completed 60,268
8 roadside inspections of trucks as part of its
9 commitment to the MCSAP. From these inspections,
10 14,390 vehicles were placed out of service for
11 serious safety violations while 5,771 drivers were
12 placed out of service. In addition, more than 8,492
13 summary citations were issued for drivers and
14 carriers for safety violations.

15 In addition to the truck enforcement
16 responsibilities carried out as part of MCSAP, the
17 Commission also has implemented inspection,
18 investigation, and enforcement programs for the
19 trucking carriers whom it has issued operating
20 authority.

21 The Motor Carrier Division ensures that
22 each carrier maintains insurance coverage and it has
23 instituted several safety programs aimed at truck
24 carriers.

25 Since 1995, the Division has conducted a

1 safety fitness review of each new carrier that the
2 Commission has issued operating authority. A safety
3 fitness review is an evaluation of the carrier's
4 management system to determine whether the carrier is
5 prepared to comply with the Commission's driver and
6 vehicle safety requirements. The carriers must
7 successfully complete the review or its operating
8 authority will be revoked.

9 In 2003, a total of 508 safety reviews were
10 completed with new, intrastate trucking companies.
11 The Division also conducts roadside truck safety
12 inspections on non-interstate highways that attempt
13 to focus on trucks making shorter intrastate
14 movements.

15 Over the past five years, enforcement
16 officers have conducted 8,528 driver/vehicle
17 inspections on non-interstate routes. From these
18 inspections, 1,168 vehicles were placed out of
19 service for serious safety violations while 205
20 drivers were placed out of service. In addition, 290
21 citations were issued to drivers and carriers for
22 safety violations.

23 Finally, the Division conducts
24 investigations and audits of carriers that are
25 subject of a public or internal Commission complaint

1 for a serious accident. Fines and certificate
2 revocation may result from the violations found
3 during the investigation and audit.

4 In the course of their duties, Commission
5 enforcement officers encounter non-English-speaking
6 drivers. Though Federal and State safety regulations
7 require truckdrivers to be able to read and speak
8 English sufficiently to converse with the general
9 public, to understand highway traffic signs and
10 signals, to respond to official inquiries and to make
11 entries on reports and records, PUC officers opine
12 that an undetermined percentage of drivers are unable
13 to meet this requirement.

14 When encountering a non-English-speaking
15 driver, officers struggle to obtain the various
16 shipping and driver documents needed to conduct the
17 inspection.

18 In addition, officers may be unable to
19 conduct a safety examination on the vehicle and
20 undercarriage components because they fear that the
21 driver is unable to understand their instructions
22 when they are under the truck checking brakes,
23 suspensions, frame, and other components.

24 Officers have few options to appropriately
25 deal with the non-English-speaking driver. Since it

1 is not an out-of-service violation, they are unable
2 to require the driver to cease operating the vehicle.

3 The most significant action that the
4 officer has available is notification to the Federal
5 Motor Carrier Safety Administration via the
6 inspection report, requesting the FMCSA do a
7 follow-up investigation with that employing motor
8 carrier.

9 In regard to violations of the Commonwealth
10 backhauling laws, to the best of anyone's knowledge
11 in the Bureau, Commission enforcement officers had
12 only two encounters with vehicles that were
13 transporting foodstuffs after recently transporting
14 refuse or some other type of bulk hazardous material.

15 Both of those instances occurred on Route
16 I-80 in western Pennsylvania. In each case, the
17 officers was assisted by other law enforcement
18 agencies and the Department of Environmental
19 Protection to complete the prosecution.

20 That concludes my testimony. At this time,
21 I would like to have David Loucks provide a
22 presentation about the Bureau's efforts with the Safe
23 80 Task Force. At the conclusion of Mr. Loucks'
24 presentation, we will be glad to take your questions.

25 REPRESENTATIVE MARSICO: Go ahead.

1 MR. LOUCKS: If we are able to dim the
2 lights a little bit to see this presentation. This
3 is going to be a brief overview of the PUC's work at
4 Safe 80 over the last three years.

5 There's going to be some pictures of our
6 efforts at the Delaware Water Gap Bridge. We'll be
7 taking a look at some of the figures and you're going
8 to hear a lot of high out-of-service rates. We'll
9 show you a bar graph here of what we have found over
10 the past three years.

11 Also, you'll see pictures of the
12 out-of-service items. We have some great systems.
13 We have some pictures there of the actual brake
14 components.

15 I want to start off with our involvement.
16 We got started back in the high profile accident of
17 January '01 was the trash truck coming into
18 Pennsylvania and colliding with the two vehicles and
19 ending up taking two lives.

20 Shortly thereafter, Representative Lewis
21 did call a meeting, press conference at the Monroe
22 County Commissioners' Office right down the road
23 here. There was a large attendance there; State
24 Police, PUC, and PennDOT attendances at that meeting.

25 Shortly thereafter, we got involved and

1 began our inspections at the Delaware Water Gap
2 utilizing that Triple E Strategy of Enforcement,
3 Education, and Engineering. We are involved in the
4 enforcement end and also describe -- we're also
5 involved somewhat in the education end of that.

6 PUC Motor Carrier Enforcement Division out
7 of the Scranton District is responsible for 14
8 counties in the northeast. As Director Hoffman
9 mentioned, regulating trucking companies and also
10 motor coach bus companies, household movers, taxi
11 cabs, limousines, paratransit vans and passenger
12 brokers carried out by Supervisor Clark and six
13 enforcement officers participate in the truck and bus
14 program under MCSAP.

15 These are some facts to throw out. These
16 come from the Federal Motor Carrier Safety
17 Administration of February of this year and looking
18 at the number of trucks nationwide. 2002 numbers
19 looking at 8 million trucks, large trucks,
20 tractor-trailers. In 2000, they're looking at 3
21 million drivers. There's a lot of equipment out
22 there to look at.

23 Down below, you'll see fiscal year 2003
24 roadside inspections. This is nationwide under the
25 MCSAP and the out-of-service rates. So over 2

1 million inspections done in 2003 resulting in the
2 driver out-of-service rate -- this is nationwide --
3 6.9. The vehicle out-of-service rate is 23.2.

4 In Pennsylvania, that driver out-of-service
5 rate is 7.8. The vehicle out-of-service rate is 33
6 percent. You'll see later on the higher percentages
7 here we have in Safe 80, which is nearly double that
8 out-of-service rate.

9 This is the picture of the Water Gap,
10 Interstate 80 coming west into the toll plaza. This
11 is where most of our inspections, again, right there
12 at the toll plaza. This is westbound. Trucks are
13 paying their toll. This is where the first contact
14 the officers will have.

15 Later on, I will show you the numbers
16 coming across the bridge, a statement from the bridge
17 website, 53,000 vehicles per day on that bridge.
18 There's a picture of the trash truck there. We're
19 set up on the left side of that slide.

20 There's enforcement officers there with
21 their vans and initial contact where the stop is made
22 as the drivers come through that plaza is the first
23 contact where they greet the driver and determine --
24 and get some documents and determine if they're going
25 to conduct an inspection.

1 Again, the traffic count on that bridge,
2 taking off their website, Delaware Water Gap Bridge
3 website, indicating an increase in traffic is 50
4 percent since the '70s, average daily traffic 53,000
5 vehicles, approximate 10 percent is the truck
6 traffic. We're looking at over 5300 tractor-trailers
7 per day.

8 Enforcement staff set up on the side, their
9 vans. One of the officers there is wearing a
10 reflector vest. This is the numbers here that we
11 took a look at over the three years, that this will
12 be our fourth year involved in Safe 80, but we get
13 started in April of '01. We took a comparison of
14 April to November of prime inspection months.

15 This is based on an average of 1300
16 inspections per year over those three years, first
17 2001, 2002, 2003.

18 The first year out, you can see the high
19 out of service in the blue. That's the vehicle
20 out-of-service rate at 49 percent. Driver
21 out-of-service rate that year was 17. We were
22 somewhat surprised with that rate. We weren't
23 expecting that.

24 We did have an officer that worked the
25 bridge on a regular basis. He always had a high

1 rate, but it wasn't until we got involved in Safe 80
2 and we had all of the officers working in that area
3 that we came to see the high numbers.

4 Those numbers were also experienced by
5 State Police and PennDOT. They had similar
6 out-of-service rates. We invited also the agents
7 from the Federal Motor Carrier and Safety
8 Administration out of their Scranton office. They
9 were also down that year and experienced the same
10 out-of-service rate.

11 The second year we thought we were doing a
12 little better after our efforts. The vehicle
13 out-of-service rate dropped to 35 percent. Then we
14 see the driver out-of-service rate start to climb in
15 2002.

16 Then last year, the average vehicle
17 out-of-service rate is back up in the high 40 percent
18 range. We continue to see the driver out-of-service
19 rate decline.

20 In talking with Supervisor Clark, one of
21 the reasons we feel for the increase in driver out of
22 service may be due to the fact that the officers have
23 keyed in on a segment of commercial drivers, not full
24 size tractor-trailer but more of the people involved
25 in industry, small labors that are driving smaller,

1 commercial motor vehicles and are outside the
2 100-mile radius of New Jersey coming into the state.
3 We're finding they do not have the log book or are
4 not familiar with the hours of service.

5 The officers have keyed in on that segment,
6 although the commercial motor vehicle is not the
7 full-size tractor-trailer, we felt that has boosted
8 that out-of-service rate for the drivers.

9 Inspections and citations. Again, we are
10 averaging about 1300 inspections per year at that
11 site on Interstate 80 and average of 150,000
12 citations per year issued to the trucks and the
13 owners and drivers.

14 Over that three-year period, we placed over
15 1600 trucks out of service and taken over 850 drivers
16 out of service for serious violations that would be
17 the out-of-service criteria.

18 Questions always came up, you know, we're
19 in the prevention end, trying to prevent accidents,
20 get the fatigued driver off, remove the unsafe truck.
21 What is the end effect of that? How do you measure
22 that? Have we prevented any fatalities?

23 There was a model created by FMCSA in 1998
24 that addressed that question. I have some
25 information on that. This comes from the Volpe

1 National Transportation System Center analysis using
2 data from 1998 to 2000.

3 The model they come up with takes into
4 account Federal and State enforcement activities, in
5 particular here the roadside inspection that we're
6 involved with and also compliance reviews.

7 We talked about with Director Hoffman the
8 safety reviews that we on all new carriers obtain a
9 certificate, Pennsylvania PUC certificate. It's a
10 review in their office of time records, drug and
11 alcohol testing, a lot of books, vehicle maintenance.

12 The Feds in this module that they use, the
13 analysis indicates that the roadside inspection
14 nationwide -- and this is 2000 data -- saved 420
15 lives and avoided over 6400 injuries.

16 The compliance review and safety audit,
17 we're looking at 64 lives saved and over 1,000
18 injuries avoided by using the compliance and safety
19 review.

20 This information is available in a separate
21 handout and is available on the Federal Motor Carrier
22 Safety Administration website, more detailed
23 information on that analysis.

24 Getting back to the inspection site there
25 at 80, initial stop, the officer then greets the

1 driver and begins obtaining documentation.

2 The officers are required to wear
3 reflective vests while working the bridge as a large
4 amount of traffic coming through that toll plaza.

5 Once they decide they're going to inspect
6 the vehicle, it's taken down into the rest area and
7 the officer then begins to enter in information on
8 his laptop computer that generates a report for the
9 driver.

10 Later on that day, the officer uploads that
11 information to the PennDOT database and that
12 information is later uploaded from PennDOT into the
13 Federal database. They have a history of all of the
14 carriers that have been inspected.

15 Beginning at Level 1 inspection, which is a
16 full inspection including brake inspections
17 underneath, the officer here is checking out brake
18 hoses; the officer here conferring with the driver
19 explaining some of the violations. These are all
20 done at the Safe 80 site there at the Delaware Water
21 Gap.

22 We're also taking a look at the log book to
23 compare if the driver did comply with the out of
24 service. As you're probably aware, it's the first
25 change in 60 years of the Hours of Service

1 Regulations and the industry is dealing with those
2 changes.

3 The Federal Motor Carrier Administration
4 put out those changes in January of '04. The idea
5 was to permit the driver to obtain that restorative
6 sleep, previous eight hours off duty is now ten hours
7 with the idea of getting that fatigued driver off the
8 road.

9 With that final rule, it's estimated those
10 new regulations will save up to 75 lives and prevent
11 over 1300 fatigued related crashes annually.

12 It moves towards that 24-hour block again.
13 It allows that opportunity for that driver to get
14 that restorative sleep. There had to be a balance
15 between the industry and the enforcement.

16 I've seen a recent article where the
17 Wal-Mart company and their drivers indicated that
18 they thought they would have to hire more drivers and
19 more cost involved and the latest report is adapting
20 the schedules they found are more efficient. They
21 didn't incur the cost they thought they would.

22 Taking a look at some of the items here are
23 the brake defects and what places a truck,
24 tractor-trailer out of service. This is a brake
25 chamber that they took at the rest area, defective

1 brake chamber. Here is a defective brake shoe on one
2 of the units.

3 This may be a little hard to see but it's a
4 contaminated brake drum. There's oil and grease
5 inside the brake drum rendering that unit
6 inoperative. There's a little view of it there.
7 It's coded inside. And this is the common out of
8 service of brakes.

9 Also common is safe loading, anything that
10 is not secured, you can see a loose cylinder on the
11 back of this truck. Going down the highway, you see
12 a piece of four-by-four timber laying on the highway
13 that has fallen off a truck. That is because the
14 load was not secured. That's also an out-of-service
15 item and ranks high in percentages. And this unit
16 here did not have an end gate so it was also placed
17 out of service.

18 You can see here once the out-of-service
19 sign is written, the orange decal is applied to the
20 windshield. The truck is placed out of service at
21 that inspection site and not allowed to move until
22 that repair is made.

23 Unlike like a speeding ticket, they're
24 given a ticket that you're not allowed to go down the
25 road. The out of service is built in fine with that

1 in addition to our citation. That unit can be
2 sitting there whether it's full or empty, could be
3 there three or four hours.

4 The cost of bringing out a repair facility
5 to make that repair in the case of a driver out of
6 service, he may be out until midnight. There's an
7 embedded cost with that out-of-service order.

8 This is also a target enforcement area
9 along 80. The State Police have done a terrific job
10 slowing the cars down and issuing a lot of citations
11 to aggressive drivers.

12 You might have come in and took notice to
13 the dots that are up there on the roadway, educating
14 the people about a safe following distance. It
15 seemed to work out pretty well. Here we can see a
16 trash truck actually slowing down to maintain two
17 dots.

18 Also I believe these are still up, the
19 billboards talking about the Safe 80 and zero
20 tolerance. Also, with the cooperation of a roadway
21 trucking company, they have a rolling billboard with
22 the Safe 80 message that they've kept in the Pocono
23 area. Again, getting the word out on Safe 80.

24 Education end, our officers and the
25 supervisor also attend and whenever invited to

1 driver safety meetings in the area. So we will go
2 out and explain the program and answer what questions
3 they have on whether it be vehicle inspection or the
4 new hours of service. We do that on a regular basis
5 to get that word out to educate the carriers as to
6 regulations and what is expected.

7 There's another picture of a billboard.
8 Then our ongoing commitment to making Safe 80 safer.
9 Six enforcement officers, all overtime committed to
10 the Safe 80 project.

11 There's one more tool I want to show you
12 that the officers have available. It's used as a
13 screening tool that they can decide. There's so many
14 trucks out there. We only have so much time and how
15 they can use this tool to decide whether they want to
16 perform an inspection or not.

17 It's called the ISS. It's part of the
18 ASFMCE program. Inspection Selection System. On
19 each truck you will see a DOT number and an NC number
20 on the side of the door.

21 As that comes into the rest area, the
22 officer can enter that information. He sees the DOT
23 number on the side. He'll enter that information
24 right in and hit the enter button. It will bring a
25 whole history. This is a database of the carriers

1 across the country.

2 It will have all of their previous
3 inspections. He gives them a rating and an assigned
4 number with the green light indicating this is at a
5 low out-of-service rate, low violation rate. The
6 officer doing a quick walk around may want to pass on
7 this truck and take another truck.

8 So as another truck may come in, he'll
9 enter another number. This time it may come up with
10 a different rating. The officer doesn't know until
11 he enters that number.

12 Again, these are carriers based all over
13 the United States. He hits the enter button. Now
14 we're up into the yellow flashing light, a few more
15 violations. It's optional for the officer whether he
16 decides to do that inspection.

17 Again, that gives you a breakdown of your
18 out-of-service rate compared to the national rate.
19 That's a lot of detailed information that the officer
20 has ahead of time in deciding whether to perform that
21 inspection.

22 And last the number put in here, it's going
23 to generate a red light. The carrier has a high
24 history. It's a carrier out of Hazleton, a history
25 of brake violations, steering, suspension, medical

1 certificate.

2 This was a recent suspension that was
3 placed out of service here by one of the officers and
4 ended up filling up the whole violation page as a
5 result of that inspection. Again, just another tool
6 that the officers have available to make efficient
7 use of their time.

8 That concludes my presentation at this
9 time. Director Hoffman and myself and Supervisor
10 Clark will be willing to entertain any questions you
11 may have.

12 REPRESENTATIVE MARSICO: Thank you very
13 much. I want to say that that was an excellent
14 presentation, very informative. I know that
15 Representative Geist has a question.

16 CHAIRMAN GEIST: Is it Bureau Director
17 Hoffman?

18 MR. HOFFMAN: It's Mike normally.

19 CHAIRMAN GEIST: What overlapping duties do
20 you have with DEP when it comes to the garbage
21 haulers?

22 MR. HOFFMAN: There really is not an
23 overlapping duty with them other than --

24 CHAIRMAN GEIST: That's the answer.

25 MR. HOFFMAN: Okay.

1 CHAIRMAN GEIST: Explain their duties
2 versus your duties.

3 MR. HOFFMAN: Primarily what we're doing is
4 we're stopping the vehicles. We may identify the
5 vehicle as a participant in a backhauling violation.

6 If that were to occur, they have -- we're
7 immediately going to get a law enforcement agency
8 involved.

9 On the two occasions in which we have
10 participated in that type of activity, both of those
11 occasions we received the assistance from the State
12 Police; but DEP has the seizure abilities for the
13 vehicle. They're responsible for the contents in the
14 vehicle once we start that prosecution.

15 CHAIRMAN GEIST: A garbage truck coming
16 into Pennsylvania that's leaking, who is responsible?

17 MR. HOFFMAN: That will be DEP.

18 CHAIRMAN GEIST: A garbage truck coming
19 into Pennsylvania without the right licenses and
20 seals, whose responsibility is that?

21 MR. HOFFMAN: To the best of my knowledge
22 it will be DEP. It would not be us.

23 CHAIRMAN GEIST: That wouldn't be the
24 Department of Revenue?

25 MR. HOFFMAN: That could be.

1 CHAIRMAN GEIST: If you were -- if you were
2 to make a statement as to how we can improve the
3 efficiency of this process so that we have one stop,
4 one shop enforcement and one overall responsible
5 vertical line of command, how would you see that
6 happening?

7 MR. HOFFMAN: Well, certainly, I know that
8 consolidation efforts have begun. We have begun to
9 attend those meetings. We've attended two thus far.

10 I think there's been some discussions that
11 have taken place between PennDOT and the State
12 Police.

13 The bottom line for me, Mr. Chairman, is if
14 it's the right thing to do for the citizens of this
15 Commonwealth, then we shouldn't certainly be standing
16 in that way to protect.

17 CHAIRMAN GEIST: The amount of people in
18 the sandbox who want to keep the sandbox piece their
19 own is great.

20 I know that this Chairman is really
21 concerned about process and that we're missing too
22 many that should be gotten and without the authority
23 horizontally changed to a vertical authority, I don't
24 think it ever works. Its time has come.

25 We've had way too many accidents. We've

1 had too many people slip through. The enforcement
2 powers that are needed out there need coordinated.
3 In the PUC, you are the highest ranking officer that
4 has any control over this; is that correct?

5 MR. HOFFMAN: Over consolidation?

6 CHAIRMAN GEIST: No. Over the enforcement.

7 MR. HOFFMAN: Yes. That is correct.

8 CHAIRMAN GEIST: And in the chain of
9 command of the PUC, where would your office be?

10 MR. HOFFMAN: Above me is the Executive
11 Director of the Commission and then, of course, we
12 all answer to the five Commissioners.

13 CHAIRMAN GEIST: Right. And they're
14 appointees by the Senate of Pennsylvania.

15 MR. HOFFMAN: That's correct.

16 CHAIRMAN GEIST: I'm not putting you on the
17 spot. I don't really want to do that. I am very,
18 very concerned. I have been for 15 years. It's
19 nothing new.

20 About this whole process -- I know in rail,
21 it is the same way. We're not just talking about
22 trucking. We're talking about rail. I know that
23 with what we've been looking at in rail that it's
24 something that this Committee needs to address.

25 I hope that within a year, we will have a

1 very high ranking cabinet official have absolute
2 responsibility for all of this with a chain of
3 command that reports that process.

4 I don't know whether that's going to be
5 under PennDOT. I don't know whether it's going to be
6 under the State Police, but I know its time has
7 really come.

8 It's one of the things that we need to do
9 to make roads much safer in Pennsylvania. I thank
10 you for your testimony. I think it was very
11 excellent.

12 REPRESENTATIVE MARSICO: Thank you. Any
13 other questions?

14 Representative Gabig.

15 REPRESENTATIVE GABIG: I'll defer to
16 Representative Scavello.

17 REPRESENTATIVE SCAVELLO: Director Hoffman,
18 Dave, you did a fabulous job. Thank you for coming
19 down.

20 In the short term and just to pick up on
21 Representative Geist's question, what can we do on
22 the entrance into our state here to reduce these
23 vehicle out of services and the driver out of
24 services?

25 Is there any way that maybe coordinating an

1 effort with New Jersey because what I'm told, some of
2 the vehicles on the other side of that bridge are
3 parked and they're not coming through and the
4 vehicles that are out of -- some of those vehicles
5 that know they're out of service and what kind of
6 penalties can we put on some of these? Can we
7 increase -- I know the penalties have been increased
8 but what more can we do?

9 MR. HOFFMAN: Certainly -- I think I'm
10 going to let Dave address that question for the most
11 part but certainly, I think there's the opportunity
12 for that kind of cooperation, especially with contact
13 with the Federal Motor Carrier and Safety
14 Administration to coordinate some kind of joint
15 effort.

16 Certainly, Dave and Jerry may know some
17 specifics that have been going on or may be planned.

18 MR. LOUCKS: We have in the past in both
19 Federal Motor Carriers agents from Scranton District
20 Office and also Dave Yenson in New Jersey, they have
21 special agents from the FMCSA and have attended Safe
22 80 meetings; they being out of the New Jersey office,
23 the highway patrol that handles their programs.

24 As we took a look at the numbers, mixed up
25 inspections of the surrounding states, Pennsylvania,

1 Ohio, New York, we're averaging 70,000 inspections.

2 New Jersey was a little bit behind in the
3 number of MCSAP inspections in the area of 45,
4 46,000. They have improved their program.

5 We are working with Dave Yenson out of the
6 New Jersey office. When I gave the high number of
7 New Jersey based carriers out of service rather than
8 go to three or four systems for those to filter to
9 the Feds, I will take those, collate those and mail
10 them to Dave Yenson so he can target some of these
11 New Jersey-based carriers for safety audit. We are
12 working with the state of New Jersey trying to
13 improve that.

14 REPRESENTATIVE SCAVELLO: When you get a
15 carrier with that tremendous amount of
16 out-of-service, what can we do to really come down
17 hard on these carriers?

18 MR. LOUCKS: Again, this report goes into a
19 database in Pennsylvania to the Feds. It develops a
20 history for that carrier. The Motor Carrier and
21 Safety Administration's primary responsibility in
22 conducting a safety audit, they have what is called a
23 hit list and what triggers that is that high
24 out-of-service rate.

25 So there have been safety audits conducted

1 as a result of inspections done here on Safe 80,
2 whether it be a Jersey-based carrier or Pennsylvania.

3 All of those reports go into that database
4 and they have the availability to get that
5 information to trigger that audit.

6 MR. HOFFMAN: Ultimately, they can lose
7 their operating authority. They are placed out of
8 service. That out-of-service list is communicated to
9 our office, our safety office, and all of our
10 officers receive that information.

11 So if we happen to spot that carrier
12 operating after that out-of-service directive has
13 been given by the FMCSA, certainly, we can respond to
14 that but they take that action.

15 REPRESENTATIVE SCAVELLO: Dave, would this
16 be the right time to ask for help at the Delaware
17 Water Gap?

18 MR. LOUCKS: As you can see from the
19 numbers of the amount of traffic, more inspections,
20 and that's why it actually has worked out in that to
21 get as many inspections done.

22 PennDOT has trained certified local police
23 to work some of the secondary roads. We do have a
24 higher number of inspections compared to New Jersey.

25 Comparing, you know, looking at the number

1 of trucks that are out there and the number of
2 drivers, we're getting a drop in the bucket. So
3 certainly, more inspections, also better inspection
4 sites, similar to Grantville on 81 or on 80 where you
5 have electric signs out in the interstate directing
6 traffic into the separate truck inspection areas.

7 Here shortly, we're going to be losing that
8 site to Safe 80 to conduct those inspections. So
9 certainly, those two items would lead to increased
10 safety.

11 REPRESENTATIVE SCAVELLO: Thank you very
12 much.

13 REPRESENTATIVE MARSICO: Representative
14 Gabig?

15 REPRESENTATIVE GABIG: Thank you, Chairman
16 Marsico.

17 Thank you, gentlemen, for your
18 presentation. I come from Carlisle in Cumberland
19 County. It's great to be up here in the Poconos
20 area.

21 It was a good drive coming up with Chairman
22 Marsico. We read the local paper. The Patriot News,
23 in the capital, the headline, lead story was the
24 issue on increased truck fatalities last year in
25 Pennsylvania, particularly in my area of Cumberland

1 County and the Capital Beltway. It's certainly a
2 topical issue in my area.

3 I just wanted to make sure I understood the
4 statistics before I ask my question, Director
5 Hoffman, and I think it's on page 3 of your testimony
6 where you give some pretty startling statistics about
7 the vehicles being placed out of order due to serious
8 safety violations and out of orders.

9 I want to thank Chairman Geist for
10 permitting me to be here. I'm not a member of the
11 Committee or Subcommittee. In my home area, this is
12 a critical issue.

13 So maybe the members of the Transportation
14 Committee are a little more familiar with these
15 statistics. But when you say drivers placed out of
16 order versus vehicles placed out of service, are
17 those in overlap? I mean, could the vehicle be
18 placed out of service and the driver out of service
19 or can they be, you know, the driver is out, the
20 vehicle is out?

21 MR. HOFFMAN: Yes, sir. For example, you
22 may have a truck that has defective brakes to the
23 point where it is grounded. That driver of that
24 vehicle may have an out-of-service violation that is
25 severe enough to place him out of service for eight

1 hours, the rest of the day, or even so gross it may
2 place him out of service for several days.

3 REPRESENTATIVE GABIG: And in the issue of
4 non-English-speaking drivers, when the inspections
5 are being conducted, they're not -- as I understood
6 your testimony, they're not able to cooperate with
7 the inspectors to the point where some inspections
8 just aren't done because of safety concerns by the
9 inspector. They don't want to get underneath trucks
10 or whatever.

11 So I guess it's fair for me to conclude
12 from that testimony that that number would be even
13 greater if you were able to complete the inspections
14 with these non-English-speaking drivers. Is that the
15 gist of your testimony?

16 MR. HOFFMAN: I think it's possible that
17 that could be -- I think the concern is we're unable
18 to get underneath a vehicle for fear that for the
19 lack of communication ability to be able to properly
20 instruct the driver on the actions we want him to
21 take.

22 The driver has to apply the brakes at
23 different times. We're placed in a compromising
24 position to begin with because all of the brakes, the
25 parking brakes, emergency-type brakes are all

1 released on that vehicle.

2 We're underneath there, depending on the
3 blocks that we have the vehicles blocked with in
4 order to hold that vehicle in place, we really can't
5 afford to have that driver hit the starter or do
6 certain things while our officers are under the
7 vehicle.

8 We've have some close calls where somebody
9 laid their helmet down. The driver of the vehicle
10 thought he was being asked to do something, he hit
11 the starter and it jumped the blocks and smashed the
12 helmet.

13 We've had some issues where people are
14 misinterpreting. That happens even when English is
15 not the barrier.

16 REPRESENTATIVE GABIG: If I understood your
17 testimony, it is a Federal requirement that there be
18 a proficiency in English by the driver.

19 Is it a violation here in Pennsylvania, a
20 summary citation, or any other violation to your
21 knowledge in Pennsylvania if they fail to have the
22 minimum English proficiency that they're able to
23 participate in these inspections and understand their
24 training and their duties under the law?

25 MR. HOFFMAN: Certainly, for any violation,

1 and the Public Utility Commission, PennDOT as part of
2 their chapter -- Title 67 PA Code has adopted the
3 FMCSA safety regulations.

4 Our officers are able to write summary
5 citations for non-out-of-service violations.
6 However, our bureau of policy is that generally we
7 want the officers to write for the most critical
8 violations, those being out-of-service violations.
9 And that's just --

10 REPRESENTATIVE GABIG: Let me put it to you
11 straight. I mean, can you take someone who can't
12 speak English, can't understand the rules, can't
13 comply with your inspections, can you take him out of
14 service under your guidelines out of Pennsylvania law
15 today?

16 MR. HOFFMAN: We are unable to do that.
17 The Vehicle Code requires us to comply with the
18 out-of-service criteria, which is uniform across the
19 nation.

20 Currently, I know this is an issue, it is a
21 large issue across the nation, but currently that
22 out-of-service criteria is not contained in the
23 provisions which allow officers to make judgments
24 about English-speaking ability and then place them
25 out of service.

1 REPRESENTATIVE GABIG: Thank you very much
2 for your answers.

3 Thank you, Mr. Chairman.

4 REPRESENTATIVE MARSICO: Any other
5 questions by the members? I have just a couple of
6 questions, if I could.

7 First, I want to acknowledge that
8 Representative Baldwin is here from Lancaster County.
9 We welcome you, Mr. Baldwin.

10 REPRESENTATIVE BALDWIN: Thank you.

11 REPRESENTATIVE MARSICO: Following up on
12 non-English-speaking drivers obtaining illegal CDLs,
13 do you have any idea how they're getting them in this
14 state or New Jersey?

15 MR. HOFFMAN: I don't. I'll ask either of
16 my colleagues if they have any idea. Jerry?

17 MR. CLARK: We had an incident at the
18 Delaware Water Gap where we had a driver that came
19 in. In checking the CDL, we found that it was an
20 address that was consistent with another driver that
21 was driving behind him.

22 And as it turns out, the licenses are
23 issued out of Florida. They're based in New Jersey.
24 We turned the information over to New Jersey. It
25 seemed that these two drivers were issued licenses

1 where they gave their address as the actual testing
2 center in Florida.

3 New Jersey State Police received that
4 information, Lieutenant Harry Dunkley. They followed
5 up on it and made action on that issue.

6 It is a problem nationally in some areas
7 where drivers are able to obtain commercial driver
8 licenses, but it's probably because of the testing
9 and licensing procedures.

10 REPRESENTATIVE MARSICO: Do you think our
11 rate of non-English-speaking drivers is higher than
12 other states? Does the northeast have a higher rate
13 do you think?

14 MR. CLARK: In this particular area or the
15 Commonwealth?

16 REPRESENTATIVE MARSICO: In this particular
17 area and the Commonwealth.

18 MR. CLARK: I would say higher in this
19 particular area because it's a larger route where
20 vehicles traverse. It's like a funnel. You have to
21 go through Pennsylvania to get to New England. You
22 have to go through Pennsylvania to get to the
23 metropolitan. If you're going to travel points down
24 south, because this is the transportation corridor
25 and the majority of the people that employ drivers

1 and in the trash business utilize those people that
2 have a certain amount of ethnicity. It's a broad
3 spectrum.

4 There's some Slovak people that are
5 involved in transportation. There's some Chinese
6 people that we're unable to communicate with. It's a
7 board spectrum that we have to deal with. Taking our
8 officers and teaching them Spanish is not going to
9 solve the issue.

10 REPRESENTATIVE MARSICO: Do you think that
11 New Jersey and New York officials are looking into
12 this and taking this as serious as this Committee is
13 and our state is at this time? Are they taking a
14 serious look into this?

15 MR. CLARK: I think all jurisdictions are.
16 I'm a member of the Commercial Vehicle Safety
17 Alliance Training Committee, which is an
18 organization, international organization that
19 represents all of the jurisdictions in the United
20 States, Canada, and Mexico.

21 This issue has been on the table at CVSA.
22 The problem is that CVSA, other than the
23 out-of-service criteria, is not a government agency.
24 They're working with partners that are trying to
25 foster some legislation that may go nationally to a

1 just issue.

2 REPRESENTATIVE MARSICO: Any other
3 questions?

4 I appreciate your time, your effort here,
5 your help, and your education on these issues. It's
6 very important issues. Thanks very much.

7 MR. HOFFMAN: Thank you.

8 REPRESENTATIVE MARSICO: The next to
9 testify is R. Craig Reed, Director of the Bureau of
10 Highway Safety and Traffic Engineering, the
11 Pennsylvania Department of Transportation.

12 Good morning, Craig. You may begin.

13 MR. REED: Good morning. On behalf of
14 PennDOT and the Bureau of Highway Safety and Traffic
15 Engineering, I want to thank you for the opportunity
16 to again interact with the Committee.

17 Our Bureau, we have a staff of roughly 89
18 persons. Our responsibility is summarized very
19 shortly as mobility safety and security of the
20 traveling public.

21 The Bureau deals with everything from line
22 painting and signing that you see along the roadways
23 to intelligent transportation systems technologies,
24 to maintaining, supporting, and enhancing our crash
25 record system of storing annually anywhere from 130

1 to 140,000 crashes that occur in the Commonwealth.

2 We deal with Homeland Security and
3 emergency incident response. We have a very broad
4 charge in dealing with some very heavy issues. I
5 certainly commend the Committee's work in this
6 effort.

7 We try to look at it that when it comes to
8 mobility safety and security, I've been using the
9 slogan: Everyone, Everyday, Every Opportunity,
10 because when you look at the Commonwealth and the
11 40,000 mile road systems and the 70,000 local road
12 systems, over 1300 police departments, over 1200
13 municipalities, the challenge of dealing with
14 mobility safety and security is certainly a huge one.

15 We think the only way we can be successful
16 is through a combined effort of everyone who has a
17 stake in this mission.

18 We talked a little bit -- others talked
19 about engineering, education, and enforcement as a
20 way we can deal with safety and mobility. The other
21 thing I wanted to point out is that when you talk
22 about that, the other three things to keep in mind
23 when we talk about safety, there's only three things
24 we can deal with; the driver, the vehicle, and the
25 road.

1 You heard from the folks from the PUC
2 taking about the vehicle side and the driver from the
3 motor carrier area.

4 What I've been asked to talk about is our
5 safety corridor policy that our Department is
6 developing. Again, this is focusing more towards the
7 driver and certainly towards the education and
8 enforcement part of the puzzle to dealing with safety
9 within the Commonwealth.

10 The safety corridor policy is a result of
11 Act 229, which was passed in December of 2002. It
12 authorizes the creation of highway safety corridors
13 by the Department through traffic and engineering
14 investigation.

15 The law establishes a doubling of fine for
16 moving violations and also requires signing of the
17 corridors to alert motorists.

18 In order to make the Act enforceable,
19 there's two actions that need to occur. One, we need
20 to develop and publish a policy. Then within two
21 years, we need to convert that policy to a
22 regulation.

23 What I would like to do is just share with
24 the Committee and those present just briefly a little
25 bit of what is the logic behind the corridor policy

1 as we developed it today and sort of where are we at
2 with the enactment of that policy and ensuing
3 legislation.

4 Currently, the criteria that we've looked
5 at is looking at crash frequency, the geometrics of
6 the roadway to make sure that anything we identify as
7 a safety corridor, is it safe for enforcement and
8 patrolling for both the officers and the traveling
9 public? Is there space for the signing that is
10 required by the Act?

11 The third thing that we've looked at and I
12 think is one of the more critical parts of the policy
13 is enforcement commitment. We think it will be of
14 little value to put up signs of safety corridors
15 without a commitment for a certain minimum level of
16 enforcement to be associated with those corridors.

17 Part of the logic behind our criteria is
18 looking at one of our larger goals that we have not
19 only within the Commonwealth but a national goal as
20 well. That goal is to achieve a rate of one fatality
21 per 100 million vehicle miles traveled by 2008.

22 On the graph, what you see, the blue bars
23 to the left represent the historical factors that we
24 have achieved, again, looking at fatality rates.

25 To put this a little bit into perspective,

1 if you go back to the mid-1960s, Pennsylvania had a
2 crash fatality rate of about 3.4. It took from the
3 mid-'60s to the mid-'80s or about 20 years in order
4 to achieve a one third reduction in that fatality
5 rate.

6 Pennsylvania then experienced a second one
7 third drop in the fatality rate from the mid-'80s to
8 the mid-1990s. Roughly, in the '90s, we were pretty
9 much flat in the 1.5 range for that period of time.

10 What it took historically the Commonwealth
11 to achieve a 30 percent drop in the fatality rate of
12 20 years -- of 10 to 20 years, we now have a goal of
13 trying to achieve a one third reduction in that
14 fatality rate for a period of five years.

15 This is certainly a huge task that we have
16 in front of us. Breaking the fatality rate into its
17 two components is what you see on this next slide.

18 The bars represent the number of fatalities
19 and the light blue line going from more or less to
20 lower left to the upper right represents the number
21 of vehicle miles traveled.

22 As we're all aware of, we're trying to
23 reduce the number of fatalities and the number of
24 vehicle miles traveled on our roadways continuously
25 to increase at an alarming rate.

1 Our goal in terms of looking at fatalities,
2 if we were to achieve it, would be to save an
3 additional 500 lives annually if we can achieve our
4 goal by 2008.

5 If we put that in the context of our safety
6 corridor criteria, what we did is we took a look in
7 saying that the Act is saying there's something
8 enforceable. Okay. So we need to look at how can we
9 identify areas where enforcement may be part of the
10 solution and how can we target those areas such that
11 we're able to affect driver behavior because that's
12 what we're after.

13 We took a look at all types of crashes as a
14 possible criteria. We looked at aggressive driving
15 crashes and we also looked at speeding crashes.

16 Through our analysis, we determined that we
17 would like to focus on speed-related crashes. We
18 felt that that was the most likely to be successful
19 in terms of enforcement. It's measurable. It's easy
20 for the officers to be able to get a conviction as
21 opposed to aggressive driving.

22 It's difficult. Many states have enacted
23 an aggressive driving law being a combination of
24 erratic maneuvers by a driver, but it's difficult to
25 envision how close is too close.

1 When is an improper lane change and driving
2 too fast, how do you identify that and how do you
3 prove that to a Magistrate?

4 We felt that the speed-related crashes were
5 the easiest to identify and most likely to get
6 enforcement success.

7 In looking at the threshold criteria for
8 identifying these sites, we came up with a
9 combination of not only the rate of crashes due to
10 speed as a primary cause but also the number of
11 speed-related crashes in a particular location.

12 We did that because if you relied on just
13 the rate itself, if you could take roadways, and an
14 example would be Roosevelt Boulevard in the
15 Philadelphia area, Roosevelt Boulevard because of the
16 volume of traffic has a very low crash rate; yet, it
17 has the highest number of speed-related crashes in
18 the Commonwealth.

19 We felt it was fair to have a combination
20 of both the rate of crashes per the volume of traffic
21 as well as the absolute number of crashes in order to
22 identify those corridors for the need for the
23 greatest amount of enforcement.

24 We tie this in with another initiative that
25 we have within the Bureau of Safety and Traffic

1 Engineering. We're using the American Association of
2 State Highway and Transportation Officials' plan to
3 reduce fatalities as a guide.

4 This plan identifies 23 different
5 categories for safety improvements. Category 4 deals
6 with aggressive driving. We've identified for each
7 one of these 23 categories, if we're to achieve one
8 fatality per 100 million vehicle miles traveled by
9 2008 in each of those 23 categories, by how much do
10 we have to reduce the crashes and fatalities in order
11 to achieve that goal.

12 Related to aggressive driving, we
13 identified the need to reduce aggressive driving
14 related crashes by 70.

15 Speeding being one of the aggressive
16 driving type behaviors, we say that we would like to
17 achieve a savings of 14 lives annually due to
18 speeding through the Highway Safety Corridor Program.

19 So using that target of 14 lives saved, we
20 took a look at the history and information within the
21 Department, looking at how many fatalities do we
22 average per year, how many speed-related crashes do
23 we get per year. We came up with there's generally
24 1.21 fatalities per 100 speed-related crashes within
25 the Commonwealth.

1 Using that and the target to try to achieve
2 a life savings of 14, we figured we needed to
3 eliminate 1150 crashes. Assuming we could be 25
4 percent effective with our efforts, we can't have the
5 police out on every corridor on every minute of every
6 day, we figured if we were 25 percent effective, that
7 means that we would need to try to treat 4600 crashes
8 in order to get the life savings that we're after.

9 Looking at our historical information, that
10 means for us to try to deal with 4600 crashes and
11 have us prevent that number of crashes, we would have
12 to be treating approximately 600 locations; in other
13 words, 600 locations of highway safety corridors
14 across the Commonwealth to statistically achieve our
15 goal.

16 With these criteria in place, what we plan
17 to do is pilot this effort. We have a vendor on
18 board now. We want to identify a handful of pilot
19 locations.

20 What we would like to have our vendor do is
21 to help us take a look at these locations, looking at
22 driver behavior before and after to make sure that
23 we're doing this properly and that we're getting the
24 desire and effect that we want out of the program.

25 We'll then use that information we gather

1 from the pilot to then finally develop the regulation
2 that is required by the law. There have been a
3 number of requests for highway safety corridors. You
4 represent the Committees making those requests.

5 Based upon our criteria that we use, our
6 facts and data to develop the logic behind it, we
7 took a look at all of the requests that we're aware
8 of right now and we're pleased to report that under
9 the criteria of 23 or more crashes within a five-year
10 period or one and a half times the normal expected
11 crash rate, that all of the corridors that were
12 requested would qualify under these criteria.

13 This slide lists the corridors with a lot
14 of the information associated with them, looking at
15 their location in PennDOT terms; the average daily
16 traffic and other critical information.

17 I'll just show these quickly. This is the
18 Harrisburg Beltway that Representative Marsico
19 referred to. This is the area along Carlisle that
20 Representative Gabig is interested in.

21 Here we have the 80 corridor up here in the
22 Stroudsburg area. We also have the 81 corridor in
23 the Scranton/Wilkes-Barre area.

24 With that, I will be happy to respond to
25 any questions the Committee may have.

1 REPRESENTATIVE MARISCO: Representative
2 McGill, I believe you had a question.

3 REPRESENTATIVE MCGILL: Thank you.

4 Good morning.

5 MR. REED: Good morning.

6 REPRESENTATIVE MCGILL: I never cease to be
7 amazed at the statistics that you throw at us that
8 could drive these things down.

9 I got two simple ones that I want to put
10 back to you. We have a secondary violation in
11 Pennsylvania being not wearing seat belts. I have
12 spoken to the State Police Commissioner, that should
13 be -- that should be a primary reason to pull a
14 vehicle over. I believe it's time that we do
15 something along that line.

16 Can you tell me if you've put the wearing
17 seat belts into the equation that would drive that
18 number down to around one?

19 MR. REED: That certainly would be helpful.
20 Statistically, every 1 percent increase in seat belt
21 usage is 8 to 10 lives saved.

22 REPRESENTATIVE MCGILL: And where do we
23 stand now?

24 MR. REED: Right now, we're at about almost
25 80 percent, 79.some percent in terms of seat belt

1 usage. As far as secondary law states, that's doing
2 very well.

3 Considering Pennsylvania has one of the
4 weaker secondary laws, we think we're doing extremely
5 well with our education campaigns.

6 REPRESENTATIVE MCGILL: Could we get it to
7 90?

8 MR. REED: Statistics have shown that with
9 enactment of a primary seat belt law, those states
10 that have done that, they have gotten a 9 percent
11 increase on the average in seat belt usage.

12 REPRESENTATIVE MCGILL: So we can take that
13 number and this Committee can evaluate what the
14 impact of that would be right off the bat. We can
15 get that and you can make those statistics, again, to
16 drive that number down.

17 Secondly, it takes three police officers
18 in one of my boroughs to do any sort of speed
19 enforcement. We have really in my opinion shirked
20 their responsibility to get a radar bill through.

21 We should have radar for local police. If
22 you're targeting over the next four to five years,
23 our reduction, we simply need to give local police
24 departments the ability to have radar to slow traffic
25 down.

1 You used as an example the Roosevelt
2 Boulevard. If you give the Philadelphia Police
3 Department the opportunity to sit on Roosevelt
4 Boulevard, and I can give you the blocks along the
5 Roosevelt Boulevard to use that radar gun, I can
6 bring you 150 to 200 cars a day easily on that road.

7 So I believe that we keep beating around
8 the bush on certain things in Harrisburg. It's about
9 time that the Legislature move forward and be
10 realistic.

11 One of the problems that you just addressed
12 and get rid of fatalities is to control speed, and
13 yet we bind police departments' hands. We say you're
14 not allowed to do it. You're not capable of doing
15 it. You might not be able to use it right.

16 We have had every excuse imaginable for not
17 doing it. This Committee and the Senate Committee
18 and the Governor needs to allow local police
19 departments to have radar.

20 Secondly, if we go ahead and make a seat
21 belt law that an officer can pull a car over when
22 somebody is not wearing a seat belt, I believe we
23 will resolve that problem.

24 I think we can get to your numbers sooner
25 than 2008. You know, one of the things that we

1 learned very quickly when we increased or changed the
2 driving laws, that unbeknownst to them that one of
3 the absolutely astounding things that this Committee
4 can pat themselves on the back on for the rest of
5 their life are absolutely astounding is that there
6 are 100 more 16 year olds alive per year. They don't
7 know who they are, but they are alive every year that
8 that law stays in effect, the way that this Committee
9 ran it through.

10 We have 100 more kids that are alive. I
11 think if we approach it aggressively with radar and
12 with seat belts as we did with young drivers, I think
13 the sky is the limit on how many lives we can save,
14 and we all benefit.

15 Those are my points. I hope you will take
16 those back to PennDOT and say McGill was very
17 aggressive again on these issues. I thank you for
18 your time.

19 REPRESENTATIVE MARISCO: Representative
20 Scavello?

21 REPRESENTATIVE SCAVELLO: Thank you,
22 Representative Marsico.

23 Thank you, Director Reed, for coming down
24 to testify. I want to echo the words of
25 Representative McGill. I do agree with the radar, if

1 not for the small police departments but the larger
2 police departments, 25 officers and up as a start. I
3 think that would go a long way in help reducing the
4 speeding in our Commonwealth.

5 I travel quite a bit, of course; and
6 frequently, I do the 80, 81 or 22, 33, 322, 78, 81.
7 I see out there these speed -- the posted speed and
8 then the right alongside what the vehicle is doing.

9 I don't know if you see them out there and
10 those traffic -- I see people hitting their brakes
11 when they hit those units. That's the posted speed.
12 Then it tells you what this vehicle is doing.

13 I would love to see more of them on the
14 highway. I think it's a great tool to help reduce
15 speeding in the Commonwealth. What is your view on
16 that?

17 MR. REED: We were required by Federal
18 guidelines that on construction projects on
19 interstates over a certain dollar threshold that we
20 had to have those speed displays as part of that
21 construction project. I support the use of those.

22 Our Bureau funded the purchase of one of
23 those for each one of our engineering district
24 offices statewide. So we are trying to do what we
25 can to make those types of pieces of equipment more

1 available to our engineering district offices.

2 Our Bureau handles about \$10 million in
3 safety grants annually. That \$10 million has not
4 increased in probably the last ten years. So the
5 needs are growing. The money that we have is
6 limited.

7 In response to that, what we're trying to
8 use and make the utmost use of are our facts and data
9 to make sure that we're specifically targeting our
10 efforts to the area and to the highest priority and
11 to the regions of the state that are most important.

12 REPRESENTATIVE SCAVELLO: Thank you.

13 REPRESENTATIVE MARSICO: Representative
14 Lewis?

15 REPRESENTATIVE LEWIS: Thank you, Chairman
16 Marsico.

17 I thank you for your testimony.

18 I want to, again, thank the House
19 Transportation Committee. They helped me put the
20 Highway Safety Corridor language together that we had
21 developed through the Safe 80 Task Force and included
22 in the omnibus package that became 229. I believe
23 that was two years ago.

24 It's taken way too long to get this Highway
25 Safety Corridor language put out. I note from your

1 testimony that it will save ultimately 14 lives per
2 year in 2008. We need to get that rolled out now.

3 We can't afford to keep waiting another
4 year to roll this language out. We have volunteered
5 our corridors to be pilots for test cases just so we
6 can save constituent lives in our area. It's pretty
7 simple.

8 We really want to encourage you to move
9 this out faster and to let us help you roll this out
10 faster.

11 I know we've had a number of meetings in
12 Harrisburg on this. We've put together all of our
13 task forces into a coalition to work with you so
14 you're hearing one voice on it.

15 When can we expect this to be rolled out
16 and have final language so we can get signs up on
17 Interstate 80?

18 MR. REED: We sent the policy to the
19 Governor's office several weeks ago. We haven't
20 heard anything back negatively as far as the policy.
21 We presented it to Senator Madigan earlier this week.
22 We present it to you and now before this Committee.

23 Hearing no one saying that you're heading
24 totally the wrong direction, we think we've gotten
25 what we need in order to put the policy into effect.

1 I would hope that later this summer, we'll have the
2 pilot corridor designated and have the studies
3 rolling.

4 REPRESENTATIVE LEWIS: That's good news.
5 Please use us to help roll this out. Please tell us
6 -- that's the first time I've heard that the \$10
7 million figure has been frozen.

8 You're looking at some of the members of
9 the General Assembly that will lead efforts to
10 increase highway safety. We've done it with the
11 State Police, working with the members here to do it.
12 So please let us know your issues. We're interested
13 in highway safety. Thank you.

14 REPRESENTATIVE MARISCO: Good. Any other
15 questions?

16 Thank you very much, Greg, for your time
17 and your testimony. We appreciate it.

18 MR. REED: You're welcome.

19 REPRESENTATIVE MARISCO: Next to testify is
20 the panel of Tim Webb, the Senior Market Area Safety
21 Director for Waste Management; Ray Delfing, Senior
22 Market Area Safety Director for Waste Management. I
23 believe that's it.

24 Good morning and welcome. You may begin at
25 your pleasure.

1 MR. DELFING: Would you prefer that we
2 summarize the written testimony?

3 REPRESENTATIVE MARISCO: Yes, if you could,
4 please.

5 MR. DELFING: Okay. Good morning. My name
6 is Ray Delfing, Senior Market Area Safety Manager for
7 Waste Management of Pennsylvania Incorporated, member
8 of the Pennsylvania Waste Industry Association.

9 Next to me is Tim Webb, also a Senior
10 Market Area Safety Manager and Transportation Safety
11 and Compliance Manager for Waste Management Eastern
12 Group.

13 On behalf of Waste Management, it is our
14 pleasure to testify before the panel. A large part
15 of my responsibility as Waste Management's Safety
16 Manager is to manage our Transportation Safety and
17 Compliance Programs.

18 Waste Management is one of the largest
19 truck fleets in the state of Pennsylvania. And in
20 light of the different State and Federal agencies and
21 regulations governing transportation and the solid
22 waste industry, we take our responsibility very
23 seriously.

24 We have accordingly taken aggressive steps
25 to promote safety and compliance through our

1 comprehensive Transportation Safety Program.

2 Waste Management along with other PWIA
3 members supported the Waste Transportation Safety
4 Program. We applaud the Department's effort at
5 integrating the Safety Program into existing
6 regulations governing the transportation of waste in
7 Pennsylvania.

8 Waste Management implemented its own
9 comprehensive Transportation Safety Program that is
10 centered on a computer-based system called
11 Alive/Waste Master. We have provided each of you
12 with a handout briefly explaining the Alive/Waste
13 Master system.

14 To work as a transporter for Waste
15 Management, the transporter must enter into a
16 standard transportation contract. The transportation
17 contract requires the transporter to have a
18 satisfactory DOT rating, to maintain appropriate
19 insurance levels, and to agree to abide by Waste
20 Management's Alive/Waste Master system.

21 The contract also imposes exacting vehicle
22 and driver standards and requires strict compliance
23 with all applicable laws governing the transportation
24 of waste on Pennsylvania's highways.

25 For example, in support of State and

1 Federal regulations, the contract specifically
2 prohibits the backhauling of any foods to transfer
3 trailers used to haul waste.

4 Developed in 2000 to manage transportation
5 safety and compliance, Alive/Waste Master is a
6 computer-based tracking system that tracks a driver,
7 vehicle, and operational compliance.

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

14 For example, the smart card records the
15 driver's commercial driver's license information, the
16 driver's last physical exam, and motor vehicle
17 record.

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

23 Allow me to further explain how it works.
24 The transporter is loaded at one of Waste
25 Management's transfer stations and he crosses the

1 outbound scales.

2 The driver presents the smart card and the
3 scale master swipes the smart card into the system.
4 Instantaneously, the driver's information and the
5 vehicle information is produced and checked for
6 validity.

7 If the information is valid and up to date,
8 the truck is weighed to ensure that it meets the
9 DOT's vehicle weight requirements. If the vehicle
10 weight is legal, the time and date, destination, and
11 vehicle weight is recorded on the smart card and the
12 driver leaves for his or her designated landfill.

13 Once the driver reaches the designated
14 landfill, the process is repeated. In addition to
15 the Alive/Waste Master system and as part of the
16 company's Transportation Safety Program, Waste
17 Management has instituted a Vehicle Safety Inspection
18 Program similar to the state's trashnet.

19 Teams of three Waste Management employees,
20 a safety manager, a compliance manager, and a
21 mechanic, periodically conduct announced and
22 unannounced roadside inspections at Waste
23 Management's Pennsylvania landfills and transfer
24 stations.

25 The team randomly selects vehicles, whether

1 waste management owned or independently owned, and
2 inspects the vehicle according to US DOT and the
3 Pennsylvania DEP regulations and safety criteria.

4 For example, while the team's mechanic
5 inspects the vehicle for mechanical compliance, the
6 safety managers are inspecting the vehicle for
7 working fire extinguishers, properly annotated
8 logbooks, hours of service and proper paperwork.

9 If the team places a vehicle out of
10 service, the vehicle is not permitted to leave the
11 facility until the violation is corrected or the
12 vehicle is towed. If the driver is placed out of
13 service, the vehicle is not moved until a qualified
14 driver arrives.

15 The Waste Management's Transportation
16 Safety Program has not been without significant
17 effort and cost, but we believe that the impact has
18 been immediate and worthwhile.

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

24 Bucks County Motor Carrier Traffic Safety
25 Task Force recognizes commercial haulers to implement

1 changes and introduce programs that enhance highway
2 safety.

3 Thank you for allowing us to speak this
4 morning. Mr. Webb and I welcome any questions that
5 the panel may have.

6 REPRESENTATIVE MARISCO: Any questions from
7 any of the members?

8 Representative McGill?

9 REPRESENTATIVE MCGILL: Thank you for that
10 testimony. That's a remarkable system that you have
11 in place.

12 MR. DELFING: Thank you.

13 REPRESENTATIVE MCGILL: Have you noticed a
14 -- I guess as a side note, have you noticed a
15 decrease in really expensive maintenance problems
16 because your drivers are obviously more aware of what
17 is going on all of the time and looking for things?

18 I recognize the expense up front to do
19 this, but have you had any cost savings that might
20 have other companies think about doing something like
21 this?

22 MR. DELFING: There are cost savings -- Tim
23 can speak to those in a second -- then, again, with
24 our vehicle inspection program just being out there
25 day after day at our facilities.

1 We didn't record in our written testimony,
2 but those inspections -- at each one of those
3 inspections we invite local police, State Police, and
4 that region of the DEP as well.

5 Very often, those folks are willing to come
6 out and support us. Sometimes they observe the
7 process. Other times they get right in there with us
8 and participate in the process.

9 REPRESENTATIVE MCGILL: Thank you.

10 REPRESENTATIVE MARISCO: Chairman Geist?

11 CHAIRMAN GEIST: I have a series of
12 questions mainly because of some of the work that
13 we're doing here.

14 If you have a contract hauler that works
15 for Waste Management, what proof of insurance does
16 Waste Management require from that company and how
17 often do you check it?

18 MR. WEBB: Currently, the hauler is
19 required to give us a certificate of insurance that
20 comes into the office. Following that, we follow-up
21 with the actual carrier, the policy, the company that
22 is underwriting that policy to make sure that
23 certificate is valid.

24 A lot of certificates are issued from the
25 local insurance companies out of the local brokers'

1 offices. You have to make sure if, in fact --
2 there's too many. We follow that. We put it into
3 the system.

4 If by chance it comes around for renewal
5 and we have not received the renewal certificate,
6 there's a 90-day, 60-day, and a 30-day notice. At a
7 ten-day interval, you get a phone call from the
8 office. Your insurance certificate is about to run
9 out. If we do not have it 24 hours prior to the
10 deadline so we can make sure all of his trucks are
11 off the road, we then shut them down, which in turn
12 shuts down through the system.

13 CHAIRMAN GEIST: If a contract hauler is
14 self-insured, what proof does Waste Management
15 require from that hauler?

16 MR. WEBB: Currently, we do not have any
17 haulers that are self-insured. To be self-insured
18 takes a lot of money, a lot of investment. We do not
19 have any that are self-insured. We have many haulers
20 that have insurance lines of \$20 million.

21 CHAIRMAN GEIST: Is catastrophic insurance
22 required?

23 MR. WEBB: Yes, sir.

24 CHAIRMAN GEIST: What limits?

25 MR. WEBB: Typically, million plus an

1 additional million on top.

2 CHAIRMAN GEIST: Per incident?

3 MR. WEBB: Yes, sir.

4 CHAIRMAN GEIST: One of the things that we
5 have run into as the Committee is the false
6 statements of self-insured, which some of these
7 companies are carrying.

8 We're addressing that now with the
9 insurance company. Our Committee will probably do
10 something about it hopefully before the end of this
11 term.

12 Let's talk for a moment about the problem
13 of a truck and I'm just -- I'm going to make a
14 simulation here. I don't want to throw a stone at
15 any one person.

16 A hauler picks up 70,000 pounds in New
17 Jersey and weighs out at Somerset at 80,000 pounds,
18 how do you prevent that magic waste; and how do you
19 control what that waste is in the industry if we are
20 concerned about that and what they're hauling?

21 MR. DELFING: What we do with our system
22 when you go outbound, they go through the scales and
23 we track that weight. When they go inbound at our
24 next facility, we track that weight as well.

25 We have a report that shows the difference

1 between the outbound and the inbound for weather, for
2 sleet, snow, for fuel; but anything aside of that
3 small percentage, we then go back and see if they had
4 stopped and picked up anything else and if the load
5 being represented is what it is.

6 CHAIRMAN GEIST: If the driver leaves New
7 Jersey and is scheduled for Pine Grove and shows up
8 at Somerset, how does your company handle that?

9 MR. DELFING: What happens, and this is a
10 problem we dealt with prior to the system, where you
11 would have a driver that would take it to the
12 landfill of choice by him.

13 It may be easier for him, may be closer to
14 his house, he could make another turn; i.e., pick up
15 another load, and get home sooner.

16 When we designate the landfill, that's the
17 landfill they have to go to. If by chance we divert
18 for whatever reason to go to another landfill,
19 there's a series of checks and balances to make sure,
20 in fact, it has been approved and somebody from our
21 side is signing off on that.

22 If they show up once the card is swiped,
23 they will identify that destination. That series of
24 checks and balances are gone through that it has been
25 approved or, two, you're going to turn around and go

1 to your destination as you were originally told.

2 CHAIRMAN GEIST: If a contractor for Waste
3 Management has an accident somewhere and is towed and
4 they don't pay their bills and don't get their
5 equipment and they don't do this, what does Waste
6 Management do to that hauler?

7 MR. DELFING: Obviously, we work very
8 closely with the local agencies to the State agencies
9 to make sure they have the information.

10 We have the certificates of insurance in
11 our office. We provide the certificates of
12 insurance, as well as the contact information for
13 that particular carrier to those authorities so in
14 turn they can make sure the bills are paid. If
15 there's a problem with that, we work very close to
16 alleviate the problem.

17 CHAIRMAN GEIST: And the final question is,
18 I know you guys have done this in the past; but would
19 you have your folks be able to sit in on the meetings
20 with us as we craft legislation?

21 MR. WEBB: Absolutely. We would be glad to
22 work with you.

23 CHAIRMAN GEIST: Because we think your
24 smart card could end up being a requirement for
25 anybody hauling in Pennsylvania. I know that you can

1 electronically share that with PSP and others.

2 MR. WEBB: Absolutely.

3 CHAIRMAN GEIST: I thank you very much.

4 That's all from me.

5 REPRESENTATIVE MARISCO: Any other
6 questions?

7 REPRESENTATIVE LEWIS: Just one quick
8 clarification from your testimony. Your smart card,
9 who uses that, just Waste Management trucks or any
10 hauler coming into your landfill?

11 MR. WEBBER: Currently, today any hauler
12 with us has a smart card.

13 REPRESENTATIVE LEWIS: So that means anyone
14 dumping out of Waste Management landfill has to have
15 a smart card?

16 MR. WEBB: Anybody that is transporting
17 from us, from point A to Point B. If they pick up at
18 A, they will be under contract and they'll have a
19 smart card. We do have third party customers that
20 haul that have nothing to do with us. They will not
21 have a smart card.

22 REPRESENTATIVE LEWIS: Definitely thank you
23 for developing that smart card. Sounds like a step
24 to the future. Thank you for your help on Safe 80
25 Task Force as well.

1 REPRESENTATIVE MARISCO: Representative
2 Gabig?

3 REPRESENTATIVE GABIG: Thank you, Mr.
4 Chairman.

5 I live in Cumberland County that has a
6 landfill. I think they own it now, actually in
7 Hopewell Township, NewBurg, right off the Turnpike
8 and near 81.

9 We heard some statistics. I think that you
10 were in here for the first testifier regarding how to
11 service rates for vehicles and drivers. Were you
12 able to hear that testimony overall from PUC, I think
13 it was?

14 MR. WEBB: Yes.

15 REPRESENTATIVE GABIG: Can you tell us,
16 your company, how did those numbers stack up against
17 yours? It sounds like you're doing a better job.
18 Can you give us a feel for that?

19 MR. DELFING: I believe you said the State
20 average for driver out of service Waste Management of
21 Pennsylvania Incorporated vehicles, they all run
22 under the same DOT, same carrier, and driver
23 out-of-service rate is zero.

24 Our vehicle out-of-service rate right now
25 is slightly below the Pennsylvania average,

1 Pennsylvania being 33 percent I believe the testimony
2 was.

3 REPRESENTATIVE GABIG: It was a separate
4 issue about drivers that don't have proficiency in
5 English. Have you as a company taken any steps to
6 address that issue?

7 MR. WEBB: What we have done is we track
8 all of the pertinent information. We have an
9 individual that comes to us that gets a license from
10 a particular state. That state agency has found that
11 that person has those proficiencies.

12 When they come to our system, we put them
13 in the system. It is a Social Security number.
14 Typically, you heard testimony earlier about drivers
15 that had similar licenses that are behind each other
16 in line coming through the inspection.

17 In our system, as soon as you put that
18 information in, the drivers come right to the top and
19 immediately are not allowed to work for us.

20 At the same time, if there's a problem, we
21 notify the local authorities. Typically, if somebody
22 is going to sell an address or Social Security
23 information, they're not going to sell it one time.
24 It's going to pop up multiple times. We did catch
25 that.

1 REPRESENTATIVE GABIG: Your smart card
2 system, I was in the DA's Office before I was elected
3 and had handled a lot of cases involving vehicles and
4 collisions, fatalities, etc.

5 Obviously, they had black boxes in some of
6 the big long hauls. They had GPS capability to know
7 where and what and how fast they're going. Are you
8 at that level yet or not? Do you have GPS
9 capability?

10 MR. WEBB: On our long haul, we do not.
11 Some of our local hauling, we do use GPS.

12 REPRESENTATIVE GABIG: And the issue on
13 speed then, does your smart card address that issue
14 at all?

15 MR. WEBB: What it does is obviously we
16 know the time and the travel distance from point A to
17 point B. It clocks the time and date you left.
18 Obviously, it's pretty easy for us to go back and do
19 the math.

20 REPRESENTATIVE GABIG: Do you routinely do
21 that? Do you have some kind of check that will give
22 average speed for a haul?

23 MR. WEBB: In the transportation office for
24 which I'm responsible, we have six individuals. Part
25 of their duties is they also run those reports and

1 make sure the system is getting uses.

2 REPRESENTATIVE GABIG: What do you call
3 those individuals?

4 MR. WEBB: Transportation specialists.

5 REPRESENTATIVE GABIG: Because I always
6 thought with this capability that is growing,
7 obviously, that if we put more money into those kind
8 of individuals that are sitting there tracking it on
9 a computer versus having the on-site inspections,
10 that that would be pretty effective. What is your
11 experience?

12 MR. DELFING: Well, they provide a wealth
13 of information that could be instantaneous.

14 MR. WEBB: And the other thing is it adds
15 an even balance from the individuals; and the nice
16 thing about the individuals in the office, it's black
17 and white. You're either in or out. It doesn't give
18 a subjective. You cut those individuals.

19 REPRESENTATIVE GABIG: Thank you very much.

20 Thank you, Mr. Chairman.

21 REPRESENTATIVE MARISCO: Any other
22 questions?

23 Thank you very much for your excellent
24 testimony and your time. I appreciate your being
25 here. Thank you.

1 Next to testify is Cathy Tennis who is the
2 President of the Pennsylvania Towing Association.
3 Cathy, if you could summarize your testimony.

4 CHAIRMAN GEIST: Have you got 80 cleaned
5 up?

6 MS. TENNIS: Mile marker 251, the gentleman
7 who brought that up, the State has prisoners out
8 there now and so on.

9 Good morning, gentlemen. My name is Cathy
10 Tennis. I am the President of the Pennsylvania
11 Towing Association and the owner of John Tennis
12 Towing in State College.

13 Our association represents the towing
14 industry in the Commonwealth. Our members are the
15 people and the companies that help keep Pennsylvania
16 highways safe by removing wrecked and disabled
17 vehicles, tow them to storage and repair facilities
18 and clean up the highway after an accident.

19 Today I would like to present to you some
20 issues that the towers are faced with relating to
21 motor carrier accidents, frequently trash haulers.

22 You may not know this, but in many cases,
23 we, towers, are not paid for the services we provided
24 since towers do not work under a contract with
25 PennDOT or the State Police. We respond without any

1 assistance of getting paid.

2 When there is an accident involving one of
3 these trash haulers, we find more times than we like
4 that they are not covered properly by their insurance
5 to cover the cost of towing the recovery from this
6 type of accident.

7 There are up to four entities that we could
8 be dealing with, coverage of the power unit, coverage
9 of the trailer, coverage of the shipper and coverage
10 of the cargo. If there is coverage on any part of
11 this accident, it is usually on the tractor or power
12 unit. The trailers usually have little or no value,
13 and the type of cargo we are talking about is
14 referred to as valueless cargo.

15 The insurance company for the power unit
16 comes in and does an evaluation of the unit and
17 decides they are covering the cost of that repair,
18 and then we are required by law to release that part
19 of the wrecked motor carrier.

20 Once we have released that, we have lost
21 the only thing that is of any value from the motor
22 carrier accident. Most of the time nobody ever shows
23 up or calls about the remaining parts. This creates
24 a large debt for the tower to cover as well as some
25 other problems.

1 If, indeed, nobody claims the trailer or
2 the trash, we cannot even get rid of the trash
3 because there is no paperwork showing the point of
4 origin for where this trash came from.

5 When this happens, the landfills will not
6 accept the trash. Insurance is required when a truck
7 is registered through PA DOT or when applying for a
8 waste transporter sticker at DEP.

9 In most cases, valueless cargo will not be
10 insured, and the cost of cleanup is too often
11 absorbed by the tow company.

12 In the event that there is adequate
13 coverage to pay the tower, the towing recovery and
14 disposal costs should be borne by the fund financed
15 by carriers or taxpayers, and in the case of trash
16 trucks funded by a cleanup bond.

17 Numerous times we find that after the
18 accident has been cleaned up, an entire unit and get
19 it back into your facility, an estimate is done for
20 the damage. They say, yes, we're going to repair
21 that and remove it from your facility into a repair
22 place.

23 The insurance settles with you on that part
24 of the accident. At that point, no one is
25 responsible for the trailer or the cargo or the

1 cleanup at the scene.

2 Most of the time, we're dealing with a load
3 that is either trash, junk tires, crushed cars.
4 Those are the items that nobody comes back then to
5 claim.

6 They have a valuable part of the accident
7 now at the repair facility. Nobody is interested in
8 a trailer that is not worth anything or the trash
9 that nobody wants to deal with.

10 The biggest problem with this is No. 1, it
11 sits in your yard for a period of time, maybe months
12 or years. You can imagine the smell that this
13 causes.

14 Number 2, the part of getting rid of this
15 is a lot of cases if there's a trash accident,
16 there's no papers from the point of origin. If you
17 do not have papers for the point of origin of the
18 trash, you cannot take it to your landfill to get rid
19 of it. You must be able to prove where this came
20 from.

21 So towers are basically getting stuck with
22 it and have no legal way to get rid of it. What
23 you're finding out is when you are looking at their
24 insurance, there are a couple of accidents involving
25 trash, the coverage was \$2500. It's going to cost

1 somewhere around \$3200 to dispose of it.

2 So that's what our biggest problem is with
3 these motor carrier accidents and the trash trucks
4 going through Pennsylvania or coming into
5 Pennsylvania to take care of the trash.

6 There's another proposed landfill up around
7 the Snow Shoe area from what I understand. As we see
8 it, that's only going to increase the trash trucks
9 coming in or going through and that's going to put us
10 at risk of more unclaimed bills.

11 There's got to be a way to make the people
12 come into the state or going through the state with
13 it to have the proper coverage, to have some kind of
14 a sticker like some of them are required to have now
15 that proves they have the insurance.

16 A major problem that we have run into in
17 the past is they have false insurance cards. You do
18 the accident and go back and try to contact the
19 insurance company and that comes back to a PO Box in
20 the Bronx. They do not exist.

21 As they're handing that insurance card to
22 somebody stopping them, unless they're calling, they
23 have a valid, quote, insurance card so they're not
24 being questioned.

25 Some of the ideas we've had as far as the

1 association goes in helping with these cleanup costs,
2 there are some pictures here of the one accident that
3 Representative Geist brought up. This load laid
4 along the riverbed for over a year.

5 Now the state has people out there and the
6 state people doing the cleanup and taking care of it.

7 We ask that there be some type of a fund
8 put together if possible by the carriers going
9 through the state or coming in the state or taxpayers
10 to help in this type of a cleanup or in the realm of
11 the cost and some of the accidents.

12 If there could be some kind of a sticker or
13 a proof that it can be checked on that says they have
14 to have certain coverages in order to even come into
15 Pennsylvania with a load of trash, authorize a
16 cleanup bond in some way for the trash trucks and
17 indemnify the trucks from hazardous materials cleanup
18 expense.

19 When you get called out to some of these
20 accidents, it's not picking up the trash on the road.
21 We actually are required to refill the area with
22 clean soil, reseeded, and that type of thing. You
23 must have the equipment to do all of that.

24 One thing to keep in mind as a tower, when
25 you are being called for this type of a job, if

1 indeed you refuse because you know you're running the
2 risk of not being paid for it, the asking Department
3 that is calling you is not going to continue to call
4 you if you're not going to go out and do the job for
5 them.

6 Nobody is really concerned whether you're
7 getting paid once it's done. They want it cleaned up
8 and taken care of. This could be a factor for
9 clearance and so on.

10 If people keep getting hit with these
11 losses due to this type of thing, you can't have
12 updated paid good operators out there doing incident
13 management the way the State would like it done and
14 the way the towers would like it done in order for a
15 private business owner to obtain those.

16 Some of the differences that people don't
17 understand is there's a difference between a tow
18 versus recovery. I put a list of definitions on the
19 back of the paperwork.

20 Recovery is actually when a vehicle is not
21 in a position to be towed and must be placed in such
22 a position in order that it can be towed.

23 This would be on an embankment, on a roof,
24 on the side or whatever. A tow is when it's hooked
25 up to the disabled unit and moved from the scene.

1 The insurance companies don't understand
2 there are two different things involved. Certainly,
3 pulling up to a tractor-trailer and all of the wheels
4 and tires are in effect, that's a normal thing.

5 Getting one that is down an eight foot
6 embankment makes a bigger deal on what you're able to
7 do. That's basically what we wanted to bring up as
8 far as the trash haulers in the state of Pennsylvania
9 and some of the problems we're running into with it
10 and making it aware that it's a more often than needs
11 to be refilled item and looking for more landfills
12 could just create larger numbers in the problem.

13 REPRESENTATIVE MARISCO: Thank you very
14 much.

15 Representative McGill has a question.

16 REPRESENTATIVE MCGILL: Well, just a couple
17 comments so you know and maybe you've been in touch
18 with them. We're putting together several pieces of
19 legislation for quick clearing.

20 One of our meetings down at Montgomery
21 Community College about five months ago I guess it
22 was, there was the one piece of legislation that we
23 have that was introduced that Representative Harper
24 is going to have a press conference on Friday down in
25 Montgomery County for the moving of vehicles, the

1 minor accidents, getting them off of the road and
2 doing that.

3 We are working on a fairly large piece of
4 legislation that would allow you to pull those
5 vehicles, whether they're still on their side, off
6 the road and go through a lot of the quick clear like
7 we've seen out of Washington state and in the western
8 part of the United States.

9 As an integral part of that is towing,
10 because obviously you have been on the short end of
11 the stick as far as responsibility.

12 Police departments, local municipalities
13 will call you and say, move it, and you go out and do
14 it and very quickly; there is no payment.

15 We are aware as a Committee and again on
16 our taking action on that now and I'm assuming
17 looking down later, Eric, and he just nodded that you
18 will be move involved in it, that we can come up with
19 a plan to try and resolve this.

20 Because one, these are real people with
21 real jobs who are out there stuck in traffic. These
22 are real people with real jobs trying to move these
23 vehicles after they've happened. They simply need to
24 be reimbursed.

25 We are also looking at allowing for those

1 entrepreneurs that would get those rotating vehicles.
2 I'm sure you're aware. I'm not aware of --

3 MS. TENNIS: They are called a rotator.

4 REPRESENTATIVE MCGILL: They're massive and
5 expensive, trying to get built into the legislation
6 some type of a premium to allow them to use you if
7 you want to invest to try to help us get the roadways
8 cleared quickly. We are active on that. I'm glad
9 you brought these additional things to our attention.

10 MS. TENNIS: We very much appreciate being
11 a part of it.

12 REPRESENTATIVE MCGILL: I don't know when
13 we'll see it, hopefully in the very near future; but
14 when you present something like that, it seems to
15 grow in a lot of directions. We need to pull the
16 reins back in. Thank you.

17 MS. TENNIS: Thank you.

18 REPRESENTATIVE MARISCO: Any other
19 questions?

20 Thank you, Cathy. We appreciate your time,
21 your recommendations, and your testimony.

22 Next to testify is Paul Dudzinski. Paul,
23 welcome, professional driver with Roadway Express.
24 As I mentioned before, if you can summarize your
25 testimony, we would appreciate that.

1 MR. DUDZINSKI: Good morning. I'm Paul
2 Dudzinski, District 1 Road Team Coordinator for
3 Roadway Express. I'm very pleased to be here today
4 on behalf of Roadway Express.

5 I'm here to speak on the safety program at
6 Roadway, primarily at our Tannersville terminal.
7 Currently, we have 82 one-million-mile drivers, 15
8 two-million-mile drivers, and 1 three-million-mile
9 driver. That's 115 million miles of accident free
10 driving. Those are individual accomplishments by
11 quite a few drivers in an area that starts in
12 Tannersville and ends at satellite terminals
13 primarily in New York, New Jersey, and New England
14 going through most congested areas in the northeast.

15 We have approximately dispatched 250 loads
16 a day on a daily average of over 50,000 miles in a
17 24-hour period.

18 Our safety record programs are ongoing
19 daily, weekly, monthly with continuous flow of
20 information from internal sources as well as outside
21 agencies such as PennDOT and PUC, who I want to thank
22 for sending enforcement officers to our terminal for
23 updating our drivers on hours of services and
24 roadside inspections, what to look for primarily in
25 pretrip inspections before we leave the terminals.

1 Also, on behalf of Roadway, we do outside
2 safety awareness to the general motoring public such
3 as no zone demonstrations. We're generally invited
4 to high schools to do drivers ed classes, sharing the
5 road with trucks.

6 We'll go to RV expos and get RV drivers in
7 a no zone demo; or any other civic organization who
8 requests a demo, we will be there.

9 We will be at the two Pocono races this
10 year providing on-site firsthand awareness to the
11 general public. We invite the general public to get
12 in the driver's seat of a tractor-trailer and observe
13 the no zone areas that we have designated around the
14 truck.

15 To this day, Roadway Express Tannersville,
16 PA has not had any driver or equipment placed out of
17 service from a roadside inspection. This is what
18 safety means to us at Roadway. Thank you for
19 allowing me to speak to you today.

20 REPRESENTATIVE MARISCO: Thank you.

21 MR. DUDZINSKI: On that final sheet, you
22 will notice driver eligibility requirements in order
23 to drive for Roadway Express.

24 If you look under your No. 5, the driver
25 must be able to read, write, and speak English

1 sufficiently to converse with the general public, to
2 understand highway traffic signs and signals in
3 English, respond to official inquiries, and to make
4 entries on reports and records.

5 That's all I have. Thank you.

6 REPRESENTATIVE MARISCO: Chairman Geist?

7 CHAIRMAN GEIST: Do you find that the
8 carriers like your wonderful company and award
9 trucking, the Barry Smith, Smith Trucking, that their
10 companies go so far overboard on safety that the
11 people that do the road inspections randomly very
12 rarely ever pull those over?

13 MR. DUDZINSKI: We are pulled over. When
14 I'm driving up the I-95 corridor through Connecticut
15 and you see the sign flashing that the coop is open,
16 you're going in. You're going across the scale.

17 We're scaled before we leave the terminal.
18 We have nothing to hide. Our hours of services are
19 updated everyday. Hazmat, our program for hazardous
20 materials, drivers are updated on that.

21 We have no fear of pulling into a weigh
22 station or anything, you know, and should that
23 officer deem the -- for us to pull over and do an
24 inspection, we welcome it.

25 CHAIRMAN GEIST: Thank you. You've done a

1 wonderful job.

2 MR. DUDZINSKI: Thank you.

3 CHAIRMAN GEIST: Roadway should be proud of
4 you.

5 REPRESENTATIVE MARISCO: Representative
6 Scavello?

7 REPRESENTATIVE SCAVELLO: Paul, thank you
8 for coming in today. I also want to publicly thank
9 your company for the much help you gave with
10 Representative Lewis and I with Safe 80. Tom does
11 outstanding.

12 You can see by your record that the record
13 your company has for safety, that is something that
14 we would love to see other companies mirror.

15 Again, thank you for coming down here and
16 getting involved in the work in the program.

17 MR. DUDZINSKI: Thank you.

18 REPRESENTATIVE MARISCO: Representative
19 Gabig?

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

22 I probably shouldn't ask this question, but
23 I can't help myself. Are you one of the 1 million or
24 2 million or 3 million safe mile drivers?

25 MR. DUDZINSKI: Not yet, but --

1 REPRESENTATIVE GABIG: On your way?

2 MR. DUDZINSKI: From what I understand, I'm
3 real close.

4 REPRESENTATIVE GABIG: The issue that you
5 brought up on your eligibility requirements form, No.
6 5, the English language proficiency, you have a goal
7 that is stated.

8 Do you have any idea how they implement
9 this? Do they have a test or how is that
10 administered?

11 MR. DUDZINSKI: That I don't have an answer
12 for. I could talk to our human resources and get an
13 answer for you.

14 REPRESENTATIVE GABIG: We're obviously
15 interested in that, this Committee and others are
16 interested in that issue. So whatever Roadway is
17 doing in that regard, I think is something we should
18 take a look at and see how that might help us resolve
19 that issue.

20 REPRESENTATIVE MARISCO: Any other
21 questions?

22 REPRESENTATIVE LEWIS: Thank you,
23 Representative Marsico; and Paul, thanks. Again,
24 with Representative Scavello, I want to join in
25 thanking Roadway for their help on the Safe 80 Task

1 Force. The mobile truck has been great, the demos
2 you provided. I know at Shawnee, you've always come
3 down for the big events and West End Fair. We
4 appreciate that.

5 Anything you wanted to tell the Committee
6 that we should be looking at that you in your
7 personal opinion could help truck safety in
8 Pennsylvania?

9 MR. DUDZINSKI: I would just consider more
10 visibility of enforcement officers on the highway.
11 That would be a deterrent. I also think it would be
12 a great help. With more visibility, less things
13 happen.

14 REPRESENTATIVE LEWIS: Great.

15 REPRESENTATIVE MARISCO: Thank you very
16 much. We appreciate your time and your suggestions.
17 Again, I want to also congratulate and thank Roadway
18 for the hard work that you do on the Capital Beltway
19 as well in Harrisburg and as your counterparts down
20 in Harrisburg. You've done a tremendous job. We
21 certainly appreciate all of the help Roadway does in
22 safety awareness with the general public. So thank
23 you very much.

24 MR. DUDZINSKI: Thank you.

25 REPRESENTATIVE MARISCO: I believe this

1 concludes the hearing.

2 Did you want to make remarks, closing
3 remarks, Mr. Chairman?

4 CHAIRMAN GEIST: Yes, I do. I want to
5 thank Kelly and Mario for being wonderful hosts. I'm
6 sure they're going to buy us a wonderful lunch when
7 we conclude here. I'm looking forward to that.

8 If anyone else is looking to follow the
9 trail of legislation that will be coming out of this
10 Committee, you can do that by logging onto the house
11 website or call Eric in my office or call Paul.
12 It's better to call Paul because he loves to get lots
13 of calls.

14 We'll try to keep you well informed, and
15 thanks to everybody for coming here today. This is a
16 big topic. We're going to try and fix it. Thank you
17 very much.

18 (The hearing concluded at 11:52 a.m.)

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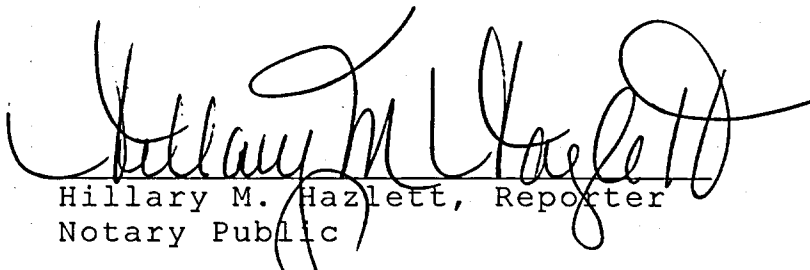
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.


Hillary M. Hazlett, Reporter
Notary Public

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