

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
TRANSPORTATION COMMITTEE HEARING

IRVIS OFFICE BUILDING
ROOM G50
HARRISBURG, PENNSYLVANIA

THURSDAY, APRIL 10, 2008
9:30 A.M.

BEFORE :

HONORABLE JOSEPH MARKOSEK, MAJORITY CHAIRMAN
HONORABLE RICHARD GEIST, MINORITY CHAIRMAN
HONORABLE MICHAEL GERBER
HONORABLE MARK LONGIETTI
HONORABLE JOHN SABATINA
HONORABLE JOHN EVANS
HONORABLE DICK HESS
HONORABLE DAVID HICKERNELL
HONORABLE MARK KELLER
HONORABLE RON MILLER
HONORABLE JEFFREY PYLE
HONORABLE DAN MOUL

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ALSO PRESENT:

STACIA A. RITTER, ESQUIRE, MAJORITY EXECUTIVE DIRECTOR
ERIC BUGAILE, MINORITY EXECUTIVE DIRECTOR
AMANDA WOLFE, LEGISLATIVE ASSISTANT

TRACY L. MARKLE,
COURT REPORTER/NOTARY PUBLIC

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2 CHAIRMAN MARKOSEK: Okay. Good morning.
3 The Transportation Committee Hearing will now come into
4 session, and we have a member of the House who is not on
5 the Committee but is very interested in this Bill and in
6 large part affects his district.

7 So to start the meeting, I would ask that we
8 all stand for the pledge of allegiance and have
9 Representative Gabig lead us.

10 (Pledge of Allegiance.)

11 CHAIRMAN MARKOSEK: Okay. Thank you. We
12 also have joining Representative Gabig at the front
13 table here, Lesley Crozier, who is the staff person for
14 Senator Pat Browne who is the prime sponsor of Senate
15 Bill 295. Representative Gabig also has a similar bill
16 in the House. And I would ask at this time for brief
17 remarks first from Representative Gabig and then from
18 Miss Crozier.

19 Thank you. Representative Gabig, you may
20 proceed.

21 REPRESENTATIVE GABIG: Good morning,
22 Mr. Chairman and Committee. I'm pleased that the
23 Committee is taking up this Bill SB 295, and I would
24 like to thank personally Chairman Markosek and Chairman
25 Geist and their staff for the courtesy of inviting me

1 here to testify here today and for recognizing the
2 serious issue and moving forward with the hearing.

3 Excessive truck idling is an issue I have
4 been involved with for quite some time. I've introduced
5 legislation, as the Chairman just mentioned, in last
6 session and reintroduced it this session. Senator
7 Browne, great minds think alike, introduced a bill I
8 think a month before I did over on the Senate side and
9 it has moved over here for consideration this term.

10 Reports have shown that excessive idling is
11 detrimental to -- when I say great minds think alike, to
12 half-whits equal a whole-wit, too, so, I mean, you get
13 your choice here. Reports have shown that excessive
14 idling is detrimental to air quality in Pennsylvania and
15 represents a serious threat to the health and well-being
16 of citizens, especially residents of my district who
17 live in one of the Nation's largest trucking hubs.

18 My own district in Carlisle exits from
19 Interstate 81 and the Pennsylvania Turnpike are less
20 than one mile apart. The road connecting these two
21 highways, US Route 11, has been nicknamed the Miracle
22 Mile. The old joke was that getting through it required
23 a miracle, and the new joke would be you get a ticket
24 going through there at Middlesex.

25 PennDOT estimates that 6,000 to 7,000

1 trucks travel that section of road each day. Eighty
2 percent of America's population is within a two-day
3 drive of Carlisle. It has been estimated that
4 approximately 3,000 long-haul truck loads start their
5 journey each day in Cumberland County and another 3,000
6 end their trip there. Approximately 60,000 commercial
7 loads pass through each day.

8 The truck traffic through Carlisle and
9 Cumberland County carries goods accounting for about
10 one-twelfth of the Nation's \$12.5 trillion gross
11 domestic product, so this gives you a brief snapshot of
12 the relationship of the trucking industry in the
13 Carlisle community.

14 The Pennsylvania Department of Environmental
15 Protection studies have concluded that Cumberland County
16 experiences the highest number of long-duration idling
17 hours in the Commonwealth. Drivers frequently allow
18 their vehicles to idle in order to operate air
19 conditioners or heaters to operate on-board auxiliary
20 such as televisions or microwaves or to maintain engine
21 warmth during cold weather and for other reasons.

22 Mr. Chairman, more than 1.2 billion gallons
23 of diesel fuel are consumed annually due to idling,
24 assuming a fuel cost of \$4 per gallon, which by today's
25 standards is even low. The cost to the trucking

1 industry for this fuel consumption is \$4.8 billion
2 dollars annually. Moreover, as a result of this idling,
3 11 million tons of carbon dioxide, 200,000 tons of
4 nitrogen oxide and 5,000 tons of particulate matter
5 enter the air each year.

6 The United States Environmental Protection
7 Agency has classified the Carlisle/Harrisburg region as
8 a non-attainment region with respect to the Federal Air
9 Quality Standards. Specifically, our area was ranked
10 the 14th worst region in the Nation for fine particulate
11 air pollution. Moreover, the American Lung Association
12 has ranked the Carlisle/Harrisburg region and nine other
13 metropolitan areas in Pennsylvania among the 40 worst
14 areas in the Nation for air quality.

15 Mr. Chairman, I, like Senator Browne,
16 introduced legislation last session and again this one
17 to deal with this issue by restricting commercial
18 vehicles from idling for an extended period in a
19 location where commercial vehicles load, unload or park.
20 Both House and Senate legislation would prohibit drivers
21 of commercial vehicles from allowing their vehicle to
22 idle for more than five minutes in any 60-minute period.
23 Additionally, both proposed bills establish idling
24 restrictions for commercial vehicles when the outside
25 temperature is less than 40 degrees Fahrenheit, and I

1 think mine is 80 degrees Fahrenheit, and Senator
2 Browne's is 75 degrees Fahrenheit but, you know, a range
3 of temperatures. Moreover, I have twice introduced --
4 on a separate matter -- this is obviously a serious
5 issue for the Commonwealth and my district and this is
6 an important piece of legislation which I think you're
7 going to hear from others will be helpful. It's not
8 going to do the whole thing. And I'll just mention that
9 I've introduced legislation to have a tax credit to put
10 converters on pre-2007 vehicles so that they can get up
11 to 2007 standards. That's in the Finance Committee, so
12 I won't burden you with testimony on that.

13 I firmly believe the provisions of the Bill
14 before you are a win win for Pennsylvania. This
15 legislation serves the dual purpose of protecting our
16 environment and supporting the economic health of an
17 industry that is of paramount importance to the
18 Commonwealth of Pennsylvania; and for that reason, I
19 strongly support the approval of Senator Browne's SB
20 295.

21 Thank you, Mr. Chairman.

22 CHAIRMAN MARKOSEK: Thank you,
23 Representative. Miss Crozier, if you'd like to make
24 some comments representing Senator Pat Browne here this
25 morning.

1 MS. CROZIER: Thank you. Good morning,
2 Chairman Markosek, Chairman Geist, members of the House
3 Transportation Committee. Thank you for giving me the
4 opportunity to speak for a few moments on behalf of
5 Senator Browne.

6 As you know, the Commonwealth does not have
7 regulations regarding diesel emissions and idling times.
8 However, there are pending regulations by the Department
9 of Environmental Protection right now. Several months
10 ago, Senator Browne was contacted by a group of
11 individuals in his district that live directly across
12 the street from a truck stop. These residents have to
13 deal with idling of trucks and the air pollution
14 associated with these trucks on a regular basis.

15 Since that time, our office has worked in
16 conjunction with the School Bus Association, Motor
17 Trucks Association, Motor Coach Association, the
18 Department of Environmental Protection and others to
19 craft this legislation.

20 Senate Bill 295 creates the Diesel-Powered
21 Commercial Motor Vehicle Idling Act. This legislation
22 would prohibit an operator of a commercial motor vehicle
23 from allowing a diesel engine to idle more than 5
24 minutes in a 60-minute period. This new law would not
25 apply to a diesel-powered commercial motor vehicle that

1 has a model year 2007 or newer and has the California
2 Air Resources Board or CARB label which shows that the
3 engine meets the optional NOx Idling Emissions
4 Standards. Violations of this act are considered a
5 summary offense and carry a fine payable to the Clean
6 Air Fund through DEP ranging from 50 to \$150.

7 The legislation also preempts local
8 ordinances relating to idling. A local ordinance or
9 rule that has been adopted by a county of the first or
10 second class shall remain in effect if it was in effect
11 prior to January 1, 2007 and is more restrictive than
12 this Act. The Act also outlines certain exemptions to
13 the 5-minute idling restrictions; for example, a vehicle
14 may idle if a primary propulsion engine is necessary to
15 power work-related, mechanical, safety or electrical
16 operations other than propulsion. A passenger bus may
17 idle to provide heating or air conditioning when
18 passengers are on board for no more than 15 minutes in a
19 60-minute period. If the temperature is less than 40
20 degrees or greater than 75 degrees, a vehicle with a
21 sleeper berth may idle in a legally permitted area to
22 park, such as a fleet truck terminal, commercial truck
23 stop or designated rest stop. This exemption, however,
24 will expire May 1st, 2010 and is not applicable if the
25 vehicle is parked at a location with a stationary idle

1 reduction technology.

2 In closing, Senator Browne feels that it's
3 time that the Commonwealth enact legislation to regulate
4 these vehicles so residents are not exposed to the
5 harmful air pollution and noise from these idling trucks
6 as well as reap the benefits of saving fossil fuels and
7 making Pennsylvania less energy dependent.

8 Thank you

9 CHAIRMAN MARKOSEK: Okay. Thank you very
10 much. We appreciate both of you, and you're certainly
11 welcome to stay. Is there a question? Is there a
12 question?

13 REPRESENTATIVE PYLE: Yeah.

14 CHAIRMAN MARKOSEK: Representative Pyle.

15 REPRESENTATIVE PYLE: Thank you. You
16 identified areas in which trucks are going to be allowed
17 to idle overnight given the certain weather conditions,
18 but I didn't hear you mention private property, a truck
19 yard --

20 MS. CROZIER: That's not specifically
21 outlined.

22 REPRESENTATIVE PYLE: So, I guess, like
23 Roadway, or in my area Perfetti, that have considerable
24 truck terminals, will they be allowed to leave their
25 trucks idle overnight?

1 REPRESENTATIVE GABIG: If I could make a
2 brief comment. You're going to hear from members of the
3 industry here, and most of those companies you will find
4 they like this approach to the bill. They don't want
5 idling. It costs them a lot of money to idle, so they
6 don't want their trucks idling. They have places where
7 they have provided for their drivers to go sleep
8 overnight, showers, sort of a barracks type situation or
9 a dormitory, I guess, situation; so the industry
10 understands the cost of doing business of excessive
11 idling. Excessive idling is what this is addressed to.
12 So you'll hear, Representative Pyle, from those
13 companies that I think are going to be supportive of
14 this Bill.

15 One of the issues that I didn't mention, the
16 industry wants some uniformity in this. The way this
17 came to me, they wanted me to support a local ordinance,
18 because there's one in Philly and there's one in
19 Allegheny County. And I said if we start 2600 different
20 ordinances regarding this, that my become too burdensome
21 for the industry and so we're looking for a statewide
22 standard so as the trucks are traveling through the
23 Commonwealth they know what they need to comply with.
24 But you'll hear from other testifiers to more
25 specifically answer your question, Mr. Pyle.

1 REPRESENTATIVE PYLE: Thank you.

2 CHAIRMAN MARKOSEK: Representative Miller.

3 REPRESENTATIVE MILLER: Representative, I
4 just heard what you said about trying to have,
5 basically, preemption for the whole State, we have one
6 rule. But your testimony was that we would allow those
7 that are stricter to continue to maintain stricter?

8 MS. CROZIER: Only if they're more strict
9 than the legislation. If there's a local ordinance and
10 it is less restrictive, that does not apply; so there
11 can be some variation.

12 REPRESENTATIVE MILLER: But under the
13 Senator's Bill, we could have a hundred different
14 regulations across the State?

15 MS. CROZIER: It would have to be in effect
16 by January 1st, 2007. If it wasn't in effect by January
17 1st, 2007, they can't create one now.

18 REPRESENTATIVE MILLER: And there are how
19 many now?

20 MS. CROZIER: I believe there's two, one in
21 Allegheny County and one in Philadelphia.

22 REPRESENTATIVE GABIG: The preemption
23 section is Section 8. I was just looking at that before
24 we started on the Senator's Bill, and it sort of
25 grandfathers in, if you will, Philadelphia and Allegheny

1 Counties. I think that's something the Committee should
2 look at, to be honest with you, to see. But in Section
3 8, it sort of grandfathers in those two counties.

4 MS. CROZIER: I believe there were some
5 concerns that if we -- they've already had their
6 ordinances in place, and if we took them out there would
7 be some issues with that, so that's why we grandfathered
8 them in.

9 REPRESENTATIVE MILLER: And are their
10 ordinances stricter than what is being proposed now?

11 MS. CROZIER: I'm not sure completely.

12 REPRESENTATIVE GABIG: There's someone, I
13 know, here from Allegheny County --

14 REPRESENTATIVE MILLER: Okay. Maybe we'll
15 hear that later.

16 REPRESENTATIVE GABIG: -- and I think
17 they're going to testify. I was asking that question,
18 too. It's a good question to compare and contrast the
19 two. But, basically, 2007 EPA put in new guidelines for
20 2007 engines and that's the idea, is to get up -- in
21 2010 they said you're going to be able to drink water
22 out of them at that time. But the older existing --
23 these diesel engines last a long, long time and that's
24 what we're trying to address.

25 REPRESENTATIVE MILLER: Okay. Thank you.

1 Thank you, Mr. Chairman.

2 CHAIRMAN MARKOSEK: Representative John
3 Sabatina.

4 REPRESENTATIVE SABATINA: Thank you, Mr.
5 Chairman. Just to be perfectly clear, are you saying
6 your Bill would not, I guess, affect Allegheny and
7 Philadelphia Counties? Is that what you're saying?

8 MS. CROZIER: To the extent, if their
9 ordinance is more restrictive than the --

10 REPRESENTATIVE SABATINA: But we don't know
11 at this point if it's more or less restrictive?

12 MS. CROZIER: I think there are some
13 components that probably are more restrictive. There
14 are possibly components of that that are not as
15 restrictive. If it's a lesser standard than the
16 legislation, they have to follow the legislation. If
17 it's a greater standard than the legislation, then
18 they're okay to enact that greater standard.

19 REPRESENTATIVE SABATINA: Okay. You
20 answered my question without really answering it, and
21 not through any fault of your own; but I still don't
22 know how it affects Philadelphia or Allegheny County.

23 MS. CROZIER: Right.

24 REPRESENTATIVE SABATINA: Okay. Thank you.

25 CHAIRMAN MARKOSEK: Okay. Thank you. I

1 think some of this information will be available here as
2 we move along, but I want to thank both Representative
3 Gabig and Ms. Crozier for your testimony this morning.
4 You're welcome to stay. Representative Gabig, you're
5 welcome to join us up here. We have another one of the
6 -- Representative Moul, a Transportation wannabe member.
7 We allow him the courtesy to sit up here with us, so
8 you're welcome to do that.

9 We also dispensed with a formal rule this
10 morning, because members are coming in and out and there
11 are no votes today. However, the staff is taking roll.
12 And I was also remiss in not allowing my colleague,
13 Representative Geist, to make opening remarks. So,
14 Representative, I apologize. And he suggested we just
15 roll along here.

16 The next person we have to testify is
17 Mr. Thomas Fidler, Deputy Secretary for Waste, Air and
18 Radiation Management, Pennsylvania Department of
19 Environmental Protection.

20 Mr. Fidler, welcome. You and I have not had
21 a chance to formally meet, so we'll meet in public here;
22 so my pleasure. And you may start your testimony at
23 your convenience.

24 MR. FIDLER: Thank you very much, Chairman
25 Markosek. It's a pleasure to be here. Chairman Geist.

1 Good morning, members of the Committee. It's a pleasure
2 to be with you today to comment on SB 295. My name is
3 Thomas Fidler. I am the Deputy Secretary in charge of
4 the Commonwealth's Air Quality, Waste Management and
5 Radiation Protection Programs and anti-idling
6 requirements are part of my area of concern.

7 Here today to speak with you and discuss SB
8 295, commonly known as the Diesel-Powered Commercial
9 Motor Vehicle Idling Act. First of all, I'd like to say
10 that DEP fully supports the concept of a statewide
11 program to restrict the idling of diesel-powered
12 vehicles; however, we do have some concerns with some
13 provisions within SB 295 and I'd like to outline those
14 for you today.

15 As you're aware, and I think has been
16 mentioned already, the Environmental Quality Board is
17 currently proposing a regulation under the Air Pollution
18 Control Act that would also restrict unnecessary idling
19 of diesel-powered vehicles and establish enforcement
20 mechanisms and fines and a structure to ensure proper
21 compliance.

22 SB 295 does similar things. It also
23 restricts unnecessary idling, does also establish a
24 framework for ensuring compliance; but there are some
25 very key differences that I'd like to point out. First

1 of all, we believe that the compliance responsibilities
2 that we specify and have developed within the proposed
3 rule now before the EQB has a farther reach than
4 specified within SB 295. We also believe that the
5 opportunity to assess civil penalties in some cases may
6 be in fact a very valuable tool in ensuring compliance
7 with anti-idling requirements that is currently not a
8 part of SB 295. And further, we believe that the fine
9 structure needs to be substantially increased really to
10 be compliant and consistent, I should say, with what
11 seems to be in place currently within local
12 jurisdictions already in the Commonwealth and
13 neighboring states.

14 What I'd like to do is just take a few
15 moments and talk about the health effects of diesel
16 emissions. Diesel emissions have been extensively
17 studied and found to have significant adverse health
18 effects on humans, particularly children and older
19 adults. Basically, diesel emissions are comprised of a
20 combination of very fine particulate matter and vapors
21 that are hazardous in nature. Some of the compounds
22 within diesel exhaust fumes have been found to have
23 carcinogenic effects upon humans. And the particulate
24 matter is particularly troubling. Basically, the
25 particulate matter in this material is so fine that upon

1 extensive magnification it simply appears as a speck on
2 a pin head. It's readily taken in by humans through the
3 nose, through the throat, and lodges in the lungs and
4 exhibits effects which damage the lungs and in many
5 cases lead to premature death. The particulate matter
6 has been found to, in fact, aggravate respiratory
7 illnesses like asthma and bronchitis, which are
8 particularly troubling also among our younger
9 population, older population; and the EPA has clearly
10 identified that the constituents within diesel exhaust
11 fumes do, in fact, cause cancer.

12 I'd like to also state that diesel exhaust
13 contributes to formation of ground level ozone and
14 particulate pollution within the Commonwealth. This is
15 particularly important at a time when the Commonwealth
16 is significantly challenged in meeting the National
17 Ambient Air Quality Standards for both particulate
18 matter and ozone. I'd like to share with you that this
19 past year the Agency submitted a number of packages or
20 various areas of the Commonwealth that were in
21 nonattainment or either ground-level ozone or ozone or
22 fine particulate air pollution to EPA for consideration
23 as areas now of attainment.

24 This past ozone season was not very kind,
25 unfortunately, to the Commonwealth. This would be the

1 Summer of 2007. And where, in fact, some of our
2 monitors and particular monitors in the southeast and
3 southwest parts of the State were monitoring attainment
4 with the ozone standard and the particulate standard in
5 2007, we saw exceedances.

6 As a result of those exceedances, EPA has
7 asked us to demonstrate additional emission reductions
8 within the 5-county area of southeast Pennsylvania,
9 including Philadelphia, before they will move forward to
10 approve any change in status to attainment in that area
11 and, in fact, have asked us to modify our plan for the
12 Pittsburgh, Beaver Valley area so that they can take a
13 look at a new and different strategy for us to ensure
14 continued compliance with the standards within that area
15 of the State in a plan that, in fact, would show
16 attainment by 2010.

17 All of that being said, EPA took steps
18 within the last year to year and a half to further
19 ratchet down the standards for both ozone and fine
20 particulate matter. What that means to us as a
21 Commonwealth and to our Agency is that we will be in a
22 process of again through the data that's been collected
23 through our network of monitoring stations, coming up
24 with a new designation of areas that are in
25 nonattainment with a new, more protective restrictive

1 standards that EPA's suggesting.

2 In addition to that, we've got ongoing
3 concerns that are more physical in nature and not
4 necessarily human health effects with respect to
5 emissions from diesel engines, and those effects are
6 visibility concerns, regional haze effects, and the
7 deposition of contaminants that, in fact, may be
8 contained in diesel exhaust emissions for our water
9 bodies; and, of course, the water body of greatest
10 attention and greatest concern most recently is the
11 Chesapeake Bay. Clearly we're challenged in meeting our
12 obligations within waterways that feed the Bay and the
13 Bay itself and wherever we can reduce deposition to
14 those water bodies, it's certainly to our advantage.

15 Because of all of these challenges in trying
16 to reach the point of attainment with National Ambient
17 Air Quality Standards within all areas of the
18 Commonwealth, we are looking at any possible reduction
19 that can be achieved, whether it's from stationary
20 sources and mobile sources; and we believe this is
21 fairly low-hanging fruit for us to latch on to and
22 basically contribute to our ability to meet attainment
23 in areas of the State.

24 Outside of all of the environmental issues
25 and concerns related to diesel exhaust or diesel

1 emissions, Representative Gabig mentioned that there's
2 an economic and energy related component to this as
3 well, and there's no question that that's true and
4 that's the case. Many of the studies indicate that
5 there's approximately a gallon of diesel fuel consumed
6 for every hour a diesel engine idles. In many cases,
7 there's required 10-hour breaks, which many of you are
8 familiar with, for the trucking community. If, in fact,
9 with the cost of diesel fuel being \$4 a gallon, if the
10 truck is idled because of weather conditions for 10
11 hours, we're looking at \$40 for one truck in a day or in
12 a rest period. We could, in fact, be looking at \$10,000
13 or more for a single truck to operate according to the
14 standard or conventional operating practices in an
15 idling to establish or to maintain climate control
16 within sleeper berths within long-haul truck cabs. So
17 there's no question that if, in fact, there's greater
18 controls on idling and alternatives provided for driver
19 safety and comfort, that there's going to be a
20 significant benefit to our overall energy independence
21 and, in fact, to reducing the amount of greenhouse gases
22 which lead to climate change.

23 I'd like to take a few moments and talk
24 about a rule-making process because I think that's of
25 interest with the number of groups we've been working

1 with and some of the comments that we've heard. We
2 began the process of rulemaking with the filing of a
3 petition for rulemaking before the EQB in October of
4 2006. In response to that petition and the EQB's action
5 for us to initiate rulemaking, we really consulted with
6 a number of sister agencies as well as our advisory
7 committees that advise us on policy issues and
8 regulatory issues. We work very closely with PennDOT,
9 with Pennsylvania State Police; we have consulted as
10 we've drafted regulatory language with our Advisory
11 Committees, not the least of which are the Air Quality
12 Technical Advisory Committee, the Citizen's Advisory
13 Committee and the Small Business Compliance Assistance
14 Committee, all of which advise the Department in various
15 areas of our programs.

16 We also, I heard a few comments being raised
17 as to what about Philadelphia, what about Pittsburgh,
18 what about Allegheny County? We have worked very
19 closely with Air Management Services in Philadelphia,
20 the local regulatory body in Philadelphia. We've worked
21 very closely with Allegheny County Health Department
22 which is the local regulatory body in Allegheny County.

23 In June of this year, the EQB actually
24 proposed the regulation of diesel idling to 5 minutes
25 for every 60-minute period, with some exceptions. That

1 proposal was followed by a 60-day comment period, which
2 is fairly normal for our process. During that period
3 which ended in mid-May, we received more than 500 public
4 comments on the proposed regulation.

5 The majority of those comments were in
6 support of the restriction of diesel engine idling. We
7 also received three petitions, one each from the Clean
8 Water Action Group, the Group Against Smog and
9 Pollution, and the Clean Air Board of Central
10 Pennsylvania. Each petition contained a number of
11 signatures, and all of the petitions obviously were in
12 support of restriction of truck engine idling.

13 The EQB also received a number of comments
14 requesting consideration of some additional exemptions.
15 We believe that safety-related issues need to be
16 carefully looked at and that will really be the litmus
17 test for us as we sit through the comments and consider
18 if, in fact, some additional changes need to be made to
19 the proposed rule that's currently under development.

20 I'd like to say that by the time our
21 regulatory process ends, which is projected to be in
22 2009, we will see on an annual basis about 3300 tons of
23 nitrogen oxide pollution, about 90 tons of volatile
24 organic compound pollution, and 60 tons of particulate
25 pollution in the Commonwealth basically attributable

1 just to truck engine idling.

2 We have proposed an exemption within the
3 proposed rulemaking before the EQB which also gets to
4 this issue of maintaining driver comfort as part of our
5 safety considerations for the industry. We are
6 indicating in our rule that, basically, when outside
7 temperatures drop to a certain level or increase above a
8 certain level, that idling can occur to maintain power
9 within the cab, to maintain climate control within the
10 cab; however, this exemption would expire May 1st, 2010.

11 It's anticipated that upon this exemption,
12 at that time, that about half of the overall gains in
13 reduction of emissions and reduction in air pollutants
14 will be achieved. That being said, we would be reducing
15 the amount of air pollution from this source by about
16 1600 tons of nitrogen oxide, about 45 tons of volatile
17 organic compounds and about 40 tons of particulate
18 matter.

19 Now what I'd like to do is focus on what we
20 believe are important changes that are required to SB
21 295. I'd like to refer back to my comment that there
22 needs to be broader compliance responsibilities within
23 SB 295. In the rule before the EQB, it's been decided,
24 and I think rightly so, that compliance is a shared
25 responsibility between operators and owners of

1 properties where, in fact, trucks park, trucks load,
2 unload, and are supplied. Many times, there's little
3 consideration given to the number of supply points at a
4 warehouse. There's little thought given to the
5 logistical requirements in scheduling or loading,
6 unloading. It's very difficult for us to rationalize
7 holding operators completely accountable for reductions
8 in idling when, in fact, the layout, the logistics, the
9 planning, the scheduling provided by the operators and
10 owners of warehouse complexes, rest areas and so forth
11 are not partially held accountable as well.

12 I'd also like to mention that we believe
13 that civil penalties, basically summary offenses, are
14 identified as the enforcement structure within SB 295.
15 We believe civil penalties also have a place within the
16 overall compliance structure within SB 295. That is the
17 mechanism that is suggested within the rulemaking that
18 is moving forward under the EQB auspices, and we believe
19 it's critically important particularly in ensuring
20 compliance by owners of properties where in fact trucks
21 idle.

22 I'd like to talk a little bit about the
23 summary offenses within SB 295. Basically, the summary
24 offenses specified in SB 295 range from \$50 to \$150. We
25 do not believe that that structure is consistent with

1 what's in place within our local jurisdictions currently
2 or within laboring states. For instance, Philadelphia,
3 the local code in Philadelphia and Philadelphia County
4 is basically \$300 per offense. In Allegheny County, the
5 first offense is met with a warning, the second offense
6 a hundred dollars, subsequent offenses could be as high
7 as \$500. In Maryland, fines for offenses range as high
8 as \$500. In Delaware, offenses range from 50 to \$500.
9 So you can easily see that scheduling and planning for
10 travel may still target Pennsylvania as a potential
11 point if, in fact, the fines for violations are more
12 relaxed and less stringent than all the states around
13 us.

14 I would also like to indicate that SB 295
15 indicates that the idling requirements apply only to the
16 vehicles engaged in a commercial activity. We believe
17 that that's somewhat limiting and, in fact, truck
18 tractors that are not pulling a trailer or engaged in
19 commercial activity would not necessarily need to
20 comply; so we believe that's something that requires
21 some additional attention.

22 I would like to recognize that both SB 295,
23 as well as our rulemaking, include provisions, as was
24 stated earlier, that would allow trucks, truck engines
25 model 2007 and newer that are CARB certified or

1 certified to basically include clean NOx idle engines
2 that meet standards to idle without restriction.
3 SB 295, like the proposed idling regulation, would
4 require any auxiliary powering system, a small unit
5 that's basically installed to maintain climate control
6 and to operate electronic devices within the cab of the
7 truck, must operate as cleanly as the main propulsion
8 engine within the truck.

9 The Engine Manufacturers Association has
10 indicated that we may want to take a closer look for
11 proper procedure and proper consistency with the Clean
12 Air Act, and we are going to do that and possibly make
13 some modifications to the language within our rule. I
14 would also suggest that SB 295 be modified in the same
15 way.

16 That basically concludes my testimony. I'd
17 like to say that more than 44 states and local
18 jurisdictions across the country currently have idling
19 restrictions in place. I do agree that a patchwork of
20 these types of requirements is very, very difficult for
21 ensured compliance by operators. There's a significant
22 turnover by truck operators every year. If, in fact,
23 there's a different requirement in place in various
24 counties or even local jurisdictions within the
25 Commonwealth, it's very difficult to ensure compliance;

1 so a statewide rule is very important to this overall
2 process. There are no efforts being undertaken at the
3 national level to ensure a national program is in place
4 that would be completely consistent across the country,
5 so it's very important that we take the initiative here
6 in the Commonwealth.

7 I would like to thank you very much for the
8 opportunity to comment and provide testimony to you
9 today, and we stand ready to work with you and your
10 staff if, in fact, you consider these amendments for
11 their consideration.

12 Thank you very much.

13 CHAIRMAN MARKOSEK: Secretary Fidler, thank
14 you very much. I know Chairman Geist has a question.

15 CHAIRMAN GEIST: Yeah. Thank you very much.
16 I have a couple questions on your statement. First of
17 all, the Administration over the past six years has
18 issued highway occupancy permits for how many million
19 square feet of warehousing in Pennsylvania?

20 MR. FIDLER: I don't have an answer to that
21 question.

22 CHAIRMAN GEIST: A lot, correct?

23 MR. FIDLER: I don't have an answer to that
24 question.

25 CHAIRMAN GEIST: Well, there's been a lot of

1 cardboard checks handed out and a lot of other things
2 for economic development in warehousing development
3 throughout Pennsylvania. And your comments about the
4 design and approval of facilities to meet these
5 standards, I happen to agree with. And the other thing
6 that I happen to agree with is that all these large
7 warehouses should have dual modalities when it comes to
8 transportation and they all should have rail access.
9 And in the Cumberland Valley this whole way down 81,
10 very, very few, if any, large warehouses have rail
11 access. We were just down in York County to see a large
12 facility that they bring huge amounts of foodstuffs into
13 the City of York and transport it by truck to another
14 great big warehouse and there's no provision, you know,
15 to get rail into there. I can't remember the number of
16 trips per month, but it was over 10,000; and that's a
17 lot of diesel emissions in the City of York that could
18 be well taken care of if you had rail access,
19 dual-modality access, you could have truck to train,
20 train to truck and much much cleaner air.

21 And it surprises me that you testify that
22 way at the same time that the Administration has issued
23 highway permit after highway permit, occupancy permit,
24 Department of Revenue or excuse me -- DCED has put out
25 all kind of projects all over the State in warehousing

1 and distribution with no requirements like this, I mean,
2 none.

3 MR. FIDLER: I'm not really sure whether
4 there are requirements like that in any of the projects
5 that you're familiar with. And I will just say that the
6 service industry is very strong in Pennsylvania, no
7 question about that. The concept of dual modality, I
8 think, is an excellent concept.

9 CHAIRMAN GEIST: And the other thing that I
10 wanted to say is comments about idling. And I like this
11 Bill, and I'm going to help get it passed, if I can.
12 But I have a huge concern with congestion mitigation in
13 the tons of diesel that is spewed in 6, 7-hour traffic
14 jams. We've got a real problem. We've got a capacity
15 problem in 81 and 78 and 83 and other roads, and I think
16 that we really have to have a uniform meeting of the
17 minds when it comes to making sure that we get a better
18 traffic flow in Pennsylvania. We've got problems all
19 over the place, and this is a good start.
20 And one final comment. When you talk about rules and
21 regulations that are made by the EQB, they're the same
22 and have the same impact as laws written by the General
23 Assembly.

24 MR. FIDLER: Uh-huh.

25 CHAIRMAN GEIST: And the only time in the

1 history that I've been in the General Assembly in thirty
2 years that we've given up our sovereignty to any other
3 state was the rulemaking that gave CARB the ability to
4 make rules and regulations for the State of Pennsylvania
5 by bypassing the General Assembly, and I would hope that
6 we always have elected government involved in making
7 decisions for the people of Pennsylvania and not a board
8 appointed by the Governor of California which gives
9 jurisdiction over the State of Pennsylvania.

10 Whether you agree that that's the right way
11 or not to go, I really believe in state's sovereignty
12 and the ability of us in Pennsylvania to solve our own
13 problems. So when you talk about rulemaking and CARB
14 and those kind of things, it's just still a sore point
15 with me. Thank you.

16 MR. FIDLER: Could I respond to two points?

17 CHAIRMAN MARKOSEK: Sure.

18 MR. FIDLER: Thank you very much for those
19 comments. I'd like to say with respect to congestion
20 mitigation and cement dollars coming into the
21 Commonwealth from the Federal Highway Administration, I
22 personally made a presentation at the annual meeting of
23 all the regional planning staff in charge of
24 transportation planning at the local levels within the
25 Commonwealth to encourage greater use of congestion

1 mitigation dollars and greater thought given to
2 congestion mitigation projects to further streamline
3 traffic patterns within the Commonwealth. We're turning
4 back to the Federal Highway Administration through
5 rescissions, millions of dollars, I'm sure you're all
6 aware of that, millions of dollars and really partly
7 because we just have not given thought to projects that
8 really would help solve some of the congestion problems.
9 Secondly, the clean vehicle issue did go before a
10 Committee in the General Assembly as part of the
11 promulgation process. We did meet with the
12 Transportation Committee as part of that process as
13 well. And, basically, when the EQB finally promulgated
14 that rule, there was a provision incorporated that
15 indicated that if there's any change initiated by CARB
16 in the future that, in fact, those changes be shared
17 with the EQB and fully explained as to implications
18 before, you know, just simply moving forward and
19 adopting those requirements; so I understand your
20 comment and concern.

21 CHAIRMAN GEIST: What I'd like to see is the
22 Governor of Pennsylvania get at least one appointment on
23 that board.

24 CHAIRMAN MARKOSEK: Representative Mark
25 Longietti from Mercy County.

1 REPRESENTATIVE LONGIETTI: Thank you, Mr.
2 Chairman, and thank you for your testimony. I don't
3 want to take too much time. But could you explain a
4 little bit more in detail, you mentioned some changes
5 that DEP would like to see in the Bill, and one of those
6 was broader compliance features and if I heard you
7 correctly, that you wanted a little more coverage
8 regarding owners and operators of facilities of
9 property. Could you explain that in a little more in
10 detail?

11 MR. FIDLER: Yes. Sure. Certainly. SB 295
12 currently holds truck operators solely responsible. And
13 I might say, other State laws also hold operators
14 responsible. There's a few states, however, that have
15 taken the initiative to hold owners of warehousing
16 complexes, truck stops, that sort of thing, responsible
17 as well.

18 We believe, at a minimum, those location
19 owners should at the very least sign their properties to
20 indicate that excessive engine idling is illegal.
21 Further, as I said, in the testimony, I believe through
22 proper planning, the proper scheduling, the proper
23 recognition that there may be cueing or waiting issues
24 at their facility that should be factored into the
25 overall compliance process for this program; so I think

1 it's important that owners also are part of the
2 equation.

3 REPRESENTATIVE LONGIETTI: And I didn't know
4 if you were able to comment -- one thing that went
5 through my mind when I looked at the exception regarding
6 rest periods. Temperatures aren't static, we know that;
7 you know, sometimes it's 40 degrees and then it drops
8 down to 35 degrees or goes to 50 degrees. How is one to
9 comply in that situation? I'm sleeping in my berth, I'm
10 at the required temperature, now the temperature rises.
11 Is there any thought put into that on how do I comply in
12 the middle of my rest stop?

13 MR. FIDLER: Just logic and common sense is
14 going to prevail when, in fact, the enforcement process
15 is applied, I would hope. Clearly, temperature is
16 variable, particularly during seasonal changes of the
17 year and all we'd really like to see is really when it's
18 unnecessary for idling to be occurring, that it not
19 occur.

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

22 CHAIRMAN MARKOSEK: Thank you.
23 Representative Mark Keller from Perry County.

24 REPRESENTATIVE KELLER: Thank you, Mr.
25 Chairman. I appreciate that very much. Thank you very

1 much for your testimony. I have a few problems with the
2 amendments that you are asking to be put in here. One
3 of the things that you speak about is changing the
4 wording as being used commercially and just taking that
5 totally out of there. Coming from an agricultural
6 community, agriculture is a key component of the
7 community of the district that I represent. If we do
8 broad breadth based on this, you know, we're affecting
9 them and I don't think that's one of the problems that
10 we're trying to get after. So I would caution the fact
11 that the Committee would look at that amendment, not
12 saying that that amendment could be tweaked to address
13 the concerns of DEP, but I think you're too broad based
14 on that particular issue.

15 The other issue that I have is the policing
16 power by DEP. I have a real reservation about that,
17 because of what I've seen in the past with the
18 Department. A lot of times I question, you know, how
19 they go about policing and enforcement; and I think that
20 that's something that we need to look at very seriously,
21 is who does have the authority and who does have the
22 power to enforce? And with that, on those particular
23 issues, let's take a truck stop. What are we going to
24 do, have somebody running around saying, you've been on
25 too long, you've been on too long? So there's a lot of

1 -- I support this Bill. I think we need to do this,
2 it's not that. But, you know, I think we need to use
3 common sense a lot of times, too, and a lot of times we
4 forget about that when we're doing pieces of legislation
5 and, you know, I caution how we approach, you know, some
6 of the things that we're trying to accomplish here; so I
7 appreciate your testimony. I have a few problems with
8 some of the amendments that are put in there, and
9 hopefully we can move through them in a positive manner.

10 Thank you. Thank you, Mr. Chairman.

11 MR. FIDLER: Just very quickly. The
12 rulemaking process that is currently underway under the
13 EQB process, basically, does not include farm-related
14 diesel-powered equipment. Basically, it's all on-road
15 equipment that is covered by that rule; so clearly we're
16 sensitive to that issue and to that concern. Well, I'll
17 just leave it there.

18 REPRESENTATIVE KELLER: Well, if we're not
19 real specific, who knows what the judge will rule; so I
20 think we need to be specific. Thank you.

21 MR. FIDLER: I think your point is well
22 taken. With respect to civil penalties, I think it just
23 provides a full range of tools to ensure proper
24 compliance with the law. There are similar concerns
25 about local law-enforcement agencies, and in some cases

1 State Police, so I think it's just a matter of
2 exercising logic and common sense. I totally agree with
3 you.

4 CHAIRMAN MARKOSEK: Thank you.
5 Representative Jeff Pyle.

6 REPRESENTATIVE PYLE: Thank you, Mr.
7 Chairman. Thank you, Mr. Deputy Secretary. In all of
8 this discussion of diesel idling, all I've heard
9 mentioned is commercial trucks. Would these same said
10 regulations apply to school buses?

11 MR. FIDLER: Yes.

12 REPRESENTATIVE PYLE: School buses that
13 carry special-needs children that need to be heated
14 before they board?

15 MR. FIDLER: There are special provisions
16 that provide for preheating of those buses.

17 REPRESENTATIVE PYLE: Would it apply to
18 diesel locomotives?

19 MR. FIDLER: No.

20 REPRESENTATIVE PYLE: Why not?

21 MR. FIDLER: Basically, because it's
22 narrowed to the point of affecting only diesel-powered
23 motor vehicles, highway motor vehicles.

24 REPRESENTATIVE PYLE: I draw attention to
25 this because I live in Southwestern Pennsylvania outside

1 of Allegheny County in Armstrong County, which is
2 Northeast. We do not have diesel passenger trains; and
3 thus, we don't have the particulates emitted from said
4 diesel passenger trains as would two of the counties you
5 identified, Allegheny and the 5-county region around
6 Philadelphia. I would recommend that in this
7 rule-making process you've identified, that if you're
8 going to go for diesel emissions, you should go for all
9 diesel emissions, not just commercial trucks.

10 MR. FIDLER: I think you raise a concern
11 and, you know, with respect to Representative Geist's
12 comments about dual modality and the need for greater
13 rail transport capability within the Commonwealth, I
14 think it's going to become more and more of an issue. I
15 would, and I'm not minimizing the concern, but I really
16 think it's important for us to stay focused on the issue
17 here at hand and maybe take up the issue of rail
18 transport, rail idling, diesel emissions from rail
19 possibly as a separate issue.

20 REPRESENTATIVE PYLE: Excellent point, sir.
21 I'm sorry. I thought the main thrust of the legislation
22 and the identified DEP rules was to reduce particulate
23 emission.

24 MR. FIDLER: It is.

25 REPRESENTATIVE PYLE: We're trying to get

1 that tonnage reduction number up as high as we possibly
2 can, so I would think it only logical that diesel
3 engines being the size that they are, be included on
4 locomotives.

5 MR. FIDLER: Point well taken.

6 REPRESENTATIVE PYLE: Thank you, Mr.
7 Chairman.

8 CHAIRMAN MARKOSEK: Okay. Thank you,
9 Representative Pyle; very good questions. Secretary
10 Fidler, thank you very much. We appreciate your
11 testimony here today.

12 MR. FIDLER: Thank you.

13 CHAIRMAN MARKOSEK: And thank you for
14 coming. Our next panel will be Mr. Jim Runk, President
15 and CEO of the Pennsylvania Motor Truck Association.
16 And with him is Mr. Jesse Keen, Vice President and Owner
17 of Keen Transport Incorporated.

18 Gentlemen, thank you. And you may begin
19 when you are prepared.

20 MR. RUNK: Thank you, Mr. Chairman. Good
21 morning, Chairman Markosek and Chairman Geist. We
22 appreciate the opportunity to participate in this
23 hearing today.

24 My name is Jim Runk. I'm President of the
25 Pennsylvania Motor Truck Association located in Camp

1 Hill. PMTA is a statewide trucking association
2 representing approximately 2200 member companies from
3 for-hire to private carriers, dump truck operators to
4 engine and tractor manufacturers. PMTA was organized to
5 promote the common business interests of persons engaged
6 in motor transportation industry and is dedicated to
7 effectively representing the concerns of the trucking
8 industry to members, government and regulatory agencies
9 and the general public.

10 Mr. Chairman and Committee members, thank
11 you for providing us the opportunity to represent the
12 fourth largest industry in the Commonwealth and to
13 provide testimony on the Diesel-powered Commercial
14 Vehicle Idling Act.

15 During the past year, PMTA worked with a
16 number of organizations and individuals including the
17 Clean Air Board from Carlisle, the Pennsylvania Lung
18 Association, the School Bus Association, the Bus
19 Association, and Senators Pat Browne and Pat Vance along
20 with their staff members. They worked tirelessly to
21 expedite this legislation.

22 We also had a number of meetings with DEP
23 that produced a considerable amount of positive
24 suggestions and recommendations. We'd like to thank
25 each one of those individuals and organizations for

1 their extraordinary commitment to the dedication of this
2 very significant piece of legislation.

3 Finally, Mr. Chairman, PMTA is satisfied
4 with the concept of one statewide standard. This will
5 eliminate the need for drivers to become familiar with
6 local municipalities anti-idling regulations, many of
7 which would not be known to the driver, making it almost
8 impossible to comply.

9 PMTA fully supports SB 295 as it currently
10 stands and reserves the right to modify its comments and
11 amendments if amendments or language is changed. The
12 reference that I mentioned in my testimony, the most
13 downloaded piece of material from the American
14 Transportation Research Institute which is the
15 foundation arm of the American Trucking Association is
16 the compendium for idling regulations. This lists all
17 of the idling regulations throughout the United States,
18 so in order for a driver to comply with those rules he
19 or she has to download a whole copy of this information.
20 And I do have for the Committee the requirements for
21 Allegheny County and Philadelphia, if any of you would
22 like to hear what they are upon question and answer.

23 CHAIRMAN MARKOSEK: Okay. Thank you.

24 Mr. Keen. Brief remarks.

25 MR. KEEN: Good morning, Chairman Markosek

1 and Chairman Geist and Committee members. Thank you for
2 having me here. I'm Jesse Keen, Vice President and
3 Owner of Keen Transport with headquarters in Carlisle,
4 Pennsylvania and Cressler Trucking based in
5 Shippensburg, Pennsylvania.

6 As a father, a grandfather, owner of a
7 trucking company with over 500 trucks, 40
8 owner/operators, employer of 800-plus associates and
9 their families that live and work in the Cumberland
10 Valley of Pennsylvania, I support and strongly urge you
11 to pass Senate Bill 295 as written.

12 We need a statewide idling restriction law
13 for the State of Pennsylvania for the following
14 reasons: To reduce the amount of diesel particulate
15 matter in the air known as PM 2.5, to reduce the health
16 risks to the citizens of Pennsylvania so that we may
17 have one statewide law versus the potential patchwork of
18 various county and local laws, to stop wasting diesel
19 fuels through unnecessary idling, to save money; it's
20 big dollars going out those exhaust stacks, to protect
21 Pennsylvania from being the haven it currently is for
22 out-of-state truckers parking and idling in Pennsylvania
23 because they cannot in surrounding states of Delaware,
24 Maryland, New Jersey, New York, and Virginia.
25 Those states have laws to prevent diesel trucks from

1 idling.

2 Senate Bill 295 is a good Bill; because
3 until May 1st, 2010, it allows sleeper trucks to idle
4 during a driver DOT required rest period if the
5 temperature is less than 40 degrees cold weather and 75
6 degrees during hot weather. It allows truckers two
7 years to equip their existing trucks with cab heaters,
8 cooling units, APU's, which are alternative power
9 sources, or look at possibly purchasing a new 2008
10 CARB-compliant 50-state trucks.

11 It provides and allows idling of trucks in
12 traffic, safety situations, servicing, inspections, and
13 for emergency uses. It provides for allowing the truck
14 to run when being used for work-related propulsion.
15 Examples of this would be aerial bucket trucks, blowing
16 off loads of feed, dumping loads, cement mixers,
17 applications where the truck engine is required to run a
18 power takeoff.

19 I'm a trucker, and I support this proposed
20 legislation. It saves millions of gallons of diesel
21 fuel, saves millions of dollars, it's a step in the
22 right direction to protect the environment and health of
23 the citizens of Pennsylvania. It makes truckers become
24 part of the solution and not the problem. It's the
25 right thing to do.

1 Thank you for your time and interest in
2 Senate Bill 295.

3 CHAIRMAN MARKOSEK: Okay. Thank you.
4 Questions? You did such a great job.

5 MR. RUNK: It usually doesn't happen that
6 way.

7 MR. KEEN: Here's these regulations
8 (indicating), if anybody wants to look at them.

9 CHAIRMAN MARKOSEK: We've talked to both of
10 these gentlemen over staffs and whatnot, so thank you.
11 Thank you very much.

12 MR. RUNK: Thanks.

13 MR. KEEN: Thank you.

14 CHAIRMAN MARKOSEK: Yeah, we have -- the
15 information that Mr. Runk mentioned is in the members'
16 packets, so -- all right. Mr. Timothy French, Legal
17 Counsel of the Engine Manufacturers Association.

18 Mr. French, welcome.

19 MR. FRENCH: Thank you.

20 CHAIRMAN MARKOSEK: Thank you. And you may
21 begin when you're ready.

22 MR. FRENCH: Mr. Chairman, Committee
23 members, good morning; my name is Tim French. I'm
24 General Counsel for the Engine Manufacturers Association
25 in Chicago, Illinois. EMA is pleased to submit these

1 comments regarding the proposed legislation, Senate Bill
2 295, to adopt a statewide Diesel-powered Commercial
3 Motor Vehicle Anti-idling Act. Specifically, as you
4 know, Senate Bill 295 would establish an idling
5 restriction of 5 minutes in any 60-minute period for
6 diesel-powered commercial vehicles, subject to various
7 exemptions and exceptions and also establish emission
8 control requirements for auxiliary power systems or APS
9 units used in conjunction with commercial diesel
10 vehicles powered by 2007 model year or newer diesel
11 engines.

12 The requirements established under Senate
13 Bill 295 would take effect 60 days after their
14 enactment. EMA is the trade association that represents
15 the world's leading manufacturers in internal combustion
16 engines, including the diesel-fueled engines deployed in
17 heavy-duty on-highway commercial vehicles, as well as
18 the much smaller diesel-fueled nonroad engines utilized
19 in APS units. We also represent manufacturers of
20 locomotive engines as well; and EMA's members,
21 therefore, have a direct and significant interest in
22 this pending legislation.

23 As a general matter, EMA and its members
24 fully support efforts to eliminate unnecessary idling
25 emissions from heavy-duty on-highway diesel-fueled

1 vehicles. And to that end, EMA has worked with many
2 stakeholders, including EPA and the California Air
3 Resources Board to adopt and develop the EPA model rule
4 to govern idling emissions and also the initial draft of
5 CARB's anti-idling regulations. And in light of these
6 extensive efforts and collaborative efforts that have
7 gone into development of the model rule, in the initial
8 draft anyway of CARB's regulations, we encourage you to
9 look to those forms and be as consistent as you can.

10 Turning to the specifics of SB 295, there
11 are a few components of the legislation that we feel
12 should be addressed. First, the anti-idling exemption
13 that is provided for maintenance, servicing and repairs
14 should explicitly include regeneration or maintenance of
15 the exhaust emission control device. New diesel trucks
16 come with diesel particulate filters, and periodically
17 they need to be cleaned, the ash content removed.

18 In the future, some diesel vehicles will be
19 equipped with SCR, Selective Catalytic Production
20 Systems which have some ammonia injection into the
21 exhaust stream and there's some maintenance that needs
22 to be allowed for there as well. Second, we feel that
23 the temperature limitations on the sleeper berth
24 exemption should be eliminated. As we've heard, outside
25 temperatures can fluctuate a lot and you could be in the

1 zone, out of the zone, in the zone. And just as is the
2 case with the model rule that EPA adopted, we feel that
3 those limitations are probably more problematic than
4 beneficial in terms of enforcement.

5 Third, with respect to eliminating the
6 sleeper berth exemption in May of 2010, we feel that
7 there should not be any automatic extinction of that
8 exemption. 2007 model year, 2008, 2009 model year
9 heavy-duty trucks are equipped necessarily with diesel
10 particulate filters. They run on ultra low sulfur
11 diesel fuel. They are, in fact, zero emission vehicles
12 with respect to PM; and therefore, if you are going to
13 sunset the sleeper berth exemption, we feel it's better
14 to do it for vehicles of a model year prior to 2007
15 rather than to say it's eliminated as a certain date
16 that you picked, 2010.

17 We also feel that this legislation should
18 take effect more than 60 days after its enactment. We
19 are thinking maybe 180 days to allow proper outreach to
20 impact the stakeholders and to ensure a more orderly
21 implementation of the legislation and not unnecessarily
22 or unfairly citing violations for people that may not
23 have had proper notice.

24 And before I go on, let me say we again
25 endorse an anti-idling rule and the main components of

1 this legislation are well founded and well crafted.
2 However, with respect to the APS unit provisions, these
3 regulations would regulate APS units powered by a
4 diesel-powered internal combustion engine; and what
5 needs to be recognized here is that these smaller diesel
6 engines are a subset of what is referred to as non-road
7 engines. And under Section 209(e)(2) of the Federal
8 Clean Air Act, Pennsylvania is exclusively preempted
9 from enforcing any emission-related requirements for
10 non-road engines unless, first, the requirements as well
11 as their implementation and enforcement are identical to
12 CARB standards that have been specifically authorized by
13 US EPA pursuant to a preemption waiver request and also
14 that Pennsylvania provides at least two years between
15 the date it adopts the non-road regulations that are
16 identical to California's and the date you would propose
17 to enforce them.

18 Unfortunately, as drafted, SB 295's
19 emission-related requirements for APS units fail on each
20 of these grounds. They're not identical to CARB's APS
21 engine requirements, and those are contained in Title 13
22 of the California Code of Regulations at Section 2485
23 (c)(2) and (c)(3). A preemption waiver has not been
24 sought by CARB for its APS unit standards nor has it
25 obviously been granted by EPA as of yet and Senate Bill

1 295 does not provide a two-year lead time for the APS
2 unit requirements. Instead, as we talked, it's a 60-day
3 lead time. And so, regrettably, those provisions need
4 to be fundamentally amended if they're going to be
5 consistent with Federal law.

6 That said, and again, I do want to stress
7 that we are endorsing the principle operator based
8 components of this legislation. We very much appreciate
9 the opportunity to be here today, and I'd be happy to
10 try to answer any questions that you may have at this
11 time.

12 CHAIRMAN MARKOSEK: Okay. Any members have
13 any questions? Representative Mark Longietti.

14 REPRESENTATIVE LONGIETTI: Thank you, Mr.
15 Chairman. Thank you for your testimony. Just want to
16 make sure I understand the recommendations you mentioned
17 about eliminating the temperature requirements. So your
18 recommendation would be, as an exemption or as an
19 exception, that if I'm an operator and I'm sleeping
20 during a rest period, it shouldn't matter what the
21 outside temperature is for that exception?

22 MR. FRENCH: That's correct. In part, we
23 feel that that's just a notice already. The price of
24 fuel today already provides an incentive against
25 unnecessary idling in a sleeping berth station.

1 REPRESENTATIVE LONGIETTI: And if I see your
2 written testimony correctly, the EPA model rule does not
3 include temperature restrictions?

4 MR. FRENCH: That's correct.

5 REPRESENTATIVE LONGIETTI: Could you explain
6 just a little bit more. You talked about the Sunset
7 Provision, the 2010. Just so I understand that
8 correctly, I see in your written testimony there's some
9 vehicles that have some kind of a filter. What exactly
10 are you recommending there?

11 MR. FRENCH: In 2007, nationwide emission
12 standards took effect for heavy-duty on-highway
13 vehicles. That set the PM limit from engines in those
14 vehicles at .01 gram per brake horsepower hour. It's a
15 metric that, in essence, means zero. To meet that
16 standard, all heavy-duty on-highway diesel engines today
17 and in the future are equipped with catalyzed diesel
18 particulate filters, honeycomb structures that also have
19 a catalyst in them, that heat up and periodically they
20 accumulate the particulate and periodically heat up and
21 burn it off. And so the particulate emissions that are
22 coming out from 2007 and newer on-highway heavy-duty
23 vehicles are 80 percent actually when you measure them.
24 They're 80 percent lower than the standard. They're at
25 the limit of measurability. They're, in essence, zero.

1 And so, if this is a piece of legislation primarily
2 looking at health effects from diesel particulate for
3 2007 and newer heavy-duty on-highway vehicles, that is
4 not a concern anymore. They're also getting much
5 cleaner and cleaner with respect to oxides of nitrogen
6 as well. But our point is, therefore, that if you need
7 to sunset the exemption for sleeper berths to encourage
8 older vehicles to put on advanced APS systems or to
9 route APS systems through the main engine, that concern
10 should not pertain to 2007 newer vehicles. They're
11 already zero emission, in essence, per vehicle.

12 REPRESENTATIVE LONGIETTI: And just as a
13 final follow-up, so in other words, say I have a model
14 year of 2003 and I'm a small independent truckdriver,
15 there is some way that I can retrofit that vehicle. Do
16 you have any idea what the cost of that is?

17 MR. FRENCH: There are estimates that the
18 cost of an advanced APS system, some of which are just
19 being certified now by California to meet their, in
20 essence, ZEB levels for PM, I would say something like
21 \$7500.

22 MR. LONGIETTI: Thank you. Thank you, Mr.
23 Chairman.

24 CHAIRMAN MARKOSEK: Thank you.
25 Representative Ron Miller.

1 REPRESENTATIVE MILLER: Thank you, Mr.
2 Chairman. Just so I understand, the first point that I
3 believe you made was the anti-idling exemption as far as
4 regeneration or maintenance of the exhaust emission
5 control device?

6 MR. FRENCH: Yes.

7 REPRESENTATIVE MILLER: Is this something
8 that, you know, the operator gets an indication it needs
9 to happen? It doesn't happen as you're driving down the
10 road?

11 MR. FRENCH: No.

12 REPRESENTATIVE MILLER: They have to be
13 parked. And it doesn't go into a shop or anything.
14 It's just something they know has to occur?

15 MR. FRENCH: Basically, what this talks
16 about is, there are scheduled maintenance events for new
17 heavy-duty on-highway vehicles. The diesel particulate
18 filter periodically regenerates or lights off
19 accumulated particulate just as a truck is driving
20 along, and it may happen a couple times a day; but there
21 is a certain point at which some residual called ash
22 builds up in the filter and it needs to be cleaned out
23 at a dealership primarily and it's basically just
24 vacuumed out.

25 To do that, the engine, you need to keep it

1 at a certain temperature. It needs to be idled while
2 that maintenance is going on. That's what we're talking
3 about. It's servicing at a dealership where they could
4 idle it to do this maintenance.

5 REPRESENTATIVE MILLER: Okay. I appreciate
6 that. The other question I had is, I understand what
7 you're saying about diesel engines 2007, 8, 9. Is there
8 an easy way to tell that? I mean, I have a slight
9 concern as we go towards enforcement. How are we going
10 to know that your truck or anybody that's assigned the
11 enforcement function, how will they know?

12 MR. FRENCH: On the inside of the driver
13 door, periodically there's a vehicle label that will
14 have the model year of the vehicle right there.

15 REPRESENTATIVE MILLER: So if a truck is
16 sitting idling, then the person could have somebody
17 knocking on their door saying, Why are you idling? And
18 I just think if we're going to make that exception we
19 probably need to have it not be on the inside of the
20 door but be something visible as a sticker or something.
21 That was my only concern, is that we may have to find a
22 way to identify those vehicles.

23 MR. FRENCH: That's a good point.

24 REPRESENTATIVE MILLER: Thank you. Thank
25 you, Mr. Chairman.

1 CHAIRMAN MARKOSEK: Okay. Representative
2 John Sabatina.

3 REPRESENTATIVE SABATINA: Thank you, Mr.
4 Chairman. And, Mr. French, no disrespect to you; but I
5 did notice in the crowd that Mr. Keen appears to
6 disagree with you about something that you said, and I
7 just wanted to ask him what it was and see if you had a
8 response to that.

9 MR. KEEN: Thank you. Well, I just want it
10 to be real clear, A driver needs to stay warm in the
11 wintertime, and that's probably more important than
12 staying cold in the summertime. Okay? And you can buy
13 cab heaters, and we run them on our trucks and have been
14 running them, that suffice for the wintertime that last
15 7 months out of the year. They only cost about 7 to
16 \$800. They keep our drivers warm, and they only burn
17 one gallon of fuel every 12 hours. So you don't need an
18 APU to stay warm. You know, you're going to freeze
19 before you die of heat. There are also battery-powered
20 air conditioner units, which we are currently
21 installing, that are about \$4,000 that run off of
22 auxiliary batteries and will keep the driver cold
23 without running the engine, running anything that puts
24 out emissions.

25 So when I started hearing 7 to \$10,000 for

1 an APU thinking everybody's got to spend that, that's
2 not true.

3 CHAIRMAN MARKOSEK: Thank you.

4 MR. FRENCH: And on those points of
5 implementation, I would certainly defer to the operator
6 community, to their comments.

7 REPRESENTATIVE SABATINA: I just noticed him
8 in the crowd shaking his head, so I thought I'd get to
9 the bottom of it.

10 MR. FRENCH: Good points.

11 CHAIRMAN MARKOSEK: Okay. Sometimes we
12 don't read body language as well as we think. Mr.
13 French, thank you very much. I see no other questions.
14 We appreciate your testimony very much.

15 MR. FRENCH: Thank you.

16 CHAIRMAN MARKOSEK: Next we have an
17 independent trucking panel, Mr. Mike Joyce, Government
18 Relations Representative Owner-Operator Independent
19 Drivers Association, Inc. and Mr. Kris Kane, a
20 professional truck operator.

21 Gentleman, welcome. And while they're
22 getting situated, couple of housekeeping things here.
23 Representative Geist had to leave. I think he has an
24 event back in his district. He is ably and nobly
25 represented by Representative Ron Miller who has moved

1 up to the temporary Chairman's chair here and also --
2 talk about a wannabe, right? And also I want to mention
3 for the record that we do have written testimony
4 submitted today from Elaine Farrell the Executive
5 Director of the Pennsylvania Bus Association and Tim
6 O'Donnell, President of Pennsylvania Waste Industries
7 Association.

8 So with all of that, Mr. Joyce, Mr. Kane,
9 thank you. I'm sorry. You are Mr.?

10 MR. JOYCE: I'm Mr. Joyce.

11 CHAIRMAN MARKOSEK: You're Mr. Joyce. Okay.

12 MR. JOYCE: Right.

13 CHAIRMAN MARKOSEK: Mr. Kane, welcome.

14 MR. KANE: Thank you very much.

15 CHAIRMAN MARKOSEK: And, Mr. Joyce, I'll
16 allow you to start.

17 MR. JOYCE: Mr. Chairman, members of the
18 Committee, thank you very much for the opportunity to
19 testify today. You've heard from our brother
20 association, the American Trucking Association, also the
21 Pennsylvania Motor Trucking Association on some of these
22 issues. My name is Mike Joyce. I represent the
23 Owner-operator Independent Drivers Association. And for
24 those of you who are not aware of that association, we
25 represent about 162,000 small-business long-haul

1 truckdrivers across the United States, which includes
2 about 7600 members within the Commonwealth of
3 Pennsylvania. We are, obviously, small owner-operators,
4 usually one guy in a truck and a trailer and they
5 operate -- our members operate about 260,000 individual
6 heavy-duty trucks. Clearly the patchwork of idling
7 regulations across the nation is a tremendous burden to
8 small-business truckers, and as Jim Runk pointed out,
9 there is a large laundry list of regulations across the
10 country that a trucker needs to be aware of and comply
11 with as they crisscross the country. There are some 300
12 to 400 idling regulations throughout the country.

13 Little background on owner-operators.
14 Owner-operators typically drive about 115,000 miles per
15 year. That adds up to about 3 million miles in a
16 lifetime. They spend 240 nights of the year away from
17 home. An average owner-operator pays in excess of
18 \$10,000 in federal taxes and more than \$6,000 per truck
19 per year in state taxes. To give you some perspective,
20 that \$16,000 paid in state taxes equates to about half
21 the annual net income of the average truckdriver. Small
22 business trucking -- one other point on small business
23 trucking, those companies that are operating six trucks
24 or fewer comprise close to ninety percent of the
25 motor-carrier industry and some people, even myself

1 working in transportation policy for many years, was not
2 really aware of that figure.

3 OOIDA members are beginning to make an
4 investment in anti-idling technology, although the
5 upfront costs are expensive at between 7 and \$9,000, not
6 to mention the downtime that a truck has to go through
7 to be fitted with an APU; and usually when a trucker's
8 wheels aren't turning he's not making any money.

9 We heard a little bit of discussion here
10 already today about the burden of SB 295, where the
11 burden should be placed; and currently the legislation
12 places the burden on the operator of the vehicle, and
13 OOIDA thinks very clearly that we should actually expand
14 upon what the Deputy Secretary said in regards to
15 operators and owners of facilities, etc.

16 We actually believe that the owners of the
17 vehicles in which some of these owner-operators are
18 driving should also be responsible, and it should be
19 pointed out that Mr. Keen who's here today clearly is
20 doing some things and taking some steps to assure that
21 his operators that work for him have what they need to
22 get through and do well as they're out on the road.

23 And with that, I'll turn it over to our
24 member here; and he'll give you a little bit more
25 insight because he's on the road.

1 Thanks very much.

2 MR. KANE: My name's Kristopher Kane. I
3 live in Juniata County, not that far away. I go out
4 two, four weeks at a time. I drive coast to coast,
5 border to border. I literally live in the truck. Okay?
6 Okay? I don't have a whole lot of problems with just
7 about anything Mr. Keen said. A lot of it is so true,
8 but he is the exception to the rule on the truck
9 companies that are out there that are not being
10 responsible. And, again, I can't stress seriously
11 enough how being in a cold truck trying to sleep or a
12 hot truck trying to sleep affects the truckdriver's
13 ability to get his rest.

14 Now, there are anti-idling technologies out
15 there, one's a very popular one called IdleAire. Many
16 of the truck stops in Carlisle as well as here in
17 Harrisburg have IdleAire. Take a few minutes to go up
18 and ask them how it works. I think you'll be impressed.
19 The cost of operating a truck, okay, my truck personally
20 is \$41.80 on a 10-hour idling gear. It's expensive to
21 idle a truck. To hook up to IdleAire is \$21.80. That's
22 a \$20-a-night savings my company would get if they
23 hooked up to IdleAire. Okay? That comes down to 2600
24 trucks; \$52,000 a night my company would save if they
25 didn't idle the truck. But, again, my company isn't

1 very responsible. If I want to hook up to IdleAire, I
2 have to pay for it out of my own pocket. That shouldn't
3 be. As we said earlier, the person who should be
4 responsible for this is the owner of the truck, not the
5 driver. Don't write citations out to the driver. And
6 we talked about APU's a little bit. That's the other
7 option we have for climate control. Now, APU's use
8 about one-fifth the cost of operating the truck,
9 one-fifth, \$8.36, compared to the \$41.80. Now, an APU
10 will pay for itself between 7 and \$9,000 anywhere
11 between 8 months to 14 months; and after that, it's
12 straight money in the pocket of the owner of the
13 company. So APU cost, while it is expensive on the
14 initial, the bottom line is it will save the company
15 money. They last for years. My company, with its 2600
16 trucks, if they put the APU on it, would save \$1,173,000
17 a year. And for the record, with my company, that is
18 doubling my company's profits.

19 MR. JOYCE: So I think what we would say
20 also in closing is simply that the EPA Model Idle Law
21 that they did publish in April of 2006 includes language
22 that clearly spells out owner and operator, and we would
23 just urge the Committee to take a look at that Model
24 Idle Law and reference that. We believe that the EPA
25 went all over the country, and I understand your state's

1 prerogative to do what you need to do in the
2 Commonwealth; but we do believe the EPA has done a
3 pretty good amount of homework on that piece of
4 legislation and they do have owners and operators being
5 responsible for the idling violations.

6 CHAIRMAN MARKOSEK: Okay. Thank you. I do
7 have a question. You mentioned about IdleAire. And I
8 guess just for the information of the Committee, myself
9 included, would you explain exactly what IdleAire is?

10 MR. KANE: All right. IdleAire is kind of a
11 funny looking system, but it's this great big yellow
12 tube you actually stick into the passenger side window.
13 It will give you the heat and the air conditioning you
14 need for those ten hours.

15 CHAIRMAN MARKOSEK: Okay. So that's
16 apparatus that's at a truck stop?

17 MR. KANE: Yeah, it's at many truck stops.
18 There's no upfront cost to a company to hook up to
19 IdleAire. And I hope you just, when you talk about
20 legislation, require anti-idling technology to be used
21 on trucks coming into Pennsylvania. The cost factor, it
22 should not be a consideration for these companies
23 anymore, not at the cost of our diesel anymore.

24 MR. JOYCE: It's electrification. And
25 they're not located all over the country, obviously.

1 It's very difficult when a trucker gets to the end of
2 his day and his hours of service come up, it's very
3 difficult for that trucker to find a space sometimes in
4 the electrification truck stops. In addition to that,
5 sometimes they're all taken and the trucker's got to
6 move out and go somewhere else; so we definitely have
7 tremendous hurdles when it comes to truck parking in
8 this country.

9 CHAIRMAN MARKOSEK: Is there some history in
10 other states that would show that when, perhaps, similar
11 legislation was enacted that these become more
12 prevalent? You know, is it the kind of thing that,
13 yeah, they're not out there right now, but if we would
14 have this legislation in place, more people would, you
15 know, perhaps be installing them?

16 MR. JOYCE: I think you're correct,
17 Chairman. I think that the company would certainly take
18 advantage of laws that would be put in place. What he's
19 saying is also usually an owner-operator is given by his
20 company sometimes a card that says, hey, go use
21 IdleAire; go to the electrification truck stop, use that
22 card. But if the owner-operator in some instances
23 doesn't ask enough questions, he ends up having that
24 being taken out of his pay; so he would be better off
25 doing other things versus hooking up to the IdleAire.

1 CHAIRMAN MARKOSEK: Okay. Questions?

2 Okay, gentlemen, thank you very much. I appreciate it.

3 MR. JOYCE: Thanks, Mr. Chairman.

4 CHAIRMAN MARKOSEK: Very good. Okay. Next
5 we have our public interest panel, Dr. Thomas Au of the
6 Clean Air Board of Central Pennsylvania; Dr. Philip
7 Carey, who's an MD; Mr. Thomas Lattner, Air Pollution
8 Control Engineer, Allegheny County Health Department Air
9 Quality Program, my home county; and Mr. Kevin Stewart,
10 Director of Environmental Health, American Lung
11 Association of Pennsylvania.

12 Okay. I don't know, maybe out of deference
13 to the great County of Allegheny, we'll let Mr. Lattner
14 perhaps begin and the others can certainly chip in from
15 there.

16 Mr. Lattner.

17 MR. LATTNER: Okay. Thank you.

18 CHAIRMAN MARKOSEK: Where do you live in
19 Allegheny County?

20 MR. LATTNER: I live in Upper Sinclair
21 Township now.

22 CHAIRMAN MARKOSEK: Okay. That is, for the
23 record, Representative John Maher's district; and he's a
24 member of our Committee and he's not here this morning,
25 but welcome.

1 MR. LATTNER: Thank you. Good morning. My
2 name is Thomas Lattner. I'm an Air Pollution Control
3 Engineer with the Allegheny County Health Department Air
4 Quality Program. I'm here at the invitation of the
5 Transportation Committee to speak on behalf of the
6 Health Department regarding our regulations dealing with
7 diesel-powered vehicle idling.

8 The Allegheny County Health Department has
9 two separate diesel idling regulations already on the
10 books. One regulates idling of diesel-powered school
11 buses and the other regulates idling of diesel-powered
12 motor vehicles, for example, diesel trucks and transit
13 buses. These regulations have been in effect since
14 October 2004 and June 2005, respectively.

15 In addition, the Health Department's third
16 idling regulation, the Off-Road Diesel-Powered Mobile
17 Equipment Engine Regulation aimed at reducing idling of
18 diesel-powered construction equipment, airport
19 ground-support equipment, industrial, and other non-road
20 equipment, has been approved by the Board of Health and
21 only requires final approval by our County Council and
22 executive branch before it becomes effective.

23 The ACHD began writing its diesel school bus
24 idling regulation in late 2003, at a time when some 20
25 states and/or local governments already had diesel

1 idling regulations. Our school bus idling regulation
2 was developed by addressing some of the considerations
3 for which other agencies, particularly those in
4 Philadelphia and the State of California, had already
5 established regulatory requirements. Then after
6 extensive consultation with members of the environmental
7 and school transportation communities, we adapted some
8 of those requirements and added some of our own to meet
9 the needs of Allegheny County.

10 Our next two idling regulations followed the
11 same outline with modifications to fit the particular
12 equipment being regulated. All our regulations have the
13 same idling restriction, that is, idling is to be
14 limited to five consecutive minutes, with the exemptions
15 granted by regulation. Those exemptions were crafted to
16 balance the desire to limit idling with the need to
17 protect the health and safety of the vehicle's operator
18 and passengers and not hinder the vehicle from carrying
19 out its intended function. With the effort of
20 stakeholders, we believe that we achieved this balance
21 in Allegheny County's idling regulations and that these
22 regulations are a good fit for our County's needs.

23 For example, our school bus idling
24 regulation has an exemption that allows cueing at a
25 school where the physical configuration of the school

1 requires buses to line up for the sequential discharge
2 or pickup of students. Many of our urban schools do not
3 have the space for buses to wait with their engines
4 turned off while their buses discharge or pick up
5 students, instead the school buses move up one at a time
6 to the school entrance to drop off and pick up the
7 children.

8 Our diesel motor vehicle idling regulation
9 has an exemption that allows our transit agency to
10 submit an alternative plan for minimizing idling during
11 the morning startup at one of its terminals where many
12 of its buses must be stored outdoors in cold weather.

13 In addition, our off-road idling regulation
14 has an exemption that recognizes that construction
15 vehicle operators sometimes spend extremely hot or cold
16 days in the cab of a piece of equipment while working in
17 remote locations and allows for idling the engine to
18 provide relief in the form of heating or air
19 conditioning.

20 The ACHD understands that there are many
21 individual owner-operators of the diesel engines that
22 are regulated or will be regulated under its idling
23 regulations, and to that end, has taken two approaches.
24 First, the regulations themselves require that the
25 owners or operators of the school bus terminals and

1 construction job sites provide signage at the terminal
2 or job site that describes the essentials of the idling
3 regulations. Second, the ACHD has conducted several
4 mass mailings to provide informational brochures to
5 school bus owners and operators to increase awareness of
6 the idling regulation. We have also enlisted the aid of
7 PennDOT in advertising the regulation on electronic
8 message boards over our major parkways, and we are
9 embarking on a \$10,000 radio advertising campaign to
10 reach truck and transit bus operators.

11 With regard to enforcement, our idling
12 regulations are written to allow enforcement by any
13 municipal or local government unit having jurisdiction
14 over the place in the county where idling occurs. Of
15 course, our health department inspectors also enforce
16 the regulations and do so mainly on a complaint-received
17 basis. We average ten complaints per year. To date, we
18 have issued six notices of violation, five against
19 school bus drivers and one against a truckdriver. We
20 have no repeat offenders.

21 Our penalty structure calls for a warning
22 for the first offense, a fine of \$100 for the second
23 offense and fines of \$500 for the third offense and any
24 subsequent offenses. We have not issued any fines yet.

25 Finally, in addition to reducing diesel

1 emissions through idling regulations, the ACHD has
2 encouraged and supported the retrofitting of
3 diesel-powered vehicles and equipment in Allegheny
4 County. The Health Department has provided \$184,000 to
5 retrofit 75 school buses in the Penn Hills School
6 District and organize a day-long educational seminar for
7 school districts to enhance their knowledge of the
8 health effects of diesel exhaust pollution, the diesel
9 idling regulation and the different types of diesel
10 retrofit equipment available to reduce diesel pollution.

11 Currently, the ACHD has \$500,000 in grant
12 money available to school districts in the county that
13 desires to retrofit their school buses. The ACHD is
14 also a supporter of the organizations working in the
15 County and Southwestern Pennsylvania who are seeking
16 federal funding for retrofit projects through the US
17 Department of Transportation's Congestion Mitigation and
18 Air Quality Programs. The ACHD recognizes that reducing
19 pollution from diesel-powered vehicles and equipment is
20 an important objective, and we believe that our idling
21 regulations and related retrofit efforts are helping to
22 meet that objective in Allegheny County.

23 Thank you for the opportunity to speak
24 today.

25 CHAIRMAN MARKOSEK: Okay. Thank you very

1 much. We have a volunteer, Mr. Au, of the Clean Air
2 Board of Central Pennsylvania.

3 MR. AU: Thank you.

4 CHAIRMAN MARKOSEK: Yes, sir.

5 MR. AU: Good morning. My name is Thomas
6 Au. I'm here today on behalf of the Clean Air Board of
7 Central Pennsylvania. The Clean Air Board was formed in
8 the Fall of 2005 after over 100 Cumberland County
9 physicians signed a open letter informing the community
10 of the growing danger of ozone and particulate
11 pollution.

12 These medical professionals observed that
13 many of the health problems that they see were due to
14 air pollution, and I won't speak to the medical
15 problems. Dr. Carey, who is a member of our board, is
16 here today and will probably speak to that. But the
17 Clean Air Board includes people from many walks of life,
18 ministers, teachers, doctors, lawyers, businessmen,
19 civic leaders, students and ordinary citizens; and
20 Mr. Runk who spoke to you earlier is a member of our
21 board and we welcome his contributions and we've talked
22 to PMTA and members of PMTA in the process.

23 The Clean Air Board is a faith-based
24 citizens' initiative dedicated to achieving clean air to
25 protect our health and quality of life. We accomplish

1 our mission by raising public awareness of air quality
2 issues, advocating, promoting and coordinating policy
3 and practices for clean air and by monitoring free air
4 quality. Clean Air Board's entirely a volunteer
5 organization. We have no paid staff members.

6 One of the air pollution problems that the
7 board has identified is the concentration of diesel
8 exhaust emissions at rest stops, truck stops, and along
9 the side of the roads. Due to the extensive interstate
10 road system and geography, Pennsylvania has become a
11 transportation and distribution hub for the nation. We
12 are a vital part of the interstate economy, a good
13 thing; however, too much of a good thing has negative
14 effects. In every truck that idles over a long period
15 of time to rest adds pounds of ground-level pollutants
16 to the air we breathe.

17 Now, the Clean Air Board examined strategies
18 that can significantly reduce the amount of air
19 pollution produced by diesel engines. Idling by large
20 diesel-powered vehicles contributes significantly to the
21 ground-level fine particulate pollution and also leads
22 to the formation of ozone.

23 The Clean Air Board has met with local
24 governments, the trucking industry, school bus
25 operators, civic groups to better understand the

1 problems that truck and bus drivers face if a regulation
2 or statute is adopted. And we have been over every
3 group that we could think of to meet with them, and we
4 filed a petition with the Environmental Quality Board to
5 adopt a statewide regulation to limit idling by
6 commercial diesel-powered vehicles and buses.

7 The Board also discussed the problem of
8 enforcement with municipalities and their police forces,
9 the Pennsylvania State Police and the Department of
10 Environmental Protection and with the two counties which
11 already have idling limitations, Philadelphia and
12 Allegheny.

13 In our discussions, we came to an
14 understanding that a public education program is
15 necessary to ensure the drivers are aware of the
16 problems and aware of the requirements of law. Fines
17 must be at a level that deters violators and an
18 enforcement plan must be practical and credible, and
19 compliance will follow from a broad public education
20 effort and even-handed enforcement that was discussed
21 this morning.

22 The Board also recognizes that certain
23 operational needs of the transportation industry may
24 require some amount of filing. We believe that the
25 exemptions included in Senate Bill 295 accommodates

1 those operational needs. We also recognize that idling
2 for the sole purpose of heating and cooling of cabs can
3 be made unnecessary by the application of appropriate
4 modern technology, the things that were discussed this
5 morning. Excessive idling unnecessarily wastes fuel,
6 and we've heard the comment that one gallon of diesel
7 fuel is burned for every hour spent idling. DEP
8 estimates that diesel trucks spend 22.3 million hours a
9 year idling in Pennsylvania. That's the long-term
10 idling. And if each of those 13,000 long-haul vehicles
11 that idle in Pennsylvania each day use alternative means
12 of providing power for rest periods, diesel fuels could
13 be cut by 20 million gallons per year. We think that's
14 a considerable cost savings and the transportation
15 industry recognizes the economic value of reducing
16 idling time.

17 The residents of Cumberland County are well
18 aware of the diesel exhaust pollution. The engineering
19 firm of Michael Baker, Jr., who are consultants to DEP
20 and PennDOT concluded that Cumberland County experiences
21 the highest number of long-duration idling hours in the
22 Commonwealth, over 2.2 million idling hours. Luzerne
23 County, which is also a major hub of warehouses and
24 transportation facilities, is the county which
25 experiences the second highest number of idling hours,

1 nearly 2 million hours.

2 The comment period for the DEP regulation
3 closed recently, and the Clean Air Board submitted
4 comments to the proposed regulations and petitions
5 signed by over 1700 Central Pennsylvania residents which
6 supported the proposed regulations.

7 At another hearing held in Pittsburgh,
8 petitions signed by 800 people were submitted by other
9 groups. Although we have worked with DEP toward
10 adopting regulations, we recognize that Senate Bill 295
11 is another vehicle to achieve the same result as
12 imposing limits on idling emissions.

13 Idling emissions are a growing problem due
14 to the increase of long-haul diesel truck travel along
15 the highways of the Commonwealth. Where diesel trucks
16 and buses congregate at truck stops, rest stops, parking
17 lots, the concentration of emissions is especially
18 harmful to those who have to breathe it, the workers,
19 the drivers, and the residents who live nearby. The
20 Harrisburg Patriot News, the Lebanon Daily News and the
21 Carlisle Sentinel, Central Pennsylvania's local papers
22 have recognized the problem that diesel idling causes
23 and have expressed their opinions in their editorial
24 pages.

25 Along with the direct emission of harmful

1 fine particulate, diesel-powered vehicles emit nitrogen
2 oxide and volatile organic compounds, both of which
3 contribute to ground-level ozone and particulate matter
4 pollution.

5 While we believe that Senate Bill 295 is
6 consistent with the rules which other states have
7 adopted, we attached those rules as part of our
8 testimony and those were prepared by the American
9 Transportation Research Institute, along with the
10 American Trucking Association. Pennsylvania's the only
11 state in the mid-Atlantic region that doesn't have a
12 diesel idling rule. The current situation may encourage
13 operators to rest in Pennsylvania and idle their trucks
14 in Pennsylvania, thereby aggravating our air pollution
15 problems. Other communities in Pennsylvania, such as
16 those along I-80 in Luzerne County and along I-78 in
17 Lehigh Valley, may also receive a disproportional share
18 of long-term idling emissions.

19 Now, as Mr. Keen testified, many of our
20 trucking companies have installed auxiliary power
21 systems, basically generators, battery-operated systems,
22 and other idling reduction systems on their trucks to
23 avoid the need to run the main engines to heat or cool
24 the cab during their rest periods. And technology has
25 been developing pretty rapidly to ensure that the

1 comfort of the drivers is maintained during the long
2 rest periods.

3 Among other things that the Commonwealth has
4 done, it has supported the installation of the IdleAire
5 heating and cooling systems, along with several truck
6 stops in Pennsylvania. I believe there are four
7 existing truck stops in the Commonwealth which have both
8 IdleAire systems with the Commonwealth's support.

9 The May 1st, 2010 expiration date for the
10 temperature related exemption of idling during the rest
11 periods provides companies and drivers with sufficient
12 time to install bunk heaters, battery-operated systems,
13 generators. And one thing this Bill does, it encourages
14 truck operators to use the existing facility
15 electrification systems, such as IdleAire, if they are
16 installed and available for use.

17 We found that many times at the Carlisle
18 Truck Stop, the IdleAire systems are not being used
19 during, you know, hot summers or cold winter days even
20 though they're available. We think this is a sensible
21 requirement, and we support it. The Bill limits idling
22 by school buses, and we think this is particularly
23 important to protect school children from unnecessary
24 exposure to diesel emissions. Young people's lungs are
25 especially sensitive to the effects of diesel exhaust

1 pollution, and we do not support any additional
2 exemptions for idling other than the ones listed in
3 Senate Bill 295. One of those existing provisions says
4 that trucks may idle for maintenance, servicing, repair,
5 if idling is required for that activity; and I believe
6 that answers Mr. French's concern about getting the
7 particulate filters recharged or cleaned.

8 The Clean Air Board thinks that turning
9 truck engines on and off while waiting to load and
10 unload is not an unreasonable burden.

11 The Clean Air Board wants to publicly thank
12 the members of this Committee and the transportation
13 industry for their interest in the Bill. You've
14 listened to our concerns. And working together, we
15 think we can reach a commonsense solution to the
16 problems presented by diesel idling. And in the end, we
17 believe you can adopt effective legislation.

18 Thank you.

19 CHAIRMAN MARKOSEK: Okay. Thank you. Next
20 we'll hear from Dr. Carey. And then, Mr. Stewart,
21 you'll get the last word.

22 Dr. Carey.

23 DR. CAREY: Thank you. I'm a practicing
24 physician in Carlisle at 360 Alexander Spring Road. In
25 1970, the United States created the Clean Air Act, which

1 regulates five pollutants in ambient air. Those
2 pollutants are carbon monoxide, sulfur dioxide, nitrogen
3 dioxide, ozone, and particulate matter. It is
4 particulate matter that is the concern today.

5 The Clean Air Act requires that these
6 pollutants be regulated at a level that protects public
7 health with an adequate margin of safety. In 1997, the
8 EPA established the National Ambient Air Quality
9 Standard for PM 2.5. PM 2.5 is the particulate matter
10 fraction that is 2.5 microns in size or about 1/20th the
11 diameter of a human hair. It is often referred to as
12 fine particulate pollution.

13 This particle size is thought to be most
14 harmful to humans, because it readily penetrates the
15 lung. In 2005, EPA designated Cumberland County as a
16 non-attainment area for PM 2.5. Two years later, in
17 2007, Cumberland County was designated as the 17th most
18 polluted county in the United States.

19 The air we breathe is not clean. According
20 to EPA, the median annual PM 2.5 concentration in urban
21 areas of the United States is 13 micrograms per meter
22 cubed. The median concentration for non-urban areas
23 like Carlisle is 8 micrograms per meter cubed.
24 Cumberland County's annual average is greater than 15
25 micrograms per meter cubed, almost twice that of other

1 non-urban communities.

2 Again I say, the air we breathe is not
3 clean. A significant source of harmful particulates in
4 Cumberland County is diesel exhaust from idling trucks.
5 Diesel exhaust is one of the most toxic substances known
6 to man. The scientific evidence that it is harmful is
7 overwhelming. Literally hundreds of scientific studies
8 document this fact. I have provided you with a sampling
9 of the published evidence (indicating), over 100
10 scientific articles that are guaranteed to put you to
11 sleep if you choose to read them.

12 Diesel exhaust is a mixture of particulate
13 matter, harmful gases, and chemical compounds containing
14 40 known toxic substances. As we breathe these harmful
15 particulates, they penetrate our lungs where it causes a
16 variety of heart and lung diseases. Particulate-related
17 illness occurs in all age groups, running the gamut from
18 newborn to the elderly with pre-existing heart and lung
19 disease.

20 In children, exposure to particulate matter
21 is associated with neonatal death, for example, crib
22 death, abnormal lung development in children, and
23 increased morbidity from asthma. Children are
24 especially vulnerable to the harmful effects of diesel
25 particulates. The lungs of children are immature at

1 birth and continue to develop until age 18.

2 Exposure to harmful particulate matter
3 causes developmental lung defects that are permanent.
4 In adults, it is associated with exacerbation of lung
5 disease and the precipitation of heart attacks. It is a
6 known cause of lung cancer, and it is associated with an
7 increased risk of premature death.

8 According to the Clean Air Task Force,
9 exposure to PM 2.5 is responsible for 21,000 premature
10 deaths each year in the United States, five times the
11 number of tragic deaths that have occurred in Iraq. The
12 harmful effects of PM 2.5 in our Commonwealth, rank
13 Pennsylvania as the third most negatively impacted state
14 in the country.

15 I have practiced pulmonary medicine in
16 Carlisle for 27 years. In August of 2006, I wrote an
17 open letter entitled "The Air We Breathe", outlining the
18 harmful effects of diesel particulates in Cumberland
19 County. The letter was cosigned by 100 physicians from
20 Cumberland County and was published in both the Sentinel
21 and the Patriot.

22 My experience in Cumberland County parallels
23 that of national observations. I have witnessed an
24 increased frequency and severity of asthma and other
25 lung-related illnesses in the past ten years. I also

1 have concerns regarding the increased number of lung
2 cancers I have diagnosed in nonsmokers, especially young
3 women. My pediatric colleagues also struggle with the
4 increase in childhood respiratory illnesses. Elementary
5 schools in Carlisle report increased numbers of students
6 with asthma and increased use of inhalers. In the past,
7 the Pennsylvania Department of Health has reported that
8 mortality from asthma in Cumberland County is higher
9 than the state average.

10 In addition to the physicians who cosigned
11 my open letter, my position is supported by the
12 Cumberland County Medical Society, the Dauphin County
13 Medical Society, and the Pennsylvania Medical Society.
14 The Pennsylvania Constitution guarantees each citizen of
15 the Commonwealth the right to breathe clean air. A
16 statewide anti-idling regulation is not the sole answer
17 to this environmental crisis. It is, however, a
18 reasonable step that is long overdue. It is one we can
19 all live with.

20 Remember, as the American Lung Association
21 states, when you can't breathe, nothing else really
22 matters.

23 Thank you for your attention.

24 CHAIRMAN MARKOSEK: Okay. Thank you,
25 Doctor. Very sobering testimony there.

1 Mr. Stewart, you get the last word here,
2 sir, the American Lung Association.

3 MR. STEWART: Good morning, Mr. Chairman,
4 and members of the Committee. My name is Kevin Stewart.
5 I am Director of Environmental Health for the American
6 Lung Association of Pennsylvania, and I thank you for
7 the opportunity today to testify on Senate Bill 295 and
8 for your attention.

9 The American Lung Association of
10 Pennsylvania advocates for and represents not only on
11 the order of a million Pennsylvanians who suffer from
12 chronic lung disease, but also the millions more who
13 desire to breathe clean air and so protect their good
14 health.

15 I do apologize for the inconvenience, but
16 let me point out that the version of our full testimony
17 in your packets is not quite our final draft and
18 Executive Director Ritter has been provided with the
19 final version, which should be used as the one in the
20 record; and I think you all have copies of the one that
21 she has been provided.

22 Emissions from the idling of motor vehicles
23 and especially those produced by long-duration idling of
24 diesel-powered motor vehicles has been recognized as a
25 serious health concern throughout the Commonwealth, most

1 notably in situations where buses and trucks are
2 congregated. The American Lung Association has long
3 advocated for stronger controls of diesel exhaust since
4 it is such a serious air pollutant. As you've heard, it
5 is a complex mixture of gases, solid particles,
6 condensed matter; and we have learned that it affects
7 public health in four distinct ways. As both Deputy
8 Secretary Fidler and Dr. Carey pointed out, diesel
9 exhaust has been recognized as a known cause of cancer.
10 Two, it contains dozens of toxins that are known to
11 interfere with the nervous, reproductive, and immune
12 systems. Three, 90 percent of its particulate emissions
13 are of the fine variety, the fraction most clearly
14 linked with premature death. Among all highway
15 vehicles, heavy-duty diesel vehicles contribute to about
16 three-quarters of the fine-particle emissions.

17 And last but not least, it is responsible
18 for nitrogen oxides, a precursor of ground-level ozone,
19 a powerful respiratory irritant that inflames lung
20 tissues, exacerbating asthma and other lung diseases,
21 sending people to the emergency room and also resulting
22 in premature death.

23 In their deliberations, we ask the members
24 of this Committee to remember that air pollution worsens
25 and causes disease and even death for real people. In

1 Pennsylvania, the populations at increased risk from
2 particle pollution include infants, youngsters, and the
3 elderly, persons with chronic lung and heart disease and
4 diabetes. While we estimate that on the order of about
5 half of the Commonwealth's population is described by at
6 least one of these categories, every one of these
7 millions is a real person, not a nameless statistic.
8 Every one of these people is a family member, a
9 neighbor, a coworker, a friend, someone whose life and
10 health deserve to be protected; and therefore, the
11 American Lung Association of Pennsylvania strongly
12 supports Senate Bill 295 and encourages this Committee
13 and the full House to resist making any weakening
14 changes.

15 Thank you.

16 CHAIRMAN MARKOSEK: Okay. Thank you. Dr.
17 Carey, for whatever reason, we can't find your letter.
18 So if you could just get us one and we'll distribute it
19 throughout the --

20 MS. WOLFE: We have it.

21 CHAIRMAN MARKOSEK: There is one?

22 MS. WOLFE: We have it.

23 CHAIRMAN MARKOSEK: Okay. Amanda tells me
24 she has it, so sorry about that. Thank you.

25 I have a question for Mr. Lattner from

1 Allegheny County. In your testimony, you mentioned on
2 the second page down here, the last paragraph, the
3 Health Department has provided \$184,000 to retrofit 75
4 school buses in Penn Hills School District and organized
5 a day-long educational seminar, and then you go on to
6 say there's more money available. I guess, why Penn
7 Hills, and how do I get it for my district? If Tony
8 DeLuca's going to get it at Penn Hills, then, by golly,
9 I want some for my district.

10 MR. LATTNER: I think, initially, when we
11 started back in 2003, the idea came to the Health
12 Department Director. He was in favor of doing a small
13 pilot project with Clean Air Fund money and it sort of
14 took off at the Board of Health meeting to the point
15 where they said, Let's do some whole school district.
16 And, you know, I couldn't tell you why Penn Hills was
17 selected as that first trial project; but I think it was
18 a matter of someone on the Board of Health suggested it.
19 And so that was our first retrofit project that we did.
20 So Penn Hills was sort of given this money. They didn't
21 even know it was coming. It just showed up on their
22 doorstep one day and we asked them, would you be
23 interested in doing a retrofit project? So that was the
24 first project we did. And then I think in -- well,
25 since then, the Board of Health approved a half a

1 million dollars. And, ironically, that money's been out
2 there since January of '07. We contacted all the school
3 districts and told them that the money was there and
4 they were to apply by March of '07. We didn't get a
5 single application. So since then, we've been trying
6 again and we now have two school districts that want to
7 retrofit their buses, 2 out of 42. Now we have maybe
8 three districts that have already done some sort of
9 retrofit, so you might say 2 out of 39 districts. The
10 City of Pittsburgh has its own retrofit project going,
11 another half million dollars from Heinz and Company. So
12 2 out of 39 districts applied for our \$500,000, and they
13 only want to put on diesel oxidation catalyts. And the
14 problem is that most school districts contract their bus
15 service, and apparently the contractors don't want to be
16 bothered. So here we have a half million dollars and no
17 takers, essentially.

18 CHAIRMAN MARKOSEK: Well, I think you may
19 hear from me.

20 MR. LATTNER: Great. We'd love to hear from
21 you.

22 CHAIRMAN MARKOSEK: Three school districts
23 in Allegheny County and my district, so we'll see if
24 they're interested. Any other -- Representative Gabig.

25 REPRESENTATIVE GABIG: I just want to,

1 again, thank the Chairman and his staff for organizing
2 this hearing and for considering this legislation.

3 I think the members of the Committee have
4 heard from people from my district, but you can also see
5 it's a statewide issue; and I have no pride of
6 authorship. I basically copied the regulation, where
7 mine came from; it was called the Carlisle Clean Air
8 Board at one time. Now it's the Central Pennsylvania.
9 But that's where -- and then our staff came up and put
10 it in legislation in the previous -- there is a
11 retrofit, and I'm going to check to see if the
12 Chairman's a cosponsor on it. I'll get it to him. And
13 I also introduced to have to do with getting these
14 pre'07 trucks on for state retrofit to encourage those.

15 One of the problems, all the buses aren't
16 diesels either. There's gas-powered buses, and so I
17 don't know what that issue is in Allegheny County. So
18 there's some issues statewide on the buses. That's a
19 federal, and there's grant money out there; but there's
20 nothing for the commercial trucks and so that's why I
21 think with DEP support hopefully we can start to talk
22 about that. And I know the trucking industry's also
23 interested in that. But whatever I can do as a
24 nontransportation or a wannabe, however the Chairman
25 would say it, I know his son lives in Cumberland County.

1 He's a Cumberland County resident; great high school
2 basketball player at my alma mater actually, and so he's
3 connected to Cumberland County. And anything I can do
4 to help move this legislation along, I would certainly
5 be more than willing to work with the Chairman.

6 CHAIRMAN MARKOSEK: Thank you.

7 Representative Miller.

8 REPRESENTATIVE MILLER: Thank you, Mr.
9 Chairman. You know, it's interesting that Deputy
10 Secretary Fidler testified that we should have increased
11 the level of the fines and penalties because of the fact
12 that other states around us are higher than what we're
13 proposing possibly and that he thought that could lead
14 to increased usage in Pennsylvania and they might use us
15 as a stopover, layover type thing.

16 And then, basically, Mr. Lattner testified
17 that the Health Department Inspectors enforce the
18 regulations. They average ten complaints per year.
19 They have issued six notices of violations and they've
20 had no repeat offenders. So I guess my question is, in
21 Allegheny County we've seen this increase. Is there any
22 way that you could give us any insight? Has there been
23 an increase in the truck community that is using
24 Pennsylvania as a layover spot possibly to avoid these
25 other states?

1 MR. FIDLER: Well, I think that's a
2 particularly interesting point, because I don't know
3 that we have any official truck stops in Allegheny
4 County. We might have rest stops off the interstates;
5 but to my knowledge, we don't really have truck stops.
6 And along that line, I would say that our regulations
7 are developed, I would think, from more of the delivery
8 type trucks, not so much for massive gatherings of
9 trucks that are idling. Ours is -- we start out with
10 the school buses and then we went to trucks and transit
11 buses. These are vehicles that are operating within the
12 community, so I don't think that I could tell you that
13 there's any evidence that shows that people are coming
14 from, you know, certainly not in Allegheny County.
15 They're just passing through Allegheny County. They
16 pass through on the Turnpike. They pass through on 79.
17 They stop probably outside of the county on 79 at
18 Washington County or somewhere else. But, no, I don't
19 think we have any evidence because we're more of a
20 pass-through for long haulers.

21 REPRESENTATIVE MILLER: Okay. I appreciate
22 that dynamic. Thank you, Mr. Chairman.

23 CHAIRMAN MARKOSEK: Okay. Thank you.
24 Seeing no other questions, I want to thank all of our
25 folks here today, the gentlemen and everybody else that

1 testified. I thank the Committee and the visitors that
2 we had on the Committee. Couple of real short things
3 here. We do have written testimony, also, from Steven
4 P. Hershey, Vice President of Regulatory and External
5 Affairs Philadelphia Gas Works.

6 And for the members who are here, we have a
7 tentative meeting April 28th; that's Monday afternoon.
8 We are not in session that week, and we're tentatively
9 looking at a hearing. I'm not even sure exactly what
10 the subject matter will be, probably will be something
11 to do with infrastructure that afternoon. We will have
12 an off-site meeting that evening and a tour of a
13 transportation locale Tuesday morning as well, at least
14 that is all being tentatively planned on right now; so
15 that's Monday the 28th and Tuesday morning the 29th of
16 April.

17 So with that, I want to thank everyone; and
18 the meeting's adjourned.

19 (The hearing concluded at 11:30 a.m.)
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CERTIFICATE

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.

Tracy L. Markle,
Court Reporter/Notary