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COUNTY OF GREENE TESTIMONY PA HOUSE TRANSPORTATION COMMITTEE PUBLIC HEARING SEPTEMBER 26, 2008

Good Afternoon –

My name is John Kendralla. The Board of Greene County Commissioners has asked me to come before you today representing the interests of the county and to thank you, Representative Markosek, and your colleagues of the House Transportation Committee, for joining us on the Annual Meeting Day of our townships, and for accepting our testimony on this very important matter.

I currently serve on the Greene County Planning Commission and have retired from the Pennsylvania Department of Transportation, most recently serving as Greene County Maintenance Manager in District 12.

The Board of County Commissioners is in total support of HB 2133, relating to the bonding of municipal roads and bridges. Our rural county is 576 square miles with 26 municipalities that care for a transportation system of nearly 850 miles of local roadway. This is a tremendous responsibility for an economy of coal, gas and agriculture and its' supply chain. Our very rural municipalities have always faced the challenges of roads not built with significant substructure and in most cases, no substructure. Rather, most of our local roads are unstabilized and their maintenance is exacerbated by the clay soils of this corner of southwestern Pennsylvania, which are prone to slides. (Otherwise known as 'slips'.) Our local transportation system is 'high maintenance'. Local government restrictions for access to their roads is primarily based on the posted weight limits, as required by current law to be in accordance with PennDOT regulations. But, the weights of loaded vehicles are in stark contrast to the posted limits of our roads and therefore the damage that can be done, particularly during inclement weather conditions, renders the necessity of revising the schedule of bonding amounts as critical for our municipalities. Absolutely critical.

In light of escalating costs for road and bridge construction and maintenance, and because damages to the subsurface structure of the roads are often involved, the current maximum limits of bond protection are simply and grossly inadequate. Remember too that our rural roads are typically narrow and peppered with sharp curves and steep grades. Add thousands of heavy haulers to this transportation system, and our roads are effectively less and less safe for our residents. To even consider significant safety upgrades is well beyond our ability, when it is such a struggle to simply maintain the existing roadway condition. Our people deserve safe roads.

Research from the Pennsylvania State Association of Township Supervisors (PSATS) indicates that the bond amounts approved by PennDOT have not been addressed or increased since 1978. \$6,000 per mile for the bonding of a dirt and gravel road will, in most cases, fail to provide an adequate cushion to meet the materials cost for repairs. \$12,500 per mile for paved or oil and chip roads will not begin to allow for adequate structural repairs. Our municipalities are financially strapped to be able to resurface any road with a bituminous surface in today's economy. The day is coming upon us when oil and chip will be out of their reach. The failure to pass HB 2133 leaves road supervisors in the untenable position of relying upon such small bond amounts – effectively miniscule protection - to assure the integrity of our county's roads while facing the continuous escalation of material costs and unbelievably rapid growth of thousands upon thousands heavy loads using our roads.

Greene County is an industrial economy. We are the heart of coal and coal bed methane in this Commonwealth. Quickly we are becoming a hub of exploration and development of Marcellus Shales. The heavy trucks carrying the drilling equipment as well as the materials, water and wastewater for the development, fracturing and maintenance of the sites are having a serious impact on our roads and will lead to a grave financial impact on our municipalities and the county. The current bond limits obviously do not provide an adequate bond maximum to recover damages. If the operator does not cooperate to make a suitable arrangement with the municipal body to contribute to the repair, the property owners may be faced with tax increases they cannot afford. Increases in local taxes will not be borne only by those benefitting from leases or royalties – they will be borne by everyone. Because the Supreme Court tied the hands of taxing bodies in 2002 by declaring that gas and oil are not assessable, local governments are further hindered in regaining revenue from operators who do not agree to contribute beyond the bond maximum.

The Greene County Commissioners recently experienced the total collapse of a posted county bridge located on a township road as a result of an overweight truck serving a drilling site. We need to replace that bridge and the cost is nearly \$1 million to say nothing of the costs associated with the long detour in effect until that replacement project is completed. Therefore, I can confirm, we very much appreciate and support the proposal within the bill requiring regulations to reflect a rebuttable presumption in favor of the municipality for damages sustained to roads posted with weight limits.

Thank you for your interest in and attention to this critical issue facing the municipal bodies within the Commonwealth. The passage of HB 2133 will provide necessary relief to our local officials as they strive to meet the needs of their communities.