



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE TRANSPORTATION COMMITTEE**

ON

HB 2133

PRESENTED BY

**R. KEITH HITE
EXECUTIVE DIRECTOR**

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WAYNESBURG, PA

4855 Woodland Drive Enola, PA 17025-1291 Internet: www.psats.org

PSATS Pennsylvania Township News Telephone: (717) 763-0930 Fax: (717) 763-9732

Trustees Insurance Fund Unemployment Compensation Group Trust Telephone: (800) 382-1268 Fax: (717) 730-0209

Chairman Markosek and members of the House Transportation Committee:

Good afternoon. My name is R. Keith Hite, and I am the executive director for the Pennsylvania State Association of Township Supervisors. With me today is Shirl Barnhart, Assistant Secretary-Treasurer for the Association and a township supervisor in Morgan Township, Greene County. Thank you for the opportunity to appear before you today on behalf of the 1,455 townships in Pennsylvania represented by the Association.

Townships comprise 95 percent of the commonwealth's land area and are home to nearly 5.4 million Pennsylvanians — 42 percent of the state's population. These townships are very diverse, ranging from rural communities with fewer than 200 residents to more populated communities with populations approaching 70,000 residents.

Townships across the state are facing escalating price increases for road materials, yet the bonding amount for overweight vehicles has remained unchanged for decades. HB 2133 would revise the current procedure in which the Department of Transportation publishes its bonding schedules relating to weight limits on state and local roads. It would require the Department to publish a revised schedule of bonding amounts based on increased or decreased maintenance costs by January 1, 2009, and at least every three years thereafter. This legislation would cost the Department little while creating a significant benefit for local governments and their residents.

The Department currently sets the bonding amounts that a municipality may enforce for overweight traffic on its roads. Currently, under Title 67 of the Pennsylvania Code, chapter 189, the Department is only obligated to publish a revised schedule of these bonding amounts "from time to time" based on increased or decreased maintenance costs. This standard provides little guidance and no impetus for the Department to revise its bonding amounts relative to the costs associated with repairing damage sustained to local roads. The current bonding amounts are \$6,000 per mile for dirt and gravel roads and \$12,500 per mile for paved or oil and chip roads. It is our understanding that the bonding amounts have not been changed since 1978.

Local governments are partners with the commonwealth in constructing and maintaining a safe and efficient surface transportation system for Pennsylvania motorists, and as such, local government's transportation concerns must be considered. From rural dirt and gravel roads to local multi-lane highways in urban and suburban areas, local roads serve a key role in our transportation system that is critical to the economic vitality of our communities. Motorists must travel on local feeder roads to reach our state routes and interstates. Pennsylvania residents do not care who maintains the road, as long as it is adequately maintained. Up-to-date bonding figures based upon sound maintenance cost data are necessary to allow municipalities to fulfill their responsibility to provide dependable and passable roads and highways, without requiring their citizens to subsidize repairs for damage caused by overweight vehicles.

Township officials have, as recently as this past May, approved resolutions at the PSATS Annual Conference asking that the bonding amounts be increased to \$50,000 per

mile for dirt and gravel roads and \$100,000 per mile for paved or oil and chip roads. Keep in mind that road materials have actually increased *above* the rate of inflation over the last 30 years. According to the U.S. Bureau of Labor's CPI calculator, the CPI has seen an increase of 168 percent since 1990. However, here in Greene County the price of blacktop has increased by 333 percent and stone has increased by 317 percent since 1990. The price of fuel alone has soared 29 percent in the last year alone. The provision in HB 2133 that would require these bonding amounts to be increased every 3 years would greatly assist townships across the state.

Inflation continues to eat away at the power of the transportation dollar. Over the last three years, highway and bridge construction costs have increased by double digits, largely due to the fluctuating cost of petroleum. The cost of salt has recently increased from \$40 per ton last year to as much as \$130 per ton today. Across the state, townships have seen cost increases for paving projects ranging from 20 to 60 percent since 2006. In fact, the cost to pave a mile of road can range as high as \$90,000 to nearly \$120,000 per mile. By adjusting the department's figures at least every three years, communities can better plan for and deal with these maintenance costs.

While we have seen an increase in liquids fuels funds over the last several years, we have heard that there will be a significant decrease for the 2009 distribution. Municipalities must deal with this shortfall by either increasing property taxes to make up the difference or defer maintenance by paving less miles of road and delaying other needed construction projects, which, as you well know, only serves to further increase the costs of maintenance.

Please keep in mind that many of the roads that are damaged by overweight vehicles suffer from severe structural damage that may require significant rebuilding of the sub-base as well as the damaged road surface. Rebuilding is more expensive than simply paving the road surface. Last year, Morgan Township, Greene County rehabilitated a mile of road due to damage caused by oil and gas well drilling. The township road crew undertook the project, which cost the township \$82,000 in materials alone, far more than the \$12,500 bond.

HB 2133 also would require Department regulations to include a rebuttable presumption in favor of a municipality against an over-posted-weight permittee for damage to posted roads. Quite often, the ability of a township to collect on the security offered by a bond rests on the township's ability to provide adequate proof relating to a trucking or hauling company's damaging activity on the road. This is often a long, difficult, and expensive process. The bill would provide additional support to the township's claim in collecting on the bond by placing the presumption in the township's favor, thus reducing the costs of collecting on the bond.

The commonwealth's local roads and bridges are in deteriorating condition and the costs necessary to repair continue to increase. In the recent Supreme Court case of *Borough of Youngwood v. the Pennsylvania Prevailing Wage Appeals Board*, the Court held that milling and resurfacing do indeed fall under the Prevailing Wage Act. This

decision will increase the costs associated with repairing damage done to township roads by overweight vehicles. By establishing specific guidelines whereby the department must review its bonding amounts and establishing the presumption in favor of the municipality, local governments will be in a better position to more effectively address such issues in the future.

This is an issue that is very important for our members and their 50,350 miles of roads, many of which have seen increased heavy truck volume in the recent years. This trend has increased due to natural gas operations in the Marcellus Shale Formation areas and we expect this increase to continue. While the utilization of this massive energy source may be extremely beneficial to the commonwealth and its citizens, the increased heavy truck traffic will levy a devastating toll on Pennsylvania's local roads. In Herrick Township, Bradford County, the residents woke up one morning to the roar of more than 300 trucks ascending the township's dirt and gravel roads to a new well. Consider how many trips it takes an 8,000 gallon tanker to deliver the 2 million gallons of water necessary to frack a single well and the damage that this will cause....far more than the \$6,000 per mile bond

It is important to note that the authority to post and bond a road is not a revenue-source for local governments but rather a means to offset the costs directly associated with road damage caused by overweight vehicles to keep roads open, passable and, above all else, safe for the motoring public. It equitably passes the costs of repair onto those that benefit by using the road while simultaneously inflicting damage upon it.

In closing, we thank Chairman Markosek for holding today's hearing on this important issue. Appropriate bonding amounts are a necessary part of making sure that we are adequately funding our transportation infrastructure and that those who are damaging our roads pay to repair that damage.

Thank you for this opportunity to testify before you today. I will now attempt to answer any questions that you may have.