

TRANSCRIPT OF PROCEEDINGS

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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
SUBCOMMITTEE ON COURTS

CITY-COUNTY BUILDING, COUNCIL CHAMBERS
414 GRANT STREET
PITTSBURGH, PA 15219

TUESDAY, SEPTEMBER 30, 2008

PUBLIC HEARING - HOUSE BILL 797

BEFORE :

REPRESENTATIVE THOMAS R. CALTAGIRONE, CHAIRMAN
REPRESENTATIVE DON WALKO, SUBCOMMITTEE CHAIRMAN
REPRESENTATIVE JOHN E. PALLONE
REPRESENTATIVE T. MARK MUSTIO
REPRESENTATIVE JOHN EVANS

ALSO PRESENT :

DAVID McGLAUGHLIN, SENIOR RESEARCH ANALYST
TO REPRESENTATIVE THOMAS R. CALTAGIRONE

Reported by Jean M. Bujdos, Court Reporter

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P R O C E E D I N G S

(10:10 o'clock a.m.)

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3 MR. WALKO: Welcome, everyone. I am Don
4 Walko. I'm chairman of the Judiciary Subcommittee on
5 Courts. We're here today to talk about legislation
6 that would specifically legalize audio taping on
7 school buses.

8 First of all, I'd like to have everyone here
9 introduce themselves and state where they're from.

10 MR. McGLAUGHLIN: Good morning, everyone.
11 My name is Dave McGlaughlin. I'm a staffer with the
12 House Judiciary Committee.

13 MR. CALTAGIRONE: I'm State Rep Tom
14 Caltagirone of the 127th Legislative District, Berks
15 County, and I am the Chairman of the House Judiciary
16 Committee.

17 MR. PALLONE: Good morning, ladies and
18 gentlemen. My name is John Pallone. I represent the
19 54th Legislative District, which is southern Armstrong
20 County and northern Westmoreland County.

21 MR. WALKO: Thank you.

22 First of all, I'd just like to say that a year
23 and a half ago, the district attorney of Allegheny
24 County, always monitoring, always being on guard for
25 the needs for security for our citizens, came to me

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1 regarding what he felt was a gap in the law regarding
2 audio taping on school buses. So that's why we took
3 these steps. I feel personally that the legislation
4 strikes a balance between the need for privacy and the
5 need for security and discipline on our school buses.

6 So I'd like to start off with Allegheny County
7 District Attorney Stephen Zappala. Thank you so much,
8 Steve.

9 MR. ZAPPALA: Thank you very much for
10 your attention to this matter.

11 MR. WALKO: Thank you for taking up the
12 issue.

13 MR. ZAPPALA: Again, thank you for taking
14 this up.

15 Gentlemen, I looked at this issue in 2006 and
16 actually, what had happened is the Pennsylvania State
17 Police brought a case involving Laidlaw Corporation
18 and they asked a very narrow question and that was:
19 Is audio taping in conjunction with videotaping on
20 school buses transporting children violating the
21 Wiretapping Act. I'd like to put this in context, at
22 least in the context that we did our analysis.

23 Allegheny County has a very active
24 investigating grand jury and obviously there are
25 extraordinary tools that are available to the grand

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1 jury, not the least of which is wiretapping and
2 electronic surveillance. Since I've had the privilege
3 of being district attorney in this county, grand jury
4 and white collar crimes have been managed by two
5 people, one is Claus and Diane Berman. I think Diane
6 has been with my office for about 30 years and Law
7 Claus was the head of criminal investigations for the
8 attorney general's office, I think for about 15 years,
9 but he's been in charge of the grand jury for at least
10 the last seven or eight under my administration. So
11 we're very conservative in the application of the laws
12 that pertains to the use of wiretapping.

13 We came to a conclusion in 2006, and I have
14 that outlined in a letter and I'm going to read the
15 letter into the record. I have a copy I'd like to
16 offer as an exhibit.

17 MR. WALKO: I have a copy.

18 MR. ZAPPALA: This is a letter dated
19 April 11, 2006, it's directed to two
20 superintendents -- we have, I believe, 42 school
21 districts in Allegheny County -- the superintendent of
22 West Mifflin Area School District as well as the
23 superintendent of the McKeesport Area School District,
24 in re: School Bus Audio Taping.

25 Gentlemen: As you are aware, the Pennsylvania

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1 State Police have referred certain potential criminal
2 matters that arise under the Pennsylvania Wiretapping
3 and Electronic Surveillance Control Act.

4 Specifically, the Police have developed evidence
5 dealing with audio taping that is being done in
6 conjunction with videotaping on school buses
7 transporting students in your school districts. I
8 note that videotaping is not prohibited by the Act.

9 I preface this correspondence in that I do not
10 question the legitimate safety concerns of both the
11 school districts and the transportation company
12 involved in attempting to ensure that the children are
13 transported in a manner that protects them, as well as
14 the school bus operator, from physical injury, verbal
15 abuse, or threats thereof. At the same time, the
16 thorough investigation and good faith actions of the
17 Pennsylvania State Police in enforcing the provisions
18 of the Act cannot be questioned. In this age of
19 wireless communication where individual privacy rights
20 are being continually redefined, the State Police have
21 sought my counsel in this unsettled area of the law.

22 Neither the Act nor the Pennsylvania Appellate
23 Courts have addressed the particular circumstances
24 communicated by the State Police. The courts have,
25 however, consistently directed that oral

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1 communications which are surreptitiously obtained,
2 absent a specific exception, violate the Act.

3 Having reviewed the evidence provided, as well
4 as relevant Pennsylvania cases governing oral
5 communications within the meaning of the Act, I do not
6 believe that the questioned activity falls within the
7 definition of oral communication.

8 Gentlemen, the part that I relied on to come
9 to that conclusion was a Pennsylvania Supreme Court
10 case, I believe it was decided August 25, 1998, it's
11 James J. Agnew v. Michael Dubler in the Township of
12 Peller. If I may, the relevant passage from that
13 particular case: In determining what constitutes oral
14 communication of the Wiretapping and Electronic
15 Surveillance Control Act, the proper inquiries are
16 whether the speaker has a specific expectation that
17 the contents of the discussion will not be intercepted
18 and whether the expectation is justifiable under these
19 existing circumstances.

20 Just to continue with the letter: Assuming
21 for the sake of argument that this conduct falls
22 within that definition, I do not find an intent to
23 violate the Act by either the school districts and/or
24 the transportation company.

25 Laidlaw has communicated that it will cease

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1 utilizing the audio aspect of the cameras in their
2 buses across Pennsylvania. I believe that that would
3 be prudent at this time.

4 Until the Legislature and/or the Appellate
5 Courts have spoken to this issue, the use of audio
6 equipment on school buses within Allegheny County will
7 not be considered a criminal matter if the following
8 measures are taken:

9 1. The adoption of a school board policy that
10 authorizes audio interception on school buses for
11 disciplinary purposes;

12 2. Advance communication of that policy to
13 both students and their parents/guardians by letter;
14 and,

15 3. Clearly visible notice on the buses which
16 are equipped with audio interception, with unequivocal
17 language that audio as well as video interception is
18 occurring on the school bus.

19 Being mindful that this opinion addresses
20 criminal prosecutions within the boundaries of
21 Allegheny County, and this is in no way intended to
22 undermine civil remedies set forth within the Act, an
23 issue that should be reviewed by your solicitors, or
24 any future court or administrative opinions that may
25 further clarify this issue.

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1 Kindly note that a copy of this Opinion has
2 been forwarded to members of the Legislature with a
3 request that they take up this matter at their
4 earliest convenience and also to Frank Monaco,
5 Pennsylvania State Police, who is in charge of this
6 particular.

7 When I was asked to address this particular
8 opinion, I felt that the state, which are the children
9 in a particular school district, their parents, the
10 school board itself, the faculty, administration, I
11 thought that they would have been in the best position
12 to determine whether or not they wanted this safety
13 precaution, citing Hempfield or North Hills or
14 something like that. I thought about it, and whether
15 or not the Department of Education would be the
16 appropriate body to promulgate the policies. That
17 obviously is something you guys are going to have to
18 think about and decide.

19 But I thought, I looked at this kind of like
20 we look at, you know, whether something is foreign,
21 it's more what does this school district and these
22 children who live in the South Hills of Pittsburgh or
23 up in Erie, what do they think about how best to
24 protect their kids, that was part of it. I will tell
25 you this, we've put a lot of video in police cars, and

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1 I know that, I believe it was five or six years ago,
2 you guys amended the Wiretap Act to include audio for
3 police officers who make stops.

4 When video went into police cars, nine out of
5 ten of the one-on-one stops, the complaints that came
6 out of one-on-one stops, one person in the car, one
7 police officer, were eliminated. It's pretty easy to
8 determine whether or not a police officer should be
9 disciplined or a crime has been committed by that
10 officer when you have this type of evidence. In this
11 county, since we have 119 police agencies, what we do
12 is we patrol our neighborhoods really well, but there
13 are a lot of DUI arrests that come out of that number
14 of agencies, almost 99 percent of the DUIs that have a
15 video do not trial, so I can reallocate limited assets
16 to other things. It's been a very substantial, good
17 thing for us.

18 If I may, there's a couple bullet points I'd
19 like to make. In the United States, about 24 million
20 students ride a school bus every day. Accidents and
21 seat belt issues are usually parents' primary thing
22 that they worry about, but experts say that assaults,
23 including sexual assaults, sexual harassment and
24 bullying, don't often register as a concern, yet,
25 according to the National Association of School

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1 Psychologists, about 160,000 kids a day miss school
2 for fear of being bullied on a school bus. That's a
3 big one.

4 Let's see. Protected class, other exceptions
5 under Section 5704 of the Act allow contractors,
6 public utilities, correctional facilities,
7 telemarketers and law enforcement officers in marked
8 cars to audiotape with notice to the other party,
9 either for quality control or safety purposes. The
10 safety and well-being of our children on school buses
11 are worthy of the same protection. Audio is necessary
12 for those crimes in which language is the key element
13 in prohibited behavior. Sexual harassment, bullying,
14 threatening, you know, threats, that type of thing. I
15 think it goes to the issue.

16 The police traffic audiotape exception
17 requires the use of state police approved equipment
18 for video and audio. I believe it would be prudent to
19 have state police perform the same role that they have
20 in the exception under the police stop. The House
21 bill, your bill, unlike Senator Costa's bill, says
22 nothing about uniform standards for equipment,
23 installation or maintenance of equipment in uniform or
24 school policy standards.

25 As I said previously, whether the policy is

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1 promulgated by Hempfield Township or it's promulgated
2 by the Department of Education, I think the most
3 important thing is, do you believe that this is
4 something that makes sense to protect our children.
5 That's what I had to say. I appreciate the
6 opportunity.

7 MR. WALKO: Thanks again. Questions?

8 MR. McGLAUGHLIN: I just had one that's
9 sort of tangential to all this, Mr. Zappala.

10 In considering this type of thing and then in
11 considering your testimony about cameras and video or
12 audio in police cars, do you favor future legislation
13 addressing the issue of videotaping confessions?

14 MR. ZAPPALA: That is an issue. I was
15 asked by a Senate committee to participate in the
16 joint commission that was established on wrongful
17 conviction. It's an issue that's before the
18 commission now. I think it's been debated very
19 spiritedly.

20 I can't say at this point that I'm favor of it
21 nor do I oppose it, but it is on the table, it's
22 something that I think should be discussed. We've
23 only had -- we've had a couple cases where somebody
24 was incarcerated and he did not commit the crime, he
25 served an extended period of time. It truly is a

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1 tragedy. And I think everybody that's sitting on that
2 particular commission is looking at how can we avoid
3 that.

4 And maybe that's the same issue here with the
5 audio, with the children on the buses. I mean, these
6 schools and these buses, they have to be absolutely
7 safe. I mean, we don't want to address something in
8 the context of a tragedy, we want to address it before
9 that.

10 MR. McGLAUGHLIN: It was a little off
11 topic anyway, I deserved every second of it.

12 MR. ZAPPALA: There's a lot of people
13 that have an opinion on that issue.

14 MR. WALKO: Representative Pallone.

15 MR. PALLONE: Thank you, Mr. Chairman,
16 and thank you, Attorney Zappala, for coming this
17 morning.

18 It's interesting that you use in your example
19 Hempfield Township, it's the largest township in the
20 Commonwealth that does not have its own police
21 department.

22 MR. ZAPPALA: Is that right?

23 MR. PALLONE: Yes, and that's legislation
24 that I'm working on for another day. But to focus on
25 more specifically, the videotaping and audio taping on

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1 the school buses, you had suggested that the audio
2 tape be similar to that being authorized in police
3 cars, the same type of address. You also suggested
4 that PSP approve the equipment, that type of thing.

5 MR. ZAPPALA: Excuse me, they promulgated
6 the regulations in the Pennsylvania board, so there's
7 no question about --

8 MR. PALLONE: In your opinion that you
9 provided to the school districts, you outlined three
10 bullet points about notice. In part of your notice,
11 is it suggesting or are you intentionally avoiding the
12 issue of having some type of a signed release from the
13 parent or guardian to be sent back to the school
14 district that they either receive the document and/or
15 authorize their child or children to be audio taped
16 while they're on the bus, or do you think that's
17 overly burdensome?

18 MR. ZAPPALA: My recollection is I did
19 not consider that, but I thought what's more important
20 is putting the issue in front of parents and having
21 them discuss it with school boards and teachers and
22 administration. If they thought it was a good idea,
23 then as far as I was concerned in Allegheny County, if
24 you think that's necessary, that that's a good thing
25 to protect your child, then I don't have a problem

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1 with that.

2 MR. PALLONE: And one last question just
3 for my own information.

4 You noted that there's over 160,000 children a
5 day that miss school because of bullying. Is it on
6 the school bus or bullying in general?

7 MR. ZAPPALA: On the school bus.

8 MR. PALLONE: Just on the school bus.
9 Thank you. Thank you.

10 MR. WALKO: Thank you.

11 District Attorney Zappala, I was wondering,
12 does your office receive private complaints regarding
13 actions on school buses or are you aware of it?

14 MR. ZAPPALA: On occasion, yes.

15 MR. WALKO: And obviously this would help
16 then in prosecuting those cases.

17 MR. ZAPPALA: But I can't recall any
18 communication where there was a camera on a bus.

19 MR. PALLONE: Mr. Chairman, one follow
20 up.

21 In your guidelines or in your experience,
22 would you suggest a time period that the tapes need to
23 be preserved?

24 MR. ZAPPALA: If nothing happened on the
25 bus, it should be like a camera bank, it would

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1 continue to roll.

2 MR. PALLONE: Every 24 hours or whatever?

3 MR. ZAPPALA: Right.

4 MR. WALKO: Any further questions?

5 MR. ZAPPALA: Next time you can stay
6 longer, I'll take you to lunch.

7 MR. WALKO: Thank you, Mr. Zappala.
8 Thanks.

9 Mr. Dale Lyons, vice president for
10 Schweinebraten Bus Company. Okay. Shoot.

11 MR. LYONS: I'll give you a little
12 history of our company, we've been in business since
13 1929. We try to do things right and we've been the
14 only contractor in our two districts in our area since
15 the inception of the buses in the early '40s.

16 In '91, we had some issues with some
17 discipline on the buses. We're talking a small
18 county, how do we incur this expense of the video
19 cameras? It got to the point where we couldn't take
20 that into consideration anymore. The students were
21 being bullied on the buses, the drivers were being
22 accused of he said/she said situations.

23 So we finally decided to bite the bullet and
24 install the video systems in our buses, but by doing
25 this, we wanted to bring in the state police in our

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1 local area, because there are regulations on how you
2 put different equipment in the school buses and it has
3 to be in a safe manner for the students to ride the
4 bus. So we had them, the trooper that was in charge
5 of the Pennsylvania school bus inspections and the
6 Pennsylvania Inspections Bureau, has come out to our
7 place, showed them what we were going to do, we showed
8 them the bus system, showed them the system. We
9 installed it. He came out, looked at it and says, I'd
10 rather you recess it back into the header of the bus
11 to make it a little bit more safer, even though it was
12 designed to be not recessed in there, but we went
13 ahead and did that. They brought their photographer
14 out, he looked over the materials, saw what we were
15 going to use it for, took some pictures with it, their
16 photographer said no problem, go ahead and use it.

17 Then we got a phone call about five years ago
18 and they said that, are you aware -- no, maybe it
19 wasn't, probably about a year and a half, two years
20 ago. They asked us if we were aware of the
21 Pennsylvania Wiretap Law, that if we were going to use
22 the audio portion of it, that we would be in violation
23 of that law. And I said I wasn't aware of it, and
24 when they, the state police who has taken -- since
25 taken over the position for this fellow that gave us

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1 the go-ahead, I said we will cease to use the audio
2 portion immediately. But let me give you a couple
3 little short stories here as to why.

4 We had a driver that was a farmer, drove for
5 us for 25 years, drove on his route where he lived,
6 drove his children to school, all the neighborhood
7 children. Well, there was a refuse company that was
8 bordering his property and he decided that he was
9 going to get out of the farming business and sell his
10 farm. Well, his neighbor wasn't real pleased with his
11 actions, so she took him to court to try to stop the
12 sale of his farm. She didn't want the refuse coming
13 next to her property once it moved on to his. Well,
14 she failed in that endeavor and then she proceeded
15 to -- even called my office and said that she would
16 have his job. Well, then, she started making false
17 accusations about him, so we decided this is it, we
18 put the cameras in. It was amazing, there was no
19 discipline problems on that bus that she was accusing
20 him of. I mean, it was like a 180-degree turnaround
21 for this driver and the students on the bus. That
22 solved that problem of that situation.

23 Another situation, we had a fellow that, he
24 was just a great driver, and he'd written up a student
25 a couple of times for verbally abusing, it was very

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1 foul language, but he sat right behind the driver and
2 the driver wrote him up twice. Mother said my son
3 wouldn't do that. So we had her come into the office
4 and her son out in the other office, the principal,
5 the assistant principal, myself and the driver and her
6 and we turned on the video. When she heard her son,
7 the language coming out of his mouth, she actually
8 broke down and was crying, she said please turn it
9 off, I will deal with my son.

10 In that situation, you couldn't see him
11 because he was sitting right behind the driver. Same
12 thing goes with bullying, you got somebody picking on
13 somebody on the school bus, it's a he said/she said.
14 The driver says it's here and we've got into a
15 situation seems as though we can't always take the
16 word of the adult, that just doesn't fly very well,
17 but with the audio part, it eliminates all he said/she
18 said actions. It's right there. Either they said it
19 or they didn't say it. It takes all the question out
20 of it.

21 And probably the thing that is -- the school
22 bus industry is the most regulated industry that we
23 have. We are safer than the airlines, we are the
24 safest form of transportation. Our drivers jump
25 through hoops to be the safest that we can put out

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1 there on the road. Our equipment is the safest, but
2 for some reason, the Pennsylvania Department of
3 Education thinks we should still be back in the '60s
4 where we have 66 or 85 students on a school bus
5 sitting behind the driver. When he's going down
6 the road, he's got to watch those students so that
7 they don't pick on each other, throw stuff out the
8 windows, stick their arms out the windows, what they
9 might be saying, plus take care of all the hazards
10 that are going on outside of that bus. You have snow,
11 you have other drivers, cell phones, everybody knows
12 cell phones are one of our biggest hazards that are
13 around now. It used to be makeup and newspapers, now
14 it's the cell phone. Nobody is watching what they're
15 doing. You have all these other hazards going on
16 outside of the school bus. We have 66 students behind
17 us. The teachers are afforded the possibility of
18 walking around in a stationary classroom with no more
19 than 25 students, face to face. We continue to put 66
20 unseat-belted students behind us.

21 It just seems that we -- this is a vital tool
22 that we need, and I ask you guys to take it into
23 consideration and let us do our job. It helps us
24 police our drivers, it helps us police the bus. We
25 need to have our hands untied on this and give that

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1 bus driver as much help as we possibly can.

2 MR. WALKO: Thank you very much,
3 Mr. Lyons. Please remain seated for questions.
4 Before we start with questions, I'd like to welcome
5 Representative Mark Mustio from Allegheny County.
6 Thanks for joining us.

7 Any questions? Representative Pallone.

8 MR. PALLONE: Thank you, Mr. Chairman.
9 Thank you, George, for visiting with us this morning.
10 I had two quick questions.

11 One is, after you installed the video cameras,
12 notwithstanding the audio portion of it, did you enjoy
13 any relief from the insurance industry in terms of
14 your premiums because your buses presumably would be
15 more safe?

16 MR. LYONS: No.

17 MR. PALLONE: No savings were realized?

18 MR. LYONS: We made the initial cost for
19 the installation with no help from the state or school
20 districts.

21 MR. PALLONE: You paid out of pocket for
22 this?

23 MR. LYONS: Yes.

24 MR. PALLONE: And then the second
25 question that I have was relative to your drivers.

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1 Was there any objection from your drivers association
2 or the drivers being videotaped as they were operating
3 or conducting their jobs?

4 MR. LYONS: No, sir. They loved it, they
5 loved it more than church. When that system went in,
6 they said they feel like they're in church.

7 MR. PALLONE: Thank you. Thank you,
8 Mr. Chairman.

9 MR. WALKO: Just a follow up to
10 Representative Pallone. How about from parents, did
11 you hear complaints from them?

12 MR. LYONS: No, no. Only, like I said, a
13 couple instances where we had parents say that that
14 wasn't so, and then when we bring them in to watch it,
15 and then once the word got out through the community
16 that we were doing this, it kind of -- all questions
17 and all complaints just kind of, they knew it was
18 there, and when they would bring the parents in, they
19 would even go as far as to block out the other
20 students on the bus, like on the television with the
21 static, they could only key in on that parent's child,
22 so they weren't seeing what was going on on all the
23 rest of the bus or, you know, what was being said.
24 They would have them key in on their child only.

25 And I have right now, Chartiers-Houston School

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1 District, in our school, just signed a five-year
2 contract with them, and I have \$16,000 worth of video
3 cameras sitting in my office waiting to be installed.
4 They went above and beyond this time. They purchased
5 ten video systems for us, it is a card reader system
6 and it has, I think up to 36 hours of recording time
7 on it. It's a solid state system, just like in your
8 little cameras that you have, put the little card in
9 there, but we have the option right now where we can
10 pull the audio on it and hopefully some day, we will
11 be able to use this.

12 MR. WALKO: In your testimony, you noted
13 two incidences or they sound like ongoing incidences,
14 do you have any examples or could you share with us
15 any bullying stories?

16 MR. LYONS: Yeah. There's many times
17 when the driver won't see it happen and a lot of
18 times, the school district will say well, if you
19 didn't see it, we'll take it under advisement, but if
20 you didn't witness it, then we're going to bring the
21 students in and talk with them.

22 But we've had two sisters where the driver was
23 going up the highway and they stood up and they were
24 just pounding the tar out of each other, they were
25 probably 250 pounders. They were going at it. The

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1 driver got them off to the side of the road and
2 stopped the bus, and I always tell my drivers now, if
3 there's a fight on the bus, don't get involved, take
4 them to the first place you can get to, the school or
5 a police station, because in this day and age, you
6 don't know if it's a set-up for the driver going back
7 there to break that up. You might have four or five
8 high school students jump that driver, take control of
9 the bus. So we tell them take them to the nearest
10 facility that will take care of the problem for you.
11 Don't call on your cell phone, get the police there,
12 get them to the police, get them to the school. Don't
13 get involved.

14 But we've had over the years many, many cases
15 where we do have some areas where people can't get
16 along with the neighbors that they're living with, let
17 alone sitting on, now, you're going to put these two
18 neighbors who fight with each other constantly, you're
19 going to put them side by side on the school bus, then
20 you have the issues of bullying going on, but it has
21 happened.

22 MR. WALKO: Thank you. Representative
23 Mustio.

24 MR. MUSTIO: I apologize for my
25 tardiness. Mr. Lyons, I'm sorry I missed your

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1 testimony, you were reading it here. Are your cameras
2 active in all your buses? I know some school
3 districts don't, they just use the dummy boxes and
4 they take --

5 MR. LYONS: Right. Our first system that
6 we bought, we bought -- we have a total of 22 buses
7 that we transport students on regularly in the two
8 districts and we bought two boxes for each bus and we
9 had four cameras that rotated through the buses. Some
10 drivers and buses you have no problem with, and then
11 there's other hot areas where you do have, you know,
12 substantial discipline problems, you have neighbors
13 that, like I said, that don't get along with each
14 other.

15 This new system our one school district just
16 purchased for us, each bus has two cameras, will have
17 two cameras mounted in it. They are the round globe
18 style cameras that you see, one will be mounted mid
19 bus, the other one will be mounted at the front so
20 that you will get two directions and they come on when
21 the driver turns the key on and they go off when the
22 driver turns the key off. The driver has no control
23 when they have them on. And to watch it, you would
24 have to pull the card out of the video system, put it
25 into a computer and watch it right on.

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1 MR. MUSTIO: In your testimony, did you
2 mention the cost per bus?

3 MR. LYONS: This new system is \$1,600 a
4 bus. We have ten units at Chartiers-Houston School
5 District and they bought all 16 buses.

6 MR. MUSTIO: Would it be your
7 recommendation that if the school district was looking
8 to do this that they do it on all buses?

9 MR. LYONS: Yes, yes.

10 MR. MUSTIO: Thank you, Mr. Chairman.

11 MR. LYONS: That way, you can also, not
12 only would you have the children's safety in mind at
13 all times and by doing that, you can also police the
14 drivers.

15 MR. WALKO: Thanks. Any further
16 questions? Thank you, Mr. Lyons.

17 Now, Major John Duignan, Director of Bureau of
18 Patrol for the Pennsylvania State Police.

19 And as he's coming up, welcome to
20 Representative John Evans, and I also want to note for
21 the record that we have written testimony from the
22 Pennsylvania School Boards Association and the
23 McKeesport Area School District, which will be
24 included in the record.

25 MAJOR DUIGNAN: I asked Sergeant Robert

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1 Pohl to join me this morning. He runs the school bus
2 inspection program for the Pennsylvania State Police.
3 And in the event that you have more specific
4 questions, Sergeant Pohl will be the man with the
5 knowledge.

6 MR. WALKO: Welcome.

7 MAJOR DUIGNAN: Good morning, Chairman
8 Walko, members of the House Judiciary Committee's
9 Subcommittee on Courts. My name is Major John F.
10 Duignan, Director of the Bureau of Patrol for the
11 Pennsylvania State Police. On behalf of Lieutenant
12 Colonel Frank E. Pawlowski, the recently nominated
13 Commissioner of the Pennsylvania State Police, I would
14 like to thank you for the invitation to provide
15 testimony at this public hearing concerning the use of
16 audio-visual recording equipment on school buses.

17 Improving the quality of life for
18 Pennsylvania's residents and guests by prioritizing
19 highway safety is one of the highest goals of the
20 Pennsylvania State Police. In working toward this
21 goal, one objective of the Pennsylvania State Police
22 is to ensure the safety of all school buses that
23 transport students to and from school and
24 school-related activities. We recognize that these
25 school buses are transporting some of the most

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1 precious cargo on the Commonwealth's highway system.

2 As mandated by the Pennsylvania Vehicle Code,
3 Section 4705, relating to inspection of the vehicles
4 for transportation of school children, the
5 Pennsylvania State Police engages in school bus
6 inspections. This section requires that the owner of
7 every school bus shall, in addition to any other
8 inspection required by Chapter 47, submit the vehicle
9 to the Pennsylvania State Police annually prior to
10 operating the vehicle for the transportation of school
11 children during the school year. The purpose of the
12 inspection is to determine whether the school bus
13 conforms to the provisions of Chapter 47, including
14 regulations promulgated by the Pennsylvania Department
15 of Transportation.

16 In addition to the annual school bus
17 inspection campaign, the Pennsylvania State Police
18 monitors school bus safety and compliance with the
19 regulations throughout the school year through a spot
20 check inspection process. The spot check inspection
21 is unannounced, and it is normally performed at
22 schools after the students have disembarked. A spot
23 check includes an examination of the operator's
24 credentials and at least a walk around inspection of
25 the school bus. The inspection also includes, but is

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1 not limited to, the eight way school bus warning light
2 system, side signal stop arm, front crossing control
3 gate, and other parts and accessories.

4 While conducting these inspections in the
5 past, members of the Pennsylvania State Police have
6 encountered the presence of audio-video recording
7 equipment mounted inside some school buses and have
8 been unsure how to proceed. While there is no
9 specific prohibition against the use of video
10 equipment to monitor activities on a school bus, the
11 use of such equipment to record oral communications is
12 problematic. The complication arises when considering
13 the current language in the Pennsylvania Crimes Code,
14 Chapter 57, Subchapter B, relating to wire, electronic
15 or oral communication. Specifically, Section 5704,
16 relating to exceptions to prohibition of interception
17 and disclosure of communications, does not
18 specifically allow for the interception of oral
19 communications on a school bus. In the absence of
20 such an exception, the use of a video recorder that
21 simultaneously records oral communications on a school
22 bus could be challenged as a potential violation of
23 Chapter 57.

24 Pennsylvania courts have held that whether the
25 presence of audio recording equipment on a school bus

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1 is a violation of the Wiretap Act is dependent on the
2 facts of each situation. Among the factors to be
3 considered are the size of the bus, the equipment's
4 reception range, the location of each student on the
5 bus relative to the equipment, whether each student
6 exhibited an expectation of privacy and whether such
7 expectation was reasonable.

8 As you heard earlier in earlier testimony, on
9 April 11, 2006, the Allegheny County District
10 Attorney, Stephen A. Zappala, Jr., issued a written
11 opinion regarding the use of this type of equipment to
12 make audio-visual recordings on school buses. In this
13 document he concluded in part:

14 Until the Legislature and/or the Appellate
15 Courts have spoken to this issue, the use of audio
16 equipment on school buses within Allegheny County will
17 not be considered a criminal matter if the following
18 measures are taken:

19 1. The adoption of a school board policy
20 that authorizes audio interception on school buses for
21 disciplinary purposes.

22 2. Advance communication of that policy to
23 both students and their parents by letter, and,

24 3. Clearly visible notice on the buses which
25 are equipped with such audio interception, with

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1 unequivocal language that audio as well as video
2 interception is occurring on the school bus.

3 District Attorney Zappala's correspondence did
4 acknowledge that his opinion addressed criminal
5 prosecutions only in Allegheny County and was not
6 intended to undermine civil causes of action for
7 unlawful interception set forth within the Wiretap
8 Act.

9 Based on a request from solicitors for the
10 Carlisle Area School District, the Cumberland County
11 District Attorney, David J. Freed, issued a written
12 opinion regarding this topic on July 31, 2006. He
13 referenced the opinion published by District Attorney
14 Zappala and took the same position in determining that
15 the use of audio-video recording devices would not
16 result in a criminal prosecution. He echoed the
17 concerns of District Attorney Zappala with regard to
18 the potential for civil actions based upon violations
19 of the Act.

20 Although these District Attorneys have
21 determined that the use of audio recording equipment
22 on school buses in their counties of jurisdiction will
23 not be criminally prosecuted, school buses normally do
24 not travel solely within the confines of a single
25 county. Problems may result when audio recording

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1 equipment is used while these school buses are
2 transporting students in counties beyond those where
3 the District Attorney has a policy of non-prosecution.

4 As an example, on May 8, 2007, Lackawanna
5 County District Attorney Andrew Jarbola advised
6 members of the Pennsylvania State Police in Troop R
7 that the audio recording feature on equipment in
8 school buses must be disconnected, not merely turned
9 off, or it would constitute a violation of the Wiretap
10 Act. Considering these conflicting opinions, a
11 Cumberland County school bus driver who transports
12 children to Lackawanna county for an athletic event
13 could face potential criminal charges in that county
14 if a complaint were made regarding the use of audio
15 recording equipment. In the absence of legislative
16 direction or instructive case law, Pennsylvania's
17 District Attorneys are rendering contradictory
18 opinions regarding the potential for criminal
19 prosecutions related to the interception of oral
20 communications on school buses.

21 The Pennsylvania State Police is in support of
22 legislation, such as House Bill 797, which seeks to
23 allow the use of audio recording equipment on school
24 buses. According to statistics from the Pennsylvania
25 Department of Education, during the 2006-2007 school

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1 year there were over 1.5 million students transported
2 almost 400 million miles on the Commonwealth's
3 highways, in 21,516 school buses. Clearly, the number
4 of hours our children spend within these vehicles is
5 staggering.

6 There are several benefits to enacting
7 legislation that will permit the capturing of both
8 video and oral recordings on school buses. Due to
9 genuine concerns about school violence and
10 gang-related activities, uniformed school resource
11 police officers have become commonplace in the
12 Commonwealth's school system. The lawful use of
13 audio-visual recording equipment on school buses will
14 serve as a strong deterrent to some students who would
15 otherwise take advantage of the lack of close
16 supervision.

17 As you heard in testimony earlier, we cannot
18 rely on the school bus drivers to be accountable for
19 the safe operation of the vehicle and the safety of
20 all the students on board the bus at the same time.
21 Criminal conduct jeopardizes not only the students who
22 are the victims of harassment or assaults, but all
23 occupants of the school bus. School bus drivers
24 become distracted during these incidents, greatly
25 increasing the risk that the school bus will be

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1 involved in a traffic crash. So the situation goes
2 beyond just the mere criminal situation that's
3 involved. The use of this equipment also acts as a
4 deterrent to any school bus drivers who may be tempted
5 to act inappropriately with school children. Without
6 a doubt, allowing audio-video recording equipment to
7 be used on school buses will promote public safety and
8 protect our children.

9 The passage of this legislation would provide
10 clear guidance to Pennsylvania's school bus industry
11 professionals and law enforcement regarding the
12 interception of oral communications on school buses.
13 Respectfully, the Pennsylvania State Police also
14 recommends that this Subcommittee consider addressing
15 the issue of storage, retention, disclosure and
16 disposition of recordings made under the proposed
17 legislation.

18 In conclusion, on behalf of Lieutenant Colonel
19 Pawlowski and the entire Pennsylvania State Police, I
20 thank you again for the opportunity to address your
21 Subcommittee. I will be happy to answer any questions
22 you may have.

23 MR. WALKO: Thank you for your testimony,
24 and just for the record, I want to note that
25 Representative Evans is from Erie County. I thank you

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1 for coming all the way down here.

2 Questions? Representative Pallone.

3 MR. PALLONE: Naturally. Major,
4 Sergeant, thank you gentlemen for coming today and
5 sharing your thoughts with us on this legislation.

6 While I have the highest regard and most
7 respect for the Pennsylvania State Police, as you
8 know, and support your efforts whole-heartedly, I
9 have, I guess a question, I probably should have asked
10 District Attorney Zappala, but maybe you can give me
11 the answer.

12 Under what theory would we be prosecuting a
13 bus company or school district in violation of the
14 wire tap law for audio taping?

15 And let me set the stage for it, because
16 obviously, this is a sunshine meeting, if somebody
17 comes in here with a video camera, we can't stop that,
18 they can videotape, audio tape and use that
19 accordingly. Let me also -- I'm a lawyer, too. So
20 it's my understanding that for it to be a violation of
21 the wire tap law, there has to be a presumption of
22 privacy in the communication. If I am on a bus with
23 60 other kids, anything I say and do is no longer
24 private, so how am I violating the wire tap law?

25 MAJOR DUIGNAN: Well, that's a very good

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1 question.

2 MR. PALLONE: There's 49 or 59, depending
3 on the size of the bus, witnesses that are going to be
4 able to testify to whatever that video, audio tape
5 would say.

6 MAJOR DUIGNAN: I would agree that that
7 certainly is a valid argument, but the mere fact that
8 in the course of our duties, and through those duties,
9 our troopers out there encounter these devices and not
10 being on clear on the issue, they brought it to our
11 attention, because in the Bureau of Patrol, we oversee
12 the school bus inspection program in Pennsylvania.
13 Rather than making a decision on my own as to the
14 major bureau, not necessarily an attorney, I relied on
15 the guidance of our chief counsel's office, brought
16 the issue to them in the form of a question: Is this
17 a violation of the wire tap act? And in their opinion
18 back to me, they weren't sure, and the best that they
19 could say and rely on current case law is that, as I
20 said in my testimony, it depends on the circumstances
21 of each case and there's some conflicting opinions in
22 addition that we've received as an agency from
23 district attorneys. So rather than debate or deal
24 with 67, potentially 67 different policies and
25 procedures and interpretations of the law that could

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1 exist in Pennsylvania, we feel it's important to save
2 our time and resources and to get legislation which
3 clarifies the issues statewide.

4 MR. PALLONE: And don't misunderstand
5 what I'm saying because I have this problem as a
6 member of the legislature of enacting laws
7 unnecessarily, and while I absolutely support your
8 efforts, I think you're erring on the side of being
9 safer and conservative for the sake of protecting our
10 501 school districts, whether they be private and/or
11 school district run bus organizations. I certainly
12 don't have a problem helping to clarify that question,
13 but I intended to ask Attorney Zappala and I forgot,
14 and I thought maybe you could shed better light on it
15 for me.

16 MAJOR DUIGNAN: Well, I can tell you that
17 it's problematic for us right now in the Pennsylvania
18 State Police to deal with. In Lackawanna County, as I
19 testified, it's the opinion of that district attorney
20 that you cannot use this equipment, the oral recording
21 equipment, in particular, in Lackawanna County. So
22 even though it may seem logical and it may seem as
23 though this is a public school bus, we should be
24 allowed to do this, the mere fact that we have
25 district attorneys who disagree on that point, I think

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1 we need to get some clarification.

2 MR. PALLONE: And while it wasn't your
3 policy, do you know why or have any appreciation for
4 the basis of saying it must be disconnected versus
5 turned off, in at least the one county?

6 MAJOR DUIGNAN: Well, that's the
7 interpretation of the Lackawanna County district
8 attorney, I'm not sure why or whether he's strictly
9 interpreting Chapter 57 in his viewpoint to make sure
10 that not only is it not turned on, but there's no
11 possibility of it being turned on and it's totally
12 inoperable while students are on board. I'm not sure
13 that I can answer.

14 MR. PALLONE: And I wouldn't expect you
15 to know, but he may have in conversation, he may have
16 said well, I want it completely disengaged rather than
17 just shut off.

18 MAJOR DUIGNAN: So we're in a position
19 now where in every county where this becomes an issue
20 because there's not clarifying legislation, we have a
21 policy in place where that information is to be
22 brought to the attention of the supervisor immediately
23 and that supervisor has to reach out to that
24 particular district attorney for a clarifying opinion
25 on the matter and so we could, as I said, potentially

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1 be reaching out to another 63 or 64 district attorneys
2 as time goes by for a decision on that matter.

3 MR. PALLONE: It certainly presents an
4 odd situation, because now you're going to have, based
5 on Attorney Zappala's testimony, there's 42 school
6 districts in Allegheny County and for whatever reason,
7 if they ever go to -- is it Monroe county?

8 MAJOR DUIGNAN: Lackawanna County.

9 MR. PALLONE: -- Lackawanna County,
10 they're going to be in possible jeopardy.

11 MAJOR DUIGNAN: Potentially.

12 MR. PALLONE: And we certainly want to
13 correct that, so again, we want to support this
14 legislation. Thank you, gentlemen, for coming.

15 MR. WALKO: As Representative Pallone
16 mentioned, I do agree with him, I do believe myself
17 there is no expectation of privacy on a school bus,
18 but that's not as interpreted by different district
19 attorneys and including, I believe, Allegheny County,
20 Zappala. Any other questions or comments?

21 Thank you for your thorough testimony and I
22 appreciate you taking time out from your busy schedule
23 to be here.

24 MAJOR DUIGNAN: Do you wish us to stay
25 for the question and answer period?

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1 MR. WALKO: We're just doing the question
2 and answers as we go, so you can feel free to go.

3 MAJOR DUIGNAN: Thank you very much.

4 MR. WALKO: Thank you, sir.

5 We have Mr. Bill Roenigk. Did I say that
6 correctly?

7 MR. ROENIGK: That's correct.

8 MR. WALKO: Mr. Roenigk is president of
9 the Pennsylvania School Bus Association. Thanks for
10 taking time out from your busy schedule to be here.

11 MR. ROENIGK: Thank you.

12 On behalf of the Pennsylvania School Bus
13 Association, I am providing testimony in support of
14 House Bill 797 of the Pennsylvania Consolidated
15 Statutes allowing school buses and school vehicles an
16 exemption to use audio surveillance.

17 The PSBA's membership is comprised of
18 independent school bus contractors, of which I am one,
19 that provide student transportation to 85 percent of
20 the 501 school districts in Pennsylvania. The purpose
21 of the Pennsylvania School Bus Association is to
22 promote and foster the highest degree of safety in the
23 transportation of school children, and to strengthen
24 the quality of this transportation through
25 professional management.

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1 Under PSBA's code of ethics each member of
2 this association agrees to obey by all federal, state
3 and local laws and regulations governing school
4 transportation, while reserving the right to act
5 through appropriate channels to seek modification of
6 such laws and regulations which are not in the best
7 interest of the industry. Our members strive to be in
8 compliance with all laws and regulations and a concern
9 has risen with respect to the Pennsylvania Wiretapping
10 and Electronic Surveillance Control Act.

11 For almost two decades, school districts have
12 used video monitoring of school buses for student
13 security and discipline purposes. This has been a
14 valuable tool in resolving discipline action and has
15 helped reduce violent acts on school buses because the
16 students know that there is a camera on the bus. As
17 technologies advanced, audio capabilities were also
18 incorporated. School districts also found that this
19 enhanced capability enabled them to have a more
20 accurate account of the situation and also helped in
21 reducing verbal bullying. While ignorance of the law
22 is no excuse, school districts were instructing their
23 contractors not only to use video surveillance
24 systems, but also to use systems that can record
25 audio. School districts and contractors were trying

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1 to increase the safety of the school bus environment;
2 their thoughts were not about the right to privacy but
3 to the safety of all the students and the school bus
4 driver on a school bus.

5 Several years ago a class action lawsuit was
6 filed in Berks County against the Twin Valley School
7 District and the two contractors that provided the
8 student transportation for that district, claiming
9 that they had violated the Pennsylvania wiretapping
10 laws. This prompted school districts and contractors
11 to investigate the law and to take measures to be in
12 compliance with the law. School districts and
13 contractors, with the advice from school solicitors,
14 developed measures to be what were thought to be in
15 compliance with the law.

16 In March of '06, in Allegheny County, 70 video
17 cameras were seized by the Pennsylvania State Police
18 from a school bus contractor. In this case, the
19 police were investigating an overcrowded bus complaint
20 and while viewing the recorded videotapes on the bus
21 in question noticed that there was audio also. The
22 State Police referred this potential criminal matter
23 to the Allegheny County District Attorney. After
24 reviewing the evidence provided and relevant cases
25 governing oral communications, the District Attorney

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1 did not find that there was any intent to violate the
2 Act by the school district and/or the school bus
3 contractor.

4 At the time of the incident in 2006, the PSBA
5 reached out to our membership to contact its county
6 district attorney for an opinion on this matter. Many
7 of our members contacted their county district
8 attorney to find out if, with the proper notification
9 via policies, notices to parents and signage on the
10 vehicle, their company was in compliance with the law.
11 Many of the county district attorneys had the same
12 opinion as Allegheny County, but there were some who
13 did not. The safety of all children is our primary
14 concern; however our members do not want to jeopardize
15 their businesses and livelihoods by not complying with
16 the laws. However, an opinion such as the Allegheny
17 County District Attorney only addresses criminal
18 charges and does not eliminate the possibility of
19 civil action that could be brought against a school
20 district or a private bus contractor.

21 Passage of House Bill 797 will be another step
22 to ensure that safety and security measures are being
23 provided for students riding on our school buses. It
24 is important to the school transportation industry,
25 and the students we transport, that every available

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1 resource be available to provide safe, secure and
2 affordable transportation to and from school.

3 I thank you for the opportunity to speak here
4 today and I'd like to add a few things of my own if I
5 could.

6 MR. WALKO: Sure.

7 MR. ROENIGK: Unlike most issues that
8 come before the Legislature, this is a little
9 different. I've actually had the opportunity to see
10 both sides of it. We had audio for close to 20 years
11 and then that was taken away from us. The difference
12 it has made -- District Attorney Zappala spoke about
13 bullying. It's not something that we see, it's not a
14 primary issue on the bus. I believe that in a lot of
15 cases, it's simply the fact that this is the first
16 time throughout the day that a student is out of
17 teacher control. There is no principal on board,
18 there is no judge and jury present and there are
19 behaviors that are unacceptable. But the biggest
20 problem that the loss of audio has caused is not in
21 the major problems, when a driver sees an issue, they
22 report it, it's taken us back, very seldom is the
23 video recording even consulted, but when something is
24 reported to the driver or something is reported by a
25 student directly to a school official, the lack of

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1 audio added to the lack of the driver's firsthand
2 knowledge of the situation, it's student against
3 student. They bring in a group of students, they talk
4 to them, decide from their testimony what the problem
5 is. We've lost that officer on duty standing there,
6 recording everything both visually and audio and it
7 has created a problem where, if anything, it fosters
8 disrespect between the students and requires them to
9 act against whoever they think it was that reported
10 their problem.

11 As I said, the difference between a bank
12 robber that is seen on a videotape robbing a bank and
13 me as an eyewitness saying I saw this guy do it, in
14 one case, a person is in danger, the witness, and the
15 other case, they are not. It's simply a mechanical
16 device that has caught you doing something wrong and
17 has no other human person to blame.

18 Thank you.

19 MR. WALKO: Thank you very much for your
20 thorough testimony.

21 Do we have any questions? Representative
22 Pallone.

23 MR. PALLONE: Good morning again,
24 Mr. Roenigk, thank you for coming as well to testify
25 on behalf of the Pennsylvania School Bus Association,

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1 as well as your own vendor providing service.

2 Just a few quick questions, how many buses do
3 you have?

4 MR. ROENIGK: 850.

5 MR. PALLONE: Are they all equipped with
6 video equipment?

7 MR. ROENIGK: No, they're not.

8 MR. PALLONE: Do you select which buses
9 get video equipment or do the respective districts
10 that you provide service to request it or demand it or
11 contract for it or whatever?

12 MR. ROENIGK: Most of the buses that we
13 operate are equipped with camera boxes and a certain
14 number of cameras are rotated through based on school
15 district demand or a previous problem. We found that
16 the vast majority of school buses operate on a
17 day-to-day basis throughout the year with no issues
18 whatsoever. Problem buses, problem areas, repeat
19 issues, question marks, new drivers, tougher areas,
20 those are buses that probably get the cameras quite a
21 bit more.

22 MR. PALLONE: Of the 850 units you have,
23 are they all the same size units?

24 MR. ROENIGK: No, there's about half of
25 those are school vehicles.

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1 MR. PALLONE: What's a school vehicle?

2 MR. ROENIGK: Up to ten passengers. They
3 say school students on them as opposed to school bus.
4 They generally deal with less than ten passengers and
5 mostly are used in more door-to-door service or
6 private school, parochial school, long distance-type
7 runs. Those have very little issues with them, those
8 are --

9 MR. PALLONE: I was just going to ask
10 you, do you find most of the incidents on the larger
11 units?

12 MR. ROENIGK: We find our biggest problem
13 in those vehicles that pick up a large group of
14 students, they basically turn an empty bus to a full
15 bus in three minutes, and then going to the school and
16 turning a full bus into an empty bus in three minutes.
17 Those are the ones where the issues are. There's the
18 confusion of loading 50, 60 or 70 children, choosing
19 of their seats, who they sit with. Those issues
20 create more -- once they've settled into their after
21 school, things actually seem to calm down.

22 MR. PALLONE: The more practical
23 question, I think, do we find that there are more
24 incidents in the morning when the students are
25 boarding the bus, you know, in smaller groups, two at

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1 a time, four at a time, eight at a time, versus in the
2 afternoon when you're picking the kids up and taking
3 them home and 40 or 50 or 60 kids are getting on the
4 bus all at one time, is there any kind of a
5 correlation between incidents morning or afternoon?

6 MR. ROENIGK: Well, afternoon is and has
7 always been a more active time for problems, and part
8 of that is the fact that you load a bus very quickly
9 and disburse them on a longer trip home. They've been
10 in the school all day. No doubt the afternoons are
11 tougher and, you know, it's always been that way.
12 Probably, though, the worst are groups, the group that
13 comes to school and leaves there to go to a Vo-Tech or
14 to that type of a situation where they, they're in
15 control and out of control, back in control.

16 MR. PALLONE: The midday transfer is more
17 problematic than before or after?

18 MR. ROENIGK: Actually midday being five
19 minutes after the bell rings, group of students gets
20 on the bus to go to Vo-Tech. There's other than
21 Vo-Tech, but that's the primary destination early in
22 the morning.

23 MR. PALLONE: Thank you, Mr. Roenigk, for
24 your testimony. We'll work forward.

25 Thank you, Mr. Chairman.

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1 MR. WALKO: Thank you. Any other
2 questions? Thank you very much again for taking time
3 out from your schedule and providing this thorough
4 testimony.

5 I'd also like to on the record thank some of
6 the staff that are involved in this, Brian O'Malley
7 from the district office. Louise Copeland-Heffer up
8 in Harrisburg. David McGlaughlin from the House
9 Judiciary Staff and certainly appreciate
10 Representatives Evans, Mustio, Pallone and Caltagirone
11 for coming here to hear this really thorough testimony
12 at probably one of the busiest times of the year for
13 anybody involved in government. So thank you,
14 gentlemen and colleagues, and I look forward to
15 working with you next week and maybe we can sneak this
16 one through. Thank you. That is it.

17 (Hearing concluded at 11:09
18 o'clock a.m.)

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C E R T I F I C A T I O N

I hereby certify that the foregoing transcript
is a true record of the testimony of the witnesses.

Jean M. Bujdos
Court Reporter