

Joint hearing
House Transportation Committee and House Veterans Affairs and Emergency Preparedness Committee
PennDOT: Tow Trucks

Introduction

The Department would like to begin by thanking the House Transportation Committee and House Veterans Affairs and Emergency Preparedness Committee members for the opportunity to express our concerns regarding House Bill 1678. If this Bill is passed as presented, we believe the Commonwealth's critical infrastructure as well as overall public safety will be negatively affected.

The Department is very focused on preserving our existing infrastructure as it ages, most importantly our statewide inventory of structurally deficient bridges. To maximize the available budget, the Department maintains roads and bridges so they can reach their maximum life cycle. We believe the proposed Bill could, at a minimum, shorten the lifespan of our critical infrastructure; in the worst case, the overall weight of tow truck combinations allowed by the Bill could cause a bridge collapse.

Bill Analysis

The current statute allows tow trucks to move disabled vehicles to a place of repair or a place of safety as directed by an authorized emergency personnel or a qualified Commonwealth employee. Currently, the Commonwealth can minimize the risk associated with moving overweight vehicles in several ways:

- 1) Movement is initiated by authorized personnel. The authorized personnel decide when a tow vehicle is needed. They then contact an appropriate company to respond.
- 2) Distance being towed is controlled by authorized personnel. Authorized personnel are typically native to the incident location and are familiar with the closest areas of safety and repairs.
- 3) Route is established by authorized personnel. Bridge/road concerns are addressed before authorization to move is given. The Department mitigates any risk to the public using our analysis tools when necessary.
- 4) Movement is limited to disabled vehicles. The Department prefers that a vehicle move under its own power or be replaced with a serviceable vehicle when possible. The Department will only contact a tow truck when it is the safest most efficient means to address the condition in the field.
- 5) Conditions in the field can be addressed on a case-by-case basis with public safety and convenience in mind and determined by authorized personnel.

The proposed Bill allows the tow truck operator more flexibility to serve their customers. They would be able to move the vehicle to any place of repair or safety within 75 miles if the entire combination is under 150' long and, in the case of a permitted load, the tow truck combination remains on the permitted route. The proposed Bill also returns authority of the move back to the Commonwealth when the provisions of the Bill cannot be met.

The Department has several concerns with the Bill. The primary concern is the combination of a fully loaded tractor and trailer with a tow truck, which exceeds legal maximum weight limits. The Department has many bridges which are rated to handle loads up to the maximum legal limit of 80,000 pounds. Under the proposed legislation these bridges would be exposed to loads greater than their rating. Exposing bridges to loads exceeding their maximum weight limits could result in costly damages to the commonwealth's infrastructure or worse resulting in a bridge failure which not only would put the tow truck driver at risk but also the motoring public.

In addition, for most vehicles being towed, there is a place of safety or repair within a few miles of the breakdown/incident location. The Department believes it is safer for the vehicle to be moved to the nearest

place of safety or repair and fixed than allowing the towing combination to travel up to 75 miles to a location of their choosing while exposing the State's infrastructure to loads exceeding legal maximum weight limits.

When permitted vehicles are concerned, each vehicle is analyzed based on the information provided in the application. Adding a towing vehicle to a permitted load completely changes the analysis. The application result would likely change, or at the very least, provisions would need to be added to ensure public safety.

Further, the provisions of the Bill are not enforceable. Since the Department is not involved in the process through which haulers dispatch tow trucks, we are not aware if the point of disability is accurately documented prior to towing. Consequently, it is not clear if there will be a way to determine if the towing operation remains less than 75 miles from that location. There is also no means to determine if the towing operation obeyed all applicable road and bridge weight restrictions.

The final point of concern is that the proposed Bill does not specify any conditions regarding the size of the tow truck in relation to the size of the vehicle or combination being towed. This could create an unsafe condition for a tow truck that is too small and underpowered to tow the disabled vehicle.

Conclusion

The current Law established in Section 4949 of the Vehicle Code (75 Pa.C.S. § 4949) gives the Department the necessary authority to address every emergency condition that may arise on Commonwealth roads. This ensures that incidents affecting the roadway can be addressed in a safe and efficient manner, ensuring public safety as the first priority. It is our view that the proposed Bill increases the risk to the safety of the motoring public, could reduce the overall lifespan of our critical infrastructure (including in the worst case potentially causing a structural failure), increases the Department's budgetary requirements, and will be difficult to enforce.

If an area of safety or repair facility is not conveniently available for a disabled load, the Department has an automated system (called APRAS) which is available 24/7 to haulers designed to analyze loads over legal limits. APRAS will analyze a specific route and determine if the route is safe for the load and issue a permit within minutes. We would suggest that the towing industry use the APRAS system to ensure the safety of their drivers, the motoring public and the State's infrastructure if an area of safety or repair facility is not conveniently available. Through prior legislative meetings, we have volunteered to work with industry to work out the details of this option.

On behalf of the Department, I appreciate both the House Transportation Committee and the House Veterans Affairs and Emergency Preparedness Committee Chairs and their members for allowing me to speak with you today.