

# Public Hearing

6J  
10  
T764  
1994

before

## ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE SUBCOMMITTEE ON BUS SAFETY

"Adequacy and effectiveness of the  
current bus inspection system"

**LOCATION:** Auditorium  
Atlantic County  
Office Building  
Atlantic City, New Jersey

**DATE:** April 20, 1994  
1:00 p.m.

### MEMBERS OF SUBCOMMITTEE PRESENT:

Assemblyman John F. Gaffney, Chairman  
Assemblyman Alex DeCroce  
Assemblyman Sean F. Dalton

### ALSO PRESENT:

Assemblyman Ernest L. Oros  
District 19

Amy E. Melick  
Office of Legislative Services  
Aide, Assembly Transportation and  
Communications Committee  
Subcommittee on Bus Safety



New Jersey State Library

**Hearing Recorded and Transcribed by**  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, CN 068, Trenton, New Jersey 08625





ALEX DECROCE  
Chairman

ERNEST L. OROS  
Vice-Chairman

JOHN F. GAFFNEY  
JEFF WARSH  
DAVID W. WOLFE  
JOSEPH CHARLES JR.  
SEAN F. DALTON

## New Jersey State Legislature

ASSEMBLY TRANSPORTATION AND  
COMMUNICATIONS COMMITTEE  
LEGISLATIVE OFFICE BUILDING, CN-068  
TRENTON, NJ 08625-0068

(609) 984-7381

### NOTICE OF PUBLIC HEARING

The Assembly Transportation and Communications Committee Subcommittee on Bus Safety will hold a public hearing on **Wednesday, April 20, 1994 at 1:00 PM** in the Auditorium of the Atlantic County Office Building, 1333 Atlantic Avenue, Atlantic City, New Jersey. The subcommittee will take testimony on the adequacy and effectiveness of the current bus inspection system.

*The public may address comments and questions to Amy E. Melick, Aide to the Committee, and persons wishing to testify should contact Kim Johnson, secretary at (609) 984-7381. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.*

#### Directions:

Take the Atlantic City Expressway East to Atlantic City. Make a left turn at the 3rd traffic light onto Atlantic Avenue. Travel 7 blocks to New York Avenue. Turn left on New York Avenue one block to stop sign, see parking lot on right. Turn right on Bacharach Blvd for entrance to parking. County building is between Bacharach Blvd and Atlantic Avenue on Tennessee Avenue. Entrance is from Atlantic Avenue. Public hearing will be held in the Auditorium on the first floor.

Issued 4/08/94



## TABLE OF CONTENTS

	<u>Page</u>
Assemblyman Tom Foley District 2	3
Richard M. Woolston Director Marketing and Government Relations South Jersey Transportation Authority	11
Vincent L. Lobascio Retired Principal Investigator Motor Carrier Inspection and Investigation Section Office of Regulatory Affairs New Jersey Department of Transportation	18
James J. Snyder Director Division of Transportation Assistance New Jersey Department of Transportation	28
Vincent Schulze Supervisor Motor Carrier Inspection and Investigation Section Office of Regulatory Affairs New Jersey Department of Transportation	35
Lieutenant Joseph Ballas Commercial Carrier Hazardous Material Transportation Unit Division of State Police New Jersey Department of Law and Public Safety	38
Anthony M. Kouneski General Manager Bus Division New Jersey Transit	45
James Gigantino Assistant General Manager Operational Training and Safety New Jersey Transit	50
John Mercadante New Jersey Motor Bus Association, and Operator Adventure Trails	54



# TABLE OF CONTENTS (continued)

	<u>Page</u>
Daniel Mercadante Executive Vice President Leisure Line, and President Atlantic City Bus Owners Association	54
Vasal Monczyn Director of Maintenance Leisure Line	64
Thomas Pogue Safety & Health Information and Education Specialist	68
Murray D. Picciotto Private Citizen	78

## APPENDIX:

Qualifications of Vincent L. Lobascio	1x
Testimony plus attachments submitted by James J. Snyder	10x
"New Jersey State Police Bus Inspection Procedure" plus attachments submitted by Lieutenant Joseph Ballas	22x
"Herbertsville Bus and Truck Inspection Building" New Jersey Highway Authority	37x

mjz: 1-85

\* \* \* \* \*



ASSEMBLYMAN ALEX DeCROCE: Good afternoon, everybody. My name is Alex DeCroce. I am the Chairman of the Assembly Transportation and Communications Committee. We are here in Atlantic City today to have a hearing pertaining to bus inspections. The public may address comments or questions to all of us. We ask that you sign in on a sign-in sheet, and pass it up to Amy Melick, who is our OLS Aide. We will take whatever testimony you wish to provide. Those of you who are here who just want to give us written testimony, we would have no problem with that at all, as well.

For the purpose of the hearing, this is a Subcommittee of the Transportation and Communications Committee. Therefore, I have assigned and asked a local Assemblyman, John Gaffney, to Chair this hearing in order to get it off the ground and get all your information in to us.

I cannot stay for the entire hearing, and I will be leaving along with the Vice Chairman of the Committee, Assemblyman Ernest Oros, from Middlesex.

At this point, I would like to turn the Subcommittee hearing over to Chairman John Gaffney.

**ASSEMBLYMAN JOHN F. GAFFNEY (Chairman):** Thank you, Alex. On behalf of the people of this district, I want to thank you and Ernie for coming a long distance to attend this hearing. I know you haven't been feeling well, and it is especially appreciated that you made the effort to come, even if you are not going to the casinos for a change.

I want to emphasize, also, if there is anyone who hasn't signed up who wishes to address the Subcommittee, you should come up and identify yourself. Then, when you are called upon to speak, it will be necessary for you to come forward to speak, because we will be recording and transcribing all the testimony.

I would like to welcome Assemblyman Sean Dalton, from the Camden County area, who is joining us on the Subcommittee.

I will begin the hearing by reading a brief statement. I hope this will go a long way toward outlining the purpose of the hearing. It may bring up some points that may bring some more questions to your minds, and hopefully help us to achieve our goals.

The purpose of this hearing is to determine the adequacy and effectiveness of the current bus inspection system in New Jersey.

I would like to publicly thank Mike Diamond and Ray Robinson for their excellent investigative reporting of this issue in The Press of Atlantic City. The safety of the passengers and motorists of this State, the ones who share our roads with the over 300,000 buses coming to Atlantic City every year, is the prime concern of this Subcommittee.

The following concerns are clearly the focus of this hearing:

1) Should the fine for failing the bus inspection be raised to prevent repeated failures by companies whose bus maintenance programs are inadequate?

2) Can the bus inspection system be expanded to include a site near Atlantic City with access from the Expressway?

3) Can the prosecution of repeat offenders be expanded beyond Executive Order No. 6, which restricts prosecutions to the Attorney General's Office?

4) Is legislation required to create a penalty for those companies that do not maintain accurate operational records?

5) Should more stringent background checks be developed for bus driver licensing?

6) Should the current "honor system" of bus repairs-- After a bus has failed inspection, it is basically on an honor system to have the bus taken back to their garage

for repairs. No one follows up on that at this time. Should that be replaced with follow-up inspections?

Obviously, it is my hope -- and I am sure the hope of the entire Subcommittee -- that we will leave here today prepared to make solid legislative proposals back to our full Assembly Transportation Committee, and then on to the full Assembly.

At this time, I would like to start the first testimony, and I would like to call up Assemblyman Tom Foley, from the 2nd Legislative District.

Tom, did you want to have Vince with you?

**A S S E M B L Y M A N T O M F O L E Y:** Yes, please.

**ASSEMBLYMAN GAFFNEY:** With Tom will be Vince Lobascio.

**ASSEMBLYMAN FOLEY:** And Rich Woolston, if he is here.

Okay.

Welcome to Atlantic City, Assemblyman and Transportation Committee. I will start out with my testimony.

Chairman Gaffney, members of the Assembly Transportation and Communications Committee, Subcommittee on Bus Safety: I express my appreciation for the opportunity to appear here today to offer some thoughts on the adequacy and effectiveness of the current bus inspection system in New Jersey, and to make some suggestions on how we can improve that system to ensure the safety of bus passengers and also protect the economic viability of bus companies.

I have brought with me today Vincent L. Lobascio, a retired Principal Investigator in the Motor Carrier Inspection and Investigation Unit of the Office of Regulatory Affairs in the New Jersey Department of Transportation, who will also share his opinions as to the effectiveness of the current bus inspection system.

As you know, the subject of bus safety was breached when a series of articles was brought forth by The Atlantic City Press detailing illegal, unsafe, and hazardous bus

transportation to Atlantic City casinos. The report revealed that more than 10 percent of the 300,000 buses that come to Atlantic City may have serious safety violations which make them too dangerous to be on the road. While the Department of Transportation has been active in trying to remove unsafe vehicles from our roads, they need additional resources to ensure that no unsafe vehicle is on our highways.

Presently, bus inspections are performed by the Motor Carrier Inspection and Investigation Unit of the Office of Regulatory Affairs in the Department of Transportation. Motor Carrier investigators conduct mechanical inspections to ensure that commercial buses are operating in accordance with State and Federal Motor Carrier Safety Regulations. These inspections are conducted in two different ways: pre-scheduled, unannounced roadside inspections; and roadside inspections at the Herbertsville inspection facility located on the Garden State Parkway at milepost 94. The Motor Carrier investigators also audit the self-inspections performed yearly by the carriers.

Roadside inspections have been conducted by the Motor Carrier Inspection and Investigation Unit, in coordination with the New Jersey State Police and other law enforcement agencies for several years. With the application of the Federal Motor Carrier Safety Regulations, roadside inspections have resulted in removing unsafe vehicles from our highways, and thus, have benefited the public as a whole. However, roadside inspections cannot ensure the safety of each bus traveling the highways of New Jersey.

According to the special report published in The Atlantic City Press on March 6, 1994, Motor Carrier inspectors, in coordination with the New Jersey State Police, pulled over 3386 buses in 1992, 327 of which had safety violations severe enough to warrant taking them off the road immediately. Although we commend the great success of the roadside

inspections by the Motor Carrier inspectors and New Jersey State Police, these inspections can only examine a fraction of the 300,000 buses which come to Atlantic City each year.

In addition to the roadside inspections, buses are inspected annually at the Herbertsville inspection facility, which is located on the Garden State Parkway at milepost 94. According to The Press Special Report in 1992, approximately 80 percent of the unsafe buses which were ordered off the road for safety violations were inspected at the Herbertsville facility. However, the Herbertsville facility is usually only open on weekdays and during regular hours and, therefore, bus companies which operate at night and on the weekends are not being properly inspected. Also, when drivers are alerted to the fact that the inspection facility is open, they could possibly use alternative routes to avoid inspection.

Presently, the New Jersey Department of Transportation has instituted a plan to construct a state-of-the-art bus and truck inspection facility at the existing Herbertsville site. The proposed site is intended to provide safe and efficient, Level I inspections of these vehicles. Undercarriage inspection and comprehensive exhaust emission testing will also be conducted. The project is expected to cost approximately \$3 million, all of which will be federally funded.

As we all know, New Jersey is a corridor State with extremely high bus mileage in a densely populated area and, therefore, we need to ensure the safety of bus passengers, as well as protect the economic viability of the bus companies. Bus transportation is the lifeblood of this region, and we need to assure visitors to casinos that they are riding on safe vehicles. If the public does not feel safe on tour buses, then Atlantic City could experience severe economic repercussions. However, we do not want to impose needless regulations that will cause economic hardship for bus companies. What is needed

is an additional inspection site within the Atlantic City area which will complement the Herbertsville facility.

The South Jersey Transportation Authority is in the process of finalizing the purchase of Hanson's Bus World on the Black Horse Pike in West Atlantic City, which is the largest bus parking facility in South Jersey.

At present, approximately 95 percent of all charter buses traveling to Atlantic City park at locations owned or licensed by the South Jersey Transportation Authority after discharging passengers. It is my understanding that the purpose of purchasing Hanson's Bus World is to consolidate the parking facilities presently owned and/or licensed by the South Jersey Transportation Authority and direct the buses out of Atlantic City. If the SJTA is successful in implementing this plan, Hanson's would be the ideal location to have an additional inspection facility to examine all buses coming into Atlantic City, since the acreage of the lot would be sufficient to allow for ramp construction to allow undercarriage inspections.

There are numerous benefits to instituting inspections in the Atlantic City area:

- \* Buses and passengers would not be inconvenienced by roadside inspections on the Garden State Parkway or Atlantic City Expressway.

- \* More buses could be inspected and they could be inspected more thoroughly during the layover period.

- \* If a bus is put "out of service" due to safety violations or minor repairs, there is ample time to repair said bus or have the bus company dispatch a new bus to the site.

- \* Since buses transporting passengers to the casinos are also traveling at night and on the weekends, bus companies which travel at that time could be inspected.

In 1992, the Department of Transportation was exploring major cutbacks in programs and personnel funded

through general revenues in order to address the substantial reductions contained in the State budget at that time, which was approved by the Legislature. One option that had been under review would have substantially curtailed the Department's role in the annual inspection program, although the yearly self-inspections performed by the carriers would continue. However, the Department of Transportation deferred its decision to curtail the Department's role in motor carrier inspections until early 1993, to give the Legislature time to again consider legislation that would enable the program to be self-financed through fees. With the passage of such legislation, the Bus Inspection Program could be self-supporting.

On May 28, 1993, Assembly Committee Substitute for Assembly Bill No. 2259 was signed into law and became known as P.L. 1993, c.124, effective July 5, 1993. This law increased the fees charged by the Department of Transportation for certain bus inspection functions. The law provides that the moneys received from fees collected by the Department of Transportation for the Bus Inspection Program be deposited into the General Fund and disbursed to the Department of Transportation, subject to appropriation, to defray the expense of the Bus Inspection Program.

For the Fiscal Year 1994, the Appropriations Act stated that receipts in excess of \$145,000 derived from motorbus and inspection fees are appropriated for the purpose of the administration of the program, which is estimated to be approximately \$500,000, and the initial \$145,000 is to be deposited in the General Fund for undesignated purposes.

The additional revenue cited in the Fiscal Year 1994 budget is included in the Governor's Fiscal Year 1995 budget, with the same appropriation as above. Therefore, it is requested of the Department of Transportation to look into the

feasibility of an Atlantic City inspection facility, and also the funding required to implement such a program.

In addition to the development of an inspection facility in Atlantic City, I have some suggestions as to how we can improve the bus inspection system in New Jersey:

- \* The computerization of maintenance and inspection records of specific buses and bus companies would allow the Motor Carrier Inspection and Investigation Unit of the Office of Regulatory Affairs to easily keep track of the history and possible delinquency of bus companies in maintaining their vehicles in accordance with State and Federal regulations.

- \* Information regarding a bus company's safety and maintenance records should be publicized by the Motor Carrier Inspection and Investigation Unit of the Office of Regulatory Affairs so the public can make an informed decision as to whether or not they wish to patronize a specific company.

- \* An increase in fines for the violation of bus safety regulations to force bus companies to repair and maintain their buses, instead of delaying repairs. If there is no deterrent such as a large fine to encourage bus companies to comply with State and Federal regulations, then expensive repairs could be delayed.

Although the Department of Transportation has been somewhat successful in removing unsafe buses from New Jersey's highways, they are limited in their ability to eliminate or substantially reduce the large number of unsafe buses eluding their inspections. Accordingly, I request the Department to closely analyze the feasibility of implementing an inspection facility in this area so we can move forward to provide security not just for the bus passengers, but for the hundreds of thousands of other drivers who might be traveling on our roads.

I would also like to thank you for allowing me to express my opinions and concerns here today.

If you have any questions regarding the above, please do not hesitate to ask me. I am available for questions from the Subcommittee.

Thank you very much, Mr. Chairman.

ASSEMBLYMAN GAFFNEY: Thank you, Tom.

Are there any questions for Tom, or do you want to hear from the other people first? Sean?

ASSEMBLYMAN DALTON: First, I want to commend Assemblyman Tom Foley for calling for the public hearing we are having today. Certainly, this is an important issue, not only in Atlantic City, Atlantic County, but certainly throughout South Jersey and the State as well.

I have a question for the Assemblyman: Do you feel we should increase the fines for subsequent offenses of bus lines that have a history of being fined with respect to failing inspections?

ASSEMBLYMAN FOLEY: Yes, Assemblyman, absolutely. I believe you should have some sort of progressive fining if you have a repeat offender. Even our correctional system has a progressive system. So I would say, yes, we should increase the fines, as the fines prevail. That would be a good idea.

ASSEMBLYMAN DALTON: Thank you very much.

ASSEMBLYMAN GAFFNEY: Questions?

ASSEMBLYMAN DeCROCE: A question, Mr. Chairman.

ASSEMBLYMAN GAFFNEY: Yes, Assemblyman DeCroce.

ASSEMBLYMAN DeCROCE: Assemblyman, have you proposed any legislation, as of this point, to do exactly what you just mentioned, or did you particularly wait for this hearing before you considered anything like this?

ASSEMBLYMAN FOLEY: Well, as we all know, Assemblyman, it is a little bit difficult for both sides of the aisle. If we could do something on a joint basis coming out of the Committee, I think it would have a more far-reaching effect on legislation availability, than it would coming from just one

simple person from the Minority side of the aisle trying to introduce legislation. I would hope that it would come from the Committee.

ASSEMBLYMAN DeCROCE: I understand what you're saying, but, as of now, you have not proposed any legislation -- as of this point?

ASSEMBLYMAN FOLEY: That is correct.

ASSEMBLYMAN GAFFNEY: Assemblyman Oros?

ASSEMBLYMAN OROS: Assemblyman, how much time have you allowed for a truck inspection? Have you looked into that? If they do have that Hanson facility that you spoke of, roughly what time period would that take to inspect the buses?

ASSEMBLYMAN FOLEY: Well, I would kind of waive that to the South Jersey Transportation Authority and the Bureau of Inspections through the Department of Transportation. I think it would be better for them to say the allowable time, rather than simply having legislation to do it.

ASSEMBLYMAN OROS: Up until this point, you have not given too much thought to how much time it would take to do an inspection?

ASSEMBLYMAN FOLEY: No, I have not, Assemblyman.

ASSEMBLYMAN GAFFNEY: Okay. Any other questions of Assemblyman Foley at this time? (no response)

If not, I would like to hear from Rich Woolston first. I spoke to Rich this morning. Rich is with the South Jersey Transportation Authority, formerly known as the Atlantic City Expressway Authority. For those of us who have been here for awhile it is a little hard to stop saying "Atlantic City Expressway Authority." Rich and I have talked about this for months -- about the need to tie the Expressway into this Inspection Program.

So, Rich, at this time -- I know you have some prepared testimony -- why don't you begin?

**R I C H A R D M. W O O L S T O N:** Thank you.

I would like to at least edit the first part of that to indicate that I do represent the South Jersey Transportation Authority. This was to have been done on letterhead, and there is no indication that that is where I am from.

Thank you, Mr. Chairman and members of the Subcommittee. The South Jersey Transportation Authority appreciates the opportunity to present testimony here today on this issue of significant importance to southern New Jersey.

It is fitting that this hearing is being held in Atlantic City. No other city in the State, and perhaps the entire Northeast, has been more responsible for promoting motorbus travel, or has been affected as significantly by the patrons using this service.

The South Jersey Transportation Authority, through the enabling legislation of 1991, has been given responsibility for promulgating rules and regulations which govern bus traffic into and out of the city. The Authority also licenses and monitors all bus parking facilities within the city and, in fact, owns and operates one major facility and is negotiating to purchase the largest bus parking facility in South Jersey.

It is because of this responsibility, and our mandate to promote economic development, that we appear before you today. We do not hold ourselves out to be experts in the field of motorbus inspections. Quite the contrary. We do not currently conduct inspections, nor do we desire to begin conducting them. Rather, we would like to make a few suggestions which we believe would greatly enhance the current program, reducing the number of illegal operators and improving overall bus safety for the traveling public. We would also suggest that this can be accomplished while eliminating the current inconveniences brought upon patrons traveling to Atlantic City.

As we understand the current program, the NJDOT, through the Motor Carrier Inspection and Investigation Unit, administers unannounced, pre-scheduled roadside bus inspections under the Motor Carrier Safety Alliance Program, a federally funded program. These checks are performed at numerous locations throughout the State and are done in conjunction with various State and local law enforcement agencies. The purpose of these checks is to determine illegal operators, and to remove defective equipment from service.

Unfortunately, there is funding for only 20 inspectors for all of the buses traveling New Jersey's highways. Although no one seems to have an exact handle on just how many buses are involved, it is known that at least 300,000 buses visit Atlantic City each year, representing at least 10 million visitors. Clearly, this is a monumental task for the hard-working inspection force.

It would, therefore, seem logical to find methods of operation which maximize the efforts of this agency. We would suggest that the best and highest use of this inspection force is to perform their services where buses from around the country are concentrated in one location. The current system relies on pulling buses out of traffic in a random manner. In 1992, New Jersey inspectors examined 1060 buses at roadside sites. I would point out here that Assemblyman Foley and I have different numbers on that. I may be wrong on that number.

**ASSEMBLYMAN GAFFNEY:** We will probably come up with a third set of numbers before the day is over.

**MR. WOOLSTON:** Okay. I will go on record with 1060, then.

It seems rational to assume that a great many more inspections could be performed at a bus parking facility where perhaps hundreds of buses sit idly for as much as eight hours at a time.

Approximately 95 percent of all charter buses traveling to Atlantic City park at locations owned or licensed by the SJTA after discharging passengers. These facilities are in operation on a 24-hour basis and would seem an ideal location for conducting routine and surprise bus inspections. As the regulatory agency, we would be willing to make it a requirement for licensing that each lot be capable of offering this service. Additionally, the acreage at the lot to be purchased by SJTA is sufficient to allow for ramp construction to allow undercarriage inspections, a service not currently available.

By conducting the inspections at parking facilities in Atlantic City, the program would be enhanced in many ways, including:

- \* Increasing the number of vehicles inspected, thereby improving the safety quotient for passengers.

- \* Allowing better allocation of limited resources.

- \* Providing the ability to conduct true "surprise" inspections, as opposed to the current schedule of 9:00 to 5:00, Monday through Friday.

- \* Improved ability to catch illegal and "pirate" operators who currently circumvent the system by operating only at night or on weekends.

- \* Improved safety by conducting inspections on buses which are safely parked, rather than pulling them out of traffic.

- \* Performing inspections while buses are empty, rather than inconveniencing visitors for perhaps several hours on the side of the road.

If necessary, buses can be taken out of service and replaced by the owners, again, without inconveniencing the visitors.

Finally, we are certain that all of this can be accomplished for significantly less than the \$3 million

currently planned for improvements to the facility on the Garden State Parkway. We would suggest that those moneys would be better spent supplementing the NJDOT Inspection Program.

Gentlemen, this concludes my formal remarks before the Committee. I appreciate the opportunity to express the views of the agency on this matter, and will try to answer any questions at this time.

If I might, Mr. Chairman, on kind of a personal note, I also serve on the Board of Directors for the New Jersey Travel and Industry Association. I would just like to express my concerns that we are inconveniencing members of the traveling public who are here to support the number two industry in the State, which is tourism, contributing about \$19 billion and 350,000 jobs to the State's economy.

I think that anything that we, as a State entity, can do to avoid inconveniencing the people who are coming here to contribute to our revenue stream, should be taken into consideration.

Thank you.

ASSEMBLYMAN GAFFNEY: Thank you.

ASSEMBLYMAN DeCROCE: Mr. Chairman, a question.

ASSEMBLYMAN GAFFNEY: Assemblyman DeCroce?

ASSEMBLYMAN DeCROCE: I keep hearing about the illegal and the pirate operators. Would you have any numbers with regard to--

MR. WOOLSTON: Actually, I wouldn't. As I mentioned in the prelude, we do not hold ourselves out to be the experts. Most of the information I received was through the article that appeared in The Press. There were several references to operators running trips outside of the times they knew inspections were going to be happening. There were apparently some concerns that the Federal DOT has kind of lost track of the exact number of operators there are in the country. It seemed like an idea to kind of tie it all together.

ASSEMBLYMAN DeCROCE: Secondly, I seem to be hearing the potentiality of a turf war with regard to inspections of these different buses and trucks. I would hope that that is not going to happen. I don't know if that is your mission in life--

MR. WOOLSTON: Not at all.

ASSEMBLYMAN DeCROCE: Not yours specifically.

MR. WOOLSTON: Oh, okay.

ASSEMBLYMAN DeCROCE: I mean the South Jersey Transportation Authority's mission in life to necessarily get into the bus inspection business, or if they are going to be working with, you know, or in cooperation with the Garden State Parkway, which is, frankly, going to be building that facility at Herbertsville. It is a known fact. Therefore, it seems to me that if you are going to go into it, I would like to know how much you are going to be planning to invest in it, and who is going to be operating it? That doesn't have to be given to me today, but I would like to know what you are planning to do there.

MR. WOOLSTON: I can pretty much tell you today what our position is as of today, Assemblyman.

ASSEMBLYMAN DeCROCE: Your what?

MR. WOOLSTON: What our position is as of today, which is that we have absolutely no intention of getting into the bus inspection business. We are merely offering the facilities that are already operating to those persons who are now currently conducting inspections--

ASSEMBLYMAN DeCROCE: So in other words--

MR. WOOLSTON: --as an addition to the Herbertsville site.

ASSEMBLYMAN DeCROCE: Okay, all right. That is a good clarification. I will get back to you on that.

Thank you.

ASSEMBLYMAN GAFFNEY: Anything else, Alex?

ASSEMBLYMAN DeCROCE: No, thank you.

ASSEMBLYMAN GAFFNEY: I was going to follow up on that with you, Rich. Anyway, of your 1060 buses-- Was that statewide, in 1992?

MR. WOOLSTON: That is my understanding, and I thought that was the number I got out of the paper. If Assemblyman Foley's number is higher, I would be happy to use his number.

ASSEMBLYMAN GAFFNEY: Well, my question, really, is more pointed toward the Expressway. As we said before, one of my concerns is that the current inspection station on the Parkway completely ignores the buses coming from Pennsylvania -- most of Pennsylvania, Philadelphia, Delaware, and Maryland.

Is there a breakdown of how many buses travel the Expressway?

MR. WOOLSTON: I'm sorry, I do not have that number. I can get it for the Subcommittee from the State. We do not conduct those inspections. I would have to go through DOT.

ASSEMBLYMAN GAFFNEY: We are going to have testimony by DOT subsequent to yours, and I will probably draw that out.

MR. WOOLSTON: Okay. One of the concerns I might raise on the Expressway inspection procedure is, those inspections are carried out just east of the Egg Harbor Toll Plaza, on the side of the road. More often than not, the buses are full of passengers on their way to Atlantic City, and they need to wait while this inspection takes place. There are no rest rooms at that area. There are no water fountains. There is nothing to take care of these patrons in the event they have to wait there for a replacement bus. There was some talk about rerouting them back to the rest area at the Farley State Marina. I am actually not certain where that stands as far as DOT's plans.

ASSEMBLYMAN GAFFNEY: Okay.

MR. WOOLSTON: The current system is kind of lacking.

ASSEMBLYMAN GAFFNEY: We will probably develop this more with further testimony from DOT.

Vince, do you have something you would like to add?

Oh, I'm sorry, Sean. I didn't see your hand.

ASSEMBLYMAN DALTON: Through the Chair, I just have a few questions.

ASSEMBLYMAN GAFFNEY: You have to share a microphone, unfortunately.

ASSEMBLYMAN DALTON: Following up on the suggestion made by Assemblyman Foley with respect to Hanson's Bus World being purchased by the South Jersey Transportation Authority, can you give us a time schedule as to when that is supposed to be completed?

MR. WOOLSTON: My understanding, right now, is that if everything proceeds the way we anticipate, the finalization of that deal will take place in August.

ASSEMBLYMAN DALTON: And as a follow-up to what was mentioned by Assemblyman Gaffney with respect to traffic not using the Parkway, but using the other arteries going into Atlantic City, would the Transportation Authority be amenable to using that site if purchased as an inspection site for all the buses going into the Atlantic City area?

MR. WOOLSTON: Yes. The buses that currently park at that facility and at the other facilities in town come from all over the country. They come down the Parkway; they come down the Expressway; they come the White Horse Pike; they come the Black Horse Pike, and they all gather there, which is why we consider that to be the best location to kind of capture the market.

We have also had at least some preliminary discussions on -- and it looks like we are going to move forward if the sale goes forward, which I anticipate it will -- constructing an exit and an on ramp directly to Hanson's from the

Expressway, to eliminate the need for rerouting traffic through the Black Horse Pike, or some of the other back roads.

ASSEMBLYMAN DALTON: Great. Thank you very much.

MR. WOOLSTON: Thank you.

ASSEMBLYMAN GAFFNEY: Assemblyman Oros, any questions or comments?

ASSEMBLYMAN OROS: One question, and it is just a general question: Do the casinos have any interest, financial or otherwise, in helping with the parking authorities?

MR. WOOLSTON: The casinos have a financial interest and are supporters of our program on a couple of different levels. As far as bus inspection, I don't know that they have been approached. I would be surprised if they had an interest in doing that. It is certainly an option, though.

ASSEMBLYMAN OROS: That's all I have, John.

ASSEMBLYMAN GAFFNEY: Thank you.

Before I go to Vince, finally, Rich, I want you to know that I understand that you are not in a turf battle with inspection stations, but it is refreshing for me to hear finally that there is a possibility that we may be able to have a joint agreement between your agency and DOT. I certainly will pass that on when DOT gets up here to testify.

MR. WOOLSTON: We would look forward to that.

ASSEMBLYMAN GAFFNEY: Vince?

V I N C E N T L. L O B A S C I O: Thank you, Assemblyman Gaffney.

My name is Vincent Lobascio. I am a retired Principal Investigator with the Motor Carrier Inspection and Investigation Section of the Office of Regulatory Affairs, now in the Department of Transportation.

A little bit about my background: I completed a transportation course years back at the Wharton School of the University of Pennsylvania. I was a Hearing Examiner back in the mid-'60s, appointed by William F. Hyland, former Attorney

General, and at that time, President of the Board of Public Utilities, because that is from where we came originally.

I have a Commercial Vehicle Inspection Certification, both by the Federal government and the New Jersey State Police. I have completed Accident Investigation Courses given by The Traffic Institute, Northwestern University, and Accident Reconstruction. My background in the motor carrier area is about 28 years, with a total of 35 years, 2 months of State Service.

I did much of the training in my outfit, and I did many of the illegal investigations -- hundreds of them. In many instances, I coordinated the safety checks that we speak about today, along with the New Jersey State Police. In fact, back on June 14, 1981, I was instrumental, along with my Chief, Sonny Macina, in inaugurating that facility, in coordination with the New Jersey State Police, who did a fantastic job. We started that operation on June 14. I also coordinated the safety spot checks at various points throughout the State of New Jersey, including on the Atlantic City Expressway, as expressed by the gentleman to my left.

So I know well about that outfit. I want to elaborate a little bit with respect to the adequacy and effectiveness of the inspections in the State of New Jersey by the Motor Carrier Unit in the Office of Regulatory Affairs. I became interested in this because I have people living at the shore who sent me articles in The Atlantic City Press on March 6 and March 7, and also on April 9. I called the reporters and explained to them that in all my years of service with State government -- in all of the years -- this was the only time that I saw an elaboration on a type of work that our agency does, because for years it was just smothered all the time. Nobody knows of us. Nobody knows that that small contingent of men take care of these thousands of buses that traffic through the State of New Jersey. So that is the reason for it.

The other reason for it is, I owe the government of this State a little bit of my services, even though I am retired. I owe the people of this State a lot for the benefits I am receiving after my 35 years of service, and I have a loyalty to them. I am continuing to serve them even in my retirement years.

ASSEMBLYMAN GAFFNEY: That's nice to hear, especially when all we have been hearing are complaints about cutting their pay 2 percent.

MR. LOBASCIO: Yes, I understand that.

I just want to bring to light the fact that in 1992, we almost didn't have a Motor Carrier Section. I don't know if you gentlemen know that. They were proposing to lay off the 18 inspectors who inspect the buses today. There may be a little bit more than that. Now, you have to remember this. This is ironic. I mean, Transportation Assistance is a Division, and within the Division is Aeronautics, Freight Services, Suburban Mobility, and the Office of Regulatory Affairs, and the Motor Carrier Inspection and Investigation Section.

I think there were 23 personnel programmed to be laid off. They picked 18 of the motor carrier inspectors, each and every one of them. So the State of New Jersey, with a high concentration of bus traffic, wasn't going to have any inspectors to do-- It was going to be left totally to self-inspection. Okay, so I will go into that.

The Vernon accident happened. On July 26, 1992, we had a catastrophic bus accident in North Jersey that killed six people. Everybody became frantic about that. I wasn't working, but I know what could have been happening in there; everybody trying to put their fingers-- That is how State agencies work, you know. They were going crazy, really: "What are we going to do about this? What was wrong with that bus?" Well, the bus was an uninspected, unsafe vehicle from New York State. It killed six people.

So now what happened was, they programmed, as the Assemblyman said, the institution of a new fee system, and that's it. But you know, I question that sometimes. The fee system is great. I mean, if you need that, it's great. But do you have to have somebody pay for your operations to make the highways safe for the traveling public? Is that what is called for? Do all police departments in this State pay their own way by giving out violations? Is that the way it is supposed to be? I do not see that at all, you know.

So anyway, the effectiveness must center on a thorough and adequate bus inspection program, including road safety checks, and including underside inspections. I concur with what I heard here today. To supplement the Herbertsville facility and the Atlantic City site would be ideal, especially if all of the buses were going to be centered in that particular parking area. I worked Hanson's Bus Park. I worked it dozens upon dozens of times. I supervised the men there. I know what it is like.

In addition, it would be less costly to supplement that facility, because you would not need any accommodations for the passengers on the buses. They would already be in the casinos. This way you could actually do a pretty thorough inspection, especially with respect to the undercarriage of those vehicles, which have various technical components that should require looking into.

You can spot a bus, sirs. You can spot a bus. You do not have to check every bus underside. You can smell it. I did it. "Take a look at that," I would tell the men. "Look a little further."

To answer the question, "How long does it take to inspect a bus?" You cannot really determine that, because here is what happens: It is like a physician. If he sees a person who is sick and he is trying to evaluate exactly and diagnose, he starts to look more carefully, especially if he can't find

it. When you start to find various defects on a vehicle, you kind of slow down, because you are going to look a lot more carefully now. Therefore, it might take a half hour to get a real piece of junk off the highway. Or, a good bus -- you can be through with the thing in 10 or 12 minutes. It doesn't take very long, especially if you are well-acquainted with the bus operators within the State. Once you start to check these on the highways, you can become pretty well-acquainted with those coming out of New York State. I know that for a fact. I have supervised those men on those sites, and I know.

The Atlantic City location would be a tremendous asset and, in my opinion, sirs, with respect to my experience in State government along these lines, I concur with what was being said here today.

Effectiveness: One important way is to detect and investigate illegal operations. Now, we are going to get into that. I headed that team, too, years ago. We had a specialized team. I had it; I had three men. I headed those three men, along with my general supervisory job throughout the State. Many of the bus transportation companies know of me. They know of my work. I was a no-nonsense guy, but one thing I was, I was fair to the industry and to my personnel. I knew what to expect of them, and they knew what to expect of me. That is what is needed. You need that kind of hands-on experience. You just need it.

Illegal operations does not mean somebody just operating without a Certificate of Convenience and Necessity. That is not the only gist of illegal operations. An illegal operation can be a guy who operates at night, after his bus has been put out of service and it has an "Out of Service" sticker on it. Then he operates it at night, because he pulls the sticker off. That has been done. It was done dozens and dozens of times.

You know, to digress, there was an article in the paper on August 13, 1992 about the number of illegal operations. I am going to quote the Director of the Division of Transportation Assistance. It is in the paper here, in the Asbury Park Press: "Hundreds of buses operate in New Jersey illegally; that is, without safety inspections or insurance. But there are other reasons, too, not just without safety inspections, but those who operate after they receive the safety inspection and operate illegally then, or those who operate without any inspection at all after they purchase the vehicle. That is what happened to the New York vehicle involved in that Vernon accident."

It states right here, too: "Staff layoffs mandated by the cuts in the State budget would have eliminated the Bus Safety Program in the State of New Jersey." It sounds to me like kind of a ridiculous type of a thing in this State. So I am pointing that out.

The adequacy and effectiveness of the President's special program-- Two times a year, buses are regularly scheduled for inspection -- twice a year. Each man maintains records with respect to the particular territory that is assigned to him. He will go through that particular company, complete the inspections, and at a six-month interval -- the way it used to be -- we summarized the findings of that company: how many buses; how many buses put out of service, what the defects were. We graded that company. That is what we used to do with the paper filing in those days. Everything was paper filed. I think it is still paper filed. That is what we did.

However, one of those inspections is completed by the companies. Now, it is called the Self-Inspection Program, with a 10 percent monitoring by the staff of Motor Carriers. Ten percent is only one bus out of ten. When you break that down statistically, and I am sure the State government will bring

out some statistics, and statistics can mean anything you want-- To me, 1 is 10 percent of 10. It's a fact.

Now, that is not enough. They should be totally self-inspected. But New Jersey Transit -- now listen to this -- an arm of State -- a branch of State government in reality, they do a total self-inspection. I recall that when I was in office -- I recall it; I do not have the records here, so I cannot document it-- But I am sure that if you raised the proper questions with respect to the proper people, you would get the answers. There were deficiencies in some of the inspections carried on by them, and we had to go in there and take a look at things. We had to go in and say, "All inspections should be done by the State of New Jersey, by Motor Carrier personnel. New Jersey Transit should not be exempted."

You know, when you stop and think about it, right now the Office of Regulatory Affairs and Motor Carrier Inspection and Investigation are situated in the Department of Transportation. Now, it just so happens that the Chairman of the Board of New Jersey Transit happens to be the Commissioner of the Department of Transportation. It doesn't smack right; it doesn't taste right. It should not be. This organization--

ASSEMBLYMAN GAFFNEY: Let me interrupt you for a second.

MR. LOBASCIO: Yes, sir.

ASSEMBLYMAN GAFFNEY: When I went up to view the present inspection site, a New Jersey Transit bus came through. At the time, the inspection site was full, so they waved them through. I specifically asked the direct question: "Do you automatically wave through New Jersey Transit buses because they say they are self-inspected?" The answer was, "Absolutely not. They are inspected."

MR. LOBASCIO: You're right. You're right, sir.

ASSEMBLYMAN GAFFNEY: So I don't want people to get the wrong impression.

MR. LOBASCIO: No, no, no. When we were on the road, I was there, and I was instrumental in putting some of those-- They were no different than any other bus. My question is with respect to the regularly scheduled inspections of these vehicles in the garage, in-house. That's what I mean, when they are thoroughly gone over, which takes about, maybe, an hour and a half on a bus. They are taken on the road. They are given brake checks. They are given emission testing with the opacity meters, all of these things.

What I am trying to say is this: We originally came from the Department of Public Utilities. We were in an organization that was well-acquainted with regulating utilities. We, as bus operators-- Bus operators in this State are public utilities. They come under Title 48 of the New Jersey Revised Statutes. All the rules and regulations, all the laws applicable to the bus industry are in Title 48. All public utilities are in Title 48. Back in the mid-'60s, when I was there, all public utilities in the State of New Jersey-- There was a rule put in where they were assessed a percentage of their operating revenues, and that went toward regulating all utilities in the State. We didn't have to worry about getting laid off or anything because we didn't pay for ourselves. All utilities paid for that, and I would assume that that is still in effect.

ASSEMBLYMAN GAFFNEY: Vince, do you think that change was made for budgetary reasons, whenever it was made?

MR. LOBASCIO: Do you mean two years ago?

ASSEMBLYMAN GAFFNEY: Yes.

MR. LOBASCIO: Oh, absolutely. But the layoff of people directly involved with the safety of the traveling public in the State, and you pick 18 of the 23 out of the Motor Carrier-- What about Aeronautics? What about Freight Services? What about Suburban Mobility? Do you mean to tell me that they had to get 18? Yes.

ASSEMBLYMAN GAFFNEY: Well, my point is, perhaps now, with the new budget--

MR. LOBASCIO: Yes?

ASSEMBLYMAN GAFFNEY: --and new cutbacks, maybe it is time that DOT and the administration take a look at the system again. We certainly should have an answer as to whether that recommendation could be made. I know staff has been taking notes here, so we will further that.

MR. LOBASCIO: Thank you. I appreciate that, sir; I really do.

We were never really accepted by the Department of Transportation. We were just put into a corner. I remember that very well. We were uncomfortable. We were in a huge, huge, huge Department, and they knew nothing about us. "Who are these guys?" I remember it. We caused an uneasy feeling. They separated ORA from Motor Carriers. Finally, we got together. You know, I said, "Hey, I owe the State something. I am going to fight like hell for this," and that is what I did two years ago about the layoffs.

I went to the various legislators of both Houses. I spoke to Senator Littell; I called him. Tremendous cooperation, both Republican and Democrat. I went to them personally, and I gave them copies of various things. I finally even got through to the Governor. I did that, too. I tried; I tried my very best, because to do that would have really been a disastrous thing, you know.

ASSEMBLYMAN GAFFNEY: Vince, could I get you to sum up? I know you have a lot of good points there, but we have other people who wish to speak.

MR. LOBASCIO: Okay.

Well, DOT focuses on Federal budget dollars, and that is basically it. I am going to say that I think computerization is required. My son-in-law is a systems programmer. I just talked to him the other day. He said, "If

you had told me a couple of weeks before, Pops, I would have drawn up the program. All they would have to do is punch in the data with respect--" You could get a history of any company, a history of their maintenance, a history of each particular bus," and you would have that. You would have a summarized history of the condition of the garage.

Basically, the traveling public is entitled to, and deserves safe, adequate, and proper service, and that is what the terminology is in the Public Utilities laws.

I thank you. I appreciate the fact that I was able to testify here. If I can ever be of any service to my State again, and to the people here, I do it gratis. I have done it before. So, thank you.

ASSEMBLYMAN GAFFNEY: I know you have run up quite a phone bill from Audubon to my office, and I am sure we will continue to hear from you.

MR. LOBASCIO: Well, I have done that in the past, yes.

ASSEMBLYMAN GAFFNEY: I certainly -- on behalf of the Subcommittee -- appreciate it, because I am sure you have more background on this than anyone else in this room. That is important if we are going to institute changes. If we are, it is important that they be done on the basis of some history.

MR. LOBASCIO: Thank you. I tried to do it as fast as I could. I know you are busy, and you have many other people scheduled.

ASSEMBLYMAN GAFFNEY: Does anyone have any questions for Vince before he goes? (no response) If not, we thank you. Tom, do you have anything else?

ASSEMBLYMAN FOLEY: No. That's it, thank you.

MR. WOOLSTON: Thank you.

ASSEMBLYMAN GAFFNEY: Next up will be the Department of Transportation. I understand we have Jim Snyder, Director of Transportation Assistance, and Bill Norton, Director of Regulatory Affairs. Good afternoon, James.

J A M E S J. S N Y D E R: Assemblyman Gaffney, thank you very much.

I am Jim Snyder, from the Department of Transportation. I very much appreciate the recognition that you have given to bus safety in the State of New Jersey and, of course, the entire Assembly Transportation and Communications Committee. Thank you, also, Mr. Chairman, for making the long trip to Atlantic City. It is appreciated.

With me today are Bill Norton, Director of our Office of Regulatory Affairs, and Vince Schulze, Supervisor of our Motor Carrier Inspection Unit.

I just want to briefly discuss the issue of bus safety from the perspective of the Department of Transportation, to put it into context for everyone. I think bus safety is more important in the State of New Jersey than in any other state in the country. We have two of the largest bus passenger destinations in the world, with New York City in the north and Atlantic City in the south.

We estimate annually that there are 93 million passengers traveling on New Jersey-based buses; 400,000 buses using the Lincoln Tunnel a year; over 300,000 buses coming to Atlantic City every year. We are a Corridor State, and we have four million residents who are commuting to work on a daily basis, many of them using buses as their primary form of commutation.

We also have -- as you are well-aware -- an employer trip reduction mandate by the Federal Clean Air Act, and we know that that mandate is going to result in increased bus passenger usage in this State in the next several years. New Jersey's bus industry is also one of the largest and best in the country. There are 500 private companies in the State of New Jersey, operating over 4000 buses, including some 400 vans that operate primarily in the Hudson County area. New Jersey

Transit, our public bus provider in the State of New Jersey, operates about 2000 vehicles, in addition to those 4000 private vehicles.

Before I discuss just what we do in bus inspection, I think it is important to understand our entire regulatory relationship with the bus industry. The Office of Regulatory Affairs is broken down into three units: The Regulatory Unit regulates routes and fares of buses; authorizes new routes; issues Certificates of Public Convenience and Necessity. They mediate cases and complaints among bus companies; review tariff matters; address consumer complaints; and we work closely with the ICC. Our role in the State of New Jersey is an intrastate regulatory role. The ICC regulates interstate transportation.

We also have an Enforcement Unit in the Office of Regulatory Affairs. That Unit works closely with the Regulatory Unit on matters of illegal operations and route violations, and they also work closely with the Bus Inspection Unit on illegal vehicles in matters pertaining to insurance fraud and route investigations.

The Motor Carrier Unit today consists of 24 individuals, not counting supervision or administrative assistants. Their primary function is to perform the annual maintenance inspections. We go to the private garages and conduct about 4000 of those inspections a year. They are 100-point safety checks, with the focus on brakes, steering, tires, and wheels, and they take about 80 minutes to 90 minutes to conduct. That full inspection is conducted once a year.

In addition, six months after that inspection, each private company is required to provide what we call a "self-inspection," and there are nearly 6000 self-inspections performed a year. Our Bus Inspection staff performs audits of those inspections. Last year we did 675 audits. Those audits are done on roughly 10 percent of the self-inspections done.

If a problem arises where a company's safety record is such that we suspect they are not performing adequate self-inspections, we put that company on full inspection. That means that our inspectors go to their facility twice a year and do the full 80-minute safety check, checking the 100 points I referred to earlier. Right now, there are 27 companies in the State of New Jersey that we have put on a full inspection cycle.

In addition, New Jersey Transit conducts their own inspections under the Self-Inspection Program. Those inspections are performed twice a year by New Jersey Transit inspectors, and we go out and audit roughly 10 percent of those, as well.

In regard to the roadside checks, the majority of our roadside safety inspections are performed under the Federal MCSAP program. It is funded through the Federal Highway Administration, and since the program began, New Jersey has been one of the leaders in the country in performing roadside bus safety checks. Depending on staffing available, manpower, and time, in the past five years we have performed between a low of 1700 inspections in one year, and as many as 8000 in another year. We do that in cooperation with the State Police, who assist us in performing the inspections and, at times, perform independent inspections.

When we perform those roadside safety inspections, under Federal guidelines we do what is called a Level II inspection. That means it is a complete check of the driver and a check of the vehicle, except that we do not have the ability to get underneath the vehicle to inspect various components. So it is a walk-around inspection. As I said, about 85 percent of all our roadside inspections are Level IIs. We do not have the pits necessary to get under the bus. However, as you heard earlier, there are some very exciting opportunities for our Bus Inspection Program. We worked closely with the New Jersey Highway Authority on the

establishment of the Herbertsville site. I have seen the plans. We just can't wait to have the opportunity to be able to conduct Level I inspections at that facility.

Likewise, we are working closely with the SJTA on the establishment of Level I bus inspections at the Hanson facility.

ASSEMBLYMAN GAFFNEY: You have been speaking with them?

MR. SNYDER: Yes. In fact, it was discussed either during or after their Board meeting yesterday. Assistant Commissioner Dennis Keck had a conversation with Walter DeAngelo, and we will be working out, on the staff level, all the details of that operation. So it is two very good opportunities for our Bus Inspection Program.

ASSEMBLYMAN DeCROCE: May I, Mr. Chairman?

ASSEMBLYMAN GAFFNEY: Sure.

ASSEMBLYMAN DeCROCE: Are you saying, then, that DOT will be working both areas, Herbertsville as well as potentially Hanson?

MR. SNYDER: Yes. We plan on it, yes.

ASSEMBLYMAN DeCROCE: That's good. Then there will be no competition.

MR. SNYDER: No. In fact, as you know, the Herbertsville facility picks up the southbound vehicles on the Parkway. The Hanson facility can pick up the buses coming in from the Expressway and others. Also, we have to remember that not all of the buses going south on the Parkway are going to Atlantic City. Wildwood and other shore resorts represent a major attraction for tourists, and they travel via bus. So we also pick up those buses at the Herbertsville site. So it is two great opportunities for us.

Likewise, we do perform MCSAP inspections elsewhere, focusing primarily on tourist attractions such as Action Park, Great Adventure, or Liberty State Park. The advantage of that is, as we will be able to at Hanson's, we will do the

inspections when there are no passengers on board those vehicles, while the tourists are enjoying the attractions.

It has been mentioned earlier, I believe, that 11 percent of all the roadside checks we conduct result in the bus being posted, "Out of Service." Now, posted "Out of Service" means that that vehicle is fixed where it sits or is towed away before it moves again. We have found in our operations that the Herbertsville facility -- yes, there is a minor inconvenience of passengers should that happen. However, the passengers are not-- They appreciate what our function is and how we are helping them to provide a safer trip to and from Atlantic City. I should also say that the bus companies are very responsive to getting a substitute vehicle to the Herbertsville site, in the event a vehicle is posted, "Out of Service."

In anticipation of some of your questions, I know you are going to ask how well we are doing in the bus inspection business. Well, let me explain: I think, first of all, we are doing better than almost every other state in the country. You have heard stories about the Vernon crash. That was a New York-based vehicle that had been uninspected for four years. The Vice Chairman of the National Transportation Safety Board, indeed the highest safety regulatory agency in the country, was on record as saying, "If that bus had been based in New Jersey, that accident would not have happened."

Likewise, our inspectors would be able to tell you, if we called them all in, stories about the buses they have found with very serious safety violations, that we have prevented from going out on the road; violations such as emergency doors screwed shut, or bailing wire holding together key parts. But basically, to date New Jersey has not had a serious bus accident due to mechanical failure. We are very proud of that.

Last year -- or actually in 1992 -- you heard some conversations about the potential of the bus inspectors being

laid off. It was under the leadership of the Legislature that the fees for bus inspection were increased. The program has not only been preserved, but it has been greatly enhanced. Since that time, we have added six more inspectors to our staff. The number of mix-up roadside inspections has increased over a thousand. We are doing far more audits on the Self-Inspection Program, and more full inspections as a result of those audits. As I mentioned, 27 companies are now under full inspection.

We are also in the process of computerizing our records. It has been a very difficult and long process. There are a lot of records on 400 companies and 6000 buses.

Finally, we are expanding, again, our investigations of illegal operations.

I will anticipate another question: Can we do better? Yes, we can. Bill Norton is here with me. He will also join me in answering some questions. Bill was selected to be the Director of Regulatory Affairs because he understands that if we improve our partnership with the bus companies, we will be able to provide better service and safer buses to our customers, the motoring public.

Under Bill's leadership, to find out how well we can improve, a preproposal was published in the March 21 "New Jersey Register." That preproposal states that we, as a Department, believe that a complete reassessment of our autobus regulations is necessary, and we are looking for everyone's participation in that reassessment -- yourselves, as elected officials who lead our State, the bus industry, which is regulated by us, and the passengers who use those buses. In fact, we have a public hearing scheduled on that preproposal on May 12, and we really encourage your participation.

I believe each and every one of you has been provided with a copy of the preproposal today. Additional copies can be made available by contacting the Office of Regulatory Affairs.

With that, we will gladly attempt to answer any and all of your questions.

ASSEMBLYMAN GAFFNEY: Yes, Sean?

ASSEMBLYMAN DALTON: Through the Chair: Thank you very much for your comments, Mr. Snyder. I am glad to see that DOT is also making efforts to improve what they have already done.

I have a question for you with respect to the self-inspections that are conducted: What is your opinion of the effectiveness of the Self-Inspection Program?

MR. SNYDER: I will give you my opinion, but then I think it would be important for Vince -- who is the leader of the Unit -- to give you his hands-on experience.

The Self-Inspection Program is performed as a balance between resources and needs. In an ideal world, with increased resources, it may be possible to eliminate self-inspection by doing two full inspections a year. But in that compromise, we have developed a system where if a company's self-inspection audits flag it as not properly performing those self-inspections, we have imposed full inspections on those companies, hence the 27 companies under full inspection. To that extent, I believe it is working very well.

ASSEMBLYMAN DALTON: Of the inspections -- the self-inspections -- that were conducted, besides the audit that is done on a percentage of those, are the self-inspections-- Does a report come out of them that you can review in order to determine what they find as far as their--

MR. SNYDER: The bus company completes the same inspection report as our inspectors do when we do the full maintenance inspection, and they submit that to the Department.

ASSEMBLYMAN DALTON: Of those reports that were submitted in the past year, how many of those inspections have proven to show substandard conditions on buses?

MR. SNYDER: Well, those inspection reports may have, indeed-- They will identify substandard conditions, but then the companies correct those conditions at the time the inspection is performed.

Vince, can you provide more insight on this?

V I N C E N T S C H U L Z E: Well, currently, there is--

ASSEMBLYMAN GAFFNEY: Jim, could you please slide the microphone over to Vince?

MR. SNYDER: Oh, sure.

MR. SCHULZE: Assemblyman, currently, probably between 10 percent and 15 percent of the vehicles that we audit go out of service. In other words, the companies do a self-inspection, and we may go back there two or three days -- maybe within a week, and pull that same bus into the garage again, "Give me that bus. We want to inspect it all over again." There is no reason that we should find a bus with bad tires or bad brakes, when it was just supposedly self-inspected several days before.

The Self-Inspection Program started in 1983, when we were cut back to about 13 inspectors. However, we are back up to 20 inspectors, and the Self-Inspection Program is still in force.

My own opinion is that we should go back to a total DOT inspection twice a year. Some buses, theoretically -- no, really -- are only inspected once a year, with the privates, and with New Jersey Transit, which is on total self-inspection, they may never be looked at by a DOT inspector unless they are audited. Right now, we audit-- We try to do a minimum of 10 percent, up to 30 percent, if we can. Manpower allows us to do roughly 10 percent right now.

ASSEMBLYMAN DALTON: Of the audits you conduct, what percentage of those indicate substandard conditions on buses?

MR. SCHULZE: Again, that is about 10 percent, 15 percent, in that general area right there. The majority-- I do have some statistics here, I think.

Okay, if we break it down into the same thing, basically what is done on the Parkway, the major out-of-service criteria, which is steering, brakes, wheels, lugs, tires, exhaust, windshields, that kind of thing, the major defects-- That is what constitutes whether the vehicle basically goes out of service or not. You can go back into the garage, and you are going to find lights. You are going to even find brakes out of adjustment within a couple of days, because they put 300,000, 400,000 miles a year on a bus. Those things you are going to find. But when you go back to a garage and find bald tires, major brake relines, kingpins, things like that, there is no reason that stuff should happen.

MR. SNYDER: Assemblyman Dalton, if you do not know, I will remind you that of the vast majority of companies, we do not have a problem with their self-inspections. Twenty-seven of 500 companies have been found to be deficient sufficiently to take them off self-inspection. The vast majority of companies are doing a good job.

ASSEMBLYMAN DALTON: The audits that are conducted, are they done on a random basis, and not just when a substandard report is provided DOT? Is that correct?

MR. SCHULZE: Yes. All companies are given audit inspections that are on self-inspection, and we try to do a minimum of 10 percent at all companies.

ASSEMBLYMAN DALTON: Now, you mentioned that when a bad report is submitted-- Does that automatically trigger an audit?

MR. SCHULZE: Well, the audit actually triggers the bad report. We initially get the inspection sheet, which is the same as the self-inspection sheet. They are one and the same. We get that sheet from the company, and then we audit -- do the exact same inspection that the company just did. If we find something serious enough, it gets put out of service.

MR. SNYDER: After the company performs a self-inspection and they prepare the report listing the defects, before that vehicle is allowed to leave the garage, they must correct all those defects.

ASSEMBLYMAN DALTON: Is there any type of punitive measures that DOT takes with respect to repairs that are not done?

MR. SCHULZE: At this time, no, only putting the companies on full DOT inspection; no fines or anything of that sort.

MR. SNYDER: Right. Or the vehicles are not permitted-- The biggest penalty is that the vehicles are not permitted to be on the road, and hence they are not a revenue source for that company until they are in complete compliance with our inspection criteria.

ASSEMBLYMAN DALTON: Thank you very much.

ASSEMBLYMAN GAFFNEY: Following up on that, Sean, when I visited the Herbertsville site I asked Vince that specific question. One of the buses that had failed that day, I was looking at the sheet and the four items that were failed, and it was indicated that the bus would be sent back to the garage to be repaired. But when I asked, "Is this an honor system?" I was told the answer was, "Yes." I said, "Is that a good system?" Vince was very diplomatic with his answer.

However, Jim, has the Department -- you or anybody in the Department notified the Commissioner that in order to eliminate this honor system and have the buses really reinspected when they go back to the garage, you would need more people, obviously? Has that been transmitted to the new Commissioner?

MR. SNYDER: No, not yet. As I mentioned earlier, we are doing a reassessment of our entire regulatory scheme. Rather than go piecemeal to the Commissioner, we think it is

best that we have everyone's input, and put together a comprehensive plan.

ASSEMBLYMAN GAFFNEY: Are there any questions?

ASSEMBLYMAN OROS: I have just one question.

ASSEMBLYMAN GAFFNEY: Ernie?

ASSEMBLYMAN OROS: On page 6, "\$50 is about the maximum penalty, even for faulty brakes. A penalty system that better reflected the seriousness of the violation would be more appropriate." Are you going to recommend that the fines be increased?

MR. SNYDER: Well, we will gladly work with any Assemblyman or Senator who wishes to sponsor a bill on those penalties. They are established by legislation, and it is not within our power to increase them. But, yes, we will work with you on that.

ASSEMBLYMAN OROS: That is all I have.

ASSEMBLYMAN GAFFNEY: Thank you. Since there are no other questions, thank you for coming.

We will move on. We will now have a representative from the New Jersey State Police, Lieutenant Joseph Ballas. A one-man team, huh, Lieutenant?

**L I E U T E N A N T J O S E P H B A L L A S:** Good afternoon, Assemblyman Gaffney, Chairman DeCroce, and members of the Assembly Transportation and Communications Subcommittee. I am Lieutenant Joe Ballas. I am in charge of the Commercial Carrier Hazardous Material Transportation Unit of the State Police. We conduct all truck inspections, all terminal safety audits, and also we do some limited bus inspections. We have been working since 1986 in conjunction with DOT to allow them to conduct Level II inspections, which is just a walkaround inspection and a check of the driver's credentials, to make sure everything is in order.

The main reason why we have come to speak today is to talk about a new program that we will be undertaking within the

next month in Atlantic City; we will be doing it at Great Adventure, and at Action Park. The Division of State Police has purchased aluminum ramps. There are eight interlocking sets that will allow a bus to drive on top of the ramps, and a trooper will be able to go underneath the carriage to conduct a thorough Level I inspection. This will be done on Saturdays and Sundays in Atlantic City for a 12-hour period. It will either go from 8:00 in the morning until 8:00 at night, or 9:00 a.m. to 9:00 p.m. If necessary, we can do it later, because we have both generators and portable lights we can use.

We will try to do this where we will not inconvenience passengers. We have done it before. We used Hanson's World -- we used it about a year ago -- to test the ramps initially, and then we had them modified to suit our needs. We wanted them made a little wider because of the tack axle, the rear wheel, so there would be a little bit more to the inner side. Too much of it hung over the ramp; plus it was not high enough. We had it built up another two inches in height. Now a trooper can safely go underneath the bus. If the air bags give way, he will not get crushed. That was our main reason, we wanted safety. We have tried it, and we will be using it.

We are going to concentrate on out-of-state buses, the main reason for that being that we feel the inspection they are doing in the State of New Jersey is good. We did a test about a year and a half ago with the National Transportation Safety Board, and we did this test utilizing the ramps I talked about. Fifty percent of the buses we inspected utilizing the ramps were placed out of service. All of those buses were out-of-state, except for one. That was a New Jersey bus. That is why we are going to concentrate on those out-of-state buses.

What we do when we do a bus inspection-- When we do a Level I, we have an inspection report. They have to send that back to us stating that they have made the corrections. What we do is, we make copies of these reports and send them to our

counterparts in Pennsylvania, New York, or whatever state. If we find they are a chronic offender, we establish a database, and we will have them do a terminal audit, or an inspection of those buses at that said terminal.

I hear everybody talking about fines. Our fines are in place. The only thing we have to do is just tell the judges that they have to be a little bit more harsh, because right now, if we cite a violation for a bus driver, for any violation-- Let's say it is a brake or a taillight, the fine is \$50 to \$5000. We have to utilize the Federal Motor Carrier Safety Regulations, so every violation is the same amount -- \$50 to \$5000. It is just that we have to tell them now, "Two brakes are out, one set of wheels." Let's say it is \$100. If all of the brakes are out, it should maybe be \$1000, or maybe \$5000.

ASSEMBLYMAN GAFFNEY: It is my understanding -- if I may interrupt for a second -- from the Herbertsville site in Wall Township, or the court where those violations are processed, that the average fine is on the low end of the \$50 side. Is that correct?

LIEUTENANT BALLAS: You're right.

ASSEMBLYMAN GAFFNEY: I am not putting that judge on the spot, but is he not getting the message, or what do we have to do to-- Are specific legislative changes needed to accomplish this?

ASSEMBLYMAN DeCROCE: Are we talking about the local magistrate? I assume that is what we are talking about.

LIEUTENANT BALLAS: Yes, because it is at his discretion. He has the discretion. An order for a second offender would be \$100 to \$10,000; a third offense would be \$250 to \$25,000. But to get the higher offenses, you would have to go to Superior Court. I mean, we have had trucks already cited \$5000 for segregation violations of hazmat

regulations, but I have never seen, you know, any bus or a truck that is intrastate cited, you know, a \$5000 fine.

Now, what the Federal Highway Administration is doing is, they are proposing to adopt uniform fines throughout the nation, where they want to set it up according to what I just said. If one set of brakes is out, or if all of the brakes are out, they are going to have the same fines throughout the entire nation, because they do not like the idea that a bus may come into New Jersey and for one violation we can fine them \$1000, and in another state they will go into, they may pay only \$50. They feel it should be uniform throughout. Since New Jersey is a member of the Commercial Vehicle Safety Alliance, we will probably adopt this when it does become Federal law.

The State Police would gladly welcome a safe site in Atlantic City such as Hanson's World. I mean, we used that for two days with permission from the Transportation Authority. It is a great site. Also, you have a number of other areas such as that Sam's Outlet across the area that you can use early mornings and even late at night, where there is plenty of area for bus traffic.

The main reason this was prompted, again, was because of the Mount Vernon accident -- what happened. That is why the National Transportation Safety Board came down, too. They wanted to get a cross section when we initially realized that ramps were available. We did have them tested, and each ramp is capable of supporting 26,000 pounds. So with the eight of them, that is 26,000 times eight-- That would be 228,000, or 208,000 pounds. So if we do have to do it with passengers, we can. It is going to be through the Office of Motor Carrier Safety that we are getting a special grant, which they are going to give me within the next month. We will be doing this strictly on Saturdays and Sundays, and then we will be doing our normal work Mondays through Fridays.

ASSEMBLYMAN GAFFNEY: Very good. So this would be all over and above what you do at the Herbertsville--

LIEUTENANT BALLAS: Yes. Herbertsville is handled by the Garden State Parkway, sir.

ASSEMBLYMAN GAFFNEY: Oh, I see.

LIEUTENANT BALLAS: We have a lieutenant from the Parkway who is here. But this is just strictly-- If it is in Atlantic City, if it is on the AC Expressway, that is when I will provide troopers from my southern unit in South Jersey to assist the bus inspectors from DOT. We work hand in hand with them.

ASSEMBLYMAN GAFFNEY: Thank you.

Are there any questions or comments?

ASSEMBLYMAN DALTON: First of all, thank you very much for your comments. They are very helpful.

As a practicing attorney, I want to get your opinion with respect to the fine system. Do you believe that if we raise the minimum mandatory fine, say, from \$50 to perhaps \$250, so the range would be \$250 to \$5000, that that would be a stronger deterrent with respect to these problems?

LIEUTENANT BALLAS: It would be, but then there are some violations we have that we could cite -- like, there are violations with the Federal Motor Carrier Safety Regs that say that if you wear glasses, if you do not have a spare set of glasses, that is a violation. There could be a ticket, and I hate to see someone pay \$250 for not having their extra glasses -- or if they did not have a spare set of batteries for their hearing aid. So, I mean, there are some violations that, you know, we would have to eliminate from that. But that would help.

But more so, I think, if we could get something in "The Register" -- we tried to do it about three or four years ago, and it never went anywhere -- where we could list them by severity, with the brakes, if all the lights were out, and come

up with the fines that way, and make it mandatory that the judges had to fine the individuals that amount.

ASSEMBLYMAN DALTON: Thank you.

ASSEMBLYMAN DeCROCE: Mr. Chairman?

ASSEMBLYMAN GAFFNEY: Yes, Assemblyman DeCroce?

ASSEMBLYMAN DeCROCE: I agree with you. My concern is the local magistrate. What do we do to encourage the Chief Justice -- I assume -- to get through to the local magistrate, so that he does not arbitrarily lower these fines, which are, in all probability, agreed upon between attorneys, in certain cases?

LIEUTENANT BALLAS: Okay. Well, one thing we are doing, sir, is, on May 18, the State will be readopting the Federal Motor Carrier Safety Regs. They will become law again. What we are doing for the first time is, we are going to adopt the Federal "Register" as it is published. It is going to become law in New Jersey 30 days after it is published, instead of having to promulgate it in our State "Register." That is going to be something new.

Dennis Liss, from the Attorney General's Office, is inputting all this data into the court system, so that they will know all the regulations and all, or any changes that have occurred. If we could somehow, you know, get mandatory fines put into it, because it reads as it says: 39:5(b)-29. This is the penalty for whether you transport hazardous materials or if you drive a bus. It is the same fine, \$50 to \$5000, at the discretion of the municipal judge.

ASSEMBLYMAN DeCROCE: So even though it is put in the Federal legislative--

LIEUTENANT BALLAS: In the Federal "Register, which is the Federal regulations that--

ASSEMBLYMAN DeCROCE: Federal "Register." Does it need legislation from the State of New Jersey--

LIEUTENANT BALLAS: Yes, because there is no fine schedule yet, sir.

ASSEMBLYMAN DeCROCE: Fine, that is what I am looking for. So you are looking for some form of legislation to enforce mandatory fines based on the Federal "Register"?

LIEUTENANT BALLAS: That will be law shortly, within the next six months to a year, but really we need something--

ASSEMBLYMAN DeCROCE: Now.

LIEUTENANT BALLAS: Now, yes, sir.

ASSEMBLYMAN DeCROCE: Okay, I hear you. Thank you.

ASSEMBLYMAN GAFFNEY: Ernie?

ASSEMBLYMAN OROS: Yes, just a couple of questions: Out-of-state buses-- Is it difficult to collect the fines, do you know?

LIEUTENANT BALLAS: No, they pay, because, you know, if we stop them again, if we do a records check-- Plus, we can do what we have. Once we start this database, like what we do with the trucks-- We enter everything into the computer. There is a computerized system called "Safety Net," where everything goes to Washington. At any time, we can call up the carrier's name, or even a bus company, and find out what their profile is. Plus, with the automated court system now, we can find out who is delinquent on fines. If so, we just impound the bus.

ASSEMBLYMAN OROS: If you were to go to your database, could you tell, let's say, if the driver's license and things like that were in the courts? How soon could you find that out?

LIEUTENANT BALLAS: Within a minute or so, just by going through-- That is no problem. As long as you have the radio system in the patrol car, it is immediately.

ASSEMBLYMAN OROS: This database will cover all that?

LIEUTENANT BALLAS: Yes. As far as the driver's credentials and all it will.

ASSEMBLYMAN OROS: Insurances and stuff like that?

LIEUTENANT BALLAS: Well, no, it will not tell us anything about insurance. When we call it up, they will tell us their past history; they will tell us what rating they had. If they had numerous violations and are chronic offenders, they can let us know that way. But the only way we would know if they hadn't paid summonses and all that, that goes through the New Jersey court system. That would not tell us if they had insurance. We would not know that, because if they are ICC registered, they don't need to carry an insurance card with them, so there is no way to tell.

Thank you.

ASSEMBLYMAN GAFFNEY: Is that it, Ernie?

ASSEMBLYMAN OROS: That's all.

ASSEMBLYMAN GAFFNEY: Thank you, Lieutenant. I appreciate your input and the job you do on the highways other than the Parkway.

LIEUTENANT BALLAS: Oh, what I have given you, too, sir -- I'm sorry-- I have the handout which our future Colonel has signed off on. It will show you the inspection procedure we will be using, as well as other stats we have done in the last three or four years, which I did not want to bore you with.

ASSEMBLYMAN GAFFNEY: Okay. Thank you for coming.

ASSEMBLYMAN DeCROCE: Thank you, Lieutenant.

ASSEMBLYMAN GAFFNEY: We have a representative of New Jersey Transit, Anthony Kouneski. He will be followed by John Mercadante, New Jersey Motor Bus Association.

**A N T H O N Y M. K O U N E S K I:** Mr. Chairman--

ASSEMBLYMAN GAFFNEY: Good afternoon.

**MR. KOUNESKI:** --members of the Subcommittee, my name is Tony Kouneski. I am the General Manager of the Bus Division of New Jersey Transit. I have been on the job for only five months, so I am somewhat inexperienced. However, I am definitely experienced in running bus operations. I appreciate this opportunity to come to talk to you today about bus safety.

I would like to introduce Jim Gigantino, to my left, who is the Assistant General Manager of Bus Operations, dealing with operational safety and training at NJT.

I have a brief statement. I will read that, and then will be happy to answer any questions or respond to any of your comments.

Mr. Chairman and members of the Committee, as General Manager of New Jersey Transit Bus Operations, I fully support efforts to promote a safe motor bus industry within the State. New Jersey Transit's mission is to provide safe, reliable, convenient, and cost-effective transit service with a skilled team of employees. As you can see, safety is New Jersey Transit's number one priority, and we are making every effort to ensure that our passengers and employees ride on motor coaches that are in full compliance with New Jersey Department of Transportation safety requirements. In fact, New Jersey Transit has implemented inspection and maintenance programs that significantly supplement the required safety self-inspections performed by New Jersey Transit under agreement with the New Jersey Department of Transportation.

There are three components to New Jersey Transit's safety inspection practices. The first component is a Preventive Maintenance Program. In addition to the six-month inspection based on Department of Transportation standards, every bus also goes through a 3000- and a 6000-mile inspection. The Preventive Maintenance Program is the backbone of New Jersey Transit's efforts to ensure both vehicle safety and reliability.

The second component is the variety of daily activities undertaken. Each night, the entire bus fleet is washed, cleaned, fueled, and serviced by our Maintenance Department. The buses are also inspected for basic safety defects such as lights, tires, wheels, windows, and major fluid leaks. In addition, prior to pullout, bus operators perform a

pre-trip inspection on their vehicle to identify safety and operational defects. And, at the completion of each run, bus drivers are required to complete a bus condition report that identifies any problems related to the vehicle.

The third aspect of our bus maintenance activities is our Quality Assurance Program. The Quality Assurance Program was established as an independent group assigned with the responsibility to conduct independent audits of the New Jersey Transit bus fleet. The Quality Assurance group not only looks at the condition of equipment, but also identifies and recommends procedural changes to enhance New Jersey Transit's ability to maintain its bus fleet. Recently, the Quality Assurance Program has been extended to include fleet audits of private bus carriers operating equipment owned by New Jersey Transit and leased to the private operators. The inclusion of private carriers is a responsibility that the Federal government has insisted upon since, as the grantee, we are responsible for the buses. Further, we believe it is critical to ensure that State-owned assets are properly maintained.

These maintenance programs are bolstered by maintenance training of personnel and a strong management commitment at all levels of the organization to promote safety. New Jersey Transit mechanics receive ongoing training opportunities and are supported by a technical support unit that is charged with finding new and innovative ways to increase the safety and reliability of the bus fleet.

Of course, a safe vehicle without a safe driver is meaningless. That is why New Jersey Transit places as much importance on operational safety practices as it does on maintenance safety practices. All of our bus drivers and mechanics have gone through extensive pre-screening and pre-hiring testing. Potential drivers must also go through a criminal background check, license check, physical, and drug test. Only one in five applicants is accepted by New Jersey

Transit. Applicants that pass the above steps must enter and pass a 23-day training program, a New Jersey Transit final driver examination, and a Division of Motor Vehicle road test prior to operating a New Jersey Transit bus in revenue service. Once employed by New Jersey Transit, our drivers are required to take annual physicals and are subject to random drug testing.

There are many other activities that New Jersey Transit undertakes to promote bus safety that I have not mentioned today. For example, the quarterly report known as "Vital Signs" provides the Board of Directors and New Jersey Transit management with up-to-date statistics concerning the quality and safety of our bus fleet.

The bottom line is that New Jersey's statewide public transportation agency is committed to providing safe and reliable transportation service to the residents of New Jersey. You should expect nothing less from us, since we expect nothing less from ourselves.

Thank you.

ASSEMBLYMAN GAFFNEY: Thank you.

Do you have any additional comments at this time, or do you want to wait for any questions? (no response) If not, we will go to Assemblyman Oros.

ASSEMBLYMAN OROS: You made the statement that your private bus carriers operating equipment owned by New Jersey Transit-- That is a Federal act?

MR. KOUNESKI: It is not a Federal act. It is the Federal Transit Administration, which is a partner in the buses we own. They have insisted that we conduct regular inspections of the buses that we are charged with operating.

ASSEMBLYMAN DeCROCE: Besides the regular services you give such as transportation to passengers, are you in the charter business as well?

MR. KOUNESKI: We are not in the charter business per se. We are not allowed, by Federal regulations, to provide

charter service. We are in the public service business. If there is a special need for additional charter buses after all the private operators have had a change to bid on it, then we might provide some service on a supplemental basis. But as a rule, we are not in the charter business.

ASSEMBLYMAN DeCROCE: Have we done any of that? I do not recall it myself.

MR. KOUNESKI: I have been there now for only five months. In my experience, we have not done any charter business. To my knowledge, if there has been any, it has been very little.

ASSEMBLYMAN DeCROCE: I remember talking to the Executive Director pertaining to this issue, but I do not recall her telling me that you definitely were involved. I just wondered if that policy has changed in any way.

MR. KOUNESKI: No, that has not changed at all.

ASSEMBLYMAN DeCROCE: Okay.

MR. KOUNESKI: If I may go back to the question--

ASSEMBLYMAN DeCROCE: I did not quite understand it, to be honest with you.

MR. KOUNESKI: The buses that we have acquired or purchased over the years that are then turned over to private operators, were-- Federal moneys were also involved in those purchases. The Federal government has an interest, and they have asked us to continue to protect that interest by making sure that the buses are maintained properly by the private operators to whom those buses have been assigned.

ASSEMBLYMAN DeCROCE: But that is because Federal money is involved.

MR. KOUNESKI: That is correct.

ASSEMBLYMAN DeCROCE: If there is no Federal money involved, there is no law in New Jersey that makes them do this?

MR. KOUNESKI: That is correct. I do not believe there is a law that would require us to do this.

ASSEMBLYMAN OROS: That might be something to look into, Alex. That might bear some looking into.

ASSEMBLYMAN GAFFNEY: That has been so noted by staff.

Just quickly -- I asked this question earlier, but now you are sitting here -- can you tell me approximately how many of your buses have gone through the highway inspection -- have been inspected, a rough number? You may have heard me say earlier, you know, that I have gotten all kinds of phone calls since this has been in the paper. They are all tipping me off that you guys are getting a free ride from the roadside inspections.

MR. KOUNESKI: To the contrary, Mr. Chairman, our buses are inspected just as regularly and just as vigorously by the State regulatory authority as any others. On roadside inspections, I could not tell you the number exactly, but it is a regular occurrence. I think, on average-- Well, I want to quote a number, but I am not comfortable with that. I would be delighted to get that information for you, and share with you the actual numbers that are inspected. But it is a regular--

ASSEMBLYMAN GAFFNEY: I would appreciate it if you could get that number and forward it to the Subcommittee, so we will have it in our records.

Assemblyman Dalton had to leave to attend another meeting. He has been replaced by Assemblyman Foley. Tom?

ASSEMBLYMAN FOLEY: Thank you for allowing me to come up on your dais here, Mr. Chairman.

I have a couple of questions for New Jersey Transit on the mechanics. How are your mechanics trained? Is there a mandatory requirement that they have to receive before they are eligible to be hired as mechanics by New Jersey Transit?

MR. KOUNESKI: I will defer to Mr. Gigantino to answer that question. Then I will try to supplement what he says.

J A M E S G I G A N T I N O: Assemblyman, employees entering the Maintenance Department of our operation basically come in

two groups, or two classifications: One group we call service persons, who are the folks who generally fuel the bus, check the fluid levels at night, and do very perfunctory inspections. They go through a five-day training and qualification program before they are allowed to do that.

The employees who actually repair buses go through a 34-day training and qualification program that is administered by our Maintenance Training Department, before they are allowed to work on buses.

In addition to that, there are ongoing training programs to enhance the skills of our maintenance employees.

ASSEMBLYMAN FOLEY: What are they?

MR. GIGANTINO: Pardon?

ASSEMBLYMAN FOLEY: What are they?

MR. GIGANTINO: They would be programs in maintenance specialties such as air-conditioning, chassis work, electronics, a whole bunch of different subcomponents of the systems.

ASSEMBLYMAN FOLEY: Is there a requirement of hours that they have to maintain, or do they just simply go 34 days, and that's it?

MR. GIGANTINO: The 34-day program is a mandatory 34 days. It is a very, very structured curriculum broken up into several modules of instruction. For a candidate to continue in the program, he must successfully pass with a 70 percent score -- or an 80 percent score, each module of that training. The training goes from simple to complex. Usually, around the middle of the course -- which is electrical and electronics, which is the most difficult -- if a person is not able to progress past that, he is disqualified from the training program, and therefore, disqualified from holding the position of repairman, or repair person.

ASSEMBLYMAN FOLEY: Okay, but the person who basically does the self-inspections -- if I am getting this correctly -- is a five-day trained person?

MR. GIGANTINO: The person I talked about -- the service person -- is the person who fuels the bus, checks the fluid levels of the bus, and does a very, very simple daily inspection. That would be: Are the lights working? Are there any flat tires? Are there any chunks of rubber out of the tires? They are not the people who do the in-depth mechanical DOT self-inspections, or our own preventative maintenance inspections. We have multiple levels of inspections. The service person does the very basic inspection each night as the bus goes through the fuel alley.

ASSEMBLYMAN DeCROCE: Remember, Assemblyman, these are not chartered type operations. These are transport of passengers, more or less, rather than the charter type that you are really interested in.

ASSEMBLYMAN FOLEY: Well, I am kind of interested in both, because I am sure John has been receiving the same type of phone calls that I have from, I guess, the charter bus industry, indicating: "You think we have a problem? You better start looking at your own problem, New Jersey Transit." I just wanted to try to answer some of the questions that have come to my office, to me personally, about the training of mechanics. Frankly, I do not believe that is enough training for a mechanic. I am kind of surprised at a 34-day program and then an initial -- well, whatever, every year, as a type of requirement. I think there should be some sort of at least minimum scheduling of any mechanic who works on motor coach transportation, regardless of whether it is charter or transit.

MR. KOUNESKI: We agree with you, Assemblyman. What Mr. Gigantino is talking about is the initial training a mechanic must go through in order to qualify to be a repairman. A repairman is an entry level position for a mechanic in our operation. We have several other levels. Each level is based on experience with the operation.

In addition to that, when we do our inspections, we have a team of people in our Quality Assurance Program who are experienced mechanics and experienced managers in maintenance, who do those inspections. They are done by people who have been with the organization for some time and have reached the highest level or grade with our operation.

ASSEMBLYMAN FOLEY: If I may, just one more question: At the points where the State Police or the other inspectors pull you over and inspect the bus-- What would you say is the percentage of your buses that are done? I know you can't give an exact number, but percentage-wise?

MR. KOUNESKI: I don't know. I would say that we are somewhere around the 10 percent number when we are pulled over. It varies, everything from lights to suspension systems. Those types of things are fairly common. It is mostly the common problems that can occur at almost any time.

ASSEMBLYMAN FOLEY: All right. Thank you.

ASSEMBLYMAN GAFFNEY: If there are no other questions-- Ernie, did you have your hand up? I'm sorry.

ASSEMBLYMAN OROS: No.

ASSEMBLYMAN GAFFNEY: No. You're finished? He had his hand up to leave, that is what it was.

ASSEMBLYMAN DeCROCE: Unfortunately, we do have to leave. I'm sorry.

ASSEMBLYMAN GAFFNEY: On behalf of the Subcommittee, Alex, we appreciate your making the long trip. You and Ernie have a safe trip back.

ASSEMBLYMAN DeCROCE: You are in capable hands.

ASSEMBLYMAN GAFFNEY: We will obviously keep the Chairman involved through staff.

I have no other questions for New Jersey Transit. Thank you for coming.

MR. KOUNESKI: Thank you, Mr. Chairman.

ASSEMBLYMAN GAFFNEY: At this time, I would like to-- We have heard from all the bureaucrats -- although that is a dirty word -- so I would like to hear from someone from the charter bus companies. I understand we have representatives from both Leisure Line and Adventure Trails here. Do you have any objection to-- I'm sorry, you are?

**J O H N M E R C A D A N T E:** John Mercadante.

ASSEMBLYMAN GAFFNEY: You are with?

MR. J. MERCADANTE: Adventure Trails, and the New Jersey Motor Bus Association.

ASSEMBLYMAN GAFFNEY: Do you have any problem with Leisure Line coming up with you at the same time?

MR. J. MERCADANTE: No, not at all.

ASSEMBLYMAN GAFFNEY: We can get the Leisure Line people up at the same time.

I understand we have two other people to testify after that.

For the record, could you both identify yourselves, please?

MR. J. MERCADANTE: I am John Mercadante. I am representing the New Jersey Motor Bus Association, and a local operator down here in Atlantic County, Adventure Trails.

**D A N I E L M E R C A D A N T E:** I am Dan Mercadante, Executive Vice President of the Leisure Line bus company, and also President of Atlantic City Bus Owners.

ASSEMBLYMAN GAFFNEY: There's no nepotism here, right? (laughter)

Okay. Well, whoever would like to take the lead--

MR. J. MERCADANTE: Well, I have a statement here from the New Jersey Motor Bus Association, which I guess I will read.

The New Jersey Motor Bus Association supports active and aggressive enforcement of bus safety regulations. Thousands of New Jerseyans ride our buses to work and play daily, and we are proud of our members' excellent safety

records. In fact, in terms of passenger miles traveled, buses are the safest vehicles on the road. Our buses are subject to twice-yearly inspections, and we support random inspections as well. It is important for the State to ensure that all buses are held to the State's stringent maintenance standards and that those standards are enforced actively and evenhandedly.

For that reason, we would like to make several suggestions that we believe would make enforcement both more consistent and more effective, as well as more conducive to encouraging tourism in Atlantic City. Buses are key to a thriving tourism industry. They bring thousands of people to Atlantic City who might not otherwise come. What's more, they help the State to meet the increasingly strict requirements of the Clean Air Act by encouraging people to leave their cars at home.

That is why it is important to combine aggressive inspection efforts with an eye to passengers' convenience as well. We suggest that inspections be conducted in Atlantic City itself, rather than on the highway. Currently, most of the bus inspections are conducted on the Garden State Parkway, in a pre-set spot. Occasionally, inspections are also conducted on the Atlantic City Expressway.

But there are many buses that do not take these routes to Atlantic City. Moreover, while it may be convenient for DOT to conduct the majority of its inspections from one site on the Garden State Parkway, it is terribly inconvenient for passengers when their bus is taken out of service. Those passengers may think twice about going to Atlantic City again, if they are forced to wait at the side of the highway until the bus company can send another vehicle. Undoubtedly, they will consider taking their car.

We believe that it makes eminent sense to flag down buses not at a DOT facility fixed at one location on the Parkway, but as they enter Atlantic City itself. State

troopers could hand out summonses to buses on a random basis as they enter the city, requiring them to report for inspection after discharging their passengers at their destination. If the bus fails inspection, the company will have time to send a replacement vehicle without delaying passengers. Buses that do not report for inspection should be penalized appropriately.

The argument that it would be irresponsible to let a bus travel another mile past the current inspection site is weak, at best. If you follow that logic, you would have to inspect every bus at its point of origin. Why let it travel as far as Mile 94 of the Parkway if it might fail inspection? That argument would also require that DOT abandon its current practice of allowing failed buses to drive five miles on the Expressway to a rest stop to let off passengers.

Indeed, the \$3 million DOT apparently plans to spend on a Parkway inspection facility might be better used for a facility in Atlantic City itself. A fixed inspection facility there would leave troopers free to stop buses at varying locations near the city.

We also suggest that the inspections be conducted on a more random basis. Currently, DOT is open for business about three weekday mornings per week, from 9:00 a.m. to 1:00 p.m. Many buses, however, do not operate on weekday mornings. The current inspection system misses, for example, most of the unregulated operators who go to Atlantic City on Friday and Saturday nights. It is actually more urgent that these buses, which in many cases are not subject to the same semiannual inspections that ours are, face random inspections.

We are not certain whether New Jersey Transit's buses are currently stopped by its sister agency, the Department of Transportation, but we are certain that they should be. While it would be nice to believe that NJT maintains all of its buses in top condition, its passengers should not have to depend on a wishful belief when other passengers can rely on random

inspections to make sure that is the case. Indeed, NJT buses are not subject to the same periodic DOT inspections as are our members' buses. NJT conducts all of its scheduled inspections itself. That is all the more reason to require that NJT operate on the same level playing field as all other buses on the road.

It should be said that the inspection failure rates apply to only those buses that actually face inspection. They do not reflect the bus population at large, as only a small percentage are stopped. The overwhelming number of buses operate responsibly, ferrying thousands of passengers in safety and comfort to enjoy Atlantic City every day. The New Jersey Motor Bus Association, whose members incur the cost of aggressive maintenance programs, supports equally aggressive enforcement of strict safety requirements. We believe that safety is best achieved when standards are enforced evenhandedly across-the-board for all operators, whether they are public or private, regulated or unregulated; whether they run in the morning, evening, or on weekdays or weekends; and whether they come from north, south, or inbetween.

Thank you for your consideration of our suggestions.

I would really like to expand on maybe a couple of things before I take -- if anyone has any questions.

The one thing that bothers me, I guess the most, is why we would spend \$3 million to build a facility that is not going to-- If those buses -- 99 percent of those buses -- are coming to Atlantic City, why wouldn't that money be spent right here, employ more people from Atlantic County, and put more people to work right here in this area? You would get every bus coming in. You could station troopers on Route 40, Route 30, and the Atlantic City Expressway. Hand the driver a ticket, just randomly: "After you drop your passengers off, go to Point A for an inspection."

It just seems so simple and so logical to get it done that way, rather than spend the money out on the Parkway, interfering with the passengers who are coming down to enjoy a day's outing.

I don't know if you have heard of some of the horror stories. Fortunately, we have not had any, but there are companies that have. There are failures that happen. After the bus leaves the garage, it can develop an air leak, or something like that, where that bus is put out of service. It is put out of service an hour and a half from Atlantic City. You know, if you have older people in your family-- All of us will be going through those golden years where we are going to be on buses in the future, and certainly we want them to be safe. But we certainly do not want to be sitting on the Parkway for two hours, hoping that the company has another bus to send, or can get another bus to send to you.

In the busy season, basically from April through September or October, there are times when there are no buses available anyplace. You cannot find another bus because it is just our busy time. I think there have to be some horror stories -- I don't know of any offhand -- where people have been there for hours and hours on end, maybe not even getting to their final destination for the day, but turning around and going home, you know, maybe after everybody leaves, or they finally get a bus to them.

ASSEMBLYMAN GAFFNEY: I can tell you that the day I was in Herbertsville, the bus had been pulled over about an hour when I got there; I spent over an hour there, and the people were still there waiting for a relief bus. But it is my understanding that this was the-- I don't know the name of the company, and I would not say it now if I did, but it was evidently a company that was just starting up business for the season. The troopers told me they had never seen that particular bus company there before, and they had to call to

the nearest Marriott at the next exit to have them bring a truck down with coffee and snacks, because the people had been there for over two hours already. That is a horror story.

MR. J. MERCADANTE: That is a horror story.

ASSEMBLYMAN GAFFNEY: Luckily, the weather was decent that day, because they had no place to even go inside, other than the bus.

To your point on possibly looking at changing the emphasis from expanding Herbertsville to the Hanson proposal, I can assure you that that will be one of the recommendations of this Subcommittee. I know we are quite far along in the planning stage with Herbertsville. I have seen the plans.

MR. J. MERCADANTE: I am sure it is beautiful.

ASSEMBLYMAN GAFFNEY: I am sure we will get that argument, but I think it should at least be looked at. As you heard today, there is no question that we need both sites for the Cape May and Wildwood traffic to be inspected.

MR. J. MERCADANTE: Right. Well, again, Assemblyman Gaffney, Cape May is certainly part of our South Jersey region here, although that is more, you know, seasonal. From what I heard the Lieutenant from the State Police mention, they are going to be doing on-site inspections. Well, if that is the case and if it is only an area that needs to be addressed on a seasonal basis, maybe a shop can be set up as they mentioned at Great Adventure or Liberty State Park, and we can treat Cape May and the Wildwoods in that same light, and still use the -- build the Atlantic City inspection station.

You know, the other thing is, we, as New Jersey operators -- and you have heard testimony on this -- go through two inspections a year: one by an inspector, and one by a self-inspector. That self-inspection person in our company, and in all of the other New Jersey companies, is someone who has gone through a school put on by the regulatory Department of Transportation. That might help to answer your question,

Assemblyman Foley. That person is qualified to sign off on defects on coaches. Every company has to have so many mechanics who have gone through that training to be able to sign off on defects that have been repaired. That might help out the New Jersey Transit guys, too. I don't know if they have to go to school, but we do.

Again, there are buses coming from all over. We, as New Jersey operators, go through two inspections a year, and yet most of the buses that are probably pulled over in Herbertsville are New Jersey buses. We probably have more out-of-state buses coming from the South -- Maryland, Delaware, Pennsylvania, Washington, Virginia. There are more out-of-state buses coming up from the South coming into Atlantic City than maybe, you know, from the North.

ASSEMBLYMAN GAFFNEY: Dan, we would like to hear from you quickly.

MR. D. MERCADANTE: Basically, I apologize for not having a prepared statement for you, Chairman and members of the Subcommittee.

As far as ACBOA -- which is the Atlantic City Bus Owners Association -- and our company, Leisure Line, are concerned, we are all in favor of safety on buses. Just hearing some of the testimony today, I would like to basically keep it simple and look at the statistics and the things we have in place in the State. We do have an inspection, and a pretty thorough inspection system through the New Jersey Department of Transportation. The DOT inspectors do a fine job. They are there, as John said, twice-- I mean, on your self-inspection-- They are there once a year, and then self-inspection every six months. Trying to maybe fix something that is not broken--

Looking back to where they made budget cuts to eliminate a lot of the inspectors, you know, we were right there working with the inspectors at the time when those guys

were concerned about their jobs, lost their jobs, and things like that. You know, you are looking at a small number of individuals in this State who have to inspect buses -- and I heard the numbers 400 bus companies in this State, 4000 buses privately owned in this State -- 18 guys inspecting these things. Now, here we are taking \$3 million -- and I know it is probably going to be more than \$3 million -- to build a facility at the 94-mile marker.

We also heard things about fines and increased fines. As a private carrier, we do not need to encourage any more expense. New Jersey has put an unbelievable burden on the companies -- the private bus companies -- in this State. I think we operate safely, and I stand on our safety record. We have been in business for 25 years as Leisure Line, and we have not as yet -- knock on wood -- had anything like a mechanical failure connected with any kind of an accident.

I know you mentioned that the article in the paper was done well. I disagree. I think there were a lot of untrue statements in that article. But we have to live on, you know, and that is what goes on.

My thought basically is to take the money that is allocated to the 94-mile marker-- I see that there is unbelievable opposition to that from an individual who is up in that area as an Assemblyman, but get that money down into Atlantic County. This is the destination. We are in the tourist business here. It seems like everything the State is doing is destroying this whole industry here. One thing after another gets put up against-- As John said, you take 45 people out of a bus. They are in their 70s and 80s and, you know, they have to take their pills, or they have to get water, or something like that. It is just not fair.

Again, I am not saying anything to sidetrack safety in any way, but get the people down here. Let them enjoy their day, while it is unknown to them that the bus is being

inspected. The bus gets inspected here. They are having their good time. They are having a pleasurable experience coming to Atlantic City. The casinos are flourishing. They are going to do better and everything. Everybody has a good taste in their mouth, and at the same time the bus gets inspected. If it is found to have a defect that will put it out of service, the company that owns it has a minimum of six hours to get a replacement down here, get it fixed, or whatever. But putting that money down here, creating jobs in Atlantic County-- I mean, this is what it is all about.

On that particular note, I will end my comments.

ASSEMBLYMAN GAFFNEY: Okay. I want to, first of all, say that is why I was anxious to hear you both. There for awhile I didn't see your names on the sign-up list, and I was hoping that we were not going to hear just from bureaucrats today. I want to go on the record as saying I am totally aware personally, and I am sure Tom is as well, that the majority of the charter bus private operators in this State operate very safe and very fine buses.

However, when I referred to The Press article, I just meant the fact that they brought the subject up again. I think the end result of this hearing, and others possibly, will be a better operation statewide for all of us. We might even get an inspection station here in Atlantic City, which I guarantee you we would not have gotten if it had not been for The Press article and the interest it brought out.

Beyond that, I know you both operate good companies -- you are representing good companies. I made a note here. I almost didn't bring it up, because you have been getting beaten up so much. Please do not take this as an attack on Leisure Line, but unfortunately, when I was coming down the Parkway last week, I was following your Bus No. 873 at Mile 110 southbound on the Parkway, at 11:00 a.m., on April 12, both air bags, I assume -- or both air suspensions on the left side were

collapsed. The bus was totally leaning to one side, doing a little bit more than the speed limit.

I wish personally you would make a note of it -- Bus No. 873, I will give you the information later -- and let me know what--

MR. D. MERCADANTE: Well, I have our maintenance right here. (laughter)

ASSEMBLYMAN GAFFNEY: Let me know how that bus got on the Parkway. Did the air suspension collapse while it was on the Parkway? If so, why wasn't it taken off the Parkway? It did not seem like a safely operated bus to me.

MR. D. MERCADANTE: Well, on behalf of our company, hopefully that bus did not leave, because there is a whole trip program a driver has to go through before he takes the bus out of the terminal in the morning. Believe me, if that bus was leaning, the driver wouldn't even have taken it. So whether he developed the problem en route, or whatever, you know-- But we will check that out.

MR. J. MERCADANTE: Definitely.

ASSEMBLYMAN GAFFNEY: I assume he made it safely to his destination -- he or she.

MR. D. MERCADANTE: The other thing I just want to touch base on is, a bus is a bus, whether you are driving a charter or whether you are driving commuters to Atlantic City. I have put myself in this position: If there was an inspection station set up pulling buses randomly off the highway going into New York City when we are driving our commuters, can you imagine the ramifications of that -- the same situation, the same scenario here?

These are people we are talking about. We want them to be in safe buses, and we do everything we can do see to it. I think the system is in place. Whether the funds from the State Legislature have to be put over into the right positions, that is your job.

ASSEMBLYMAN GAFFNEY: Well, as I said, I would just like to know about Bus No. 873 and how it--

V A S A L M O N C Z Y N: (speaking from audience) Excuse me, what date was that?

ASSEMBLYMAN GAFFNEY: April 12. I will give it to you afterward.

MR. MONCZYN: I was just curious. I just want to follow up on it -- the exact date.

ASSEMBLYMAN GAFFNEY: Tom, do you have any questions?

ASSEMBLYMAN FOLEY: Yes. First of all, I would just like to thank the Mercadantes for coming in today. I appreciate it.

I have been to John's facility. I can tell you, I personally talked to the mechanics there on several occasions. He had a tough neighborhood to go into here in Atlantic City, and there were several people we had to meet in the neighborhood to try to offset some of their negative feelings about the transportation industry here within the city. I thank you, John, for allowing me-- He was very nice. He let me go over and talk to the people by myself. That was very nice of you, John. They had no idea who I was. I was a person from the neighborhood talking to individual mechanics in the bus company. They were great.

The bus drivers, also -- I spoke to them about what they do before they start out for their destination. I was quite surprised to hear about the thorough inspection. It is just like an airline pilot. Maybe that is something we could look into, whether we could make it-- I agree with you, Dan, when you talk about transportation of people. You certainly have to worry about the people you are providing for -- the millions of people being transported every day, regardless of whether it is a charter bus or transportation vehicle, or a train, any transportation vehicle whatsoever.

I would like to see us -- and I would like to ask your opinion on this-- John, I guess you can go first. What do you feel would be a mandatory requirement for, say, a mechanic? What does your industry do with mandatory requirements for mechanics and drivers?

MR. J. MERCADANTE: Well, from our point of view -- and this is our philosophy in our operation, and I guess in most -- we try to get young, you know, students, or sometimes you have profession changes, you know, people leaving one profession and wanting to try something else. Mostly we try to get a young fellow coming up, because we have experienced fellows.

There are grades of mechanics -- C, B, A, master. Then you actually promote them or give them raises by what their achievements are: how they are coming along; what they are learning; what they are comprehending; and that they have the ability and the aptitude to get promoted and go on to the next grade. So each grade has a level of experience. As they reach their level-- They are always working with somebody who is above that level, until they get to know everything that is in place for that level. That is when they get that promotion, or that raise, so they can get up to the next level.

Usually, you are always climbing the ladder with somebody who is pulling you up, you know, if you look at it that way. You are climbing the stairs. The more experienced person is always pulling someone up with them, and so on. You are always hoping that the Bs will become As, and the As will become masters, so you will always have an even, across-the-board pool of talent.

ASSEMBLYMAN FOLEY: Do you send your mechanics and drivers away to training?

MR. J. MERCADANTE: For driver training, we have two sessions a year in our operation, mandatory safety meetings for

the drivers, plus continuous memos of upgrades and different things, because the situation changes from time to time.

We get letters from the South Jersey Transportation Authority changing rules, that type of thing, or from different locations -- Washington, D.C., New York -- as to what new rules and regulations are in different states. So we are constantly feeding them new information and keeping them updated on rule changes in other areas besides our own. Plus, two mandatory safety meetings. We usually show a film and talk about safety, and they are directed to a certain issue. If we are having a problem in a certain area, we discuss that.

Mechanics go to schools. There are many schools offered, from Detroit Diesel, for instance, air-conditioning, braking. The Department of Transportation has had some classes from time to time on braking. Again, as I mentioned earlier, you have to have gone through the Department of Transportation's regulatory-- They had a program. You had to go through their school before you were allowed to sign off on any defects that were repaired by that individual and that individual mechanic.

ASSEMBLYMAN FOLEY: Okay. Thank you.

MR. J. MERCADANTE: So we offer all kinds of school, any school that becomes available, anything to upgrade our people, especially in today's world, because everything today is not-- Because of the Clean Air Act, all the engines are now all computerized. Before it was just a two-cycle Detroit engine that almost anyone could work on. Today, it is high-tech, and you have to keep your people involved and reeducated, and continue to educate them on new techniques and new technologies.

ASSEMBLYMAN GAFFNEY: Not only do you have people from Trenton here to help you, you have people from Washington.

MR. J. MERCADANTE: That's right. It is unbelievable -- and probably something should be said about that -- the

amount of regulation, not only from the State of New Jersey, but as Assemblyman Gaffney said. It is almost on a daily basis. We have so many fronts to either -- I don't want to say "fight," but to certainly pay attention to and be a part of for our own industry, because we are a tremendously regulated industry.

You know, in some areas we want it. There was a deregulation that happened in the '80s. Deregulation -- there are some pros and cons to it.

ASSEMBLYMAN FOLEY: One other statement that I have is: I am glad to see that Director Snyder has indicated that they are going to be doing inspections down here. I do not want to become competition to Herbertsville myself. I believe that facility has its own reason to exist, and I think another facility down in this area has certainly a reason to exist. Maybe the two of them could work very well together. I believe they can, because-- As we talk about motor freight, there isn't a heck of a lot of motor freight that runs through the Atlantic City Expressway.

MR. J. MERCADANTE: Well, that's true.

ASSEMBLYMAN FOLEY: But there sure is on the New Jersey Turnpike and up that way near Herbertsville. There is certainly a lot of motor freight up there. So they could both work together, I think, very well.

MR. J. MERCADANTE: I agree.

ASSEMBLYMAN GAFFNEY: Dan, do you have anything else?

MR. D. MERCADANTE: No, I think that's it.

ASSEMBLYMAN GAFFNEY: Seriously, I am glad you had the opportunity to come out. I was afraid you might be shell-shocked into submission, but I am glad you came out and represented your industry. You should be proud of the things you do.

MR. D. MERCADANTE: That's true. You know, the American Bus Association-- The statistics are that bus

New Jersey State Library

transportation is the safest mode of travel in the United States. You know, it's, "Let's get them one more time."

ASSEMBLYMAN GAFFNEY: Well, I'll guarantee you, I certainly will not support any legislation that puts undue restrictions on the industry.

MR. J. MERCADANTE: Thank you.

MR. D. MERCADANTE: Thank you, Chairman.

ASSEMBLYMAN GAFFNEY: I understand we have two more people to testify. If you have not signed up to testify, you need to do that down here.

First is -- sorry on the pronunciation -- Tom Poque, from the--

**T H O M A S P O G U E:** That's a typing error. It's Pogue.

ASSEMBLYMAN GAFFNEY: Okay.

MR. POGUE: That's all right. My people make mistakes, too.

ASSEMBLYMAN GAFFNEY: Mr. Snyder, for the record. Just let this gentleman put something on the record, Tom.

MR. SNYDER: Jim Snyder, from DOT.

To the best of my understanding -- to clear up some of the statements about the Herbertsville facility -- it is going to be constructed by the New Jersey Highway Authority, utilizing 100 percent Federal dollars. Those dollars are not available to go to salaries for State Police or DOT inspectors. So it is a matter of apples and oranges. You cannot pick and choose which way you go.

Again, for the record, we support both the Herbertsville facility and certainly the use of Hanson's in Atlantic City.

ASSEMBLYMAN GAFFNEY: Okay. Thank you.

MR. POGUE: Those Federal funds are already committed, right?

ASSEMBLYMAN GAFFNEY: As far as them being committed--

MR. POGUE: The Federal funds you are getting are already committed to you, right?

MR. SNYDER: To the best of my understanding.

MR. POGUE: Yes, that is ours, too.

ASSEMBLYMAN GAFFNEY: Thank you.

Tom?

MR. POGUE: My name is Tom Pogue. I am a Director of Safety Information and Education Services. I have been a trainer for about 40 years. At the present time, I represent 332 companies. I want to share some of our experience which I think may help you.

Number one, within the industry there are three different levels. The large carrier is 50 or more drivers and vehicles. The medium-sized is 20 to 50. The small ones are 0 to 1 to 20. Would you believe they all have the same types of problems? No way. Why? Because the large carrier has a full-time safety director, supplemented by staff. They have full-time qualified mechanics, supplemented by levels A, B, C, master, and so on.

In addition to that, they have people who keep their driver qualification files, maintenance files, and driver vehicle inspection reports, as well as monitoring and keeping track of their logs to see whether or not they are accurate. That's full-time people.

When you get down to the medium-sized, I am talking about 20 to 50 again, those are part-time people. Those are wearing one, two, three, four different hats in responsibility. In some companies, safety has a high priority. In other companies, it does not.

When you get down to the small carrier, they don't even have part-time people. It's catch as catch can. That has problems. Sometimes fines are the only thing that will get their attention sufficiently to cause them to take corrective actions. Let me give you an example:

For instance, when a small carrier gets a \$50 fine, that is a cost of operation. "Ho-hum, so what." The other two questions asked are: "How were we supposed to know about these rules and regulations we have to comply with?" Then the second question is: "So who cares? Who's checking?" You heard a previous speaker say it comes down to less than 1 percent that gets checked. When you say 10 percent -- okay? Now you take 10 percent of 10 percent, and what is that? Can anybody think about it? That is 1 percent or less.

How do we correct it? Well, supposedly if we are going to be concerned with safety, we need to be aware of a statistic. Four percent -- this is nationwide-- Remember, they talked about a safety net, the computers, and how all this information was going from municipal courts, and about the accidents and the violations that occur. All that is put into a national computer bank. They can access it in less than a minute.

That speaker was being very nonchalant about that. That really is about seven to ten seconds. He is a lot faster. Lieutenant Ballas is also, shall we say -- oh, I don't know quite how to say it-- He is being very modest. He is National Chairman of COHMED. He has access to professionals throughout this country, and all of the states are represented in his organization. And he sits there as National Chairman. I have attended his national conference twice. Let me tell you, they are top-flight people. They are experienced. What I am saying to you is, this man is not a lightweight. Okay? He has experience, and he knows what the hell he is talking about. When he doesn't, he knows where to turn to find it, because those resources are right there.

We are very fortunate to have such a person as the Lieutenant representing New Jersey. Okay? I just wanted to toss that in, because I have attended those conferences, and they are great.

Now, let me get to the point: We said that 4 percent of the accidents are caused by vehicular problems. How much does that leave? You do not have to be a great mathematician to see that is 96 percent -- of what? Driver error. Ninety-six percent driver error. Why? Because of, supposedly, inattention, fatigue -- which sometimes causes them to use drugs, at least so they say -- and the other side of it is lack of training. When you get down to a small company and a medium-sized company, you do not have that training. It is not present.

Let me again give you an example: Can you imagine a situation in which a carrier has 18 vehicles, 14 drivers, and in six months those vehicles are so perfect that not one has had a defect, according to the Driver Vehicle Inspection Reports that they have to prepare every day, required by Federal regulation and by State regulation? They are supposed to do a pre-trip, obviously, when they are getting ready to take the vehicle out, and they are supposed to do a post-trip, which is a written report that is turned in when they are finished with that vehicle for the day.

That vehicle is inspected twice a day by the driver, and yet they go out on the highway. Why? Because someone has not trained the drivers, or someone has not jerked the knot in the tail of the owner to say, "Hey, this is serious business. Safety is a good investment. You are walking a rather thin line." The owner turns around and says, "The fines are only \$50. It is only \$100. I only had to pay \$70." Then, when the Feds come in as a result of that computer system we were talking about, and the priorities with accidents or violations, and they knock on your door, now all of a sudden he is hit with \$10,700 in fines. Do you think that got his attention? It sure as hell did.

I can name you many here in South Jersey -- when I say "many," I am talking about 12 or 14, and I can rattle off their

names real quick -- that that has happened to. It's strange, then they call us and ask us to try to get the driver qualification files and maintenance files all straightened up, because those are considered to be safety management controls. One of those controls, obviously, is a medical. Another one is, of course, the drug test. How are these being checked? They just said that every time -- excuse the expression -- you politicians and legislators think we are going to balance the budget and cut it here-- "Oh, well, gee, we won't have to make priorities. We will just do it on a percentage basis, and we will whack out some of the essential services." Okay? That is not good judgment, from my point of view, because as a result of the inspections, they get cut, and we do not need more, do we? You've got to be kidding. Of course, we do.

In leadership school, what did they tell you? It was 10 percent giving an order, but if you wanted it carried out, it was 90 percent follow-up. Wasn't that what they told us? That is what they told me. That is what I taught for six years. I have also taught Business Management. It is strange that we say to them don't expect what you what? Don't inspect. Do you understand what I just said? "Don't expect what you don't inspect." If you want it done, there has to be follow through. When you start cutting the lives out of the inspection forces to the point to where they do not have the money to pay for their travel; they do not have the money to operate; you don't have the money for salaries; and you have to cut slots, then how in the world can you possibly expect safer conditions in this State? You can't, and neither can any other state.

I have several recommendations for you:

I think you should require satisfactory safety ratings of all motor carriers that operate -- period -- or they do not register their vehicles. In other words, you cannot register your commercial motor vehicles unless you have a satisfactory

safety rating. If you go down right now to register your private cars, what do you have to have? You have to have it?

ASSEMBLYMAN FOLEY: Insurance.

ASSEMBLYMAN GAFFNEY: Insurance.

MR. POGUE: You have to have insurance, that's right. Otherwise-- Hey, what is a satisfactory safety rating? If that isn't about the minimum form of insurance-- Okay? I know it is not. You understand the switching of terms here. Okay?

A couple of other things: You should have enough persons out there who are going to be able to do the audits. That means you are going to have to have State troopers able to go knock on doors to make those audits. When you turn around and say, "Well, there are 500 companies with 4000 vehicles," it does not take a genius to do the dividing there, does it? What is that, eight vehicles per company? That would be a small company, wouldn't it? And they do not have safety directors. They do not have mechanics who are on board fully qualified, you know, full time. They have to go out to the backyards, to the alleyways, and to the main street, too, to get them.

What I am trying to suggest to you is, whether they are buses or whether they are motor carriers hauling other types of freight, the same problem exists. It is called "economy of scale," where the big ones can afford to have those persons review the operating procedures of the company almost on a daily basis; making sure that drivers' logs are correctly filled out; making sure that the Driver Vehicle Inspection Reports are accurate and that they do reflect the operating conditions of those vehicles; and that they have trained the drivers and the operating staff. Anything short of that, you are going to continue to have the same kinds of problems.

Quite frankly, my son would probably think I am an idiot up here telling you all this. Why? Because it is my business to be out there to help those poor souls who do not have those full-time safety directors and those mechanics, and

keeping track of their logs, their driver qualification files, and their maintenance files. Okay? That is what I have been doing for four years for a living. Of course, my son assists me. But that is our experience -- 332 of them. We have been doing it for four years. What I have told you is the truth.

ASSEMBLYMAN GAFFNEY: Are you saying 332 different companies?

MR. POGUE: Different companies, yes. That is not 332 trips to one company. Those are 332 individual companies, yes, sir.

ASSEMBLYMAN GAFFNEY: In this State, or in other states?

MR. POGUE: In this State. There are a few in Eastern Pennsylvania, New York, and Eastern Ohio, but 95 percent of them are here.

ASSEMBLYMAN GAFFNEY: It would appear, without generalizing, that the problem companies are the smaller companies.

MR. POGUE: They do not have the resources.

ASSEMBLYMAN GAFFNEY: But are you saying that legislation should be considered requiring them to have this inspection done, and if they have to contract to do it, then so be it?

MR. POGUE: It does not matter to you when you get hit out there by a commercial vehicle. By the way, for every time we lose one commercial driver, they have killed seven others of you who drive your private automobiles. That is not a very good ratio. But when you look at a Class 7 and a Class 8 vehicle, those over 26,000 pounds, you can imagine what the result is going to end up being. You are going to be the loser. Unfortunately, it should be required right straight across-the-board. Those regulations do apply to small carriers, medium-sized carriers, and large carriers -- the same regulations or the same requirements.

Is the enforcement the same? No, because you do not have enough people to get around to do it. So what do they concentrate on? The big guys who came in here and made their presentations today. Man, they make sure that they are pretty straight, because, otherwise, if you find one or two in there, you can have a field day writing tickets. But with the small carriers, there are not that many. Now, are they targeted? All over the country the answer is, "Yes." The Lieutenant may reluctantly share with you the fact that there are lists on which carriers are targeted. Okay? At least others admit it; he might not. Others do, so consequently there is this-- I don't want to call it a "hit list," but there is a list of carriers that do not operate safely. As a result, when their rigs were out on the road, they were looked at more within this past year than they were previously.

As to what you can do: Require a satisfactory safety rating in order to get your registration. That would be one way. The other is, of course, making certain that you have a large enough inspection staff. Give the State cops the money to be able to do the job that safety requires in New Jersey. Not just in New Jersey, all over the country, but in New Jersey, as well.

ASSEMBLYMAN GAFFNEY: Tom?

ASSEMBLYMAN FOLEY: Yes. What I am getting from you, Mr. Pogue, is that you really do not feel that additional regulations have to be created.

MR. POGUE: Correct.

ASSEMBLYMAN FOLEY: It is just that we have to have a better enforcement level.

MR. POGUE: I could not have said it any better. I wish I had said it that way to start with. I could have gone off to my next appointment. (laughter)

ASSEMBLYMAN GAFFNEY: If your son was here, he probably would have summed it up.

MR. POGUE: You're right, he probably would have.

ASSEMBLYMAN FOLEY: Just let me ask you a question: I seem to have gotten a couple of different answers on my question about mechanics. I realize there are different levels of mechanics, like one to master mechanic. Are there requirements-- I know we regulate hairdressers and everyone else, just about, in the State of New Jersey. But do we regulate mechanics and drivers of commercial motor vehicles?

MR. POGUE: For those persons driving commercial motor vehicles -- and that is defined as being vehicles in excess of 26,001 pounds in the State of New Jersey, intrastate, as well as interstate, then you must possess what is referred to as a "commercial driver's license."

ASSEMBLYMAN FOLEY: Yes, I am aware of that.

MR. POGUE: Okay. Now then, the persons who work on those vehicles-- It is written again into those regs that you have to have been a mechanic for at least a year working for this owner in order to receive what they refer to as "self-certification"; or you must have worked at a garage, you know, where you were a mechanic for a year; or you may have gone to a school for which you would have received certification as a result of attending that school.

ASSEMBLYMAN FOLEY: Is that for life?

MR. POGUE: That certification, the way it stands at the present time? The answer is, "Yes."

ASSEMBLYMAN FOLEY: There is no retraining?

MR. POGUE: It is a self-certification thing, from what I have just said. Okay? That qualifies you to be able to do what is referred to as an "annual inspection." The other is air brake inspection. So those two experiences, if you have been using the North American inspection procedure, and you have had over a year of doing that at your present employer, and he self-certifies you, because, after all, it is his

liability on the other hand-- In other words, if you goof up, he is the one who is going to have to pay the big bucks for it.

But, is there a license procedure? No.

ASSEMBLYMAN FOLEY: Do you think that would be helpful, like ongoing training capabilities?

MR. POGUE: It would, if at the same time you required them to go to a licensed inspection station. Remember, for you and me, if we take our passenger automobiles to get them inspected-- I can't go to any local yokel just because he happens to be a buddy of mine and have him sign it off. He has to be registered with the State as a State-certified inspection station, right? We should do the same thing with motor vehicles. Why not? If it is required for my personal vehicle, why wouldn't you do it for a bus? Why wouldn't you do it for a motor freight carrier that is operating a big vehicle that knocks out seven of us passenger drivers, and there is only one of them?

ASSEMBLYMAN FOLEY: But we are doing that, actually. We are currently doing that, are we not, Mr. Snyder?

MR. SNYDER: (speaking from audience) The difference is between buses and trucks?

ASSEMBLYMAN FOLEY: Yes.

MR. SNYDER: We do it for buses -- the Department of Transportation. We are the Division of Motor Vehicles for buses. We inspect; we give them a sticker on the windshield. The State Police handle trucks, and it is not an annual on-site inspection.

ASSEMBLYMAN FOLEY: Okay.

MR. POGUE: Those are for the buses, though, that are regulated by them. That size is what? Is that all buses right straight across-the-board?

MR. SNYDER: Yes, all vehicles used as transportation for hire.

MR. POGUE: For hire, right.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Over nine passengers.

MR. SNYDER: Say that again.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Over nine passengers.

MR. POGUE: Right, exactly. Right.

ASSEMBLYMAN GAFFNEY: Well, thank you very much, Mr. Pogue. Thanks for coming.

MR. POGUE: Right, but the rest of the motor carrier industry does not fit that. You have to be caught. Okay?

Thank you.

ASSEMBLYMAN GAFFNEY: Thank you for your testimony.

We have another witness, Murray-- Help me out on this one.

MURRAY D. PICCIOTTO: How about, Picciotto.

ASSEMBLYMAN GAFFNEY: All right. Sounds good to me, Murray. Come on up.

MR. PICCIOTTO: You are going to have to bear with me. I can't read half of my writing.

ASSEMBLYMAN GAFFNEY: Hey, just as long as we don't tie your hands down, you can still talk.

ASSEMBLYMAN FOLEY: Sounds like me.

MR. PICCIOTTO: My name, as you know, is Murray D. Picciotto. I live in the Atlantic City area. I came here as a citizen. I just retired on March 7, after 45 years of driving. I think I come here with enough experience to be able to present what I want to present -- if I can read my handwriting.

Okay, let's go. It is not long. I will not be long-winded.

ASSEMBLYMAN GAFFNEY: Take your time.

MR. PICCIOTTO: I retired after 45 years in bus transportation. The past 15 years, I owned my own bus. I retired on March 7, 1994. I was a union steward for the

drivers of a company based in Mahwah, New Jersey. I also became an executive board member of the union, and I handled quite a few men for this company.

I would say on the matter of the safety standard, the answer of the various private companies, or the owners of the various private companies -- 25 percent, take away a point or so, or add it, you know-- Management must get its equipment out of the barn, or out of the garage in order to survive, in order to make their money. In order to do so, many times it is important to them to get out and look for shortcuts. Most of the violations would be: no brake lights; no high beams; one headlight; directional signals not working properly; smoking -- the bus exhaust, heavy smoking; and, most important, the brakes. They definitely should be adjusted properly. Of course, there are many more functions that should be repaired with the foreman of the mechanical -- the charter department, or the line. Some companies have their own commuter lines which run in and out of the Port Authority into New Jersey.

Another shortcut: There are the drivers. A driver should not take out a bus in the condition of disrepair that some of them are.

ASSEMBLYMAN GAFFNEY: To go back to your first point, what you are saying is that the companies -- the small charter companies -- are basically ordering the drivers, in your experience--

MR. PICCIOTTO: Well, there is a way of ordering a driver without telling him to get out there; by not giving him a proper job when he is-- They have a seniority list. They call it-- I have not been there for 15 or 16 years, but it is a list-- You work the list. That particular list entitles you, if a man does not come in, to take his place. Or if a charter comes in, or a route comes in that they ordinarily did not have, you would work it. You would be guaranteed a certain

amount of money a day, but not working money. That is the way it used to be. I think it is still that way.

ASSEMBLYMAN GAFFNEY: I just wanted to make sure we understood the first part. Now you are on your second point.

MR. PICCIOTTO: Right. As I said, I just wrote this out. I should have had it typed, but it just came out in the paper for me to see this thing, and I did not have enough time to have it typed.

ASSEMBLYMAN GAFFNEY: We will be glad to sit here until you get it the way you want it.

MR. PICCIOTTO: What happens here is, the driver who is low down in seniority, the driver who must make a full day's pay, or the driver who wants to look good for his company will take out that equipment that is in poor condition. Now, some have to make their day's pay to feed their families. A lot of times, these guys will know the bus has been damaged by looking at a card that the previous driver has left. Sometimes, this card disappears. I don't know where the cards go, but somebody takes these cards, and they are gone. So a driver gets in the bus. He is driving out; he is late already to cover the route, but he is going to go.

I propose -- this is one of my proposals on this condition that I just read about -- that 15 percent to 20 percent of his equipment -- the owner's equipment or the garage's -- every day that that bus company operates, should be kept in the garage -- 15 percent to 20 percent. By saying this, this gives the company enough time, or forces them to go over these buses, this equipment. His other equipment is out on the road. As the gentleman before said, 10 percent is only, what, out of 50 companies? Five -- or ten. Every day that he operates, he can take in another few buses and do the same thing by holding them in the barn for servicing, or whatever has to be done.

I would say that that should be a law. I do not believe in this self-inspection. Self-inspection-- It is too easy for the company. I say we should have more teeth in our laws, as far as passenger equipment goes. If that law was strictly followed for inspection, these buses would-- Well, as I just said-- I said it in my own words, and I wrote the same thing down.

Now let's get to speed. I am not going to read this. I know what I am talking about. I travel the Garden State Parkway quite a bit, and I imagine that you guys and ladies do, also, and the expressways in our State. If you get a bus tearing down on the Parkway there, if you are on the right side of the road, and this guy passes you at 70, 75 miles per hour, your car shakes. This happens frequently, and I am sure you are aware of it. I am. I used to do the same thing when I wanted to get from one point to another.

ASSEMBLYMAN FOLEY: You're lucky that trooper isn't here. (laughter)

MR. PICCIOTTO: I don't drive anymore. At least I don't drive a bus anymore.

ASSEMBLYMAN GAFFNEY: You should have seen me when that Bus No. 873 passed me that day. (laughter)

MR. PICCIOTTO: I believe we have a law on the books about construction trucks. Will the Lieutenant-- Is he still here?

ASSEMBLYMAN FOLEY: No.

MR. PICCIOTTO: I am sorry he is not here to verify it, but I believe we have a law on the books that construction trucks, when out on the State highways, have to keep to the right. They must keep to the right. I am sure that is what it was, and I think it is still on the books.

What I am saying about the buses, why can't we keep these buses in the right lanes -- law. This would cut down the speed. This would cut down the guy shooting out into the left

lane, passing you by at 70, 75 miles per hour. He won't be able to do that on the right side. A passenger vehicle on the right side would give us a little bit more safe operating conditions on that road. That is one of my proposals. I feel that if we do it with construction trucks, we do it with other equipment to be kept on the right side of the road, and there is no reason why we can't do it with a passenger bus. Keep them on the right side. That will cut down the accidents. That will cut down the speeding -- some of it, or most of it.

ASSEMBLYMAN GAFFNEY: Especially if he gets behind a little old lady from Pasadena. (laughter)

MR. PICCIOTTO: Well, in that case, you know, if it is under the speed limit, permit him to pass. But if it is over the speed limit, absolutely not. Stay on the right side of that road.

I also say that in our city here -- in Atlantic City. I don't know how often you drive in Atlantic City, with these buses coming down and staying in the middle of the road. If you only have a two-lane highway, and the guy is going to make a turn on Albany Avenue, he is still on the left side of the road until he gets near Albany Avenue. Then he has to hang a right turn. By then you are bleeding from the nose. You could not get away from this guy.

But they should be kept in our city. There is no reason why they shouldn't. If you are going to make a right turn on the Expressway, to get on the Expressway, the Philadelphia buses, this guy is not going to pull over to the right until he gets almost adjacent to the turn. I propose that we keep this as a general rule, and keep on the right side.

I do not have much more.

Then we have the logbook. The logbook -- if you people know what a logbook is, and you probably do-- Each driver is supposed to keep his hours in a book, and this log shows how many hours he has been on, when he took his lunch,

and so on. I think the law still calls for a 10-hour day. Please correct me. Is that right, Mr. Snyder? He can only drive 10 hours at one--

MR. SNYDER: (speaking from audience) I think that is driving 10 hours.

MR. PICCIOTTO: Yes, right. (next comment by Mr. Snyder indiscernible; no microphone) And he has to have that rest.

What we need is a strict enforcement of these things. Now, if you get a guy over there who is all red-eyed already, who took a few bennies because he is going to get extra money for the long trip-- The company knows this, that this trip has to take 14 hours. They will tell him: "Well, you take off over here in this motel." This guy is not going to tell you. He wants to finish. He is looking for a good tip on a charter. If he gets them down there a little early, he is going to get a good tip. That has to be enforced, or another way of doing these things has to be found. I don't know what the other way would be. I am not a genius. These are the things I observed in my 45 years of experience.

Now, there is another thing. Let's go from there. This is very important, in my estimation. The CDL, they rely on you every two years. The fourth year of your license you have to get an examination -- another full examination to hold your license when it expires. It is four years.

ASSEMBLYMAN GAFFNEY: CDL is what?

MR. SNYDER: A commercial driver's license.

MR. PICCIOTTO: Right.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Every two years you go.

MR. PICCIOTTO: What we do in this State-- I am not saying there are a lot of dishonest people out there, but what happens? In the two years, you are supposed to submit your own -- what do you call that? -- your own-- In two years, you go

to a doctor and give him a test -- a two-year shot. Now, this doctor knows you, or the doctor you go to in four years. "Hello, John. How do you feel today?" "Well, it hurts me over here." "You're still in this business, aren't you? He's okay. He is going to pass." Diabetes under the control of insulin is-- You do not drive. You just don't drive a passenger vehicle. You have a heart condition? You don't drive. That's it, period.

Another proposal -- which is the end of what I brought here today -- is that the State certify -- have a certified physician and let the guy pay him instead of his doctor. This guy, certified by the State, that is all he does. He examines these drivers. You have an inspection station. Have an office there where a guy has to go for inspection. Do whatever you need to do to do this, but have a doctor who is certified by our State examine these people. Have these people swear that they do not have these things, because it takes time for the tests to come back.

They are my proposals. I gathered this little information. There is probably much more, but I do not want to bore you with it. I feel these are the most important ones, the ones I have submitted to you.

ASSEMBLYMAN GAFFNEY: We appreciate your 45 years' experience.

MR. PICCIOTTO: Forty-five.

ASSEMBLYMAN GAFFNEY: Forty-five.

MR. PICCIOTTO: (misunderstanding) You cut me down. You made me lose 20 years already.

ASSEMBLYMAN GAFFNEY: Do you have any questions, Tom?

ASSEMBLYMAN FOLEY: You did say "45."

ASSEMBLYMAN GAFFNEY: Did I? I thought I did, yes.

MR. PICCIOTTO: Okay, gentlemen. I hope you will take this into consideration.

ASSEMBLYMAN GAFFNEY: Yes, we have been taking notes.

MR. PICCIOTTO: See what you can do with it. I think these are important issues.

ASSEMBLYMAN GAFFNEY: We'll see if we can bring it to a final solution -- hopefully.

MR. PICCIOTTO: Okay. Thank you very much.

ASSEMBLYMAN GAFFNEY: To my understanding, we have no further testimony at this time. Upon hearing that, I thank Tom for coming, thank him for filling in. Thank you all for coming.

This hearing is adjourned.

**(HEARING CONCLUDED)**



**APPENDIX**



**ASSEMBLY TRANSPORTATION AND  
COMMUNICATIONS COMMITTEE  
SUBCOMMITTEE ON  
BUS SAFETY**

**Qualifications of Vincent L. Lobascio,  
Retired Principal Investigator  
in the  
Motor Carrier Inspection  
and Investigation Unit  
of the  
Office of Regulatory Affairs  
NJ Department of Transportation**

**APRIL 20, 1994**

# State of New Jersey



Presents this  
**Certificate of Appreciation**

to

Vincent L. Lobascio

*In Recognition of Loyalty  
and Devotion to Duty upon Retirement  
from the State Service.*

*[Signature]*

GOVERNOR

April 1, 1989

DATE

# New Jersey State Police



*This certificate is awarded to* VINCENT LOBASCIO  
*who has successfully completed the* COMMERCIAL VEHICLE INSPECTION AND  
FEDERAL MOTOR CARRIER SAFETY REGULATIONS  
*course conducted by the New Jersey State Police at the  
New Jersey State Police Training Bureau, Sea Girt.*

*Signed this* 25TH *day of* SEPTEMBER *, 19* 87.

Capt. C. A. Williams  
Director of Training, New Jersey State Police

C. J. Pagano  
Superintendent, New Jersey State Police

3X



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Certificate of Training

## Bureau of Motor Carrier Safety

Awarded to VINCENT LOBASCIO  
SENIOR INVESTIGATOR, MOTOR CARRIERS, NJDOT

In recognition of having completed 8 hours of training  
in COMMERCIAL MOTOR VEHICLE INSPECTION REGULATIONS AND PROCEDURES  
given by the Federal Highway Administration's Bureau of Motor Carrier Safety,  
at SOMERVILLE, NEW JERSEY  
on OCTOBER 15, 1980

*Daryl Curtis*  
\_\_\_\_\_  
Director, Regional Motor  
Carrier Safety Office

*Jack T. Tabakyan*  
\_\_\_\_\_  
New Jersey Officer-in-Charge

*John P. Gorkwin*  
\_\_\_\_\_  
Motor Carrier Safety  
Investigator

47

# New Jersey State Police



*This certificate is awarded to* SENIOR INVESTIGATOR VINCENT L. LOBASCIO  
*who has successfully completed the* ACCIDENT INVESTIGATION #8  
*course conducted by the New Jersey State Police at the*  
*New Jersey State Police Training Bureau, Sea Girt.*

*Signed this* 23RD *day of* SEPTEMBER, 19 80.

Capt. J. T. Lintott.  
Director of Training, New Jersey State Police

C. L. Pagano  
Superintendent, New Jersey State Police

# The Traffic Institute

## NORTHWESTERN UNIVERSITY



This is to certify that

*Vincent L. Lobascio*

has successfully completed a two-week course in  
**MOTOR VEHICLE TRAFFIC ACCIDENT INVESTIGATION**

sponsored by the Foundation for Safety, Incorporated  
Florham Park, New Jersey

1978

*Robert N. Green*  
TRAFFIC INSTITUTE COURSE DIRECTOR  
*John A. Paisley*  
TRAFFIC INSTITUTE ASSISTANT

*Charles B. ...*  
DIRECTOR OF THE TRAFFIC INSTITUTE

x9

**ESSEX COUNTY POLICE ACADEMY**

**CERTIFICATE OF ATTENDANCE**

**THIS IS TO CERTIFY THAT**

**VINCENT L. LOBASCIO, SR.**

**ATTENDED A SPECIALIZED SCHOOL IN  
ACCIDENT INVESTIGATION**

**FROM SEPTEMBER 11, 1978 TO SEPTEMBER 22, 1978**

**HENRY T. LYON, DIRECTOR**

76

DUPLICATE NOTICE

NEW JERSEY DEPARTMENT OF CIVIL SERVICE  
NOTIFICATION OF ELIGIBILITY

IN THE FOLLOWING EXAMINATION YOU ARE ADVISED OF YOUR FINAL RATING AND RANK ON THE ELIGIBLE LIST AS SHOWN BELOW. THIS LIST WILL CONTINUE IN EFFECT FOR THE STATED DURATION.

WITHIN 60 DAYS FROM DATE OF THIS NOTICE YOU MAY INSPECT YOUR TEST PAPERS FROM 9:00 TO 12:00 AND 1:30 TO 4:00 MONDAY THRU FRIDAY, LEGAL HOLIDAYS EXCEPTED, AT CIVIL SERVICE OFFICE-STATE HOUSE, TRENTON. ONLY ONE INSPECTION IS PERMITTED. BRING THIS CARD.

TITLE SUPERVISING INVESTIGATOR MOTOR CARRIERS

SYMBOL PS0499

NAME AND  
ADDRESS

LOBASCIO VINCENT L  
219 LAFAYETTE ROAD  
AUEUBON N J 08106

EXAM DATE  
8/29/68

NOTICE DATE  
11/06/68

RANK  
1

FINAL AVERAGE  
80.408

DURATION OF LIST  
11/13/71

CHIEF EXAMINER AND SECRETARY  
NEW JERSEY DEPARTMENT OF CIVIL SERVICE



MC  
4/26/66

State of New Jersey  
DEPARTMENT OF PUBLIC UTILITIES  
BOARD OF  
PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE DESIGNATION )  
OF HEARING EXAMINERS PURSUANT TO ) ORDER  
R.S. 48:2-32.1, AS AMENDED. )

PURSUANT TO R.S. 48:3-32.1, as amended, the Board of Public Utility Commissioners of the State of New Jersey, hereby designates the following persons as its representative in, and on its behalf to conduct any hearing in any proceeding, now or hereafter, pending before the Board, as a Hearing Examiner:

<u>Name</u>	<u>Title</u>
Vincent L. Lobascio	Acting Assistant Director, Division of Motor Carriers
Louis A. Pagliara	Accountant - Utilities
Philip I. Walton	Accountant - Utilities
Norman Jeffries, Jr.	Accountant - Utilities

Such Hearing Examiners shall have all the authority vested in Hearing Examiners by Title 48 of the Revised Statutes of New Jersey and the rules, regulations and orders of the Board.

Dated: April 26, 1966  
(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS  
BY: (SIGNED)

WILLIAM F. HYLAND  
PRESIDENT

ATTEST:  
(SIGNED)

EDWARD F. HAMILL  
SECRETARY

9x

**TESTIMONY ON BUS SAFETY**

before the

**ASSEMBLY TRANSPORTATION COMMITTEE**

by

**JAMES SNYDER, DIRECTOR OF TRANSPORTATION ASSISTANCE**

and

**BILL NORTON, DIRECTOR OF REGULATORY AFFAIRS**

of the

**NEW JERSEY DEPARTMENT OF TRANSPORTATION**

April 20, 1994

Chairman DeCroce, Subcommittee Chairman Gaffney, and members of the Assembly Transportation Committee, thank you for holding the hearings today on bus safety. The New Jersey Department of Transportation very much appreciates the opportunity to talk with you about this most important issue. I am Jim Snyder, Director of Transportation Assistance. With me today is Bill Norton, Director of Regulatory Affairs, and Vince Schulze, Supervisor of Motor Carriers.

Bus safety is probably more important in New Jersey than in any other state. With over 93 million passenger trips per year, New Jersey's roads are used to reach two of the largest passenger destination centers in the world -- New York City and Atlantic City. Many of these passengers travel by bus. The exclusive bus lane on the Lincoln Tunnel alone carries 400,000 buses annually. Over 330,000 bus trips are made annually to Atlantic City. New Jersey also has a heavy reliance on commuter buses to get to work, and almost 4 million resident based workers. With the advent of the Employer Trip Reduction Program, and other Clean Air mandates, there is likely to be an increased demand for commuter buses.

New Jersey also has one of the largest private sector bus industries in the country, with about 500 bus and van companies based in our State. Private bus companies operate 4,000 buses and New Jersey Transit operates 2,000 buses. In addition, about 400 private vans operate on New Jersey's roads, on a for-hire basis. These vans are most heavily concentrated in Hudson County.

The Department is legislatively mandated to inspect these 6,400 vehicles and ensure their safety. To do so we make sure that New Jersey's buses are inspected twice per year -- once by DOT inspectors at the bus company's garage, and once through self-inspection. Let me explain.

The Department's Motor Carrier Unit spends the majority of its staff resources performing terminal inspections. Comprised of 24 persons (including supervisors), once per year, an inspector goes to each company's bus terminal to perform a complete maintenance inspection of all of its vehicles. A maintenance inspection takes about 80 minutes to perform. It is a very detailed inspection. They inspect inside, outside, and underneath the bus, ensuring all parts are working correctly, particularly checking the brakes, steering, tires, and wheels. These inspections are mandated by statute. Almost 90% of these buses fail inspection the first time. They may only require minor modifications -- that is, they may not have serious "out-of-service" violations, but 90% of the buses require a recheck before they get a Departmental authorization sticker. A bus does not pass inspection until all violations, major or minor, are corrected.

In addition to this annual inspection, there is a semi-annual "self-inspection". This means that the company is required to conduct its own maintenance inspection, and Departmental staff go in and audit their work by checking 10% of the buses. This helps us to minimize our costs while ensuring the public safety. Over 5,900 self-inspections are performed each year, with 675 audited during 1993. If, during these inspections, we find a bus company with an extremely high failure rate, or a general indication of poor maintenance, we take the company off self-

inspection and put it on full inspection twice a year. During stressful economic times bus companies often put off maintenance, just as you and I put off getting our cars tuned up. Currently, during these tough times, we have found the need to put 27 companies back on full inspection.

As a cost saving measure, New Jersey Transit buses are treated somewhat differently. The Department does not conduct full inspections at their terminals. Instead, twice per year, New Jersey Transit completes self-inspections of its buses. We then audit 10% of their inspections as we do at the private companies.

The other major function performed by the Motor Carrier Unit is to conduct roadside inspections. Approximately 20% of our inspectors' time is spent conducting roadside checks. Federal funds are provided for this function through the Motor Carrier Safety Assistance Program, commonly referred to as MCSAP. These inspections are conducted in cooperation with the State Police, and often also in cooperation with the State's Authorities, particularly the New Jersey Highway Authority, where we try to catch the heavy bus traffic headed to and from Atlantic City. MCSAP inspections are also conducted at other New Jersey major recreational sites, such as Great Adventure and Action Park.

New Jersey has one of the most extensive roadside bus inspection programs in the country. In 1993, we conducted 2,980 roadside inspections, compared with approximately 30,000 nationwide. The number of roadside inspections we perform is dependent upon our

staffing levels. We must perform our statutorily mandated terminal inspections first. Over the years, roadside inspections have been as low as 1,700 and as high as 8,000.

Although without pits, we cannot get underneath the bus as we do during a terminal check, we can only do what is called a "Level II" inspection. Level II inspections cover all aspects of examining a vehicle without inspecting underneath. 85% of New Jersey's MCSAP inspections are Level II inspections due to lack of roadside facilities with pits or lifts.

However, just yesterday, the Department and the SJTA have agreed to start using Hanson's bus terminal facilities for roadside inspections of Atlantic City buses. This facility will allow the Department's inspectors to complete Level II inspections. The Department very much appreciates SJTA's offer of assistance in this regard. In addition, the Highway Authority is considering building a new facility at Herbertsville which would contain pits for inspection and a waiting area for passengers.

Regardless however, whether a Level I or Level II inspection is conducted, if a bus is found to be critically deficient, it is automatically put out-of-service. This means that the bus is not allowed to move from the spot until it is fixed, or is towed away. No passengers are permitted to ride in it until it is fixed. If it cannot be fixed, a new bus is brought to the site to transport the passengers to their destination.

Approximately 11% of the buses inspected under the MCSAP program are found

**unsafe enough that they are put out-of-service on the spot.** In addition to out-of-service violations, buses are cited for numerous other violations which they are required to correct.

The **penalties** for equipment violations, however, are not high. \$50 is about the maximum penalty, even for faulty brakes. A penalty system that better reflected the seriousness of the violation would be more appropriate. The greater cost is involved in buses put out-of-service where the bus company must either have a new bus brought to the inspection site, or fix the existing bus at the site.

In addition to the terminal maintenance checks and the roadside inspections, our Motor Carrier Unit inspectors also enforce other safety requirements as time and resource permit.

1. All buses operating within the State must meet our specification standards.
2. All buses must have insurance. **If they do not have insurance, they are immediately put out-of-service.** Under state law, a minimum of \$600,000 of insurance must be carried for liability. Under ICC requirements, interstate buses must carry \$5 million in liability insurance; vans must carry \$1.5 million.
3. Last year, we also inspected approximately 120 vehicles that were involved in accidents before permitting those vehicles to return to service.

4. Finally, we investigate illegal operations with the goal being to remove the illegal, and most often unsafe buses, from our roads.

While the Motor Carrier Unit is the most important and largest function of the Department's Office of Regulatory Affairs, it does not cover all of the functions we perform. We also have an **Enforcement Unit** and a **Regulatory Unit**. The **Enforcement Unit** is very small but works hand in hand with the Motor Carrier Unit and focuses on the investigation of illegal operations. It conducts investigations, holds hearings to resolve complaints, processes criminal matters, collects penalties, and interacts with Attorney General and Department of Insurance to curtail insurance fraud.

The **Regulatory Unit** completes our regulatory functions. By statute, we are also required to regulate routes, fares, and safety. The **Regulatory Unit**, also small, authorizes routes, reviews carrier fitness, mediates cases and complaints among bus companies, reviews schedules, tariffs and zone of rate (ZORF) filings, consults with the Interstate Commerce Commission of interstate bus and van issues, resolves consumer complaints against private bus carriers, and develops Departmental regulations as necessary.

Finally, I know that you want to know not just what we are doing, but how well we are doing. **The answer is we're doing better than most other states in the country.** Let me explain.

During the summer of 1992, there was a serious bus accident in Vernon Township that raised everyone's concerns about bus safety. This bus crashed in part to mechanical defects that should have been caught during inspections. Yet that particular bus, a New York State bus, had not been inspected since 1988, and 6 passengers died as a result. To-date, a New Jersey based carrier has not yet had a serious bus accident caused by mechanical defects.

Moreover, when the National Transportation Safety Board (NTSB) came to New Jersey to conduct hearings on the Vernon bus accident, the NTSB chairwoman Susan Coughlin complimented New Jersey's program. She even went so far as to say that this Brooklyn-based carrier would never have escaped inspection for 4 years in New Jersey, while at the same time, she acknowledged that the bus had also slipped through the cracks in the federal government's safety program. She emphasized the need for States to take the lead in keeping unsafe buses off the road. In fact, since this report, New York State and Massachusetts have changed their bus safety programs to mirror New Jersey's program.

After the NTSB hearings a Star-Ledger editorial supported the regulation and inspection of buses in New Jersey and went on to state: "People who sign up for charter bus trips have a reasonable expectation that federal and state safety agencies are fulfilling their regulatory duties. The all-too-prevalent discrepancy between government rules and their enforcement can be the difference between life and death -- as was the case in the terrible Vernon Township crash...the lesson is clear. Tougher and more frequent inspection of buses is vital. Moreover, neither the State nor the Federal government should have to provide the funding

for such an accelerated program. Charter services that want to use state roads should be charged a sufficient licensing fee to cover the increased costs of an effective inspection program. Passengers must be better protected".

Following this editorial, fees were increased, and New Jersey's bus inspection program was preserved. Additional layoffs were avoided, and five new inspectors were hired. As a result, we have been able to perform additional MCSAP roadside inspections, perform increased audits, expand our investigation of illegal operations, and have placed more companies on full inspection.

Finally, you would ask us how we could do things better? The answer is we'd like your opinion, and the industry's opinion. To get this information, the Department published a "pre-proposal" in the New Jersey Register on March 21. This pre-proposal invites the public and the industry to offer suggestions on all aspects of our autobus regulatory and inspection program. We will also be holding a public hearing at the Department on May 12 to get public comment. Bill Norton, who has been named the new Director of Regulatory Affairs, has initiated this revisitation of all aspects of our operations. We have brought copies of this pre-proposal with us today for your review and comment.

At this time, I'd like to again thank you for holding this hearing today. This will help us to gain additional insight and commentary for which we are grateful. We will be glad to answer any questions you may have at this time.



New Jersey  
Department of Transportation

1035 Parkway Avenue • CN 600 • Trenton, New Jersey 08625-0600

Christine Todd Whitman, Governor

Frank J. Wilson, Commissioner

March 17, 1994

Dear Sir or Madam:

Since 1979, the New Jersey Department of Transportation has had numerous oversight and regulatory responsibilities for buses and certain other forms for hire passenger transportation operations.

The Department believes that a complete reassessment of its bus regulations is warranted and that this action could identify areas where the rules could be made less burdensome for the industry and better service the public. The Department's bus regulations are N.J.A.C. 16:51, "Practice and Procedures before the Office of Regulatory Affairs," N.J.A.C. 16:53, "Autobuses," and N.J.A.C. 16:53D, "Zone of Rate Freedom."

The Department has initiated the attached "pre-proposed rulemaking" as a forum under which to get public and regulated industry comments and suggestions regarding state regulation of buses, bus service, and other forms of for hire passenger transportation. The pre-proposal identifies many specific issues upon which the Department is requesting comment. The Department seeks comments and suggestions on these and any other issues related to bus and for hire passenger transportation service. The public comment period for this proposal opens on March 21, 1994 and shall close on June 4, 1994. Written comments and suggestions should be provided to the Department by this date. A public hearing to receive oral testimony and presentations shall be held on May 12, 1994 at the Department of Transportation. Specific information on how to provide comments or participate in the hearing is included in the attached pre-proposal.

An equal  
opportunity employer

*"Our mission is the movement of people and goods with a commitment to safety, excellence, efficiency, the environment and our customers - the citizens of New Jersey."*

19x

Page Two

In addition to the pre-proposal, the Department is also interested in establishing a bus and for hire passenger transportation advisory group. This advisory group would consist of interested citizens, public officials, and bus and other for hire passenger transportation providers. Its purpose would be to meet with the Department on a regular basis to identify, review and discuss issues of concern to the regulated community, its passengers or other interested parties. Persons interested in participating in the advisory committee should express their interest in writing to Mr. William A. Norton, Director, Office of Regulatory Affairs, New Jersey Department of Transportation, CN 611, Trenton, NJ 08625-0611.

All comments and suggestions received pursuant to the attached pre-proposal, and all proceedings of the advisory committee, shall be deemed open public records and proceedings. I thank you for your interest in the attached pre-proposal and look forward to your comments and suggestions on Department bus and for hire transportation regulatory programs.

Sincerely,

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: William A. Norton  
Director  
Office of Regulatory Affairs

Attachment

vary, depending upon the material used, size, and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets (thus)):

16:28-1.67 Route U.S. 202

(a) The rate of speed designated for the certain parts of State highway Route U.S. 202 described in this subsection shall be established and adopted as the maximum legal rate of speed:

i. For both directions of traffic:

i.-x. (No change.)

x. 50 miles per hour to a point 1,000 feet north of the intersection of Cresview Drive (Bernardsville) (milepost 37.3[36.15]); thence

xii. 40 miles per hour [to the center of Woodland Road (milepost 37.8)] between 1,000 feet north of Cresview Drive and Woodland Road (mileposts 36.15 to 36.83); thence

xiii. 30 miles per hour [to a point 275 feet north of the intersection of Church Street] between Woodland Road and Finley Avenue (mileposts 36.83 to 37.70); thence

xiv. 35 miles per hour [to the intersection of Finley Avenue (milepost 38.7)] between Finley Avenue and Madisonville Road (mileposts 37.70 to 37.92); thence

xv.-xxi. (No change.)

(No change.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Notice of Administrative Correction and Extension of Comment Period

Lane Usage

Route N.J. 38 in Burlington County

Proposed New Rule: N.J.A.C. 16:30-3.11

Take notice that the Department of Transportation has discovered an error in the notice of a proposed new rule at N.J.A.C. 16:30-3.11, published in the February 22, 1994 New Jersey Register at 26 N.J.R. 908(a).

The milepost for eastbound Route N.J. 38 traffic at N.J.A.C. 16:30-3.11(a)ii(1)(C) was incorrectly submitted to the Office of Administrative Law as milepost 18.2. The correct milepost for eastbound Route N.J. 38 traffic should read milepost 18.5. In view of this error, the Department of Transportation is providing a new 30 day comment period.

The notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Submit written comments by April 20, 1994 to:

George A. Strathern  
Supervising Engineer II, Traffic  
Department of Transportation  
Bureau of Traffic Engineering  
1035 Parkway Avenue  
CN 613  
Trenton, NJ 08625

Full text of the proposal is found at N.J.A.C. 16:30-3.11, published in the February 22, 1994 New Jersey Register at 26 N.J.R. 908(a). The corrected text at N.J.A.C. 16:30-3.11(a)ii(1)(C) as it should have appeared in the notice of proposal is as follows (proposed additions indicated in boldface thus; proposed deletions indicated in brackets (thus)):

16:30-3.11 Route 38

(a) Turning movements of traffic on certain parts of State highway Route 38 described in this subsection are regulated as follows:

i. In Burlington County:

i. Lumberton and Southampton Townships;

(1) Center lane for left turn only;

(A) Both directions of Route 38 (milepost 18.3) at Smithville Road—Smithville-Jacksonville Road, Lumberton and Southampton Townships.

(B) For westbound Route N.J. 38 (milepost 18.2) traffic at the driveway along the south side of Route N.J. 38 approximately 370 feet west of the Smithville-Jacksonville Road westerly curb line in the Township of Lumberton.

(C) For eastbound Route N.J. 38 [(milepost 18.2)] (milepost 18.5) traffic at the driveway (to the Division of Motor Vehicles Inspection Station) located along the north side of Route N.J. 38 approximately 1,000 feet east of the Smithville Road easterly curb line in the Township of Southampton.

(b)

TRANSPORTATION ASSISTANCE

Notice of Pre-Proposal

Regulation of Autobuses and Transportation Public Utilities

Pre-Proposed Amendments: N.J.A.C. 16:51, 16:53 and 16:53D

Authorized By: W. Dennis Keck, Acting Assistant Commissioner, Policy and Planning.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-1, et seq., 52:14B-3 and 52:14D-1 et seq.

Pre-Proposal Number: PPR 1994-1.

A public hearing concerning this pre-proposal will be held on Thursday, May 12, 1994 at 1:00 P.M. to 4:00 P.M. at the following address:

New Jersey Department of Transportation  
Engineering and Operations Building  
Multi-purpose Room, 1st Floor  
1035 Parkway Avenue  
Trenton, New Jersey 08625-600

Submit comments in writing by June 4, 1994 to:

Thomas P. Thacher  
Administrative Practice Officer  
New Jersey Department of Transportation  
Bureau of Policy and Legislative Analysis  
1035 Parkway Avenue  
Trenton, New Jersey 08625-600

This is a notice of pre-proposal for a rule (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law Rules for Agency Rulemaking, N.J.S.A. 1:30.

The agency pre-proposal follows:

Summary

Buses, bus operations, and for hire passenger transportation within the State of New Jersey are subject to various forms of State oversight and regulation. Since 1979, the Department of Transportation has had a major role in the oversight and regulation of buses and certain other transportation public utilities. Buses are generally referred to in the statutes and regulations as "autobuses."

The Department believes that reassessment of its autobus regulations could identify areas where the regulations could be made less burdensome and more effective and better serve the needs of the public and regulated industry. The Department's regulations regarding autobus public utilities are, N.J.A.C. 16:51, Practice and Procedures Before the Office of Regulatory Affairs; N.J.A.C. 16:53, Autobuses, and N.J.A.C. 16:53D, Zone of Rate Freedom.

The purpose of this Notice of Pre-proposal for rulemaking is to provide a forum under which the public and regulated industry can provide comments and suggestions to the Department regarding State regulation of autobuses. In addition to the identification of specific regulatory issues

21x

OTHER AGENCIES

or problems, the Department is also interested in receiving suggested solutions to these problems. The Department will closely review and consider all comments and suggestions.

The public comment period for this pre-proposal is 75 days and shall close on June 4, 1994. Persons must provide their comments and suggestions to the Department by this date. Persons should address their correspondence to the Department's Administrative Practice Officer whose full address is shown in the beginning of this pre-proposal.

A public hearing to receive oral and written testimony and presentations shall be held on Thursday, May 12, 1994 in the Multi-purpose room of the Department of Transportation from 1:00 P.M. to 4:00 P.M. Persons may submit written comments to the Department either by mail to the Administrative Practice Officer or in person at the public hearing. Comments in the form of oral testimony or presentations can only be submitted at the public hearing. All comments, suggestions and testimony submitted in response to this pre-proposal shall be considered open public records and available for review at the Department, by appointment, during regular business hours.

Although the Department welcomes comments on any issue pertaining to autobus oversight, the Department wishes to especially invite comments on the following topics:

1. INSURANCE

Autobus operators are required to carry liability insurance. Insurance costs can be very high and are said to be driving some companies out of New Jersey.

a. What could be done to help control insurance costs, while at the same time assuring that autobus operators have sufficient insurance coverage to protect the public?

b. What more could be done to ensure that all companies carry adequate insurance?

2. INSPECTIONS

Most autobuses receive two inspections a year. Currently, these inspections are typically an NJDOT performed inspection followed by an operator self inspection six months later. In the future, New Jersey operators may be required to submit to additional Federally mandated vehicle emissions inspections.

a. Is the current system of autobus safety inspection satisfactory? How could it be improved or made more efficient?

b. Is self inspection of autobuses working? If it is, should there be more reliance on self inspection? If it is not, what needs to be done to ensure that self inspected buses maintain a high level of safety?

3. SERVICE IMPROVEMENT

The NJDOT regulates autobuses with the goal of ensuring that the needs of the public are served and protected. The NJDOT desires that the regulated industry provide the public with the best possible public transportation service and at reasonable fares.

a. What could the Department of Transportation do to improve bus services and public transportation? How could the Department better facilitate the introduction of new transportation services and routes?

b. What service criteria should be introduced to improve bus service for the public?

4. REGULATORY STANDARDS AND PROCEDURES

Numerous NJDOT regulatory standards and procedures are leftover from former Board of Public Utilities (BPU) practices and are in need of updating. Some BPU procedures were highly structured, formal, and often time consuming or costly for interested parties. The NJDOT wants to improve upon its procedures to facilitate processing and approvals.

a. Most autobus operators file an annual report with the New Jersey Department of Transportation. Are portions of the annual report burdensome to prepare? The current report form has recently been modified. Could the report be further improved or simplified?

b. How might petition requirements be simplified?

c. N.J.A.C. 16:53 sets forth autobus specifications. Are these specifications reasonable and technically correct with current technology and equipment?

d. Are current "zone of rate freedom" (ZORF) procedures timely and efficient? Are the rates which result from the ZORF procedures reasonable? Could ZORF procedures be improved?

e. Is route service overregulated? How might more operational flexibility be provided regarding regular routes and casino routes in ways advantageous to the public interest?

5. INTERVENTIONS

Existing intrastate regular route operators are protected by the NJDOT from certain destructively competing autobus service that would

PROPOSALS

undermine the profitability of existing autobus operators. An existing autobus operator can move to block the entry of a new competing service by filing an intervention with NJDOT.

a. Are too many frivolous interventions being filed against bus companies by other bus companies? If so, what should be done to discourage the filing of frivolous interventions?

b. Should a person or company who files an intervention be required to pay a major portion of the administrative cost incurred by the Department of Transportation in processing that intervention?

6. TITLE 27 AND TITLE 48 ROUTE AUTHORITY COORDINATION

Issues have arisen regarding regular routes authorized by NJDOT under Title 48 and regular routes operated by New Jersey Transit or contracted out by New Jersey Transit under Title 27. In some cases, competition can be destructive.

a. What can be done to improve coordination between Title 27 and Title 48 routes?

b. How can issues of destructive competition between Title 27 and Title 48 routes be better handled?

7. OPERATING AUTHORITY CONTINUATION

The operating authority to provide an autobus service can be granted to a company via a Certificate of Public Convenience and Necessity from the NJDOT. Prior to discontinuing autobus service, an operator is also required to formally petition the NJDOT for authority to stop service. Operators are required to file various reports with the NJDOT.

a. Some bus companies have not operated a bus or charter service for years. Should their operating authority or Certificates of Public Convenience and Necessity be invalidated or withdrawn by the Department?

8. ENFORCEMENT

In addition to regulating autobus operations and performing vehicle inspections, the NJDOT investigates and takes actions to curtail illegal operations.

a. How are illegal autobus operations affecting the overall autobus industry?

b. Are current enforcement actions against illegal autobus operations effective? If not, what more could NJDOT do to control or abate illegal autobus operations?

c. What could the autobus industry do to assist NJDOT to control or abate illegal operators?

9. VANS AND LIMOUSINES

A new generation of transportation services by smaller vehicles is developing.

a. What are the current impacts of newly evolving van oriented services upon traditional autobus services? What are the potential future impacts, both positive and negative?

b. Should the NJDOT regulate limousines or limousine services? If so, what aspects of the limousine business should be regulated?

c. Does the existing autobus industry anticipate utilizing smaller vehicles for suburban services?

OTHER AGENCIES

(a)

NEW JERSEY HIGHWAY AUTHORITY

Garden State Parkway  
Garden State Arts Center  
Unauthorized Selling of Merchandise; Confiscation

Proposed Amendment N.J.A.C. 19:8-2.11

Authorized By: New Jersey Highway Authority, David W. Davis,  
Executive Director (with approval of the Board of  
Commissioners).

Authority: N.J.S.A. 27:12B-1(j) and 27:12B-24(a).

Proposal Number: PRN 1993-176.

Submit written comments by April 20, 1994 to:

David W. Davis, Executive Director  
New Jersey Highway Authority  
P.O. Box 5050  
Woodbridge, New Jersey 07095

The agency proposal follows:

22x

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF STATE POLICE

Date April 20, 1994

MEMORANDUM TO : Members of the Assembly Transportation  
and Communications Committee

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
SCAN Number

SUBJECT : **PUBLIC HEARING ON THE ADEQUACY AND  
EFFECTIVENESS OF THE CURRENT BUS  
INSPECTION SYSTEM**

The State Police have consistently demonstrated a commitment to bus safety issues. The information being presented to you today will provide a general outline of the training, inspection and enforcement procedures utilized by the Division in furtherance of this goal.

  
\_\_\_\_\_  
C. A. Williams, Major  
Acting Superintendent

---

## **NEW JERSEY STATE POLICE BUS INSPECTION PROCEDURE**

---

This inspection is modeled after the North American Standard. The following steps include all items required in the N.A.S. plus items found only on buses.

### **STEP 1 SELECT THE INSPECTION SITE**

- **ARRANGE SAFE CONDITIONS**

Consider the safety and convenience of the passengers, driver and bus.

Do not crawl under the bus unless a ramp, pit, or special jacks are available.

Use chock blocks if going beneath a school bus.

If possible, find a paved, level surface away from traffic.

### **STEP 2 CHECK DRIVER'S DOCUMENTS**

- **DRIVER LICENSE**

Check the expiration date, birth date, and status of the license.

- **MEDICAL EXAMINER'S CERTIFICATE**

Check the expiration date and signature. Check waiver if applicable. Verify if corrective lenses or hearing aides are required.

If a Canadian driver has a valid license, that denotes that he/she has passed an annual physical exam.

- **RECORD OF DUTY STATUS**

Must be updated to last change of duty status. Must include legible handwriting, today's date, records of past 7 days, mileage, driving time, on duty time, signature, vehicle numbers, and remarks.

If driver claims sleeper berth time, make sure the sleeper berth meets the standards in 393.76.

Check for written authorization if using an on-board electronic recording device.

- **DRIVER VEHICLE INSPECTION REPORT**  
Check for vehicle I.D., defects and signatures.
- **ALCOHOL/DRUG VIOLATIONS**  
Check for possible illegal presence of alcohol or drugs.

### **STEP 3 INTERIOR OF BUS**

- **STANDEE LINE (393.90)**  
Must be in contrasting color and further back in the bus than the back of the driver's seat.
- **STANDEE LINE SIGN (393.90)**  
Sign must be near the front of the bus requiring passengers to remain behind the standee line when the bus is in operation.
- **FLOOR (393.84)**  
Must be free of holes or openings.
- **SEATS (393.91)**  
Must be securely fastened to the vehicle. There must be no aisle seats unless they will fold and leave a clear aisle when unoccupied.
- **WINDOWS (393.61 & 393.63)**  
Must have laminated safety glass and each push out window must be marked as an emergency exit.
- **EMERGENCY DOORS (393.92)**  
If equipped with emergency doors, must have decal or lettering indicating that it is an emergency exit. It must also be identified by an operating red lamp.
- **DRIVER'S SEAT BELT (392.16)**  
Driver's seat must be equipped with a seat belt, to be used during vehicle operation.
- **WINDSHIELD WIPES (393.78)**  
Check for adequate number and operation.
- **LOW AIR PRESSURE WARNING DEVICE**  
The ignition must be in the "on" position for this test.

Deplete the air supply by pumping the foot valve until the low air pressure warning device activates.

Observe the gauges on the dash. The low air pressure warning must activate at a minimum of 1/2 the compressor governor cut out pressure, (normally this is 55 psi or above).

#### - STEERING LASH

Turn the steering wheel in one direction until the tires just begin to pivot.

Vehicles with power steering may require the engine running to turn the wheel.

Place a mark on the steering wheel, then hold the marker at that point. Turn the wheel in the other direction until the tires again start to move.

Measure the distance between the two points. The amount of allowable lash varies with the diameter of the steering wheel.

Compare that measurement to Out-of-Service Criteria.

Check steering column for unsecured attachment.

### STEP 4 HAZARDOUS MATERIALS

Unless you have received hazardous material instruction corresponding to the North American Standard, do not attempt to enforce these rules.

Buses transporting hazardous material are subject to the same regulations as a truck, plus the additional restrictions listed below.

- **NO OTHER MEANS AVAILABLE (177.870(b))**  
Except for small arms ammunition, (emergency shipments of drugs, chemicals and hospital supplies), and the accompanying munitions of the Defense Department, no hazardous materials are authorized to be transported on buses where other practical means of transport are available.
- **SMALL AMMUNITION (177.870(c))**  
Only small arms ammunition may be carried in the passenger compartment.
- **POISON (177.870(f))**  
No Division 6.1 (poisonous) or Division 2.3 (poisonous gas) materials may be transported on buses.

- **EXPLOSIVES (177.870(d))**  
If no other means of transportation is available, up to 99 pounds of Class 1 (explosive) may be carried. Up to two samples, or a total of no more than 100 detonators Division 1.4 (Class C explosive) may be transported.
- **LIMITED QUANTITIES (177.870(e))**  
No more than 99 pounds of Class 1 (explosive) or 496 pounds of all classes of other hazardous materials may be carried on buses. If different classes are transported together, be aware of the restrictions on loading and storage in 177.848.

#### **STEP 5 FRONT OF BUS**

- **HEAD LAMPS, TURN SIGNALS, EMERGENCY FLASHERS**  
Check for improper color and operation.
- **WINDSHIELD WIPERS**  
Check for improper operation.
- **WINDSHIELD**  
Check for cracks or other damage.

Check for decals or stickers in the driver's field of vision.

#### **STEP 6 LEFT SIDE OF BUS**

- **WHEELS AND RIMS**  
Check for cracks, unseated locking rings, broken or missing lugs, studs or clamps.  
  
Bent or cracked rims.  
  
Check for "bleeding" rust stains.  
  
Check for loose or damaged lug nuts and elongated stud holes.
- **TIRES**  
Buses cannot be operated with regrooved, recapped, or retreaded tires on the steering axle.  
  
Check for improper inflation, serious cuts, bulges.  
  
Check tread wear and measure major tread groove depth.  
  
Inspect sidewall for defects.

Check for exposed fabric or cord.

Radial and bias tires should not be mixed on the steering axle.

- FUEL CAP (If applicable)  
Check for presence and tightness.

#### STEP 7 REAR OF BUS

- EXHAUST SYSTEM (396.83(b))  
Gas powered buses must discharge at or within six inches of the rear of the bus.  
  
Diesel powered buses must discharge either at or within 15 inches of the rear of the bus or to the rear of all doors and windows designed to be opened except emergency window exits.
- TAIL, STOP & TURN LAMPS & EMERGENCY FLASHERS  
Check for improper color and operation. This will require the use of hand signals.

#### STEP 8 RIGHT SIDE OF BUS

- WHEELS & RIMS  
Inspect as described in STEP 6.
- TIRES  
Inspect as described in STEP 6.

#### STEP 9 UNDERNEATH THE BUS

If the undercarriage of the vehicle can be safely inspected, this portion of the procedure may be conducted either in conjunction with or after the above items.

- STEERING SYSTEM  
Check for loose, worn, bent, damaged or missing parts.  
  
Instruct the driver (or another inspector) to rock the steering wheel, and check key components: front axle beam, gear box, pitman arm, drag link, tie rod, tie rod ends.
- SUSPENSION SYSTEM  
Check for misaligned, shifted or cracked springs or shackles; missing bolts, spring hangers unsecured at frame and cracked or loose U-bolts.

Any unsecured axle positioning parts, (radius, torque rods, bars, etc.) or signs of axle misalignment.

Check for deflated or damaged air bags.

- **BRAKES**

Check for missing, nonfunctioning, loose, contaminated, or cracked parts on the brake system: brake drum, shoes, rotors, pads, linings, brake chamber, chamber mounting, push rods and slack adjusters.

Check for "S" cam flip-over.

Be alert for audible air leaks around brake components and lines.

With the brakes released, mark the brake chamber push rod at a point where the push rod exits the brake chamber.

While the brakes are applied, measure the distance of push rod travel at each chamber.

Write down each push rod measurement, and compare them to the Out-of-Service Criteria for the appropriate size and type of brake chamber.

Buses require front air brakes to be protected so that a failure in the connection system or lines to the front brakes will not prevent application of the rear brakes.

- **FRAME**

Check for cracks, fatigue caused by corrosion.

- **FUEL TANK(S)**

Check for unsecured mounting, leaks or other damage. Make sure the fuel lines and the tank cap are secure and not leaking.

Check the ground below tank for signs of leaking fuel.

- **DRIVE SHAFT (393.89)**

Bus drive shafts must be protected by at least one guard or bracket to prevent the whipping of the shaft in the event of a failure of the shaft or its components.

## **STEP 10 AIR LOSS RATE**

If you heard an air leak at any point in the inspection, you should now check the vehicle's air loss rate.

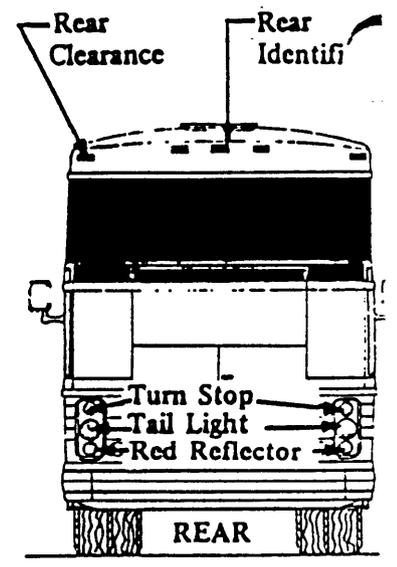
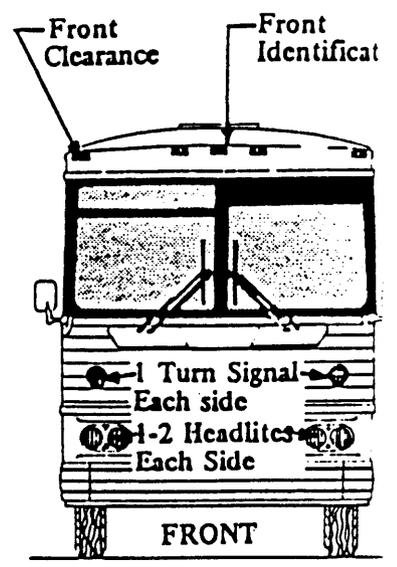
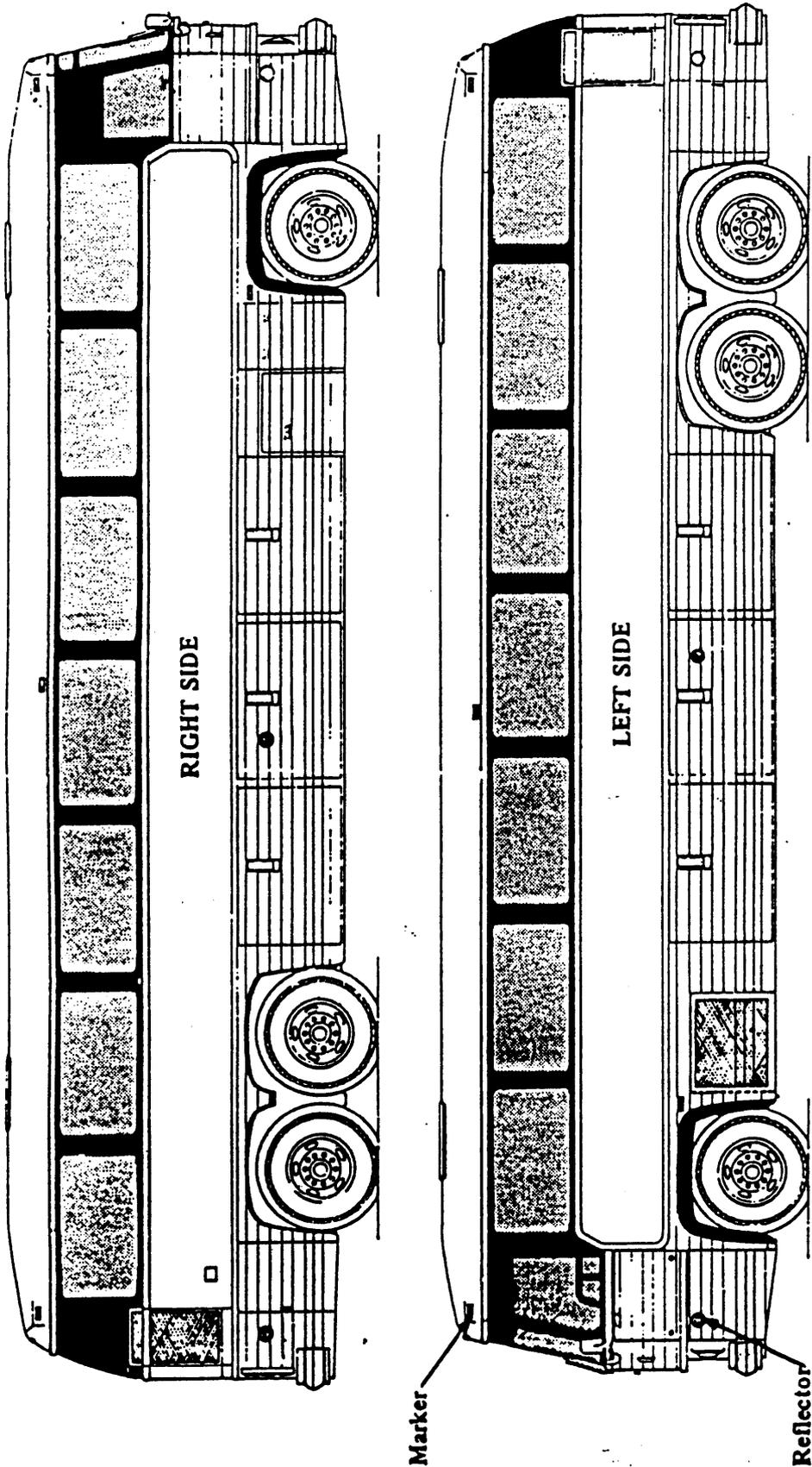
Run the engine at idle, then apply and hold the service brake.

Observe the air reservoir pressure gauge on the dash, and pump the pressure down to 80 psi. Compressors do not activate until system pressure drops below a certain level. At about 80 lbs. most compressors should be operating.

Air pressure should be maintained or increased. A drop in pressure indicates a serious air leak in the brake system, and the vehicle should be placed out-of-service.

#### **STEP 11 COMPLETE THE INSPECTION**

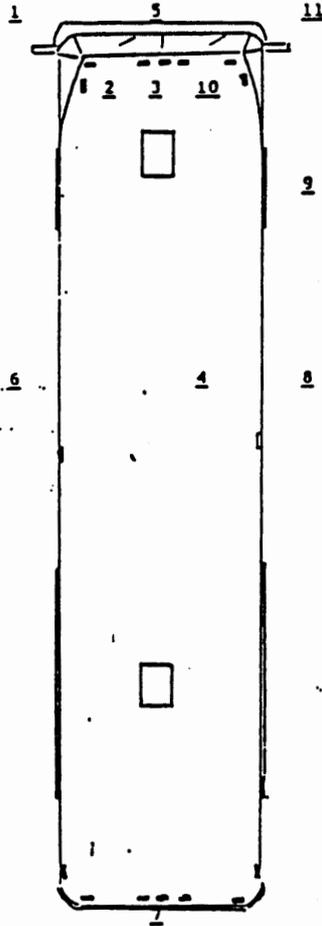
- **COMPLETE PAPER WORK**  
Complete inspection forms and other paper work, as required.
- **CONCLUDE WITH THE DRIVER**  
Explain any violations to the driver. Take appropriate enforcement action, if necessary.
- **OUT-OF-SERVICE PROCEDURES**  
Follow the appropriate procedures when placing a vehicle out-of-service.
- **APPLY C.V.S.A. DECAL**  
If the vehicle passed the inspection, apply the C.V.S.A. decal on the right front cornerspot of the bus body directly below the right rear view mirror.





## BUS INSPECTION SUGGESTED PROCEDURE NORTH AMERICAN STANDARD\*

As Developed by  
THE COMMERCIAL VEHICLE SAFETY ALLIANCE



### STEP 1: SELECT THE INSPECTION SITE

- **ARRANGE SAFE CONDITIONS**  
Consider the safety and convenience of the passengers, driver, and bus. Do not crawl under the bus unless a ramp, pit, or special jacks are available. Use chock blocks if going beneath a school bus. If possible, find a paved, level surface, away from traffic.

### STEP 2: CHECK DRIVER'S DOCUMENTS

- **DRIVER'S LICENSE**  
Check the expiration, date, birth date, and status of license.
- **MEDICAL EXAMINER'S CERTIFICATE**  
Check the expiration date and signature. Check waiver, if applicable. Verify if corrective lenses or hearing aides are required. If a Canadian driver has a valid license, that denotes he/she has passed an annual physical exam.
- **RECORD OF DUTY STATUS**  
Must be updated to last change of duty status. Must include legible handwriting, today's date, records of past 7 days, mileage, driving time, on duty time, signature, vehicle numbers, and remarks. If driver claims sleeper berth time make sure the sleeper berth meets the standards in 393.76.
- **DRIVER VEHICLE INSPECTION REPORT**  
Check for vehicle I.D., defects, and signature.
- **ALCOHOL/DRUG VIOLATIONS**  
Check for possible illegal presence of alcohol or drugs.

### STEP 3: INTERIOR OF BUS

- **STANDEE LINE (393.90)**  
Must be in contrasting color and further back in the bus than the back of the driver's seat.
- **STANDEE LINE SIGN (393.90)**  
Sign must be near the front of the bus, requiring passengers to remain behind the standee line when the bus is in operation.
- **FLOOR (393.84)**  
Must be free of holes or openings.
- **SEATS (393.91)**  
Must be securely fastened to the vehicle. There must be no aisle seats unless they will fold and leave a clear aisle when unoccupied.
- **WINDOWS (393.81 & 393.83)**  
Must have laminated safety glass and each push out window must be marked as an emergency exit.
- **EMERGENCY DOORS (393.92)**  
If equipped with emergency doors, must have decal or lettering indicating that it is an emergency exit. It must also be identified by an operating red lamp.
- **DRIVER'S SEAT BELT (392.16)**  
Driver's seat must be equipped with a seat belt, to be used during vehicle operation.
- **WINDSHIELD WIPERS (393.78)**  
Check for adequate number and operation.
- **LOW AIR PRESSURE WARNING DEVICE**  
The ignition must be in the "on" position for this test. Deplete the air supply by pumping the foot valve until the low air pressure warning device activates. Observe the gauges on the dash. The low air pressure warning must activate at a minimum of 1/2 the compressor governor cut out pressure. (normally this is 55 psi or above)
- **STEERING LASH**  
Turn the steering wheel in one direction until the tires just begin to pivot. Vehicles with poor steering may require the engine running to turn the wheel. Place a mark on the steering wheel, then hold the marker at that point. Turn the wheel in the other direction until the tires again start to move. Measure the distance between the two points. The amount of allowable lash varies with the diameter of the steering wheel. Compare that measurement to Out-of-Service Criteria.  
Check steering column for unsecured attachment.

### STEP 4: HAZARDOUS MATERIALS

Unless you have received hazardous material instruction corresponding to the North American Standard, do not attempt to enforce these rules. Buses transporting hazardous material are subject to the same regulations as a truck, plus the additional restrictions listed below.

- **NO OTHER MEANS AVAILABLE (177.870(b))**  
Except for small arms ammunition, (emergency shipments of drugs, chemicals and hospital supplies), and the accompanying munitions of the Defense Department, no hazardous materials are authorized to be transported on buses where other practical means of transport are

- **SMALL AMMUNITION (177.870(c))**  
Only small arms ammunition may be carried in the passenger compartment.
- **POISONS (177.870(f))**  
No poison A or poison B liquid may be transported on buses.
- **EXPLOSIVES (177.870(d))**  
If no other means of transportation is available, up to 100 lbs. of explosives may be carried. Up to two samples, or a total of no more than 100 class C detonators, may be transported.
- **LIMITED QUANTITIES (177.870(e))**  
No more than 100 lbs of one class or 500 lbs. of all classes of other hazardous materials may be carried on buses. If different classes are transported together be aware of the restrictions on loading and storage in 177.848.

### STEP 5: FRONT OF BUS

- **HEAD LAMPS, TURN SIGNALS, EMERGENCY FLASHERS**  
Check for improper color and operation.
- **WINDSHIELD WIPERS**  
Check for improper operation.
- **WINDSHIELD WIPERS**  
Check for improper operation.
- **WINDSHIELD**  
Check for cracks or other damage. Check for decal or stickers in the driver's field of vision.

### LEFT SIDE OF BUS

- **WHEELS AND RIMS**  
Check for cracks, unseated locking rings, broken or missing lugs, studs or clamps. Bent or cracked rims. Check for "bleeding" rust stains. Check for loose or damaged lug nuts

### ● TIRES

Buses cannot be operated with regrooved, recapped, or retreaded tires on the steering axle. Check for improper inflation, serious cuts, bulges. Check tread wear and measure major tread groove depth. Inspect sidewall for defects. Check for exposed fabric or cord. Radial and bias tires should not be mixed on the steering axle.

### ● FUEL CAP (if applicable)

Check for presence and tightness.

### STEP 7: REAR OF BUS

- **EXHAUST SYSTEM (396.83(b))**  
Gas powered buses must discharge at or within 8 inches of the rear of the bus. Diesel powered buses must discharge either at or within 18 inches of the rear of the bus or to the rear of all doors and windows designed to be opened except emergency window exits.
- **TAIL STOP, & TURN LAMPS & EMERGENCY FLASHERS**  
Check for improper color and operation. This will require the use of hand signals.

### STEP 8: RIGHT SIDE OF BUS

- **WHEELS & RIMS**  
Inspect as described in STEP 6.
- **TIRES**  
Inspect as described in STEP 6.

### STEP 9: UNDERNEATH THE BUS

If the undercarriage of the vehicle can be safely inspected, this portion of the procedure may be conducted either in conjunction with or after the above items.

### ● STEERING SYSTEM

Check for loose, worn, bent, damaged, or missing parts. Instruct the driver (or other inspector) to rock the steering wheel, and check key components: front axle beam, gear box, pitman arm, drag link, tie rod, tie rod ends.

### ● SUSPENSION SYSTEM

Check for misaligned, shifted, or cracked springs or shackles, missing bolts, spring hangers unsecured at frame, and cracked or loose U-bolts. Any unsecured axle positioning parts, (radius, torque rods, bars, etc.) or signs of axle misalignment. Check for deflated or damaged air bags.

### ● BRAKES

Check for missing, nonfunction-loose, contaminated, or cracked parts on the brake system: brake drum, shoes, rotors, pads, linings, brake chamber, chamber mounting, push rods and slack adjusters. Check for "S" cam flip-over. Be alert for audible air leaks around brake components and lines. With the brakes released, mark the brake chamber push rod at a point where the push rod exits the brake chamber. While the brakes are applied, measure the distance of push rod travel at each chamber. Write down each push rod measurement, and compare them to the Out-of-Service Criteria for the appropriate size and type of brake chamber. Buses require front air brakes to be protected so that a failure in the connection system or lines to the front brakes will not prevent application of the rear brakes.

### ● FRAME

Check for cracks, fatigue caused by corrosion.

### ● FUEL TANK(S)

Check for unsecured mounting, leaks or other damage. Make sure the fuel lines and the tank cap are secure and not leaking. Check the ground below tank for signs of leaking fuel.

### ● DRIVE SHAFT (393.89)

Bus drive shafts must be protected by at least one guard or bracket to prevent the whipping of the shaft in the event of a failure of the shaft or its components.

### STEP 10: AIR LOSS RATE

If you heard an air leak at any point in the inspection, you should now check the vehicle's air loss rate. Run the engine at idle, then apply and hold the service brake. Observe the air reservoir pressure gauge on the dash, and pump the pressure down to 80 psi. Compressors do not activate until system pressure drops below a certain level. At about 80 lbs. most compressors should be operating. Air pressure should be maintained or increased. A drop in pressure indicates a serious air leak in the brake system and the vehicle should be placed out of service.

### STEP 11: COMPLETE THE INSPECTION

- **COMPLETE PAPERWORK**  
Complete inspection forms and
- **CONCLUDE WITH THE DRIVER**  
Explain any violations to the driver. Take appropriate enforcement action, if necessary.
- **OUT-OF-SERVICE PROCEDURES**  
Follow the appropriate procedures when placing a vehicle out of service.
- **APPLY C.V.S.A. DECAL**  
If the vehicle passed the inspection, apply the C.V.S.A. decal on the right front cornerpost of the bus body directly below the right rear

### Training:

All members of the Truck Enforcement Unit are highly trained in all facets of the commercial vehicle regulations and are certified in Title 49.

Additionally, 6 members attended a School Bus Inspection Workshop in Altoona, PA to become more familiar with the regulations regarding buses.

### School Bus Inspection Program:

The safety of New Jersey's citizens, especially our children, is our primary concern. Realizing that our children are our most precious resource, the Division emphasized the importance of conducting inspections on school buses.

The Division initiated a program that would allow for Troopers to conduct Level I inspections of school buses during the summer months. T.E.U. personnel would randomly select a school district and conduct inspections at the school's maintenance facility. By conducting the inspections during the summer months, this program neither jeopardized the children's safety nor disrupted the school systems' day-to-day operation.

This program was implemented in 1990 and has proven to be a worthwhile endeavor.

### Accident Procedure:

The Truck Enforcement Unit responds to all serious/fatal accidents involving trucks or buses. A complete and thorough inspection is conducted of the commercial vehicle and is documented on a supplemental accident report.

The Truck Enforcement Unit has and will continue to respond to local municipal requests.

### Level I Inspections:

#### School Buses:

Level I's have been conducted on school buses from the inception of the MCSAP program.

#### Charter Buses:

Due to the structural configuration and the air bag type suspension of charter buses, it is virtually impossible for a trooper to get beneath the vehicle without compromising safety. Realizing the importance of conducting a complete and thorough inspection, the Division purchased aluminum safety inspection ramps. The ramps can elevate the vehicle to a sufficient height to allow for a PROPER and SAFE undercarriage inspection. \*

**Charter Bus Inspection Sites:**

Atlantic City, due to its high volume of charter bus traffic, was selected to be the test location for the ramps.

After experiencing much success, the Division plans on utilizing the ramps at several locations traversing the state:

- Atlantic City
- Great Adventure
- Action Park
- Garden State Parkway
- AC Expressway
- NJ Turnpike

Demographics and volume have and will continue to dictate the sites for conducting future inspection.

**Bus Violation Notification:**

The Division of State Police has an agreement with the N.J. Motorbus Association to identify bus drivers who are stopped and cited by a road trooper. When a trooper issues a summons to a bus driver, the bus company involved receives correspondence advising of the violation(s). This program is an excellent example of the cooperation between the New Jersey State Police and the N.J. Motorbus Association.

**Statistics:**

The following is a breakdown of summonses issued to buses in calendar years 1991 through 1993:

**1991**

Hazardous	1246
Non-Hazardous	519
Total Summonses	1765

**1992**

Hazardous	863
Non-Hazardous	360
Total Summonses	1223

**1993**

Hazardous	921
Non-Hazardous	166
Total Summonses	1087

## COMMERCIAL VEHICLE INSPECTION LEVELS

### LEVEL I

**North American Standard** - An inspection covers both the driver and the vehicle. The NAS inspection is an inspection of the critical items related to commercial vehicle safety and concentrates on those mechanical and driver items most often associated with accidents. The driver's portion of the inspection includes: an examination of the driver's license, driver/vehicle inspection report, driver's log (hours of service and record of duty status), and medical examiner's certificate. The vehicle portion of the inspection includes checking brakes including push rod travel, cargo securement, coupling devices (e.g., pintel hooks and fifth wheels), frame, fuel and exhaust systems, lighting devices, steering components, suspension components, wheels, rims, tires, windshields, wipers and hazardous material requirements as applicable.

### LEVEL II

**Walk-Around Driver/Vehicle Inspection** - An inspection covers all the same driver-related elements as a Level I and those vehicle-related components that can be examined without inspecting underneath the vehicle.

### LEVEL III

**Driver-Only Inspection** - Examines only the driver-related requirements such as medical certificate, license and driver's hours-of-service.

### LEVEL IV

**Special Inspection** - Typically includes a one-time examination of a particular item. These examinations are usually made in support of a study to confirm or refute a suspected trend.

### LEVEL V

**Vehicle Only Inspection** - A Level I inspection of the vehicle at a terminal at the ready line without the driver. A CVSA Sticker can be applied in conjunction with a Level V inspection.



# New Jersey Highway Authority

EXECUTIVE OFFICES • PO BOX 5050 • WOODBRIDGE, NEW JERSEY 07095-5050  
(908) 442-8600 • FAX (908) 442-1480

## COMMISSIONERS

ROBERT J. JABLONSKI, Chairman  
LIONEL M. LEVEY, Vice-Chairman  
CHARLES W. LEUBNER, Secretary  
JULIAN K. ROBINSON, Treasurer  
JOHN J. PADOVANO, JR.  
WILLIAM H. TREMBAYNE  
JEROLD L. ZARO  
THOMAS M. DOWNS

DAVID W. DAVIS  
Executive Director

Garden State Parkway  
Garden State Arts Center

- An outdoor passenger waiting area to the east of the main facility to be developed through selective thinning of existing wooded areas.

### Off-Site

- Widening of the west shoulder of the southbound lane of the Parkway for approximately 3500 feet. This corresponds to the climbing lane at the exit of the facility and is being done to accommodate the merging of the heavy vehicles back into thru-traffic.
- Water service for the facility from Columbus Drive located in Brick Township south of the project. The service will be a 12-inch line approximately 3200 feet in length including a jacked section under the Parkway.
- Instructional signs along the parkway which will indicate if the facility is open or closed and if buses or trucks are required to enter.

### Permit Status

- Water Works Permit Approved.
- Wetlands LOI and General Permit/Transition Area Waiver received.
- Freehold Soil Conservation District Permit approved and received.
- DCA Permit review complete. Permit will be issued upon award of project.
- Stream Encroachment Permit received September 14, 1993.
- Sewer Extension Permit received September 9, 1993.

### Costs

- Design Fee \$516,764
- Estimated Construction Cost \$3 million

## HERBERTSVILLE BUS AND TRUCK INSPECTION BUILDING

WALL TOWNSHIP

MONMOUTH COUNTY

### PROJECT DATA SHEET

The New Jersey Highway Authority and New Jersey Department of Transportation currently provide a joint-effort inspection program of buses and trucks at the existing Herbertsville rest area. The purpose of the inspections is to monitor the mechanical integrity of heavy vehicles on the Parkway and to reduce heavy vehicle related accidents due to deficiencies. Recent Federal regulations require that an undercarriage inspection now be performed as part of the program. The proposed facility is intended to provide for the safe and efficient Level 1 inspection of vehicles, including the undercarriage. It will also provide basic amenities for passengers and operators of vehicles that are taken out of service.

### Proposed Improvements

#### Building

- A 10,000 square-foot, one-story building which contains a four-bay inspection garage, waiting and rest rooms for 100 people, and offices and locker areas for the inspectors. The building will be brick and designed to be compatible with the surrounding wooded areas.
- An initial inspection building where vehicle and driver credentials will be checked when first entering the facility.

#### Site

- Pavement consisting of queuing areas for vehicles entering the facility; queuing areas for vehicles waiting to enter the inspection garage; employee parking; out-of-service vehicle parking; an uncovered truck inspection pad; and connecting roadways.

37X



NJHA PROPERTY LINE

NJHA PROPERTY LINE

Y.M.C.A. CAMP  
ZEHNDER

GOERGE WOOLLEY

N.J.H.A.

TRUCK  
INSPECTION  
PAD

SCALE  
BUILDING

INSPECTION  
BUILDING

OFFICES, REST ROOMS,  
AND WAITING AREA

QUEUING AREAS

OUT-OF-SERVICE  
PARKING

PARKING

INITIAL INSPECTION  
BUILDING

GARDEN STATE PARKWAY

HERBERTSVILLE INSPECTION FACILITY

PUBLIC MEETING

VICINITY MAP

SCALE: 1" = 150'

NJ HIGHWAY AUTHORITY

X8E

WINDMOUTH COUNTY  
DELRAR COUNTY

- An outdoor passenger waiting area to the east of the main facility to be developed through selective thinning of existing wooded areas.

#### Off-Site

- Widening of the west shoulder of the southbound lane of the Parkway for approximately 3500 feet. This corresponds to the climbing lane at the exit of the facility and is being done to accommodate the merging of the heavy vehicles back into thru-traffic.
- Water service for the facility from Columbus Drive located in Brick Township south of the project. The service will be a 12-inch line approximately 3200 feet in length including a jacked section under the Parkway.
- Instructional signs along the parkway which will indicate if the facility is open or closed and if buses or trucks are required to enter.

#### Permit Status

- Water Works Permit Approved.
- Wetlands LOI and General Permit/Transition Area Waiver received.
- Freehold Soil Conservation District Permit approved and received.
- DCA Permit review complete. Permit will be issued upon award of project.
- Stream Encroachment Permit received September 14, 1993.
- Sewer Extension Permit received September 9, 1993.

#### Costs

- Design Fee \$516,764
- Estimated Construction Cost \$3 million

