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NEW JERSEY. LEGISLATURE.
SENATE. TRANSPORTATION AND

PUBLIC MEETING BEFORE SENATE
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NEW JERSEY. LEGISLATURE.
SENATE. TRANSPORTATION AND
PUBLIC MEETING BEFORE SENATE
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P U B L I C M E E T I N G

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SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NO. 2881 AND 2906

(Establishes safety standards for gasoline stations, prohibits self-service; appropriates \$95,000.)

February 23, 1989
Room 408
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Walter Rand, Chairman
Senator Thomas F. Cowan, Vice Chairman
Senator Francis J. McManimon
Senator S. Thomas Gagliano
Senator James R. Hurley

ALSO PRESENT:

Peter R. Manoogian
Office of Legislative Services
Aide, Senate Transportation and
Communications Committee

* * * * *

Meeting Recorded and Transcribed by
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State House Annex
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Trenton, New Jersey 08625

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Chairman
THOMAS F. C
Vice-Chairman
FRANCIS J. M
S. THOMAS C
JAMES R. HU



WALTER RAND
Chairman
THOMAS F. COWAN
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FRANCIS J. McMANIMON
S. THOMAS GAGLIANO
JAMES R. HURLEY

New Jersey State Legislature
SENATE TRANSPORTATION
AND COMMUNICATIONS COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 984-7381

MEMORANDUM

February 16, 1989

TO: MEMBERS OF THE SENATE TRANSPORTATION
AND COMMUNICATIONS COMMITTEE

FROM: SENATOR WALTER RAND, CHAIRMAN

SUBJECT: COMMITTEE MEETING - Thursday, February 23, 1989

Address comments and questions to Peter R. Manoogian, Committee Aide, at
(609) 984-7381.

The Senate Transportation and Communications Committee will
meet on Thursday, February 23, 1989 at 2:00 P.M. in Room 408, State House
Annex, Trenton.

Bills for Consideration:

S-680 Cowan	Provides implementing legislation for the development of monorail systems in the State.
A-2211 (2R) Littell	Provides implementing legislation for the development of monorail systems in the State.
S-2881 Rand	Establishes safety standards for gasoline stations, prohibits self-service.
S-2906 Bassano	Sets safety standards for filling stations, bans gasoline self-service.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2881 and 2906
STATE OF NEW JERSEY

ADOPTED FEBRUARY 23, 1989

1 **AN ACT** establishing safety standards for retail gasoline stations,
 including a prohibition of the self-service of gasoline and other
3 inflammable liquids by customers, repealing P.L.1949, c.274
 (C.43:3A-1 et seq.) and making an appropriation.

5

 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

 1. The Legislature finds and declares that:

9 a. Because of the fire hazards directly associated with
 dispensing fuel, it is in the public interest that gasoline station
11 operators have the control needed over that activity to ensure
 compliance with appropriate safety procedures, including turning
13 off vehicle engines and refraining from smoking while fuel is
 dispensed;

15 b. At self-service gasoline stations in other states, cashiers
 are often unable to maintain a clear view of the activities of
17 customers dispensing gasoline, or to give their undivided
 attention to observing customers; therefore, when customers,
19 rather than attendants, are permitted to dispense fuel, it is far
 more difficult to enforce compliance with safety procedures;

21 c. The State needs stronger measures to enforce both
 compliance by customers with the ban on self-service and
23 compliance by attendants with safety procedures;

 d. The higher general liability insurance premium rates
25 charged to self-service stations reflect the fact that customers
 who leave their vehicles to dispense gasoline or other
27 inflammable liquids face significant inconveniences and dangers,
 including the risks of crime and fall-related personal injury,
29 which are a special burden to drivers with physical infirmities,
 such as the handicapped and some senior citizens;

31 e. Exposure to toxic gasoline fumes represents a health hazard
 when customers dispense their own gasoline, particularly in the
33 case of pregnant women;

 f. The significantly higher prices usually charged for
35 full-service gasoline in states where self-service is permitted

SCS for 2881

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1 results in discrimination against low income individuals, who are
2 under greater economic pressure to undergo the inconvenience
3 and hazards of dispensing their own gasoline;

4 g. The increasing use of self-service has contributed to the
5 diminished availability of repair facilities and maintenance
6 services at gasoline stations;

7 h. Even in filling stations which offer both self-service and
8 full-service gasoline, customers are less likely, because of the
9 much higher price usually charged for full service, to have
10 attendants make needed maintenance checks, thus causing
11 significant neglect of maintenance and danger both to the
12 customers and to other motorists, as well as the unneeded costly
13 repairs which often result from deferred maintenance;

14 i. The prohibition of customer self-service does not constitute
15 a restraint of trade in derogation of the general public interest
16 because the Legislature finds no conclusive evidence that
17 self-service gasoline provides a sustained reduction in gasoline
18 prices charged to customers; and

19 j. A prohibition of self-service gasoline will therefore promote
20 the common welfare by providing increased safety and
21 convenience without causing economic harm to the public in
22 general.

23 2. As used in this act:

24 "Attendant" means a retail dealer or employee of a retail
25 dealer.

26 "Commissioner" means the Commissioner of Labor.

27 "Fuel" means any liquid commonly or commercially known or
28 sold as gasoline, or other inflammable liquid, which is sold for use
29 as fuel in the internal combustion engines of motor vehicles.

30 "Gasoline station" or "station" means a place of business
31 located in the State and used for the retail sale and dispensing of
32 fuel into the tanks of motor vehicles.

33 "Retail dealer" means a person operating a gasoline station.

34 3. It shall be unlawful for any attendant to:

35 a. Dispense fuel into the tank of a motor vehicle while the
36 vehicle's engine is in operation;

37 b. Dispense fuel into any portable container not in
38 compliance with regulations adopted pursuant to section 8 of this
39 act;

1 c. Dispense fuel while smoking; or
2 d. Permit any person who is not an attendant to dispense fuel
3 into the tank of a motor vehicle or any container.

4 4. No person shall dispense fuel at a gasoline station, unless
5 the person is an attendant who has received instructions
6 regarding the dispensing of fuel, had practical experience
7 dispensing fuel under the direct supervision of an experienced
8 operator for a period of not less than one full working day, and,
9 upon examination at the end of that period, demonstrated his
10 understanding of those instructions. The instructions shall
11 include a full explanation of the prohibitions of section 3 of this
12 act and any emergency procedures established pursuant to section
13 8 of this act.

14 5. There shall be available at each station for inspection by
15 the commissioner a certificate for each person who dispenses fuel
16 at the station certifying that the person meets the requirements
17 of section 4 of this act. The certificate shall be signed by the
18 person and the retail dealer who operates the station.

19 6. Each gasoline station shall be equipped, at a location
20 remote from the dispensing pumps, with a clearly identified and
21 easily accessible switch or circuit breaker to shut off the power
22 to all dispensing pumps in the event of an emergency or of a
23 customer or other unauthorized person operating or attempting to
24 operate the pump.

25 7. A violator of any provision of this act shall be liable for a
26 penalty of not less than \$50.00 and not more than \$250.00 for a
27 first offense and not more than \$500.00 for each subsequent
28 offense. Each day that a gasoline station operates in violation of
29 the provisions of section 5 or 6 of this act is a separate violation
30 by the retail dealer who operates the station. The penalties shall
31 be sued for and recovered by the commissioner, in summary
32 proceedings pursuant to "the penalty enforcement law,"
33 N.J.S.2A:58-1 et seq., in the county or municipality where the
34 offense occurred.

35 There is established a nonlapsing dedicated account to be
36 known as the Retail Gasoline Dispensing Safety Account.
37 Penalties collected pursuant to this section shall be credited to
38 the account and appropriated to fund expenses of effectuating
39 the purposes of this act. If, at the close of a fiscal year, moneys

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1 are available beyond the funds necessary to meet those expenses,
the commissioner shall determine an appropriate amount to be
3 returned to the General Fund for general State purposes.

8. The commissioner shall, in accordance with the provisions
5 of the "Administrative Procedure Act," P.L.1968, c.410
(C.52:14B-1 et seq.), adopt rules and regulations as are necessary
7 to effectuate the purposes of this act, including regulations
establishing emergency procedures and standards concerning
9 pump shutoff switches and other safety equipment to be used at
gasoline stations, and standards for portable containers for fuel
11 dispensed at gasoline stations, which standards shall be consistent
with other State and federal regulations.

13 9. P.L.1949, c.274 (C.34:3A-1 et seq.) is repealed.

10. There is appropriated the sum of \$95,000 from the General
15 Fund to the Department of Labor to effectuate the purposes of
this act.

17 11. This act shall take effect immediately, except that
sections 2 through 7 and sections 9 and 10 of this act shall remain
19 inoperative until the 180th day following enactment.

21

TRANSPORTATION

23

Motor Vehicles

25 Establishes safety standards for gasoline stations, prohibits
self-service; appropriates \$95,000.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 2881 and 2906

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1989

The Senate Transportation and Communications Committee favorably reports Senate Committee Substitute for Senate Bill Nos. 2881 and 2906.

This committee substitute strengthens the safety standards imposed on gasoline stations. The bill prohibits the dispensing of gasoline or inflammable liquid by anyone other than station attendants who have had instruction and at least one full working day of supervised experience with the dispensing equipment. It prohibits attendants from dispensing gasoline while smoking or dispensing it into unauthorized containers or vehicles with running engines. The bill requires that stations be equipped with cutoff switches remote from their pumps and requires station operators to maintain certificates that each attendant has demonstrated knowledge of the required safety procedures. It sets penalties for violations and dedicates the money collected in penalties to enforcement costs.

This substitute also repeals P.L.1949, c.274 (C.34:3A-1 et seq.) which, like the bill, prohibits the dispensing of gasoline by anyone other than a trained station attendant, but does not currently include any of the bill's other safety requirements.

The bill also appropriates \$95,000 from the General Fund to the Department of Labor to effectuate the purposes of the bill.

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* * * * *

SENATOR WALTER RAND (Chairman): If we can come to order we can expedite this and get everybody out before the snow begins. (pause) We are now--

SENATOR McMANIMON: Mr. Chairman?

SENATOR RAND: Yes.

SENATOR McMANIMON: Has the Committee been notified that the Governor signed the Access Bill this morning?

SENATOR RAND: No. I didn't know that. I mean it was quite a surprise to me, Senator McManimon.

SENATOR McMANIMON: I just thought I'd bring it to your attention for a program that they were so concerned with. It was one of the major programs, and they didn't even see fit to notify the prime sponsor of the bill.

SENATOR RAND: Maybe Carolyn McCallum can answer that.

SENATOR McMANIMON: I asked Carolyn.

SENATOR RAND: Ms. McCallum.

SENATOR McMANIMON: Carolyn just gave me a pretty decent answer on it.

SENATOR RAND: What's that?

SENATOR McMANIMON: She didn't know about it herself until she got a call.

SENATOR RAND: Well, I've got to make a public statement, Senator McManimon, on your behalf for a bill that's taken two-and-a-half years to go through and that the administration wanted so badly and the Department of Transportation wanted so badly. And this Committee worked like a dog, very frankly, each and every one of these members. And not to give you the courtesy of notifying you that it's been signed into law, I think really is a direct expression of disregard for the legislative process. And I want to tell you this, I publicly will say that. I really am very disappointed, horribly disappointed, that the Department didn't take the lead and didn't take the initiative to recognize you for the work that you did--

SENATOR McMANIMON: Well I'm not so much--

SENATOR RAND: --on the State Access.

SENATOR McMANIMON: I'm not so--

SENATOR RAND: Evidently it's not as important as we thought it is, and maybe we ought to hold up S-19 and the other bill, Senator Cowan's.

SENATOR McMANIMON: Well, my concern is the fact that this Committee has worked on a complete bipartisan approach on this piece of legislation and that we worked collectively together. And I thought, basically, that the Committee should have been properly notified. And I take a personal affront to it. After 18 years down here it's the first time ever anything like that happened. And I'll tell you, I'll rest assured right now, Mr. Chairman, it will be a hell of a long day in June before I forget it.

SENATOR RAND: There's nothing that I can say--

SENATOR McMANIMON: There's no personal affront on you, Carolyn because you've been up-front on everything, and I respect you too highly. But just because some of the other people don't take the proper consideration to notify us-- They did a wrong. That's all. I just want to bring it out, and it's there.

C A R O L Y N S. M c C A L L U M: And you accept that it wasn't--

SENATOR McMANIMON: Pardon.

MS. McCALLUM: It wasn't the Department. It wasn't the Department's choice.

SENATOR McMANIMON: Well, I know it wasn't the Department's choice. I'm really surprised that the administration chose a time like this on something like -- of that, that, importance.

MS. McCALLUM: It had to be signed by tomorrow.

SENATOR McMANIMON: So may it be.

SENATOR GAGLIANO: Well, we were all here today.

SENATOR RAND: I--

SENATOR GAGLIANO: I mean we were all here all day.

SENATOR RAND: That's right.

SENATOR GAGLIANO: I got here at nine o'clock.

SENATOR RAND: Carolyn, I do think the Department should have followed it up. It's a major-- From what I'm told and what I read in the papers and from what I heard from Assistant Commissioner Crawford this morning in front of the Revenue and Finance Committee-- It is an absolute major, major endeavor. And I really am disappointed that the Commissioner didn't follow that up in deference.

SENATOR McMANIMON: Well, I think the Commissioner and them had followed it up because I think they had requested a public signing. But apparently they chose to ignore them, as well as the Committee. I just think you ought to just keep that in mind for the future.

MS. McCALLUM: And the Commissioner was out of town. She's back in town now. But she was--

SENATOR RAND: You'll convey our--

MS. McCALLUM: I certainly will.

SENATOR McMANIMON: I was thinking it, Carolyn, and I had to say. I've been outspoken all my life, and I'm not about to stop now.

MS. McCALLUM: I don't consider it out of place. Thank you.

SENATOR RAND: Next two bills. Peter, what have we done with them? I think we've made a Committee substitute. Is that correct, Peter?

DR. MANOOGIAN (Committee Aide): Yes, we have a Committee substitute that essentially merges the two bills. Since they are virtually identical, the Committee substitute does not effect any substantial changes.

SENATOR RAND: Is there anybody that wishes to testify on that? We'll give everybody an opportunity to say a last few words.

SENATOR GAGLIANO: Last gasp.

SENATOR RAND: Last chance. Last gas. (laughter) Mr. Benton. The last gas or last dance.

J A M E S E. B E N T O N: I'll be very brief.

SENATOR RAND: You take whatever time you want.

MR. BENTON: I'll be brief. I'm certainly aware of the snowstorm.

S E N A T O R C H R I S T O P H E R J. J A C K M A N: Self-service gas, no way.

MEMBERS OF COMMITTEE AND AUDIENCE: Hey. (laughter)

SENATOR RAND: Mr. Jackman.

SENATOR JACKMAN: Yes, sir?

SENATOR RAND: Senator Jackman, we're glad to have you. Do you wish to testify?

SENATOR JACKMAN: Yeah, I will. I just came from Florida, do you know what the gas is down there? Forty cents a gallon.

SENATOR RAND: Can we have a little bit of order? Let's allow Mr. Benton to continue, please. A little order. We can ask Senator Jackman to sit over there if you feel more comfortable.

MR. BENTON: No, sir, he's more than welcome.

SENATOR RAND: Very good. Mr. Benton, proceed.

MR. BENTON: I'll defer to the Senator first, if you'd like, Mr. Chairman.

SENATOR RAND: Would you like to say something?

SENATOR JACKMAN: No, I'll talk to you anytime. You know that.

MR. BENTON: Thank you.

SENATOR RAND: Can I see a little-- (laughter)

MR. BENTON: Excuse me. I'm sorry. Mr. Chairman, members of the Committee. I sincerely appreciate your time. I know that you were more than generous with your time the last time we discussed this in a final public hearing before this

Committee. I'd just like to briefly summarize our comments and concerns with the legislation before you today; a copy of which I just received of the Committee substitute, minutes ago.

I think the Committee has to recognize, Mr. Chairman, that the issue of self-service being brought before you today does give New Jersey a particular benefit. We are obviously are not the first state, as 48 other states have permitted self-service. Indeed, every nation in the world does permit self-service gasoline marketing and the option of self-service gasoline marketing.

Presently motorists in other states, in percentages of 79%, prefer self-service and prefer the option. To date despite, as many of you are familiar with the legislative process, there exists no legislative attempt anywhere in the nation and no bill have been introduced to repeal self-service gasoline sales. All of this information, as far as other facts, have been presented to the Committee.

Seventy-five percent of the major branded stations offer their customers full-service in addition to self-service. And three quarters of all service stations maintain repair bays, and two-thirds of all towing and emergency road services are performed by service stations.

Let me just briefly, in summary, suggest that there are many obvious advantages to self-service. Consumers, motorists enjoy convenience and freedom of choice when they fill their tanks. Service station dealers; there is relief in addressing the labor shortages affecting every retail business in New Jersey.

To turn it the other way because I think the important perspective that must be shared with this Committee is that the cost of this continued prohibition of a statewide State government prohibition on self-service, means the dealers and those operating service stations in New Jersey continue to face

the severe labor shortages, ultimately choosing between curtailing their hours of service or forcing their stations to close.

Consumers will continue to witness a single pump operator serving a large number of people, subjecting them to delays in their daily commute or their daily life style, and ultimately mishaps, when you have a single attendant attempting to wait on three, four cars, and many more on certain occasions, that can result in considerable difficulty.

Now what are we suggesting? It's been portrayed by others that we're suggesting an unrestricted introduction of self-service in the gasoline marketplace.

Senators, I think you are aware that that is not what we're talking about. What we're talking about is a limited properly regulated introduction of self-service so that when someone feels a need based on their situation to pump their own gasoline, the consumer should be able to have that opportunity.

Senator Cardinale, Senator Frank Graves, Assemblyman Otlowski, Assemblywoman Randall have all introduced legislation that begins to fashion and create a bill that would permit self-service with proper consumer safeguards against abuses of the system.

We think that all of the concerns that have been properly and correctly raised by opponents of self-service and people that are concerned with gasoline marketing in the State, can be addressed in a constructive manner. The New Jersey Legislature historically has taken a nationally recognized leadership role in fashioning creative appropriate regulatory structures for very difficult, very technical issues. Self-service is one where we can gain from that experience; fashion an appropriate regulatory system subject to appropriate legislative review that effectively permits self-service gasoline marketing. There is a place for limited and properly regulated self-service gasoline in New Jersey.

Senator Graves and Senator Cardinale have begun to fashion a bill like that. What we would endorse rather than a State decision, we would endorse the opportunity for a local businessman, for a local company to effectively serve that gasoline marketplace that they seek to have. And that is with permitting the opportunity for attendant, limited, properly regulated self-service, and we believe that it's time for the New Jersey consumers to give that marketing practice which is accepted in 48 other states and around the world -- to give that a chance.

Mr. Chairman, I've taken enough of your time. I appreciate the sincere courtesy that you've given me. Our message is very simple: With an appropriate regulatory framework, self-service can work. The detriment is that the costs that are being borne by the labor shortages and consumers will continue to have an effect on the New Jersey gasoline marketplace.

I thank you for your time. I haven't had an opportunity to fully look at all of the concerns that are addressed in the Committee substitute. I'd be happy to continue to work with this Committee, because I think it does impose a new set of requirements on the service station. And I would suggest with all proper respect before this Committee that this bill be examined very carefully.

I would also mention a word to the opponents of self-service. As right as I believe they believe their cause is, they really ought to read the legislation carefully, because you are talking about certificates of examination and you are talking about tests and you are talking about appropriate penalties. Those in their haste that would advocate that this legislation move forward rapidly, should really look at some of the provisions of this legislation, because I do think it does require the State to take a more active aggressive role at a time when even the State government

of the State of New Jersey is now recognizing -- as many of you are no doubt familiar -- due to the labor shortages they are now training their own State employees to pump their own gasoline at the service stations that the State operates.

And by the way, I might add just as a parenthetical note, the State has not yet installed their Stage II vapor recovery systems, as required by law. (laughter) But that's a horse of a different subject before a different committee, and I think our positions on Stage II are known very clearly. But I do think that the introduction of self-service in a properly regulated format should be offered to the citizens of the State when they desire to choose it.

I'd be happy to answer any questions the Committee might have. Thank you very much, Mr. Chairman and the members of the Committee.

SENATOR RAND: Mr. Benton, thank you very much. We appreciate your eloquence and your giving us your views. Again, we thank you.

MR. BENTON: Thank you.

SENATOR RAND: Senator Jackman.

SENATOR JACKMAN: Thank you, Senator. I came, of course being here 22 years, Walter, -- with your permission; I'll call you Walter -- and my colleagues'. I saw some of the progress that we've made in this State, and some of the things I get a little frightened with.

We right now enjoy, I guess, the lowest gasoline rates of any of the 49 states here in this particular -- Hawaii making 50th state-- We've got the cheapest gas.

I was in Florida. I just came for a couple of days after the AFL-CIO, meeting and I went into a gasoline station because I rented a car. I pulled up to the gasoline station saying full-service and self-service. I looked at the prices. I went, of course, to the full-service because I wasn't getting out of my car. The difference in the price was 31 cents a gallon between self-service and full-service. Thirty-one cents a gallon. Right now we don't have that problem in this State.

Now here's what I'm frightened of. What's going to happen here just as soon as you give them the opening and say you have the right to self-service? I want them to give me a guarantee that it's not going to go up more than the 5 cents they would have warranted, not 30 cents a gallon. Because then automatically, you're going to find out there will be no more service, and nobody will be working. This idea that they can't find help, that's a crock. You can find help if you want to pay. And they pay and some of the services I remember when you went down there you got your water checked, you got your air put in your tires. Today they don't give you nothing. They don't even wipe your windshield. You're lucky you get that.

So my feeling is that we've got self-service. As far I'm concerned, I don't think we need it. They want to put it in, I'm against. Unless they can give me a guarantee we're not going to have a 30 cents difference. When you're talking about people getting into their 70s or 80s, and they're not going to get out of a car, especially with the new hoses that they're going to have, and insert them in and try to serve themselves. And who's going to take care of their -- opening the hood up and taking care of that? Who's going to do all that? That's all part of the service that we've been enjoying. And I want to tell you something, we've been pretty lucky. We've been good. I say, let's not break it if it's not broke.

SENATOR RAND: Senator Jackman, thank you very much. Who else? Anybody else?

CHARLES LONGO: Senator Jackman, come and see me in a couple of years. If I may--

SENATOR RAND: No debates, by the way.

MR. LONGO: No. I'm representing the New Jersey State AFL-CIO and I want you to know that we're--

SENATOR RAND: Just identify yourself, please.

MR. LONGO: Charlie Longo, Assistant to Charlie Marciante. I want you to know we still state our same

position. We're still in favor of the bill. But just a couple of remarks.

Sure, the State may have somebody to train different employees, but who's going to train the public? Nobody's going to train the public. I just came back from South Carolina. I lived down there for two-and-a-half years. That's why I asked the Senator to come back. I haven't seen him since I've been back. And he's right. You go down there and pump gas, you're lucky if you can find a full-service station, if they have any pumps there. But they have self-serve.

You know, I'm getting along in the years a little bit, and it's kind of hard to find out where the hell the gas is supposed to go. And while you're pumping, you pump slow the people behind you because you're pumping gas slow because you don't know how the pumps are working. They blow the horn. You got to run in and out of the place to pay your fee. Some places, yes, you go in first or they won't let you put gas in or turn the pump on until you pay or leave a deposit. Then you go out and pump your gas. After you pump your gas, then you go back in to get any money.

There and some elderly people out there, elderly women. Okay, I can pump gas. But you take some women that go out there. What do they know about pumping gas? They don't even know how to take the gas cap off. They put that hose in there and they start pumping, and they look around, and the first thing you know, it overflows.

I don't think that New Jersey needs any more problems, especially self-service gas. These people have got enough problems up here. Let's get them straightened out. Then let's worry about self-service gas when you can push a button while you're sitting in the car, and it can go by itself. Thank you very much.

SENATOR RAND: Mr. Longo, thank you very much. Anybody else? Mr. Ferrara.

J E R R Y M. F E R R A R A: I just wanted to correct his statement from our point of view that keeps coming up. And I think the law here -- and Senator Gagliano brought it out very well last session when he challenged the lawyer as to why 75% of the public throughout the country -- 75% of the gasoline throughout the country is sold self-serve. When he said the question of duress. I had never heard that terminology used, and it really applies here.

The question that they have no choice. The choice is either paying 30 cents a gallon, as you saw now, or serve yourself. So if that's not under duress-- It shouldn't even be a factor here. They're being forced to buy self-serve gasoline.

As far as the training, we're very familiar with the bill. We recognize certain training, certain safety aspects that were addressed in there, and we're willing to accept that.

I had the pleasure of being able to spend 10 days in sunny Florida. And no matter where I went, fortunately or unfortunately, I got hit eight nights -- different places to eat -- by people from New Jersey, some of your colleagues, who said get that judge down here. Let him take a look at what the price differentials are down there. Or make sure when we come home, the gas is still cheaper back home than it is with that.

I think the bill is well written. It's sending a message that the State of New Jersey has examined and is still opposing self-serve, if it passes both houses. Thank you.

SENATOR RAND: Thank you very much, Mr. Ferrara. Senator Bassano, you have a couple of minutes. It's partly your bill so you have every right to--

S E N A T O R L O U I S C. B A S S A N O: I'll be very, very brief. I want to explain to the Committee my motive for putting this bill in. In June of last year I was invited to St. Barnabas Hospital as a member of the Institutions Committee. As a member of that Committee, I have a lot of legislation that crosses my desk that affects hospitals.

While I was there one of the things that the Administrator did was to take me to the Burn Center. And in that Burn Center there was a nine-year-old girl who six days earlier was sitting in the back seat of a car. Someone was pumping gas that just didn't take the proper safety precautions and had lighted a cigarette, causing an explosion, killing two people. It was doubtful that this youngster was going to live. She had burns over 90% of her body and what I saw will stay with me for the rest of my life. I won't even attempt to try to describe to you that scene.

I think that it's necessary to safeguard the public sometimes. I think that having trained personnel pump gas is what's important here, and I think that's what this legislation will do. It just won't allow anybody who just will be smoking a cigarette or lighting a cigarette and pumping gasoline, not recognizing the problems that exist there. So I hope the Committee takes that into consideration.

SENATOR RAND: Senator Bassano, I did want to tell you one thing. Your bill and my bill are very similar. There's a Committee substitute to encompass both bills.

SENATOR BASSANO: They've been saying we're twins for years, so what difference does it make? (laughter)

SENATOR RAND: Is there anybody else?

SENATOR BASSANO: Thank you.

SENATOR RAND: Thank you very much, Senator.

N E L S O N A N T H O N Y: Nelson Anthony, Mobil Oil Corporation. I've got one of these stickers on because, frankly, the dealers are good folks. We don't have any dispute with them. They're our best customers, and it's in our interest to see that they prosper, which is what I'd really like to talk to very briefly.

Number one, what this bill is all about is not the price of gasoline. We did a study, and you have it in my testimony submitted at the last hearing. The average dealer

margin in self-serve states as well as New Jersey is basically the same. So dealers in other states are not gouging the public. Dealers in New Jersey are not taking less of the public's money. And I'm not complaining about that; they're entitled to their fair profit. That's what this is all about.

All we're saying on self-serve is very simple. These dealers-- And this is basically what self-serve is all about -- is to help the dealer make money, run a business in today's environment. These dealers are entitled to use every marketing option that's out there. This bill will deny many of those dealers the opportunity to use this marketing device.

Why should they be denied that right? It's not going to guarantee low prices. It's not going to guarantee service. You can't legislate a straight jacket on the market. You shouldn't take away from dealers who want to run their businesses, the right to run their business as they see fit. Ultimately free competition serves consumers and serves the market; straight jackets don't.

Now it's nice to have full-service. But full-service didn't go away because self-serve came around. Nobody put a gun to anybody's head and said, "Go out and pump gasoline." That's not the way it worked. The device was sold on the basis that dealers could pump more gasoline and make more money by using self-service, lower their labor costs, and still come out with an average margin of full-serve, self-serve gas that permitted them to make money.

So why are we fussing here? We're not talking safety. And we're not talking pricing. We're talking allowing dealers to run their businesses.

The oil companies don't make any money once they sell the gasoline to the dealer. So if they sell-- If they sell more gasoline, we make money. But we don't get a piece of their retail margin. We don't get a piece of their labor profits, and we don't get a piece of their other business. And

I hear what's going on in the back room, but it's the truth. We sell them at a wholesale price. Once that's done, we collect our rent, and we're out of the business.

So you can pass this but all you're doing is denying the dealers in New Jersey the right to use this option and the customers in New Jersey the benefits that flow from free and open competition. And you don't do that in any other business. There really isn't any reason to do it here.

I'll be glad to answer any questions.

SENATOR RAND: Thank you very much sir. Thank you.
Did you want to ask--

SENATOR GAGLIANO: I just want to make a comment.

SENATOR RAND: Okay.

SENATOR GAGLIANO: I'm sorry, your name again, please?

MR. ANTHONY: Nelson Anthony.

SENATOR GAGLIANO: I just want to make a comment. I think that what has happened here is the oil companies, for whatever reason, have been their own worst enemy. And I say that because all of us, I guess, have had experience in another state. You heard what Chris Jackman said today. I mentioned at the public hearing that I did a quick calculation. It was 43 cents or 45 cents a gallon difference between full-serve and self-serve in a town just south of Stuart, Florida, I forget which one it was. It doesn't matter. Every one of us had had this experience, so when you argue that we're not arguing price, it doesn't sink in. We can't believe that. Believe me, I cannot accept that.

MR. ANTHONY: I understand. Let me--

SENATOR GAGLIANO: It does deal with price. And it does deal with proper service because only as a result of duress would people pump their own gas.

SENATOR RAND: No debates.

MR. ANTHONY: Not a debate. I just wanted to say one--

SENATOR RAND: We're not going to have a debate here.

MR. ANTHONY: --thing about the price issue.

SENATOR RAND: You've got one-- Okay.

MR. ANTHONY: Just one thing. We don't set that retail price. Once we sell the gas to the dealer, it is his sole and absolute right to set his retail price. The horror stories you're hearing about the big differentials, they're not the oil companies' doing. That is strictly dealer controlled.

SENATOR GAGLIANO: Well, whatever it is, it happens.

MR. ANTHONY: I know it happens--

SENATOR GAGLIANO: It's a dynamic--

MR. ANTHONY: --but it's not our horror story.

SENATOR GAGLIANO: Excuse me, sir. I'm not arguing, I'm just commenting. I'm not debating, I'm commenting. It's a dynamic of the business at that point, and what we see is that we are being asked if we allow full-service we're being asked to tell our constituency, some several million people in New Jersey, that you're going to pay more for a gallon of gas. And it's very difficult for me to do that.

MR. ANTHONY: Honestly, Senator I--

SENATOR RAND: We're not going to have a debate here.

MR. ANTHONY: No, it's--

SENATOR RAND: No, no, no.

SENATOR HURLEY: Walter.

SENATOR RAND: Just a minute.

SENATOR HURLEY: I just want to make a comment.

SENATOR RAND: Yes.

SENATOR HURLEY: I want to make a comment about this too because in a five-state personal survey of mine, every station where I found that large differential from 30 cents to 50 cents a gallon was company owned.

MR. ANTHONY: I can assure you that that is not true. I can give you Mobil statistics that will show you. We try to control the differential. But I will tell you this, we are not in the business of undercutting our dealers. That would be unfair competition, and we don't do it.

So if one of our independent dealers has got that kind of a differential it is possible the company station will follow suit because if we didn't, we'd be cutting our own dealers' throats. We don't do that on purpose. I'm not saying it might not happen by accident, but we don't do it on purpose.

But the dealers control their own pricing. And what you're talking about is something of the dealers' making. And I will submit to you that, if you look at how much money they're making-- I know the differentials are out there, but they're not gouging the public. Their average margin is still doing nothing more than returning their fair profit to them.

SENATOR RAND: Senator McManimon.

SENATOR McMANIMON: Yes, Senator Rand. I've heard remark that dealers control their own prices. I recall correctly at the last public hearing we had, I asked a specific question of how many independent owners are in our State; how many of the petroleum industry operated stations are out there; and how many of the lease contract that are owned by the petroleum? And I think basically I never got those figures.

MR. ANTHONY: Senator McManimon, I thought I gave them. Maybe you were out of the room at the time. There is a study that was recently done for the American Petroleum Institute. And I believe the numbers on company operated stations -- this is nationwide -- is something--

SENATOR McMANIMON: I'm concerned about New Jersey. We're talking New Jersey. I'm not concerned about other states. I'm concerned about New Jersey.

MR. ANTHONY: We're talking about since the inception of self-serve, the numbers on company operated stations and dealer operated stations, the ratios, percentages have not changed radically. It's still about 4% or 5% company ops, 95% dealer ops.

SENATOR McMANIMON: That's not answering my question on the State of New Jersey. I asked the State of New Jersey:

How many petroleum industry stations are owned and operated? How many are out on lease contract? And how many independent owners are there?

MR. BENTON: Mr. Chairman.

SENATOR McMANIMON: You say the dealers control the prices, and I think this is a very serious issue.

SENATOR RAND: Mr. Benton will respond to you. We'll give him one minute to respond.

MR. BENTON: Senator McManimon, we did respond to you with that information. I don't know if it came to your attention but we did bring it to you. Presently in the State of New Jersey six-and-a-half percent. Six-and-a-half percent of these service stations in New Jersey are owned and operated by the major oil companies. That's six-and-a-half percent. We forwarded the information to you through your staff.

SENATOR McMANIMON: How many on lease contract?

MR. BENTON: How many? Approximately of that remaining number, approximately 50% are lease contract.

SENATOR McMANIMON: So we're talking roughly 56%.

MR. ANTHONY: The rest are distributor stations that we don't control. So we don't have the right to lease them or operate them. But the major companies do not salary operate the bulk of their stations.

MR. BENTON: That's correct.

MR. ANTHONY: And that hasn't changed since the introduction of self-service. And I didn't have the answers for New Jersey so I couldn't tell them to you. But this study I was talking about details all of the states. Self-serve has not been a way to get dealers out of business. It has been a way to get them in business; to keep them in business under today's requirements.

SENATOR McMANIMON: Not with our price structure, it wouldn't help us in this State.

MR. ANTHONY: Well, it's helped everywhere else, Senator McManimon, so I've got to assume that it will work here too, because New Jersey is a wonderful state. But in terms of the business, it's not that unique.

SENATOR McMANIMON: Okay, Senator Rand.

SENATOR RAND: Is there anybody else?

I R E N E V O N D O H L E N: Thank you, Mr. Chairman. I'm Irene Von Dohlen from the Department of Labor, and I just wanted to express our support for the bills. We do request one amendment, however, and that is for start-up money. And we would like some--

SENATOR RAND: Ninety-five thousand dollars be all right?

MS. VON DOHLEN: That's fine.

SENATOR RAND: Ninety-five thousand dollars to amend that. Are there any questions? Anybody else? Whatever you gentlemen would like to do, I'll have a motion.

SENATOR GAGLIANO: I'll move the amendment if that's appropriate, Mr. Chairman, to add a \$95,000 appropriation for the purposes of the Department of Labor.

SENATOR RAND: Do I hear a second?

SENATOR COWAN: Second.

SENATOR RAND: It's been seconded. Moved by Senator Gagliano, seconded by Senator Cowan. Call the roll.

DR. MANOOGIAN: Senator Rand.

SENATOR RAND: Yes.

DR. MANOOGIAN: Senator Cowan.

SENATOR COWAN:: Yes.

DR. MANOOGIAN: Senator McManimon.

SENATOR McMANIMON: Yes.

DR. MANOOGIAN: Senator Gagliano.

SENATOR GAGLIANO: Yes.

DR. MANOOGIAN: Senator Hurley.

SENATOR HURLEY: Yes.

SENATOR GAGLIANO: I move the bill, Mr. Chairman, if that's appropriate.

SENATOR RAND: Senator Gagliano moves the bill.

SENATOR COWAN: Second.

SENATOR RAND: Seconded by Senator Cowan. Call the role.

DR. MANOOGIAN: It's the Senate Committee substitute for S-2881 and S-2906 as amended. Senator Rand.

SENATOR RAND: Yes.

DR. MANOOGIAN: Senator Cowan.

SENATOR COWAN:: Yes.

DR. MANOOGIAN: Senator McManimon.

SENATOR McMANIMON: Yes.

DR. MANOOGIAN: Senator Gagliano.

SENATOR GAGLIANO: Yes.

DR. MANOOGIAN: Senator Hurley.

SENATOR HURLEY: Yes.

SENATOR RAND: The bill is released. Thank you very much everyone. Motion to adjourn.

(MEETING CONCLUDED)

APPENDIX

NEW JERSEY PETROLEUM COUNCIL

A DIVISION OF THE AMERICAN PETROLEUM INSTITUTE

150 WEST STATE STREET TRENTON, NEW JERSEY 08608
TELEPHONE (609) 392-0800 DEXPHONE (609) 392-0775

BENTON, Executive Director
PAPPS, Associate Director
HOLTZ, Associate Director

February 23, 1989

TO: The Senate Transportation and Communications Committee
FROM: James E. Benton, Executive Director

Mr. Chairman. About eight weeks ago this Committee devoted an entire day to testimony about self-service gasoline marketing. The New Jersey Petroleum Council, along with representatives from various oil companies, and several independent service station dealers attempted to provide New Jersey consumers with an accurate review of the facts about the self-service option through that forum.

The option of self-service gasoline marketing has been offered successfully in 48 states for many years. A recent poll of motorists in those states found, once again, that 79 percent of the respondents preferred self-service. There exist no legislative attempts to repeal self-service gasoline sales in any of the states where it is available -- not by elected officials, not by consumer groups, not by service station dealers.

There is the advantage of that self-service experience throughout the U.S. in your consideration of the issue here in New Jersey. For example, based on experience, New Jersey motorists would find both full-service and self-service gasoline, as dictated by the marketplace. Let's look at the facts, in the other states which allow self-service sales, 75 percent of the major branded stations offer their customers full-service. And, three quarters of all service stations maintain repair bays, while two thirds of all towing and emergency road service is performed by gasoline stations.

There are many obvious advantages to self-service. Motorists would enjoy greater convenience and freedom of choice when they fill their tanks. For service station dealers, there is relief in addressing the current labor shortage effecting every retail business in New Jersey.

Looking at it another way, the costs of this continued prohibition should be clear. Station dealers facing labor shortages will choose between stores closing or operating with curtailed schedules. Consumers will continue to witness a single pump operator serving a large number of people subjecting them to delays and mishaps.

This afternoon as the Committee considers this legislation, I would like to propose instead that you work with your Senate colleagues -- Senators Frank Graves and Gerald Cardinale, both sponsors of limited self-service bills -- to develop a program that would give all New Jersey consumers the freedom of choice to buy their gasoline as they wish. Rather than be unnecessarily prohibitive, this Committee can, with the appropriate regulatory framework, accommodate those motorists who want the choice while providing consumer safeguards against abuses of the system. I ask that this Committee, along with Senators Graves and Cardinale, and the Division of Consumer Affairs, identify concerns about self-service and address them in a constructive manner rather than apply a statewide prohibition which effectively shuts out all consumers. There is a place for limited and properly regulated self-service in New Jersey. Let's give self-service a chance.

Mr. Chairman I would be happy to elaborate on some of the components of limited self-service, dealing with price and availability of services, if you so desire.

###

JEB/gmd

CHARLES H. MARCIANTE

EDWARD B. PULVER

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NEW JERSEY STATE AFL-CIO

106 West State Street
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September 26, 1988

TO ALL MEMBERS OF THE LEGISLATURE:

Enclosed is an excellent piece from the Asbury Park Press, September 18, regarding the "joys" of self-serve gas in New Jersey. We have heard from any number of our members their concerns of self-serve being imposed on them, their parents and families. We respectfully ask you as legislators to not permit this power-play by the oil companies to be imposed on our members and citizenry of New Jersey.

Very truly yours,

Charlie Marcianter

CHM:md
opeiu-20
afl-cio

enclosure

Self-serve 'gas' will not benefit N.J. motorists

By SHERRY CONOHAN
Press Staff Writer

The slow boil I had begun as soon as I pulled into the service station quickly rose to a fast roiling boil when the attendant asked for \$14.85 to pay for the gasoline he had pumped into my rental car — a compact Chevrolet — which wasn't even completely empty.

In New Jersey, you couldn't squeeze that much gasoline into the automobile's gas tank.

But this wasn't New Jersey. It was Clayton, Mo., a suburb of St. Louis, and I was at the full-service island of a self-service gasoline station. I was being charged \$1.30 per gallon of regular unleaded gasoline — a whopping 42 cents per gallon more than at the self-serve island.

The full-service price was nearly 50 percent more than the 88 cents per gallon self-service price. And I was outraged.

Such experiences have been a common occurrence when I have been driving in other states outside of New Jersey, but in the past I merely gritted my teeth and swallowed the anger, secure in the knowledge that it was only a temporary aggravation. In a short time I would be back home in New Jersey, where there are no self-service stations with their outrageous rip-offs of the full-service customer.

But this time it was different. I thought of the recent Superior Court decision in Mount Holly that, if allowed to stand unchallenged, would clear the way for self-service to come to New Jersey gasoline stations, and my blood began to boil. If there ever was a consumer issue for the state of New Jersey to step into to protect its citizens, it's the self-service station. Thank heaven, Attorney General Cary Edwards now has decided to appeal the ruling.

After I returned home last week, I checked the price of gasoline at area service stations and found I could buy it for 87, 88 and 89 cents per gallon — the same price as for self-service in Clayton, Mo. — but I would get full-service for my money.

If self-service is allowed into the state, full service will cost more — a whole lot more, just like in Clayton, Mo. — and the price of self-service gasoline won't be any less.

I dare say, if self-service is allowed into the state, full service will cost more — a whole lot more, just like in Clayton, Mo. — and the prices of self-service gasoline won't be any less.

We will have given up a lot.

I also would like to state emphatically that I do not want to pump gasoline. I do not know how, and I am not interested in learning. I buy gasoline on my way to and from work, and I have no desire to stand there in a gook suit or

dress and high heels and watch gasoline drip down the front of my clothes. I suspect many men are equally undesirous of soiling their clothes.

I want to leave the pumping of gasoline to those appropriately dressed for the job.

I also am concerned for my safety. People who work at service stations generally know enough not to smoke around the gasoline pumps. I say "generally" because I have seen it happen on occasion — at which time I have been quick to scold the offender for so doing.

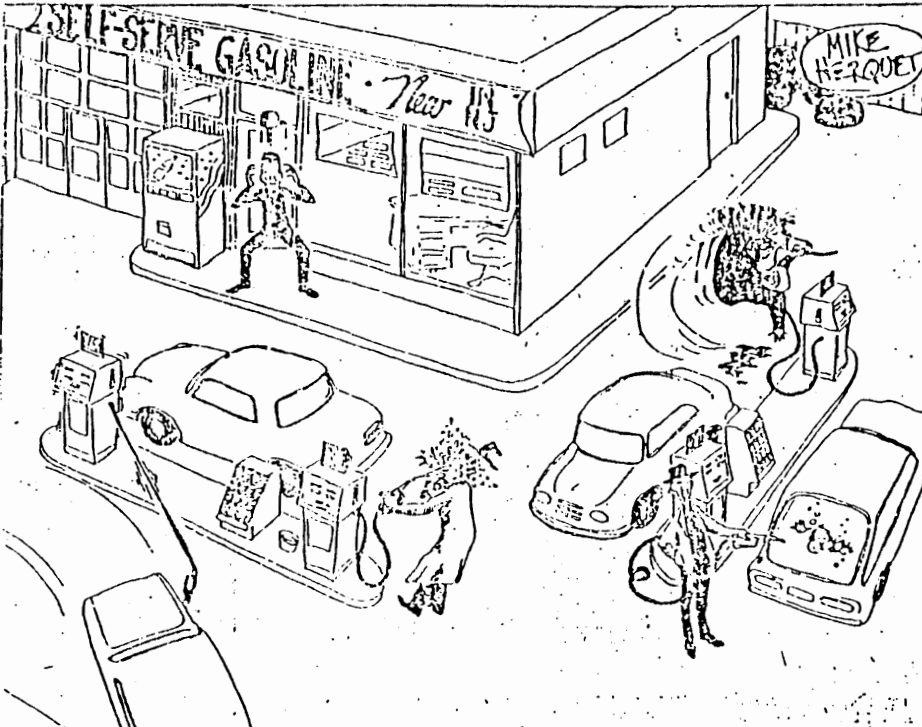
But with every Tom, Dick and Harry — and Nancy, Susan and Sally — taking turns at the pump at a self-service station, often stopping for gasoline while in a hurry to get somewhere, I worry that some joker isn't going to bother to leave his or her cigarette in the car and then — Voocoon! — Booom! We could all go up in an explosion and ball of fire. It's dangerous.

No, I prefer to leave the pumping of gasoline to the professionals.

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Asbury Park Press/Sunday, September 18, 1988 C3

COMMENTARY



Indeed, it was the safety issue that led to the banning of self-service at gasoline stations in a law passed by the New Jersey Legislature in 1949. The legislators were concerned about potential fire safety problems posed by people dispensing their own gasoline.

That law was affirmed by the state Supreme Court in 1952. It remained standing until Aug. 17 when Superior Court Judge Martin L. Haines, sitting in Mount Holly, struck it down in response to a lawsuit filed by Kirschner Brothers Oil Co., Inc., of Haverford, Pa., which owns about 20 service stations in New Jersey. Kirschner claimed the law is antiquated and that customers ought to have a choice between self- and full-service.

Haines, who initially held on June 29 that he could not overturn the law because it had been affirmed by the Supreme Court, eventually sided with Kirschner a month and a half later, holding that the law violates the state constitution because it "deprives the police power of the Legislature. He also said that with modern im-

provements, safety is no longer an issue. Haines, however, immediately suspended his ruling for six months to give the Legislature a chance to draft regulations on self-service.

The bill then came back in the state's court. The state Labor Department, which was the defendant in the Kirschner suit, and the attorney general's office, which represented the Labor Department in the court case, had to decide whether they would appeal the decision.

Edwards came through on Friday, announcing the state would appeal the decision because it "poses a significant challenge to the prerogative of the Legislature to enact laws it deems to be in the public interest." He said the Legislature has spoken on the issue of self-service gasoline stations.

William J. Clark, assistant commissioner of labor, who is in charge of enforcing service station regulations, made clear his feelings, however, even before Edwards acted. He was against self-service. "One of the fundamental facts is that gasoline is a hazardous sub-

stance," he said. "It has been listed by every national group as a hazardous substance. It is poisonous. It has fumes. It is highly flammable. By every criteria, it's an extremely hazardous substance."

"Ask a druggist," he continued. "There are lots of things that are not as hazardous as gasoline and they have to be sold through a registered pharmacist. I don't understand the (court) ruling that it's not hazardous. It's a substance that should be controlled."

Besides Attorney General Edwards, the consumer has a couple of other influential friends — the leaders of the Democratic-controlled state Senate and the Republican-controlled Assembly.

Senate President John F. Russo, D-Ocean, flatly opposes self-service. He urged that the court decision be appealed. "Or it's the consumer who's going to pay for this," he said.

Assembly Speaker Chuck Hardwick, D-Union, said he has "grave concerns" about the possible price difference between full-service and self-service gasoline, and how that

difference would affect handicapped and elderly drivers who cannot handle gasoline dispensers by themselves. Which is good, as far as he goes. I hope he also would be concerned about the rest of us who just don't want to pump gasoline.

Back in Clayton, Mo., I suppose I should have considered myself lucky I found a gasoline station that offers full service so that I didn't have to pump gasoline. It's the only one in town — as far as I have been able to determine on frequent visits there to see my mother — that offers a full-service island. All the others are strictly self service.

I found that to be the case in most instances when I have bought gasoline in other states outside New Jersey. They laugh when you ask for full-service. Real guffaws! "You want what?"

I've always been pleased that New Jersey is one of the last two holdouts against the self-service station, along with Oregon. Let's hope it continues to be.

Carry on, Mr. Edwards! We're rooting for you.

JOHN
HENR
HECT
JAME
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106 West State Street
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February 23, 1989

TO ALL MEMBERS OF THE SENATE TRANSPORTATION COMMITTEE:

RE: Support for S.2881 & S.2906

The N.J. State AFL-CIO respectfully urges your favorable consideration and release of Senate Bills 2881 and 2906, legislation that would establish safety standards for retail gasoline stations and continue New Jersey's ban against self-service stations.

Our membership is firmly opposed to the recent Superior Court ruling which would overturn the 40-year ban, and we have joined in the State Attorney General's appeal of that decision through an amicus curiae brief.

The State AFL-CIO opposes legalization of self-service stations because of the very real safety hazards they continue to entail, the economic hardships they would impose upon low-income motorists, and the inconvenience and physical hardships they would impose upon the elderly, the handicapped and women.

We do not believe the recent Superior Court decision is based upon sound judicial principles, nor did the court adequately consider the cutback in needed automobile maintenance and repairs that always follows implementation of self-service stations, or the fact that New Jersey will now require the installation of fume-preventing nozzles on fuel pumps which will make it even more difficult for the untrained to pump their own gas.

A random survey of N.J. State AFL-CIO members conducted last November shows that over 90% of the respondents would use full-service pumps, if the price per gallon remained the same for both full-service and self-service, and more than 70% of the respondents were opposed to any legalization of self-service stations.

We urge your support of S.2881 and S.2906 which would effectively continue the ban against self-service gasoline in New Jersey.

Sincerely,

Charlie Marcianite

CHM:mr
opeiu-20
afl-cio

5x



Sen. J.

January 3, 1989

Honorable Walter Rand
514 Cooper Street
Camden, NJ 08102

Dear Senator Rand:

On behalf of the Eastern Paralyzed Veteran Association (EPVA) I would like to thank you for giving our organization the opportunity to voice its support at the December 16, 1988 Senate Transportation and Communications hearing for Senate Bills 2881 and 2906.

EPVA believes that the self-service dispensing of motor fuel is fraught with problems.

Self-service not only presents a major safety hazard for people with disabilities, but also could constitute economic discrimination.

The usual dangers of having inexperienced people pump their own gas are compounded when a disabled person has to maneuver their assistive devices through traffic.

Many of the speakers at the hearing said a possible solution to serving people with disabilities is to offer self-service prices at the full service island. This is an unrealistic alternative. EPVA also advocates in the states of New York and Pennsylvania. Both of these states permit self-service. Many of our members inform us that the person on duty is too busy attending to the needs of other patrons and therefore the disabled individual usually pays the higher full service price.

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Newark, NJ
(201) 645-6068

Philadelphia, PA
(215) 951-5410

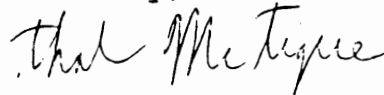
Wheelchair Repair
(718) 352-1623

6x

Another problem with this approach is that people with disabilities will again be receiving special treatment.

If you or the other committee members should have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Thad McTigue".

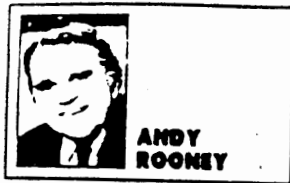
Thad McTigue
N.J. Legislative Liaison

TM:af
tm10

DATE: FEB 11 1989

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|---|--|
| <input type="checkbox"/> Asbury Park Press | <input type="checkbox"/> Philadelphia Inquirer |
| <input type="checkbox"/> Courier-Post | <input type="checkbox"/> The Press |
| <input type="checkbox"/> Home News | <input type="checkbox"/> The Record |
| <input type="checkbox"/> New York Times/New Jersey Weekly | |

- ☐ Star-Ledger
☒ Trenton Times
☐ The Trentonian



ANDY ROONEY

Hold firm, New Jersey, on issue of self-service

You can no longer call the place you buy gas a "service" station because, chances are they don't have any service. You pump your own gas and you can't get air for your tires or water for the radiator. If you want your windshield washed, wash it.

I'd like to move to New Jersey or Oregon so I wouldn't have to pump my own gas. Self-service gas stations are illegal in those two states.

I've been wrong so often I hate to think about the number of times, and self-service gas stations is a good example. When I first started seeing them, I said to myself "It'll never work. They can't possibly be successful."

HOW WRONG I was! This year more gas is being sold at self-service pumps than at pumps with attendants. I hate it but you save three or four cents a gallon and I'm cheap so as much as I dislike to, I pump my own. I don't like getting out of the car. I don't like fooling with the hose, the nozzle and the switch. I don't like standing there like an idiot watching the meter tick away and I don't like having to walk to the cashier to pay.

A recent survey by the petroleum industry said that 80 percent of all drivers prefer self-service. I doubt that. The survey takers probably only interviewed people who came to self-service pumps. Or, the people they talked to were like me. They do it but they don't like it.

Women like pumping gas even less than men and I don't blame them. I'm not sexist, but fussing with a gas pump and a rubber hose is nothing a nicely dressed woman ought to have to do. If she's in blue jeans and a sweat shirt, fine.

Generally speaking there are more full service stations in places like Minneapolis, which has a long, cold winter, than there are in say, Houston, Texas, or Fort Lauderdale, Fla., although I should think the relatively big elderly population in Fort Lauderdale would mean fewer self-service places.

It's hard to find out how much a pump pushes into your tank a minute. Pumps vary. Each tank buried in the ground at a gas station, has one pump down there and if only one of the dispenser nozzles is being used, it pumps faster than if two are being used at the same time. The average seems to be about six gallons a minute.

The petroleum industry was worried when they first introduced self-service about what they call "The Lady Factor." You notice they didn't call it "The Woman Factor" or "The Girl Factor." Feminists would rather forget the word lady, but there are still females everyone recognizes as ladies, distinct from women or girls, and apparently "ladies" don't pump iron or gas.

About half the big gas stations in the country offer both full and self-service. In another survey of those stations, 84 percent of the customers chose self-service and 15 percent took the full service. Of the 84 percent who pumped their own gas, 69 percent were men and 30-something percent were women.

Of the 15 percent who bought their gas at the full service pumps, 61 percent were women and 39 percent were men.

In many parts of the country away from big cities, a lot of gas is sold at small grocery stores with a pump out front and these are rapidly becoming 100 percent self-service. I can understand this better than I can understand a gas station that sells nothing but gas and oil being self-service.

LET'S FACE IT, pumping gas is simple enough but it can be a smelly job. It's hard not to get your hands dirty or greasy and you're lucky if you don't spill gas on them. It's a smell that doesn't just go away so you either have to live with it or go home and wash your hands with a strong detergent.

In a lot of big cities, you have to pay for the gas before you get it. Gas stations have a lot of what they call "drive-offs" if they don't get their money up front. I understand their problem but I still resent not being trusted. For one thing, I never know exactly how much my tank will take so I don't know how much to pay for.

I look for those service stations with service.

Andy Rooney is a syndicated columnist and TV commentator.