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H E A R I N G

ON

SENATE BILL NO. 245 - AN ACT to regulate the sale and dispensing of gasoline or other inflammable liquid at retail filling and service stations and providing penalties for violations.

Held

March 31, 1949

Senate Chamber, State House

Trenton, New Jersey

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BEFORE

COMMITTEE ON PUBLIC HEALTH

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MEMBERS OF COMMITTEE PRESENT:

- Senator Kenneth C. Hand, Chairman
- Senator Anthony J. Cafiero
- Senator C. Wesley Armstrong, Jr.

Hearing Division
New Jersey Civil Service Commission
State House, Trenton, N. J.

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SENATOR KENNETH C. HAND, Chairman: This is a public hearing called on Senate Bill 245, entitled "An Act to regulate the sale and dispensing of gasoline or other inflammable liquid at retail filling and service stations and providing penalties for violations."

This is a short bill, not involved, but we want to give you the opportunity to be heard. We suggest that the hearing be confined to the period of one hour. So far, we have three proponents and three opponents. That would be six speakers at the moment, so we can allow you about eight minutes. I think at the conclusion of that time, unless there are some other speakers, we will indicate when the time is up, and unless the Committee feels a rebuttal is necessary we will confine ourselves to the original presentation. So if you anticipate any rebuttal, you may include it in your original presentation.

I believe the first one to register with us is John Dressler, New Jersey Gasoline Retailers Association.

MR. JOHN DRESSLER: Mr. Chairman, my name is John Dressler, of 21 East Side Avenue, Ridgewood, New Jersey. I represent the New Jersey Gasoline Retailers Association, Inc., as President and Executive Secretary.

We urge you to pass Senate Bill #245 to prohibit self-service stations because we believe self service to be a fire hazard. Our great concern is that if self-service is permitted to continue we will sooner or later have a catastrophe that will cause

government to overregulate our industry.

Our industry operating on an attendant-service basis has established a safety record to be proud of, considering the nature of the product we handle. We are convinced that this record will be marred if self-service is permitted.

Our State Labor Commissioner has declared our industry a hazardous one and forbids the employment of anyone under eighteen years of age. He must think it very hazardous when we consider that a boy of seventeen can secure a permit to handle dynamite. The State also allows a boy of seventeen to secure a driver's license; obviously the State believes that handling gasoline is more dangerous than handling dynamite or driving a car. Should we therefore allow any Tom, Dick or Harry to handle gasoline?

If we just stop and check our personal habits we will realize why it is dangerous to allow customers to serve themselves. The average motorist will buy gasoline once a week. He cannot therefore be conscious of the dangers of handling gasoline and he will probably not be handy with mechanical equipment. Add to this the possibility that he may be rushing to work, or home, he may have a problem on his mind, or any one of a million diverting influences, and he is very apt to get out of the car with a cigar or cigarette in his hand and start pumping gasoline. Now we have the makings of a serious accident. Sure, you can put up "No Smoking" signs. They have "No Smoking" signs in buses and trains, and yet any traveler will tell you there are many violators.

The statement may be made that only gasoline retailers associations are opposed to self service. That is not true. The following states prohibited self service without any requests from dealer associations; in fact, most of these States prohibited self service even before the present wave of that kind of marketing.

ILLINOIS- State Code: No person other than the service station owner or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station.

INDIANA- State Code: No person other than the service station owner or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station.

MAINE- Insurance Commissioner's Rule 46: No person other than the service station owner, operator, or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station unless such motor fuel dispensing equipment is of a metered type approved by the commissioner.

MICHIGAN- State regulations cover all municipalities in the State. (Banned.)

MINNESOTA- Insurance Division, Department of Commerce: Self service is to be prohibited under rules and regulations being promulgated for inflammable liquids under the Governor's Fire Prevention Conference. This is to be a State Code.

The city of Minneapolis does not have an ordinance prohibiting self service. However, should this situation arise we have

been informed that an ordinance would be passed prohibiting this type of service.

In St. Paul self-service is not prohibited at present. There are no such installations in either city. However, should a permit be requested for this type of station it would be denied.

OHIO- No device for self service shall be permitted.... No person other than the service station owner or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station.

PENNSYLVANIA - Pumps, drawing-off and measuring devices shall be operated only by the owner or by employees or paid attendants.

CONNECTICUT- Supp. (1945) Sec. 564h - Sec. 567h. (Effective March 1, 1946) Sec. 127-3-47. No self service permitted. No person other than the service station owner, operator, or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station.

Those are the States who are banning self service. Hohokus passed a ban about two years ago and Hasbrouck Heights passed it about a month ago.

We admit there are some careless dealers, but let's compare briefly the two types of operation:

Attendant-Operated: Owners and attendants attend training schools, safety lectures and safety films shown by wholesale suppliers. He has the rules constantly drilled into him of no smoking and no delivery of gasoline into a car with a running motor.

If attendants are careless the station will do very little business, since careless operators do not encourage motorists to buy at their stations and we therefore have an automatic reduction in fire hazard.

Self-service operated: Gasoline served by motorists who have no training at all, have no knowledge of gasoline pumping equipment, a few of whom are probably half wits, decrepit, and many just kids driving a jallopy around for a wild time.

At self service stations there would be as many as 10 or 15 people serving themselves at one time and if a fire started, it would probably start with an explosion, the noise of which would cause many of these inexperienced motorists to drop the nozzle and run without even shutting off the pump.

I ask you to look at the picture of the service station on fire in Tolleson, Arizona, and then visualize what would happen in a crowded self-service station. We believe it would add up to catastrophe.

We waited for the Cocoanut Grove fire in Boston, in which several hundred lives were lost before we realized that overcrowding and confetti and streamers could add up to disaster. Must we wait for a disaster before we stop self service?

I submit herewith a copy of a letter sent to Senator Wallace by the Camden County Fire Chiefs' Association, also a picture of a station on fire, to illustrate what could take place in a station crowded with self-served motorists, a copy of a newspaper report of

a very recent gasoline station fire, "Plainfield Courier News," March 26, 1949, and a copy of a newspaper account of the fire in Carteret, New Jersey, "Daily News," Wednesday, February 16, 1949, and a copy of "The Gasoline Retailer," March 16, 1949.

The article in The Gasoline Retailer indicates that all branches of the petroleum industry are opposed to self-service stations.

In closing, we again want to urge you to ban self-service stations in the State in the interests of safety.

I have here a letter addressed to Senator Bruce A. Wallace which I am authorized to read here:

"Dear Senator:

"The Camden County Fire Chiefs' Association has gone on record as being against the use of self-service gasoline stations in Camden County.

"It is the thought of the association that it might be possible for the State Legislature to have a bill passed prohibiting them anywhere in the State.

"I talked to our mutual friend Mr. Raymond Wheeler of Haddonfield and he suggested that I write you about this.

"Our Association feels that this type of service station is a very definite hazard for several reasons. Some of the reasons are:

It would permit minors to get gasoline.
It would make it easy for arsonists to get fuel.

The average motorist not familiar with the lethal qualities of gasoline could cause a major fire by smoking while filling their tank. The inebriated motorist would be a potential cause for fire. Spillovers would undoubtedly increase. While some of these stations might provide fire extinguishers the average motorist is not familiar with the operation of them.

"Your cooperation in having such a bill passed prohibiting these stations will be appreciated by us and a definite service to all citizens.

Yours truly,

(Capt. Russel M. Hunt, Secretary,
 Camden County Fire Chiefs' Association
 Fire Headquarters
 Haddonfield, New Jersey."

Now, gentlemen, I have here the releases, the reprints from the paper. I would just like to read the one telling us how fires of this kind might take place. This is a reprint of the article in the Plainfield Courier News of March 26, 1949.

SENATOR HAND: Is that a lengthy reprint?

MR. DRESSLER: No, it is a short article. I will cut it short.

SENATOR HAND: Your time is up.

MR. DRESSLER: Well, I have it in the brief. Suppose I leave the brief with you?

SENATOR HAND: Will you leave the copy of the brief with Miss Brown, the secretary. We will read the reprint since you have that incorporated.

MR. DRESSLER: Thank you, gentlemen. May I add one more thing to the record? I sent a telegram to Los Angeles because I felt they were closer to this whole picture than we, and I asked the Board of Fire Commissioners of Los Angeles for information, and they replied: "Self service auto filling stations prohibited in City of Los Angeles by ordinance 93781 adopted September 13th last. This Commission regards them as hazardous." This telegram was as of yesterday.

SENATOR HAND: Does California prohibit them?

MR. DRESSLER: The State law I understand does not but the City of Los Angeles does.

SENATOR HAND: The next speaker is Charles H. Bunn, Jr., of the Standard Oil Development Company, Elizabeth, New Jersey:

MR. BUNN: My name is Charles H. Bunn. I am an engineer with the Standard Oil Development Company and have been working on petroleum hazards as an engineer for 30 years, specializing in fire protection work. In addition, I have been a member of two committees that have been quite interested in this question of self service. One of those committees is the Central Committee on Fire Protection of the American Petroleum Institute and the other is the Inflammable Liquids Committee of the National Fire Protection Association. The first is, of course, the Petroleum association and the second is the general association with many other industries and fire insurance agencies interested and involved in other work. Both of those committees, and in turn the

associations which they represent, have signified their opposition to self-service stations on the ground of safety. That requires a qualification in the case of the National Fire Protection Association. The Association has not yet met to vote on that but I think it is safe to say they will. The committee's recommendations were in and published and the Association meets in May, at which time it will come up for a vote.

The Petroleum Institute not only has the opinion of its Central Committee on Fire Protection but also a resolution passed by their Board of Directors against self service. I would like to be a little more specific on their position about self service. Let's divide self service into three categories: First is the type of station most hazardous, where we have no attendant whatsoever. That is made possible by the coin-operated pump, of which there are few in existence at this time. They are not beyond the experiment stage and I don't believe there are a dozen in the country. There are only two in the East that I know of, but if approved they will undoubtedly spread. Their object is of course to furnish gasoline at times when no operator is present or the station is closed, and anyone can buy gasoline by merely inserting coins in the mechanism of the pump. The second category is where you do have an attendant present but not in a really supervisory capacity. That type of station is illustrated by the large number of stations that have grown up in the Far West, chiefly centered in Los Angeles County and outside of the city limits, where there a number of such

stations, usually large, and they have a lot of pumps with one central control man and a group of cashiers who do not do any actual supervision - just go around and collect the money from the customers. In many cases these cashiers are young ladies. Sometimes they mount them on roller skates and put kilts on them. That is your supervision for that type of service.

The third class of self service is where you do have a fair degree of supervision and where there are some attendants - not as many as at the ordinary conventional type of service station - but where the attendant comes to the pump, unlocks the pump, and sees each customer. He sees whether he is dealing with a child or whether he is dealing with a man smoking or inebriated or otherwise incompetent. If he considers him competent, he unlocks the pump, starts the filling operation, and goes to the next customer, and he has to come back for the cash after the operation is completed.

Now both of these associations to whom I refer have come out definitely against the first two categories of stations I described, obviously the most hazardous. The third category probably is not so hazardous as the first two. The trouble is to try to get adequate supervision over these attendants. If that supervision is really adequate - it is difficult to define it by saying that each customer must be met and the pump unlocked for that service. In that case we see no objection to the use of self service, but that will require policing. You will have to

make sure, if you should permit it to that degree, of a proper degree of supervision and that contact with the customer is maintained, and it will require policing. It would, I am afraid, be very easy to slip over into category 2, where you have inadequate supervision of the fueling operation by customers. It is perhaps unfair to legislate self service entirely out, because in California, where most of these self-service stations have sprung up, they have not had a bad fire record, so far as I know, up to date there has been no serious fire or accident among those stations but perhaps that is due somewhat to the fact that they are being very careful of their operation. They know they are under surveillance; they know they are being watched, and they have been quite careful. I hope we will see the same degree of care maintained. I think you should consider very carefully whether you want to let yourselves in for a policing problem, which will have to be done if you want to maintain safe conditions with the operation of even that limited category of self-service station.

SENATOR RAND: Do you favor S-245 as drafted?

MR. BUNN: I don't think we have the right to legislate out that third class until they have had a chance to operate. It looks as though it would be a little hard on competition. It is going to be difficult to hold them to that third class provided you leave that loophole.

SENATOR ARMSTRONG: Of the number of self operating service stations, how many now would come under the third category? What per cent?

MR. BUNN: I would think, the greater part. Practically none in category 1 - very few. I think probably better than fifty per cent of them would come in the classification of inadequate supervision and probably less than fifty per cent where there is better supervision. There are some that have adequate supervision. The over-all fire record indicates up to date that it is not too bad.

SENATOR ARMSTRONG: In the third classification, that means practically having an attendant at each pump?

MR. BUNN: No, one attendant would have eight or nine pumps to control.

SENATOR ARMSTRONG: He unlocks the pump, then goes to someone else?

MR. BUNN: Most of these stations are large ones with many pumps.

SENATOR ARMSTRONG: What happens with regard to fire prevention when he goes to other pumps?

MR. BUNN: That is the real hazard. If somebody smokes--

SENATOR ARMSTRONG: How many pumps does that fellow handle?

MR. BUNN: They vary - anywhere from four to about nine or ten pumps. In other cases they just have one operator, sometimes in a little control house, elevated, and girl cashiers.

SENATOR ARMSTRONG: That is the second class.

MR. BUNN: Yes.

SENATOR ARMSTRONG: I am speaking of the third class, which you say is not so bad. But if one fellow is going to handle seven or eight pumps, I am not sure that will be too safe.

MR. BUNN: The number of pumps he can handle has entered into some legislation and some local ordinances. I have seen examples of that ranging from four pumps all the way up to nine.

SENATOR HAND: The next speaker is William Schriber, Gasoline Dealer of Trenton:

MR. SCHRIBER: Gentlemen, I am here today to relate an actual experience that has happened to me insofar as it concerns the dangers of gasoline. In 1943, in Bordentown, Route 25, Crosswicks Street, I operated a self-service station. About 3:30 in the afternoon I took over the shift. The fellow previously had been washing tools and had gasoline in a ten-quart pail. An electric blower for the heating system started and through an arc-- igniting the fumes. It blew clear across the highway 75 feet, blew me out the door 30 feet, and demolished the building. That is how dangerous gasoline can be. That is all I wish to say. I just wanted to relate the happening. That is on record with the Fire Department of Bordentown.

SENATOR ARMSTRONG: Inasmuch as you have a little extra time, what do they do about the service of oil in these self-service stations?

MR. DRESSLER: I am sure I can't answer that. There are so many different ways they handle it. I don't believe you could put that in a fixed category.

SENATOR ARMSTRONG: I was wondering if the customer took care of that while the operator was circulating around--

MR. DRESSLER: Some of these large stations have separate attendants away from the gasoline pumps where you can go to get your oil refilled, get your tires filled with air, and your battery recharged. In some others they have a stack of one-quart oil cans piled alongside the pump with the prices marked and you actually service yourself with oil as well as gasoline. You find the practice varies in that respect. But there is no serious hazard in connection with the servicing of lubricating oil.

SENATOR HAWD: We have Bernard A. Gallagher, Camden City Fire Marshal. Are you for the bill?

MR. GALLAGHER: Yes. My objection to that would be that it would be an inexperienced person who would fill his tank and the chances are he would overflow the tank. Now it also may be that a lady would come to the station and it would splash over her dress, or a gentleman later on might get in the car and a spark of any kind would set fire to him or her, and I think it is a dangerous proposition, a fire hazard, to have an inexperienced person filling a gas tank. Nine out of ten persons will wait until it comes out the top before they stop-- they don't know how much gas they want.

I am satisfied it would be a very dangerous fire hazard for inexperienced people coming up and filling their gas tanks and I am one hundred per cent against it.

SENATOR HAMB: Thank you, Mr. Gallagher. We have another proponent: Mr. Frank P. Miller, Fire Chief of Linden.

MR. MILLER: Yes, sir. I have made it a point to observe this new station over in Hackensack and I feel, myself, that it is a dangerous fire hazard insofar as the lack of qualified attendants is concerned. Furthermore, I noticed they have signs up there that say: "No Minors, No Smoking, Shut Your Engine Off," and so forth and so on, and I personally feel that it is a very unsafe practice, due to the fact that nine out of ten people in most cases do not observe these signs. Furthermore, nine out of ten people don't even bother to shut their motors off, and so forth and so on, and with the lack of attendants I feel, myself that it is quite a hazard. I agree with Chief Gallagher of Camden in that respect. I come from a city where we have large refineries and I personally feel that if this bill goes through it would result in a very great injustice.

SENATOR HAMB: Thank you, sir. The proponents of the bill, I believe, have all spoken, unless there are others who wish to speak. We have a couple of minutes more if you care to add anything further. Do you, Mr. Dressler?

MR. DRESSLER: I have only one thing to add: The Fire Chief of the City of Newark said he would come down and express opposition to self-service stations and if he comes down I ask that you put him on. He has had a great deal of experience in connection with fire hazards.

MR. BURN: May I file a brief of the American Petroleum Institute on this subject?

(The brief submitted to the Committee is as follows:)

AMERICAN PETROLEUM INSTITUTE
50 WEST 50th Street
New York 20, N. Y.

March 4, 1949.

For Information of Members of Central Committees
on Accident Prevention and Fire Protection

Gentlemen:

The Board of Directors of the American Petroleum Institute, at its meeting held in San Francisco on February 24th, adopted the resolution on service stations as follows:

WHEREAS, the flammable nature of gasoline vapor necessitates the use of every practicable precaution to minimize spills and overflows during the fueling of automotive vehicles at service stations; and

WHEREAS, the development of practicable precautions since the days of the hand-cranked curb pump has resulted in general use of modern dispensing equipment operated by trained attendants; and

WHEREAS, the use of such equipment by trained attendants has resulted in an enviable record of fire safety at 1,500,000 gasoline pumps where 25,000,000 automotive vehicles are fueled daily with 97,000,000 gallons of gasoline; and

WHEREAS, there are reasons to believe that this record will be lost if dispensing practices are changed to permit the operation of gasoline service-station pumps and the fueling of automotive vehicles by unknown, untrained, and unsupervised persons,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the American Petroleum Institute, that the American petroleum industry is proud of its record of fire safety at service stations and disapproves of gasoline dispensing practices which permit customers, regardless of age, competence, training, or experience, to operate service-station pumps and to fuel automotive vehicles without assistance or direct supervision of trained attendants.

Very truly yours,

D. V. Stroop.

SENATOR CAFIERO: (Addressing Chief Miller) You didn't mean to say that if this bill went through it would result in great injustice, did you?

MR. GALLAGHER: Which bill?

SENATOR CAFIERO: This Senate 245.

MR. GALLAGHER: No, I am in favor of Senate 245. I am in favor of that bill.

SENATOR CAFIERO: I thought you said in your closing remark if it did go through it would be an injustice.

MR. GALLAGHER: I did express myself in that particular light, but I didn't mean I was against this particular bill.

SENATOR CAFIERO: You meant if it didn't go through?

MR. GALLAGHER: Yes.

SENATOR CAFIERO: All right.

CHAIRMAN: We will now proceed with the opponents of measure. Mr. Joseph Melillo, the attorney for Rein Motors, Hackensack, opposing S-245.

MR. MELILLO: I represent the Rein Motors Company of Hackensack, New Jersey, operated by Mr. Irving Reingold, who is my right. He presently operates a self-service station and operated it since January 25, 1949. He has presently two sets of pumps - two pumps to each set of pumps. He has an attendant at each set of pumps at all times. The motorist drives up to the pump, the attendant is there to assist the motorist to take off the nozzle, to put the nozzle into the automobile tank, and he handles the operation; in other words, there is a pump where cars line up on either side, and one attendant for these two pumps. His nozzles are of the automatic type. As soon as the gas reaches the nozzle, it automatically shuts off so there can be no spilling of any kind. He has the signs posted which the Fire Chief of Hackensack has mentioned. He has experienced men who do just that - women, but men. Well, there is also a woman there.

CHAIRMAN: You say there is a woman there?

MR. MELILLO: At night, I believe.

MR. IRVING REINGOLD: She is a woman who has been in the gasoline business for about seven years. She is very mannish.

MR. MELILLO: We all know that in conventional stations they pump gas, and probably will continue to pump gas.

I wanted to explain first how our station operated.

We want to tell you that in the State of California, as portrayed in Life Magazine of November 22, 1948, there are self-service stations and there are a series of pumps, and they have one girl who makes change for every two islands. According to the pictures in my possession, there are three pumps to each island, so there is one girl who makes change for every two islands or six pumps.

In the National Petroleum News of November 23, 1948, with reference to these stations, it is stated, "One boost came for them, however, when the National Fire Protection Assn, concluded that self-serves should be allowed to operate under certain safety rules." Further in that issue it is stated, "The committee of Flammable Liquids of the National Fire Protection Assn. has said self-serves should be permitted to operate provided they comply with certain provisions which would make them reasonably and acceptably safe."

The battalion chief in charge of the Los Angeles County Fire Protection Bureau, Mr. C. J. Thrapp, in the issue and reprint from the National Petroleum News of November 3, 1948, states as follows: "The serve-yourself stations are strict about enforcement of the 'no smoking' order because they know they are under scrutiny. We have 'framed' many of the stations, assigning men to drive in and light up. Every time, the attendants have cut the pump and requested the customer to put out the cigarette or cigar.

"The first one started operating May 1, 1947. Now there are 27 in the unincorporated area of Los Angeles County. An average of 50 cars an hour pass through each. We haven't had a single call to respond to at any of them.

"It would be noteworthy if all stations operated like the big self-serve stations in the county. I don't anticipate any major conflagrations if they continue being run as they are. The requirements are in excess of those for conventional stations. I think they are as safe as conventional stations."

Chief Thrapp goes on to say, "Once the attendant shows a person how to do it, it's as simple as pouring a glass of water. Women operated service stations during the war. Young people often do relief work at stations. Drunks can cause as much harm in a conventional station."

Gentlemen, I have had personal experience in conventional stations where the attendant has placed the nozzle in the automobile tank, because it is an automatic one and pours itself until it reaches the nozzle, then shuts off, and he has left the nozzle in and gone to another part of my own car to clean the windshield or to open up the hood, and left it unattended. So when they mention the fact that conflagrations could happen in self-serves, they could also happen in conventional stations.

We have the automatic devices. We have been operating since January of 1949, so we wrote to the Chief of the Hackensack

Fire Department, in which municipality we are located, and the letter of March 23 is as follows:

"If possible, would you please reply to the following questions:

"1. Have we complied with your regulations pertaining to proper extinguishing equipment?

"2. Have we complied with all of your regulations imposed upon us as operators of a self-service gasoline station?

"3. To your knowledge, has there been any accident or mishap or violation of any municipal regulation during the period this self-service gasoline station has been in operation?"

The letter handed you gentlemen is a photostatic copy of his reply, and is as follows:

"Your service station has the proper extinguishing equipment for a Self-Service Gasoline Station. Also, you have posted the premises with 'No Smoking' signs and assigned an attendant to remain on duty for each four pumps and during all busy hours an attendant is supervising each two pumps.

"During the two months of your operation, between the hours of 7 A.M. and 11 P.M., I have inspected or caused to be inspected your operation and have never found a violation of any of the regulations imposed by me.

"This type of Gasoline Service Station operating under local regulations and proper supervision is no more of a hazard than the conventional type of Gasoline Service Station.

"You understand of course that coin operated or unattended gasoline pumps are not possible.

"It is the consensus of the motoring public and also members of my department that this type of station is not a hazard."

We are against coin-operated pumps. In the statement of your bill as to its purpose, it states "Ten states have banned the sale of gasoline by automatic dispensing machines..." We are against automatic dispensing machines, but we say you cannot legislate against self-service stations if under proper supervision.

This particular bill is bad because it provides that only an owner or employee may operate a pump. It may please you gentlemen to know that in the State of New York they introduced a similar bill in the Senate and in the Assembly. It is Assembly Bill No. 970 and Senate Bill No. 1052. The Legislature of New York adjourned yesterday and the bill was never reported out of committee. Most of the other states have put an imposition or prohibition against coin-operated pumps. We say we come under Class 3, as the gentleman on my right has said. We are ready to abide by all the required supervision and rules, and I say a bill should be drafted with protection and rules.

Now, the motoring public saves four cents a gallon at our station. We were advised that this bill was introduced on March 21. We immediately went to work, and by March 24, three days later, the people of the State of New Jersey—

CHAIRMAN: Your time has expired.

MR. REINGOLD: He can take my time.

CHAIRMAN: Has anyone any objection to that? The two speakers listed here are Mr. Reingold and his attorney.

(Addressing Mr. Malillo) You may proceed.

MR. MALILLO: (Continuing) Within three days after this bill was introduced on March 21, we immediately got some signatures to a petition, which was given to your Senate President, David Van Alstyne, of Bergen County.

Now, the people of this State have an interest in this particular bill. They have a right to save money if the operator decides that is the way he can sell it. We cannot legislate against progress, gentlemen. There are super-markets and there are many other things that are being done for the sake of progress. Proper supervision, yes. But we say you cannot legislate against something that is good.

Most of the proponents of the bill are businessmen. Now, you and I and all of us know that when the horse and buggy were around and they introduced the automobile, there were fears and the newspapers and magazines told you that everybody would go out of business. We know that the automobile has not put people out of business. The same way with radio, and now with television - they say the radio will go out of business. We know nobody goes out of business.

We haven't had an opportunity to canvass all the State of New Jersey, to have the people know what is going on. Are we going to legislate against people getting a fair deal and saving a few pennies? We are in a period of recession. It may go farther. We hope not. But certainly people who are manual workers, those who wish to go up to a pump and be helped and be handed a nozzle and see that it is pumped and save a few pennies, should be allowed to do so.

Now, as to these conflagrations that were mentioned, I don't recall anyone saying it is the self-service station. This young man was blown thirty feet, but that was a conventional station. We should legislate to be sure of people doing the right thing at the right time. Human nature is the same the world over. With proper safeguards we will do all right. We suggest to your honorable body, the Senate of the State of New Jersey, that this bill should be defeated. If, in the exercise of sound discretion, you feel you will need safeguards, we are willing to go along with them. We invite inspection. As long as a man is there for two pumps -- we are willing that it be limited to two pumps. That is what we are doing now. If all these people in three days are in favor of it, I say this, gentlemen, - we should be allowed opportunity to publicize this and reach every county in the State so the people would know when they ask questions, "Why is it we can't have self-service stations?" I think they should know

why they are not having them. I say this to all you gentlemen here today: Business will go on. Everybody will make money if they operate a good station. There are many people who don't want self-services. That is their privilege. But there are those who do want self-service.

Now it has been mentioned, gentlemen, about who may operate, that drunks may come in. We have explained that part, but everyone knows and it is certainly common knowledge that in these privately-operated stations even children of 12, 13 or 15 operate them. It would be quite a policing problem if this bill were passed providing that the person operating the pump must have had practical experience under supervision. We all know, we can't kid ourselves or be blind to the fact that often a man is put on the job or if the father is busy the son goes out and pumps gas. Then you would have a larger policing problem. In our case there would be no policing problem because every fire chief in his municipality-- there would be very few in the State. I should imagine if we had 20 there would be too many. It would be an easy problem of policing under proper regulation.

We therefore respectfully submit that this bill be defeated. If, after consultation and the use of discretion, some other bill were introduced that would obviate some of the hazards mentioned in coin-operated machines, we would be satisfied.

SENATOR ARMSTRONG: One thing I do want to correct: You indicated that the self-shutoff nozzle eliminates all spillage. That

s not quite true. Many tanks tend to accumulate air. That is in the tank and as the gas goes in, it does flare back. It does automatically shut off but you do have spillage.

MR. IRVING REINGOLD: If the nozzles are held properly into the tank you will get no spillage.

SENATOR ARMSTRONG: I have had quite a little experience. I know they will spill every so often, and whether a fellow is experienced or not there will be spillage at times.

MR. MELILLO: We inserted a newspaper item at the time we began, and this appeared in the newspaper:

"The system calls for motorists to drive up to the pump islands and fill their own cars themselves. An attendant will check the gallonage and will take payment and make change."

In other words, it was always our purpose that there would be an attendant at those pumps. We never so much as thought there would not be.

SENATOR HAND: The combined time of your attorney and yourself leaves you about three minutes.

MR. IRVING REINGOLD: I have been operating gas stations for about 12 years and I have found that the people you hire who say they are experts still have to be watched. But in our particular case, we have got the people there who are trained and who have had years and years experience. They are making change and they are making available to the public the instrument - they actually hand it to them. —In fact, —Mr.—Dressler was watching my

station all day Sunday with his wife, taking pictures. I am sure he saw the way the thing was handled, and I am sure you would say we handled it on a very safe basis. (Addressing Mr. Dressler) You represent a lot of dealers who are afraid if this spreads they won't be able to make the volume of profit--

SENATOR HARD: Address your remarks to the merits of the bill, please, without going into personalities.

MR. REINGOLD: I feel it is unfair to me because I feel we are running a very safe station and it is not a hazardous operation, and we have been watched by the fire department and by every gas station owner in the area and they can't come up with anything wrong. We have been fair.

MR. MALILLO: If I have any time I will use it.

MR. JESSE HUBBELL: May I defer to the other gentleman? I have a voice condition.

MR. MALILLO: We would prefer not to read his statement. It is in reference to an automatic device and we are opposed to that.

SENATOR HARD: He is entitled to present that statement. Do you have a copy, Mr. Hubbell:

MR. HUBBELL: Yes.

SENATOR HARD: Will you submit it to the committee?

MR. HUBBELL: This development is my own.

SENATOR HARD: This statement which you have presented will

be made a part of the record of this hearing and the Committee will give it full and due consideration.

MR. HUBBELL: Thank you very much.

(The statement submitted by Mr. Hubbell is as follows:)

A NEW SYSTEM OF GASOLENE HANDLING AND VENDING (3-29-49)

As indicated, this statement has to do with a new system of gasoline handling and vending.

The apparatus, itself, is presently designated as GAS MASTER AND FIRE FIGHTER. It is not a pump!

It may be operated as a coin automatic or by an attendant in the usual manner - at the owner-operator's will.

This device is equipped with micromatic controls, affording the ultimate in accurate gasoline vending. Specifically, each space between the graduate lines represents one one-hundredth gallon. Micromatically, each of these spaces in turn may be subdivided into 100 additional graduates - affording an accuracy of one ten-thousandth gallon. So much for volumetric metering.

Of still greater significance, however, is the fact that The Gas Master is inherently a gravimetric vending device - regardless of what gasoline temperature may be in the storage tank. Here then is inherent honesty as to weights and/or measures, as you will.

This installation requires electric current for flood lighting only - but a barnyard lantern could serve the purpose. In other words, there is no electric wiring - nor motor - within the housing of this device. In such manner, "the spark hazard" is eliminated.

More important still, the gas master is also a fire fighter. Coin or attendant operated, the auto tank may be immunized against explosion before the filling operation is started. Depending on predetermination in each case, gasoline and carbon dioxide may be discharged into the fuel tank, simultaneously - and through the self-same nozzle. Again, carbon dioxide may be brought into action sharply on the heels of gasoline cutoff. Specifically, if a pail partly filled with gasoline were ignited, it could be filled and the flame extinguished at one and the same time.

Here then, with a coin in play or an attendant present, we have a fire fighting nozzle in hand and "nosing up" to the very point of potential danger.

Moreover, there is a peep or outlook built into the discharge nozzle, through which the fueller may watch the flow of gasoline. Be he an automatic self-server or an attendant, there is no looking around at "the butterfly in the bubble". There is no distraction. He has the entire situation definitely in hand - literally - and everything is within his direct line of vision. HE HAS NOTHING TO DO BUT ATTEND TO HIS BUSINESS.

In the interest of public safety, it would appear that the present gasoline pumps might quite properly follow the Gas Master's fire fighting proclivities.

This device is of simple and rugged construction. As an example, there is only one rotating element in the gasoline line, between the bottom of the storage tank and the discharge nozzle. It makes only a quarter turn for each metered serving of gas. In the present installation, "the take" is a quarter's worth of either high or low octane. On order, it could be 1,000 gallons or what you will.

Gas Master operates on the positive side. Air from the filling station's compressor tank, regulated by a suitable flow meter, elevates the gasoline to the height required for gravimetric metering and gravity discharge. With the present model installation, five and one-tenth pounds of pressure amply suffice. Obtained in the form of dry ice, gasoline could be so metered and discharged at a cost of less than one-tenth cent per gallon.

There is no pump priming. There are no air locks, atmospheric equilibrium being automatically maintained at all times. There are two metering chambers. As one discharges, the other fills. Immediately on filling, the gasoline supply is automatically cut off. But for summer evaporation and hazard, these chambers could be as open as goldfish bowls.

As in automatic self-service operation, instead of throwing an electric switch, one merely places a quarter in the slot, or up to 6 of them, inserts "The Fire Fighting Nozzle" into the fuel tank and presses the nozzle trigger in the usual manner. If more than one coin has been inserted, the trigger is held in discharge position until the "coin magazine" has been exhausted.

Here then, among other safety factors, we find a coin supplanting an electric switch and motor, and a fire fighter in hand, without a counterpart among existing pumps, instantly ready to take over.

This apparatus may be changed over from coin automatic to attendant operation, and vice versa, merely by shifting a little slide-lever.

What of the hazards in view of the foregoing? Well, it is respectfully submitted that "a sevensener" behind the wheel would easily prove less of a hazard to public safety while refueling on a semi-vacant filling station lot than when stepping on the gas on our splendid but fairly-crowded highways. At the other extreme, who wouldn't rather see a tipsy motorist on a not overly crowded station lot than meet up with him head-on on the highway, regardless of what he might do to himself or his car?

Assuredly, on non-hazardous locations, where mile after mile is stranger to filling station service, with a gasoline storage tank at gravity elevation, the gas master could handsomely serve a long suffering public "by the light of a barnyard lantern."

It is hereby declared that this development shall play no unorthodox part in a "price cutting war." Under whatever guise, let's stop fossilizing inventive ingenuity. Let's stop frittering away free enterprise.

J. P. Hubbell,
Fanwood, New Jersey

(Pat's. Pending)

MR. MELLILLO: Have I two minutes to incorporate in the record an editorial?

SENATOR HANS: Mr. Malillo, I think if you will present that to the Committee we will study it.

MR. MELLILLO: The editorial?

SENATOR HANS: Yes. We will accept that and it will be made a part of the record of this hearing.

(Editorial submitted to the Committee

follows:)

Editorial, Bergen Evening Record - January 29, 1949

If the principal danger from gasoline self-service self-service stations is that they will precipitate price wars and a cut in the present quarter-a-gallon cost, critics of the innovation will find the motoring public lined up solidly against them. Bargain-conscious gasoline consumers will relish any kind of competition enabling them to economize on today's high cost of keeping a car.

A spokesman for a group of 30 Bergen County dealers, dismayed by the opening of a self-service depot in Hackensack, contends the enterprise if it takes hold generally will bring about a lay-off of what he calls skilled personnel; by skilled personnel is meant the man trained to pump gas, fill radiators, check oil, and (if the spirit moves him) clear away windshield ice. One is inclined momentarily to sympathize with persons who may lose their job, but the appeal to emotion is indeed ridiculous - as ridiculous as charges at the advent of the industrial age that millions would be thrown out of work were machines to replace skilled human hands; as ridiculous as the early resistance to the linotype and the railroad; as ridiculous as the Pennsylvania war between oil haulers and pipeline crews.

If the objection involves a safety factor, that is another story. The aggrieved dealers foresee a fire hazard in allowing inexperienced persons and minors to handle material as inflammable as gasoline. However, West Coast experience with gasoline self-service indicates no basis for apprehension. The devices are under surveillance, and seem to be tolerably foolproof. By the way, is it especially bright for the gas-station men to give their competitor this kind of attention?

MR. HUBBELL: If I may, I would like to have the paper read into the record. It can come last or at any time.

SENATOR CAVIERO: Who are you trying to impress - the Committee or the gallery?

MR. HUBBELL: The Committee. I ask for a hearing on it.

SENATOR CAVIERO: We will hear you. We will give it consideration.

MR. HUBBELL: I will try to read it myself, then.

SENATOR CAVIERO: Don't strain yourself.

SENATOR ARMSTRONG: This has no bearing upon the bill.

MR. HUBBELL: It certainly does. I can immunize your gas tank before you start to fill it.

SENATOR HEND: Senator Armstrong's secretary, Mr. Harry Byrne, will read it for you.

MR. HELLER: May I introduce this petition with 3,000 names, approximately?

SENATOR HEND: This will be made part of the record.

MR. HELLER: Thank you.

(Mr. Harry Byrne starts reading the statement submitted by Mr. Hubbell but is interrupted by Senator Armstrong)

SENATOR ARMSTRONG: Inasmuch as we are coming close to the end, I think the statement should be placed on the record and that Mr. Byrne refrain from reading any further.

SENATOR HAWD: Thank you very much Mr. Byrne for reading the statement.

(Addressing Mr. Hubbell: We will complete the reading of it, Mr. Hubbell. It is rather technical.

MR. HUBBELL: It is clearly something new, and I don't think inventive genius should be fossilized.

SENATOR HAWD: We will give it due consideration.

MR. DELILLO: I neglected to add that we have invited all the fire insurance underwriters and the insurance companies have sent their agents, and there has been no increase in insurance premiums because of fire hazards.

SENATOR HAWD: Is there anyone in the gallery who wishes to register or who wishes to speak on this measure one way or another in the next three or four minutes?

(One gentleman in the gallery indicated he wished to speak.)

SENATOR HAWD: Will you come down, please?

MR. DRESSLER: Mr. Chairman, while he is coming down, may I call on the Fire Chief of Linden to make a statement?

MR. ARTHUR R. CROUCHER, of Linden: I made it my business yesterday to visit Mackensack to observe this station in operation, in company with Chief Miller, to ascertain whether there would be the possibility of spillage and inefficient operation by people who were purchasing gasoline, and I might say that in my opinion

is entirely possible for people serving themselves to create
llage in spite of the so-called automatic nozzles, inasmuch
they are handed to the customer and the customer then operates
in. They can be operated either manually or automatically, and
e attendant for two pumps might be the theory but it was not
e practice yesterday. It wasn't so. I would personally feel
at fires could be created very easily by people in automobiles
making or the novelty of people getting out and pumping their
own gasoline through improper supervision. I would like to go
on record as favoring the passage of the bill in opposition to
self-service. I made the purchase myself without direct super-
vision.

SENATOR WARD: Has the gentleman from the gallery entered the
chamber? If not, I think we have completed the hearing and I
declare the session adjourned.

MR. CHARLES H. BUNN: May I go on record as saying that the
automatic nozzles, of which there are several brands on the
market approved by the underwriters' laboratories, are essentially
quite safe in their operation. Like any mechanical gadget they
can fail at times, but there has been a great deal of difficulty
with them due to the fact that the station operators or station
owners add their own handmade gadget which holds the handle or
ridge of the nozzle down in position, as has been mentioned on
the floor. That is very serious because you have removed the

safety factor or deadman level factor on which the underwriter's approval was granted. So when any additional mechanism is added to the machine, it no longer has the underwriter's approval. That approval is vitiated. That applies likewise to the conventional and the self-service station. That is an important thing - the nozzle should always be held in the human hand.

MR. F. J. RAGANE, Vineland, New Jersey:

SENATOR HAMB: You may have three minutes.

MR. RAGANE: On this automatic nozzle, I have two. You don't get them in all cars. It will not serve all cars. I have used them for a number of years and they are not safe. You dare not leave them. The minute you think they are safe and you leave them, the gasoline is all over the ground. I am sure if somebody threw a match out of the car you would have an explosion. I have my boys working for me. I have a small station and I often tell them, "Don't leave the pumps." They are unsafe. I did remove them and put the old-type nozzle back so the boys will not leave them. As I said before and I will say again, they are unsafe. Thank you.

SENATOR HAMB: Thank you. I think everybody has had an opportunity to be heard. Are you satisfied, Senators?

I think a very clear-cut presentation on both sides has been made and the Committee will consider this bill carefully. I would like to say that the Committee has been aided greatly as a result of

your appearing here this morning. Thank you.

(A D J O U R N E D)