

PUBLIC HEARING

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

To elicit testimony for discussion on
the role of local governmental and
law enforcement officials on:
Monitoring the transportation of hazardous materials;
receiving regular and timely notification when
hazardous materials are transported through any municipality;
and effectively enforcing current laws regulating the
transportation of hazardous materials in this State.

May 4, 1988
Paramus Borough Hall
Paramus, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank X. Graves, Jr., Chairman
Senator Paul Contillo, Vice Chairman
Senator Joseph L. Bubba

ALSO PRESENT:

Aggie Szilagyi
Office of Legislative Services
Aide, Senate Law, Public Safety
and Defense Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
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State House Annex
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New Jersey State Legislature

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Chairman
PAUL CONTILLO
Vice-Chairman
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**SENATE LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE**

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
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April 20, 1988

NOTICE OF A PUBLIC HEARING

The

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

Will Hold A Public Hearing
On Wednesday, May 4, 1988 at 2:00 p.m.
In The Paramus Council Chambers, Borough Hall Building
In the Borough of Paramus, New Jersey

The purpose of this public hearing is to elicit testimony for discussion on the role of local governmental and law enforcement officials in:

Monitoring the transportation of hazardous materials over the roads and highways of this State;

Receiving regular and timely notification when hazardous materials are transported through any municipality; and

Effectively enforcing current laws regulating the transportation of hazardous materials in this State.

The committee may accept for discussion proposals for legislative action addressing the above issues. (Senate Bill 463 sponsored by Senators Bubba, Graves, and Contillo may also be discussed)

Persons who would like to testify or who need further information should contact Aggie Szilagyi, Committee Aide, at (609) 984-0231. Written testimony may be submitted for inclusion in the official transcript of this hearing. A committee meeting announced under a separate notice will also be held at this time.

DIRECTIONS: The Paramus Council Chambers are located in the Borough Hall Building in Paramus on Route 17 approximately 1/4 of a mile North of the intersection of Route 17 and Route 4 on the right hand side of the roadway.

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SENATOR FRANK X. GRAVES, JR. (Chairman): Good afternoon. We are the Senate Law, Public Safety and Defense Committee of the State of New Jersey. And we had the beginning of a hearing on a bill introduced by Senator Bubba, and by coincidence, I came to a meeting at the invitation of the Borough Council of Paramus and heard their chief of police and others give long input to this specific problem that I think this bill related to. I promised them at that time that since Senator Contillo was from Paramus -- or it's alleged that he's from Paramus, we don't know which -- that we would have our public hearing on this bill in Paramus. So, I'd like to introduce first Senator Bubba who's on my right and Senator Contillo who's on my left. And we'll now open our public hearing on the bill. Aggie, read off the number of the bill and what the hearing is about.

MS. SZILAGYI (Committee aide): Okay. The purpose of this public hearing is to elicit testimony for discussion on the role of local governmental and law enforcement officials in monitoring the transportation of hazardous materials, receiving regular and timely notification when hazardous materials are transported through any municipality, and effectively enforcing current laws regulating the transportation of hazardous materials. The bill number is Senate Bill 463, sponsored by Senators Bubba, Graves, and Contillo. Amendments have been proposed to the bill.

SENATOR GRAVES: Chief Delaney of the Paramus Police Department, please come forward. Will you tell us what you know about this bill and what you hope that your goals are in this particular category?

CHIEF JOSEPH DELANEY: Actually, Senator, I think that myself along with many other law enforcement people throughout this particular county, and more particularly those towns that transverse Route 17 or Route 4, are concerned with heavy trucking that comes through our communities -- some of

whom we know by placard are carrying toxic waste, others who may not for whatever reason, and some of them in devious nature -- and are very concerned as to: 1) when they are coming through; and what ability we have as law enforcement personnel, and with the authority to safeguard the public, to address that safety.

It seems to me that the posture our society, with the great sophistication that we have, that somehow we will be able to know, through computerization or through some other means, that certain toxic waste or hazardous materials are traversing the roads within our communities and that somehow we can address that problem either: 1) by escorting them through the community if we know the approximate time when they are coming; or, 2) if there is an accident -- and we've had a number of them -- that somehow aside from those ICC regulations that we know about -- that we have placards -- that we now can address the problem if there's an accident.

We know through intelligence reports that there are trucking outfits, whether legitimate or otherwise, that are trucking hazardous waste without placards -- without any identification whatsoever, so once upon the scene, we have no way of telling what's in that truck; particularly if there's a fire involved. We just recently had that about a month-and-a-half ago, where a truck fire took place on Route 17 and we had no way of knowing what it was.

The other problem that I think we're faced with is that there are some materials that by the mere nature of standing still are not toxic or hazardous as defined by certain regulations. However, once involved in a fire, they do become toxic, and they do become volatile in nature. It seems to me also, that again, although this may sound somewhat picky, that if there are -- and if the industries are big enough-- If there are enough trucks traversing these roads -- and in our case in Paramus, 1500 plus a day -- that there be some sort of

notification to at least law enforcement personnel that certain carriers are: 1) full with certain items -- gas or otherwise; or empty. I mean, if we can have a bus that can show in the back of it by just flipping a switch that one should call the police, it seems that it wouldn't be too hard in this day and age, again, to have some sort of notification that the truck traversing these roads are now either full, empty, or whatever.

And again, I think it's a real concern that we have in law enforcement, because we hear about hazardous waste, what we hear about toxic substances in many instances, it almost sounds ludicrous that you're not supposed to be within 300 feet of it. Of course a police officer responding to an accident must immediately care for the injured and safeguard the public, so its immediate response is right to the scene. In this last case that I cited, in that particular fire the truck driver had gotten out of the truck without our knowledge. We didn't know about it at that time. So, we responded immediately to the truck to see if the driver was there. Nobody saw the driver. Unfortunately for us, he had not told anybody who he was, or that he was the driver. So, that it appears to me again that without some pre knowledge, we can have some big problems in any communities, again, that have these highways going through them.

And again, I just have to say that in this day and age, with the sophistication that we have -- and this is not to burden the industry -- it just seems to me that somehow, some way we'd be able to know within a time frame, given the facts of traffic congestion and everything else, when a particular cargo, particularly highly toxic, would be coming through our community; then we can take the precautions to escort it right through town. And hopefully at that point there's not going to be a horrific accident. The other thing that I think law enforcement, particularly local law enforcement -- is in that area of again, traveling through the community, is toxic waste

or hazardous waste, that law enforcement have some ability to check that particular cargo. Right now we don't have that ability. The State Police has that ability. It seems to me that again, with the unavailability of State Police and many communities realizing the constraints of budgets and manpower, that at least the State Police could designate, you know, certain communities that definitely have these big highways going through them, that they can have that authority in conjunction with -- not necessarily the State Police have to be there at the time, but notification can be made.

Again, this may all sound somewhat simplistic, but with a tremendous concern for the problems that we have in many of these communities, and particularly here in Paramus, I fail to see why something of that nature couldn't be done. Obviously, we all have the same intent; to safeguard the public. And with anything that happens, you know, Murphy's law will always prevail: anything that can go wrong, will. And we're going to be faced with some situation that we will not be able to handle whatsoever. And it could mean, not to be melodramatic-- It could mean the lives of many hundreds of people. We've had accidents in this community just within the past eight or nine years whereby a tanker trailer went over and wiped out 26 cars in a parking lot. Now fortunately, nobody was in the area at the time. God forbid that was a lunch hour or the breaking of a workday, and you'd have an awful lot of people dead. It just seems to me that there's got to be a better mousetrap. And I certainly will do anything I can to help.

SENATOR GRAVES: Are there any questions for the Chief? Senator Bubba.

SENATOR BUBBA: A couple of questions. First of all, if you knew that a vehicle -- let's pick a close area, let's say Pennsylvania-- If you knew a vehicle was leaving a designated spot in Pennsylvania at a given time, your expertise

could estimate generally when the vehicle would be in this area, given a certainly route. And for all intents and purposes, routes have been established for hazardous material. So, you would need, I would think -- and I'm not trying to put words in your mouth-- But let me ask it this way. Would you need to know precisely when the vehicle is coming through your community, or could you, upon your own devices, estimate?

CHIEF DELANEY: Senator, I think if somebody leaving Pennsylvania were to notify us through whatever means may be necessary, we could pretty much guesstimate as to when they would be in this community. Again, I'm assuming that the trucking industry has also progressed with the times and that chances are that they know pretty much where they are going to be at any given time, again depending on traffic congestion or some other unforeseen happening. But in answer to your question, without the availability of electronics or computers, we could guesstimate, sure.

SENATOR BUBBA: And most of the vehicles-- Are you armed here with CB equipment at headquarters?

CHIEF DELANEY: No, Senator, not any longer. It became too much of a problem.

SENATOR BUBBA: All right. But if you did have a CB and all of these truckers from what I know have CBs on a specific channel, they could themselves notify people along the way that they are entering, or are about to enter, a certain community. What I'm trying to set aside -- let me further state -- what I'm trying to set aside is future objections that we're going to get, and that is that it's difficult, if not impossible if you've got a vehicle coming from Pennsylvania to let's say, New York, how would they notify every single community along the way, specifically along the way with times, etc.? What I'm trying to do is to help that situation along by saying that I don't know that that's specifically our desire; that at 9:03 they are going to be in Paramus, and at 9:06 they

are going to be at such-and-such location. But general knowledge would be a hell of a lot more helpful than no knowledge at all that you have at the present time.

And secondly, do you know have a data entry system or a data receiving system that you could receive data messages from, let's say, the State Police or another governmental agency?

CHIEF DELANEY: Yes, we do.

SENATOR BUBBA: You do have that capability now?

CHIEF DELANEY: And fax machines that could be again utilized. But I think, Senator, the area of notifying every municipality certainly would be a burden. I think that if you have somebody leaving Pennsylvania, and we have communities up and down the line, particularly here in Bergen County, if Mahwah was notified, well it wouldn't necessitate the trucking industry notifying anybody else, because the police departments would be doing that in a piggyback fashion. So, it wouldn't necessitate the trucking agency doing that. We would take care of that at that point.

SENATOR BUBBA: You mean the local police?

CHIEF DELANEY: Sure. Mahwah is now notified that this truck from Pennsylvania is entering Route 17. Mahwah tells Ramsey, Allendale tells whoever, and ultimately Paramus will know about it, because that radio system, especially with SPEN is statewide.

SENATOR GRAVES: Senator Contillo.

SENATOR CONTILLO: Could you just sketch out for us now the problem of examining the trucks? My understanding is that there are placards on each truck. I'm not totally familiar with the problem as it exists there. My understanding is that you do not have the right, only the State Police has the right to examine those trucks.

CHIEF DELANEY: The same way with double trailers that allegedly are not supposed to be traversing Route 17 or Route

4. Obviously, they do. We don't have the authority to stop them either. That's under the State Police authority.

SENATOR CONTILLO: Okay. Now what we are trying to accomplish, I would hope today, would be for the State Police -- in those areas where they simply do not patrol such as Bergen County-- They do not patrol Bergen County. I don't know whether you would want specified counties or areas or require the State Police in cases where it's appropriate where the departments have the ability to do that, and the department being those that are on the State highways to transfer that responsibility to those local departments.

CHIEF DELANEY: Or have dual jurisdiction on it. I really don't see again why that would be so difficult, particularly, because the State Police, we understand, cannot be everywhere all of the time. And it's not that they are relinquishing something. That it be a dual jurisdictional question that the State Police and/or county or local police, because obviously every community is not going to have the availability to do this.

SENATOR CONTILLO: And they may choose not to relinquish that responsibility to certain departments for whatever reason. I don't think that we should require it automatically. But I think where the departments are equipped or in certain counties where you have the county police, that might be an option also.

CHIEF DELANEY: Sure. I don't see any problem with that. It's just another jurisdiction that has power to enforce those laws, or at least gives them the availability by which to stop them.

SENATOR BUBBA: What would you do when you stop a vehicle? What would be your first reason to stop it?

CHIEF DELANEY: If there were any reason to believe there was hazardous or toxic waste being contained in it -- and without being placarded -- which we know happens.

SENATOR BUBBA: Okay. So, if there's a vehicle and you do not see a placard, but you have reason to believe that they are violating the law, then you want to stop them and issue them a summons.

CHIEF DELANEY: And more particularly get the cargo off the road. Again, I'm talking about that element that we know exists today, call it organized crime, call it criminality, call it whatever you want. We know they are involved in this. At that point, we have no weapons to combat them.

SENATOR BUBBA: If a vehicle were abiding by the law and clearly marked with hazardous material and what have you, then you would have no reason to stop it?

CHIEF DELANEY: No, Senator.

SENATOR CONTILLO: But if you stopped it for another violation, you don't have the right to go any further. Do you, or do you?

CHIEF DELANEY: Well, you can, depending on what the violation is for. This particular motor vehicle statute that the State Police have control over deals with hazardous waste, toxic materials, double trailers, you know, the piggyback trailers where we don't have the authority to stop them on the roadway. Sure, if they have a motor vehicle violation, you can stop them. It's our understanding that the piggyback trailers are not allowed on Route 17. We have a case pending right now with a trucking firm. And we know that the only availability to us was yet another motor vehicle violation. We couldn't do anything about the double trailers. We reported it to the State, and they are going to take care of it. But other than that, we didn't have the authority.

SENATOR CONTILLO: If you stop a truck for a motor vehicle violation, can you then examine a manifest to confirm what the truck is carrying?

CHIEF DELANEY: You can examine paperwork. You know,

you would have to have some other reasonable probable cause to go any further than that to search the contents of the vehicle. Again, under the State Police, there are certain prerequisites that the trucking industry have to abide by in the area of stopping certain trucks with placards. They can search the cargo. And I really don't see anything wrong with that. It's not that we're looking for contraband of a criminal nature in that case. We're looking for-- Let's say, the placard says that it's going to have polyester suits or something, and now they're trucking toxic waste. That does happen, obviously. But we don't have that availability. The State Police do.

SENATOR GRAVES: Okay, Chief. Thank you.

CHIEF DELANEY: Thank you, Senator.

SENATOR GRAVES: Carla Israel for the chemical industry.

C A R L A I S R A E L: Good afternoon. My name is Carla Israel, and I am the new Associate Director of the New Jersey Chemical Industry Council. CIC is a nonprofit trade association comprised of 90 member companies in the chemical and allied products industry in New Jersey. I am pleased to participate in these discussions since the member companies which I represent are in some cases hazardous transporters.

I would like the Committee to understand some of the background involved in hazardous material transportation safety and offer my organization's assistance in any potential legislation.

SENATOR GRAVES: Carla on your five pages, hit the meat of it. Okay?

MS. ISRAEL: Okay. We support a nationally uniform system because different regulations at the Federal, State, and local levels for hazardous material transportation are counterproductive to the safe movement of such materials. The increasing number of State and local requirements reduce,

rather than enhance, overall hazardous material transportation safety. The costs in regulations differ and sometimes conflict with one another. Compliance and enforcement are made more difficult.

We do believe; however, that State and local governments must be active participants in this regulatory process. Their involvement is essential to maintain the present high level of safety. Routing is another area where State and local jurisdiction should play a role. The Federal government should and does establish the parameters and State and local officials should apply those guidelines to routes within their jurisdiction. The Federal control over the process will promote better State and local coordination, and this will enhance safety.

A key concern of the State has always been their ability to respond adequately to hazardous material transportation emergencies. Let me just outline for you some of the problems that we have embarked on to meet the needs of emergency response personnel in the event of the accidents which do occur.

CMA, which is our national trade association, has taken a lead role in their community awareness and response program. CARE is a long-term industry commitment to integrate industry's emergency response plans with those of the communities. CHEMTREC and CHEMNET have also made major contributions. CHEMTREC is the Chemical Transportation Emergency Center. It is a public service, voluntarily established by CMA as a national resource to provide information to persons responding to emergencies involving chemicals. It operates 24-hours a day, seven days a week and maintains emergency information on over 200,000 chemicals and trade name products. It is recognized by Federal, State, and local authorities as one of the most important facets of this bill controlling emergency response.

CHEMNET is the chemical industry's Chemical Network Mutual Aid Agreement, which is designed to provide expert assistance at the scene of an accident, which I think is what Chief Delaney was referring to, involving any of its members. The program, again, operates 24-hours a day, seven days a week through the CHEMTREC communication center and notifies members of the network of serious incidents involving their products so that they can activate the network if necessary. Many New Jersey companies participate in both of these programs.

CMA and its member companies also maintain and provide training videos for emergency responders. Another industry initiative, the Chemical Referral Center, is designed for non-emergency purposes, and through a toll free number, anyone in the U.S. can get information about chemical industry sources for health effects of particular chemicals.

In summary, the industry believes that better coordination is needed among Federal, State, and local authorities in developing and enforcing a uniform hazardous material transportation system. The chemical industry will continue to demonstrate its willingness to address the issue of safe movement of hazardous material, as well as providing assistance to responders at accidents involving these materials. Thank you for allowing me to appear before you today. I look forward on behalf of my members to answering any questions you may have. I'll tell you right now, I'm not a transportation expert, but I would be happy to have any of my transportation experts appear before this Committee at any future date to answer any questions you may have.

SENATOR GRAVES: Senator Bubba?

SENATOR BUBBA: Yes. In your dialogue, I would presume from what you said that you would support this notification program?

MS. ISRAEL: We understand that there are three points on the notification program. We support the third one --

effectively enforcing current laws, of course. We want to know more about how you are going to monitor the transportation of hazardous materials. We need some more details. And we feel that the second detail on the regular and timely notification is unconstitutional. And there's no basis for this. Pre notification, we feel, is unconstitutional. And if you have any further questions on this, I can get back to you.

SENATOR GRAVES: Okay.

MS. ISRAEL: Thank you.

SENATOR GRAVES: Sgt. Joseph Ballas, New Jersey State Police. Good afternoon, gentlemen.

S G T. 1 S T C L A S S J O S E P H B A L L A S: Good afternoon, Senator.

L I E U T E N A N T R O B E R T S K O K: Good afternoon. Lt. Robert Skok, State Police from Troop B Headquarters, Totowa.

S G T. B A L L A S: And I'm Sgt. Joe Ballas from the Hazardous Material Transportation Unit of the State Police.

SENATOR CONTILLO: Where are you located?

S G T. B A L L A S: West Trenton, sir.

SENATOR CONTILLO: Okay.

S G T. B A L L A S: The main reason we're here today, sir, is there's approximately 300,000 trucks that transport hazardous materials that requires placarding-- And the main portion is on the back of the bill where you mention the Office of Hazardous Material and Compliance. On a Sunday night or a Thursday evening when the majority of truck traffic occurs through this State, we are constantly on the phone or are using our communication bureau for the teletype machines or the SPEN system which the Chief mentioned, and it would just be unfeasible to attempt to do that.

One thing we have done, when you say monitoring, effective 1 June, we have a system called "Safety Net," now where the State Police is hooked up with 48 other states. So, you can give me the name of any trucking company within New

Jersey, and I'll tell you what violations they have received in any of the 48 states that belong to the Commercial Vehicle Safety Alliance.

Besides that, we input every truck that we stop that transports hazardous materials. To date, we have placed approximately 38 percent of the trucks that transport hazardous materials out-of-service in this State. And just last month alone we issued 1575 tickets. There are fines for these summonses. They are \$50 to \$5000 for violations.

SENATOR CONTILLO: How many?

SGT. BALLAS: \$50 to \$5000, sir.

SENATOR CONTILLO: And how many did you give out?

SGT. BALLAS: Close to 1600. It was 1570 I believe.

SENATOR CONTILLO: Sixteen hundred. At what period of time?

SGT. BALLAS: That was just for the month of March.

SENATOR CONTILLO: One month?

SGT. BALLAS: Yes, sir. Because right now we have 39 State troopers that are doing it full-time, 13 in each troop -- that's southern, central, and northern New Jersey.

SENATOR CONTILLO: How many of those were issued in Bergen County?

SGT. BALLAS: In Bergen County. I can give you a printout on the computer, sir, because they have everything listed, but I did not bring those stats with me. We are doing safety reviews in Bergen County. But we are going there with troopers and we are doing a safety audit with the trucking companies to make sure that they abide, that they have copies of the regulations, that they keep records on their drivers as far as the log books, that they are doing background checks--

SENATOR CONTILLO: Were any of the summonses issued in Bergen County?

SGT. BALLAS: Yes. That would be up by Mahwah.

LT. SKOK: By the Mahwah scale. Within Troop B alone, the month of April, the combined total for our weigh teams and our CVI and haz-mat teams, we issued close to 1000 summonses -- 931 to be exact. The Mahwah scale, just north of here on 17 southbound, has just been refurbished and it's open on a trial basis right now, to certify a new type scale that is in there. We had to run 500 vehicles across that scale before we could call Weights and Measures back in to re certify it.

We opened the scale up yesterday, and in an eight hour period, we put 650 trucks across that scale. And the one team that was operating at that time got close to 20 summonses -- 20 violations on overweight alone as a result of that scale. And we could not write on the scale itself. We had to pull that vehicle off and put him on portable scales. So, it did slow the operation down somewhat. That's just to show you the number of vehicles that were traveling State Highway 17, and what a burden it would be on any municipality, whether they notify Mahwah Police Department and then on down the line.

If you do have 650 vehicles going through an eight-hour period, what are you going to have on a 24-hour period? It's going to be, as Sgt. Ballas said, very cumbersome on any department to try to notify them.

SENATOR CONTILLO: These are trucks that-- You basically are dealing with weight?

LT. SKOK: They were basically weight.

SENATOR CONTILLO: All trucks on weight. It's not just trucks carrying hazardous material.

LT. SKOK: Right. When that scale is in full operation, we will have, in conjunction with the weigh teams, members of the CVI, Commercial Vehicle Inspection Hazardous Material Unit--

SENATOR CONTILLO: But there aren't just a multitude of trucks carrying hazardous material as opposed to-- You're just talking about trucks or trucks carrying--

LT. SKOK: Just trucks, period.

SENATOR CONTILLO: Okay.

LT. SKOK: Route 1 and 9 in Linden. You have the Exxon plant refinery. Their gasoline trucks are pulling out of there -- 1500 a day.

SENATOR CONTILLO: But you patrol those roads.

LT. SKOK: We're patrolling 1 and 9 with adequate patrol units. We're patrolling Route 17 with our weigh teams, our CVI teams. We throw tactical patrol units up here. We throw Federally funded supplemental patrols up here as we do on State Highway 208. We augment that roadway with tactical patrol units and supplemental patrols that are Federally funded.

And there are plans right now when 287 is completed with New York State. There'll be a 24-hour scale operation in the Mahwah-Ramapo area along with a State Police substation to patrol that section, which would overflow onto 17.

SENATOR GRAVES: Lieutenant, unless the specific assignment calls for the weight or looking for certain trucks, do the State Police patrol Route 17 or 9W?

LT. SKOK: Only the type of patrol on a prescheduled limited basis. Our weigh teams are up here all the time with the portable scales or when the Mahwah scale gets back in full operation, they'll be up there. The commercial vehicle inspections teams, which also enforce the haz-mat regulations, patrol this area also at that scale.

SENATOR GRAVES: Okay. There's no doubt about the fact that the State Police has heavy emphasis in all these categories that we spoke about.

LT. SKOK: Yes, sir.

SENATOR GRAVES: You have 39 personnel. That's a lot of personnel. And they probably don't do it on Sunday either, right?

LT. SKOK: Yes, we do.

SENATOR GRAVES: They do?

LT. SKOK: Yes, we do.

SENATOR GRAVES: Why does the State Police object to certain municipalities having the same right as they do in this enforcement program? What do you think would be the reason?

SGT. BALLAS: The main reason for that, sir, is first of all, you have the two regulations that we enforce -- part 100 through 179, which are these two volumes. It's a 40-hour course which they must go through. There are monthly updates of this. It's constantly updated.

SENATOR GRAVES: Federal regulations that keep changing all the time when something new goes into a truck.

SGT. BALLAS: Yes sir. Every time they discover a new hazardous substance, they come out with a new table and it's listed. And it's just so involved, even with our troopers on the road now -- if they do not read into it, there's exceptions. You may go to the back where it says packaging requirements, and you read into it. And if you do not read the full three pages that's concerned with that section, you'll miss an exception where he did not deserve a summons and he was in compliance with the law.

For instance, if you transport a cargo, let's say, of batteries that had the acid in it, you're not subject to any regulation at all as long as you have the batteries by themselves.

SENATOR GRAVES: But Sergeant, the local police departments have to certify their men on radar -- certify their men in DWI. It isn't every police officer that can give you a DWI test in headquarters. They can give you a road test, but in headquarters there's a certain limit. Would the State Police be agreeable with only certain certificated officers within various departments, and they would have to have a refresher at least every 90 days to keep up with the changes?

LT. SKOK: On the refresher, Senator, once every 90 days would become very burdensome for the municipal agencies.

At present, you have Essex County, Union County, and Bergen County that do have weigh teams in operation. They do go out and enforce--

SENATOR GRAVES: That's county police?

LT. SKOK: Yes, county police that do go out and enforce the overweight violations.

SENATOR CONTILLO: You keep talking about the weight violations.

LT. SKOK: Well, what I'm saying-- This is just as an example of some of the enforcement powers that the agencies do have and they can have.

SENATOR CONTILLO: You know, I would appreciate it if you left the weights separate.

LT. SKOK: Okay.

SENATOR CONTILLO: And I asked-- Originally, you talked about 1600 violations. And in an all perfect world, what you're saying is probably correct, but in Bergen County, in this town of Paramus, a million people live here in Bergen County. Unless I've been misinformed, in effect, the State Police do not patrol these highways up here. And those trucks are not being patrolled by anyone other than possibly a weigh station, which is not what we're talking about. We're talking about the hazardous materials that come through our community. And if the State Police has that responsibility and they are not doing it -- they can't financially do it -- it's not being done. And I think we're exposing our citizens here to a terrible vacuum, a frightening vacuum.

LT. SKOK: The State Police is enforcing the laws on the hazardous material transportation on Route 17. There are teams up here almost everyday working Route 17 because of the truck traffic that is here -- also for hazardous material.

SENATOR CONTILLO: For hazardous material violations or for weight violation?

LT. SKOK: No. Our CVI haz-mat people; its Commercial

Vehicle Inspection Hazardous Material units which work basically out of Totowa Headquarters and are broken into teams.

SENATOR CONTILLO: What do you call it?

LT. SKOK: CVI haz-mat. Commercial Vehicle Inspection Hazardous Material.

SENATOR GRAVES: That's the 113 trooper groups that you spoke about, Sergeant?

LT. SKOK: Yes.

SGT. BALLAS: Yes. Which on July 1, these teams are going to increase.

SENATOR GRAVES: They do nothing but this?

SGT. BALLAS: That's all they do. And then you have his weigh people which are separate. But we have 39 that solely enforce Title 49 and the Federal Motor Carrier Safety regulations which are part of Title 49. That's when we get into the brake, the steering, the push rod measurements of the brake chambers, and--

SENATOR BUBBA: And what area do they patrol?

SGT. BALLAS: All over the State, sir.

SENATOR BUBBA: So, you have 39 people statewide. And do they have shifts?

SGT. BALLAS: Yes. And we're starting a supplemental starting this Sunday through the end of September where we will have night coverage at least three days a week.

SENATOR BUBBA: All right. And how many people are on a shift at one time?

SGT. BALLAS: Twelve, I'd say at max.

SENATOR BUBBA: Twelve officers in the State. So, there'd be twelve officers every eight hours?

SGT. BALLAS: No, not necessarily, sir. I'd say within a 16-hour period you would have the full 39 or, let's say, 36 of them.

LT. SKOK: There's certain hours that we find that there is not enough truck traffic out there to keep the people

out there on a 24-hour basis. We try to overlap in certain time periods to compensate for the lighter traffic.

SENATOR BUBBA: Give me a guesstimate of the 650 trucks you weighted. How many would you guess were hazardous? Ten percent, five percent?

SGT. BALLAS: I'd say between five and ten percent.

SENATOR BUBBA: Let's take the minimum -- say 30 trucks. Right now, do you get notified of those 30 trucks that they are entering the State in any way?

SGT. BALLAS: No, sir. They abide by regulations that are in here; like if you have a Class A explosive or Class B explosive, they must have a pre-approved route plan and they must avoid populated areas.

SENATOR BUBBA: Well, this pre-approved route plan -- that's a federally laid down route?

SGT. BALLAS: Yes. It's a regulation which they must comply with.

SENATOR BUBBA: All right. So, they have to follow that route. They don't have to tell anybody when they are doing it at the present time?

SGT. BALLAS: That's correct, sir. Except if they use the Turnpike or one of our toll roads. They must have a permit physically in their presence for that day that they enter. So, any traffic that does take the Turnpike will have that in their presence and they will know exactly what date, because that is a Turnpike regulation besides the Federal regulation.

SENATOR BUBBA: All right. But what's the difference in that permit for the Turnpike and for Route 17? You said it's a Turnpike regulation. Well, why would they have that regulation?

SGT. BALLAS: Because they had an incident back on Interchange 6 around a year ago when somebody had a Class A explosives truck. They wanted to go in and have a cup of coffee and something to eat and they removed the placards from

the truck. And one of our troopers observed it. And their company was subsequently fined close to \$10,000.

SENATOR BUBBA: All right. But the answer is that they want to know.

SGT. BALLAS: Yes, sir. And for your higher commodities, if you stated your Table A commodities -- your radioactive, your Class A, Class B explosives, your poison A gases, like phosgene, or your flammable solids when wet; the chemicals that react if with water-- I agree with you. That would be an easy thing to get across to municipalities. But when you include fuel oil trucks that are making ordered deliveries, the gasoline trucks that constantly come back and forth--

And another thing is when you see trucks out there on the road, you may see trucks that have a placard that reads "Dangerous." A dangerous placard can be put on any truck as long as they have more than 1000 pounds of a commodity, but less than 5000. So, they can have 999 pounds of five different types of commodity, and all you know from that placard is that it's dangerous. You don't know what's on board unless you check the manifest or shipping papers to find out what the commodity is. On your cargo tankers, they are specified by that four digit code. And every municipality has one of those emergency response guidebooks where they can check to find out what the commodity is to take corrective action or safety whenever there is an accident. Rope off the area.

SENATOR GRAVES: Sergeant, the patrol trooper on the Turnpike, not the specialist, will he enforce this?

SGT. BALLAS: Only if he has the certificate, sir. Before he can enforce it, he has to have the Federal certificate that he has attended the 40-hour course as long as the Federal motor carrier safety 40-hour course--

SENATOR GRAVES: But then why would you feel reluctance to certifying more manpower? Wouldn't that be to

our benefit? The State Police can't do everything because there's just not enough of you.

SGT. BALLAS: It would be, sir, if they did it on a daily basis. You have to do it continuously. They're having problems now in New York with Suffolk County and Nassau that are doing it, because they are doing it piecemeal and they don't do it all the time. And a lot of summonses are being thrown out of court because they are not catching the updates and everything else and they are just not well versed. The more you use this, the better you're going to be at it. And you just cannot do it on eight hours every week. It has to be a daily thing. Just checking the features of the emergency remote control things on a shut-off -- rather the shear section on flammable trucks. There's so many requirements in training. Just on cryogenic tankers -- to know that you have to look for that 25.3 PSIG which a lot of people don't know, and you check for that. Training is just so involved and it's a monthly--

SENATOR GRAVES: But me included-- It's like an order I issued this morning to the Paterson Police Department. We have certain men that are on traffic, certain men in youth guidance, certain men on patrol. And they were all directed this morning in my capacity as chief executive of that city, that unless they are on their way to a certain assignment, that their first priority is drugs, because it's out of control.

So, if they see a car with a red meter, but they see a potential drug sell, the drug gets the priority, not that. Why would there be reluctance to add more certificated people to enforce the law? Why would there be any reluctance there? The troopers aren't the type of people that say that they are the only ones that can do things. They're the first ones to admit that they need more help. And the troopers have more specific training in categories. From the guy who watches out for casino gambling, to the man who does drugs, to the man who does

patrol, you have your specialists in all categories, and I mean that respectfully because I'm pro trooper, not anti trooper. In fact, nobody here is anti trooper.

But what I'm saying is, today more than ever, the more certificated people that we can put -- as long as they knew what they were doing, why would there be a reluctance to not want to embrace more people to enforce laws? You know, when you take 39 troopers, and put them on a couple of hundred thousand miles of roads, I think the public would be shocked if they knew how few troopers were on duty at midnight in the State of New Jersey, excluding your three toll roads. Why would there be a reluctance to embrace more people as long as they knew what they were doing?

SGT. BALLAS: Well, there isn't a reluctance, sir. As long as they were dedicated to this only, and we wouldn't ruin the credibility in courts as far as issuing a summons under 5:B-26 or 5:B-32 if it was the Federal motor carriers safety--

SENATOR GRAVES: How do other states handle that? Only their troopers?

SGT. BALLAS: In Pennsylvania you have the State Police and you have a department of DOT.

SENATOR GRAVES: Do they have an enforcement agency in DOT like we used to have with the Motor Vehicle Inspectors?

SGT. BALLAS: No, sir. It's just the Department of Transportation themselves. In Connecticut, you have the DMV and the State Police. In Massachusetts, you have the DMV and State Police.

SENATOR GRAVES: They still have what we did away with.

SGT. BALLAS: Yes. And in a lot of the places, you have the Public Utility Commission -- out in Oregon and in a few other states.

SENATOR GRAVES: Patrolling?

SGT. BALLAS: That are enforcing the hazardous material regulations at scale, sir.

SENATOR GRAVES: Senator Bubba.

SENATOR BUBBA: As we discuss that, I think we can say that with respect to what you've reported in those books that you have before you, that there are some cargos that would be much more dangerous than others. And let me make what might be a bad example, but it's the first one that comes to my mind. Let's talk about the fuel industry. If aviation fuel was coming through, I think it would present a greater hazard than if home fuel was coming through.

SGT. BALLAS: That is correct.

SENATOR BUBBA: So, on that basis, and since you have been categorized already, maybe we can narrow down these 30 trucks or 40 trucks out of 600 to even fewer that we may want to concern ourselves with. We're as concerned with public safety as you are. No one is saying that you're not doing your job. And no one is saying that somebody can do it better. We just want to help. So, that maybe we should make some consideration as to the categorization of their report there in this deliberation.

SENATOR GRAVES: Well, I'm convinced from the hearing so far that the ordinary police couldn't enforce this law, because he doesn't have the necessary background to win in court. He may know how to write the citation, but does he have enough backup when he goes to court and tries to prove to a judge that he's right and they're wrong?

So, it's a limited field. I don't think that most departments today have enough manpower -- like you don't -- to put men into this. But by the same token, we still must certificate enough people to go out to get the DWIs. We still must certificate people on radar to get the speeders in certain particular areas. Add now we have to certificate that you know what 1000 feet of a school is, compared to 1050 feet of a school. But it can be done.

And if the bill imposed upon a municipality the category that they have to complete a course -- after at least once every 90 days be brought up-to-date-- I don't know why we wouldn't embrace it? Because even though 39 troopers sounds like a lot of manpower, when you spread it over the State of New Jersey, it's minimal manpower. And with all the other problems that the State Police have today where we call upon you for drugs and drugs and drugs and drugs, and I don't know. I heard the good news that you understand that the Colonel is going to supplement with some more men on each of the three shifts -- each of the three categories. But hopefully it takes place.

It seems to me that we no sooner get you guys, and you're gone with the early retirement -- and with all the professionalism within you and then we lose you at such an early age. I just wonder if we can keep up with the classes that are taking place and are we able to keep our ranks up to the category that we want to? If the Garden State Parkway is yelling for more troopers, and the Turnpike Authority and the Atlantic City Expressway-- They all want more troopers. And of course we love the assignment there, because they reimburse you 100% for your salary and everything that goes with it. But we still don't have enough manpower to do it.

So, I wish you would express to the Colonel the fact that the Committee is concerned, the municipalities are concerned, and that the Senator's bill could embrace that you would have to have such general knowledge that the average routine officer would not be involved in this. It would have to be a specialist in this category.

And if a truck is coming down on a Sunday night, are there enough troopers on that Sunday night to check out that vehicle, especially if it was one of our long Decoration Day or the 4th of July or Labor Day weekend when you're taxed to capacity for involving the manpower? It isn't that we want to

give everybody carte blanche approval. We'd like to get some input from the Colonel on that.

SENATOR CONTILLO: Frank, could I just go back to a point that has me puzzled? I understand we're talking about 39 men who have been intensively trained to deal with this problem. They are really experts in the field. And those are the ones who basically throughout the entire State enforce the hazardous transportation laws. Okay?

LT. SKOK: Yes, sir.

SENATOR CONTILLO: Now, there was an implication there that also some of your other troopers do it too?

LT. SKOK: Only if they have been previously trained.

SENATOR CONTILLO: And how many of those are there?

SGT. BALLAS: There's about 104 troopers that have been trained in Title 49. Now some may be lieutenants and captains now, but I have a listing of everybody who has completed the course.

SENATOR CONTILLO: Okay. I think the problem here is somewhat different. I wasn't aware, and I'm not sure the Committee was aware of anyone from Paramus, that there were any State troopers patrolling Route 17 with this problem. At the beginning of the hearing we felt that because the State Police is certainly not visible on the road, in fact it's been said to me, "I have never seen a State Police car on Route 17." And I thought back, and said, "By golly, neither have I." I always see the local police, and sometimes even the county police are out there.

If we have these trucks out there and prior this morning, my feeling was no one is permitted or no one was investigating or stopping or even had the authority to do that. And you're telling us the rest of the parts of this State, or this entire State depends on this 39 man force to enforce the laws, or do you also have 104 other troopers that can enforce it?

SGT. BALLAS: As far as writing for a violation of Title 49?

SENATOR CONTILLO: Yes.

SGT. BALLAS: Yes, sir.

SENATOR CONTILLO: Okay.

SGT. BALLAS: But that's not for equipment violations or anything on a truck that may be transporting hazardous materials. There's a lot of those trucks that you want to stop just because they have poor brakes, bald tires, cracks--

SENATOR CONTILLO: Well, anybody can stop them.

SGT. BALLAS: Yes, anybody concerned can cite that violation under Title 39.

SENATOR CONTILLO: So, if you distribute it, you've got two or three times the 39 throughout the State that are also enforcing that, except in Bergen where none of that 104 operate.

LT. SKOK: Yes they do operate in Bergen County, sir.

SENATOR CONTILLO: In a marked car?

LT. SKOK: In a marked car. In most instances, they operate on Route 17 in Mahwah at the scale in a joint operation with our weigh teams and the CVI haz-mat units. Because once the scales are open, the trucks, by law, have to pull in there. They have the facilities in there to check out these vehicles. They have the room to work. They also do it on a roving patrol type operation.

SENATOR CONTILLO: Is that information so that when those trucks come-- Is that information on the State Police computer?

LT. SKOK: What, that those trucks are coming in or are scheduled vehicles?

SENATOR CONTILLO: That you have examined such and such a truck with such and such a cargo?

LT. SKOK: Yes. We keep statistics on all the vehicles that we check.

SENATOR CONTILLO: Isn't that information-- For instance, in Paramus, are they privy to the information in your computer?

LT. SKOK: Yes. They can get that through Sergeant Ballas' office or even my office.

SGT. BALLAS: I'd say about 47,000 trucks are on file now. And I've just completed -- what I just dropped off at a business place -- a new check form that we are going to use which the State of Michigan and a few other states are using, for our truck inspections to make it easier for our troopers. I have listed 100 different violations so that we'll be able to pinpoint these chronic offenders within this State and do terminal audits at their home base.

SENATOR CONTILLO: Okay, but Sergeant, that information is in your computer?

SGT. BALLAS: Yes it is, sir. I can give you a listing of everything in Bergen County if you want it.

SENATOR CONTILLO: Well, I'm not sure if we want all of that. I think all they really want are those trucks carrying the hazardous material? Can the Paramus computer read your computer to know that that hazardous material is going through your weighing station?

LT. SKOK: No, not at that time. The information--

SENATOR CONTILLO: Oh. Your history.

SGT. BALLAS: Yes, after it's keyed in. It's keyed in about three days later, sir.

SENATOR CONTILLO: Okay.

LT. SKOK: The troopers fill out forms like this, what they call a 508 inspection report. That lists all the violations that they noted on the truck. They can put the truck out of service at that time.

SENATOR CONTILLO: Because there are two things that we want; one is information, and the other would be the right to supplement what you do in an area that we felt you're not

adequately funded to do. You don't have the adequate funding as a State Police to patrol the way you'd like to -- the whole State. So, you had to pick priority areas where without it, it would be a total vacuum.

LT. SKOK: Right.

SENATOR GRAVES: What does the Federal government give you in allocations for this enforcement? Do you know?

SGT. BALLAS: It approximately funds 18 people, sir, full-time. And along with the things that we have, which one of the Senators mentioned, we do have the CB radios which we have to have to whenever we set up a mobile site for circumvention of the truckers. We do have the portable cameras because pictures are worth a thousand words when we do get the placard violations or any of the violations on the trucks for leaking onto the roadways or whatever.

SENATOR CONTILLO: Sergeant, I guess I want to ask you if you could supply to this Committee -- provided it doesn't infringe upon any of your police procedures that I think that would be better kept not to public knowledge -- that there is an adequate enforcement here in Bergen County of the hazardous material problems that we've faced, at least on an equal basis with the rest of the State. That's really one of my primary concerns; that we felt that since there was no State Police patrolling of that area of the road, number one, and of the hazardous materials, and since the locals couldn't do it, that it was not being done at all.

Well, could you send me, at this Committee in care of the Chairman, some information that deals with that?

SGT. BALLAS: Yes, sir. I do have it by county. I can give you every hazardous truck in Bergen County or any truck that we've inspected within Bergen County.

SENATOR CONTILLO: Okay, what I want to know is that you are doing that job in Bergen County? And you're doing it on the same level--

SGT. BALLAS: I can give you a chronicle-- I'll sort it in by date.

SENATOR CONTILLO: A report. That makes sense.

SGT. BALLAS: Yes. And I'll give it to you from October--

SENATOR CONTILLO: Try not to mix it in with the weight.

SGT. BALLAS: No. I do not do weights, sir. Weight is another section.

SENATOR CONTILLO: I understand what he's saying. At the weigh station you have an opportunity to examine every truck with its manifest, because it must be stopped and you can--

LT. SKOK: Right. We do that with scales out at the Delaware Water Gap on 80 Eastbound, two miles into the State. They have to come in.

SENATOR CONTILLO: Every truck.

LT. SKOK: Every truck. We do that on Interstate 78 at Greenwich.

SENATOR CONTILLO: And at that point, Sergeant, does your division then back them up with the checking on hazardous material?

LT. SKOK: Yes.

SGT. BALLAS: Yes. Most of the time, sir.

LT. SKOK: The teams that work in the North Jersey area come out of my office out of Totowa. I'm responsible for the weigh teams. I'm also responsible for the CVI haz-mat teams. I have two sergeants that oversee the operations. They schedule the teams to work together at these scales sites.

SENATOR CONTILLO: But basically, as I hear you talking to me, you're talking about the State Police working at the scale site.

LT. SKOK: Plus we have mobile patrols.

SGT. BALLAS: Yes, we have the mobile patrols.

SENATOR CONTILLO: You do have it to pick up those that would be improperly marked.

SGT. BALLAS: Yes, sir, especially those that on 440 going towards the Outerbridge Crossing. You know, I'm talking about central New Jersey now. But we'd have to look for an area where the shoulder is wide enough so we will not put our trooper in danger, because we do go underneath every truck and we do the push rod measurements on the brakes, because it's required under our Federal agreement -- to measure push rods on brakes.

LT. SKOK: Plus, we can't pull these vehicles into private property, we cannot obstruct the driveways of the businesses in the area--

SENATOR CONTILLO: What you're saying is, where would you stop someone on Route 17 in Paramus?

LT. SKOK: We would have to find someplace sufficiently wide enough, and in some areas, there are no shoulders on 17 -- someplace where it does not obstruct the driveways. If we feel it is necessary to stop that truck for a violation, the troopers will pull it into a large parking lot of one of the shopping centers. As soon as they pull in, they can park it right at the beginning of the shopping center so it will not interfere with parking up closer to the buildings.

SENATOR CONTILLO: But it's not routine checks, yeah.

LT. SKOK: Yes. We don't like to do that, because the companies have to pay for their pavements.

SENATOR GRAVES: Okay. Thank you Lieutenant and Sergeant. Is Councilman Joe Coniglio here? (positive response) Please come up, Councilman. Good afternoon.

C O U N C I L M A N J O S E S P H C O N I G L I O: Good afternoon to you Senator. First of all, I'd like to thank you for having this here in Paramus today. But I did call that meeting back on February 20 and I was very happy as to the response that I had received at that time from all of the

municipalities in Bergen County, and what we're dealing with and what our problem is with the corridor in the communities.

SENATOR GRAVES: But you knew where Contillo was that day. He was skiing.

COUNCILMAN CONIGLIO: I know that. He didn't give us that benefit, Senator.

SENATOR GRAVES: That's right. You know, I think the next time he goes skiing, he should take all of us with him, right?

SENATOR CONTILLO: You're too old for that, Senator.

SENATOR GRAVES: I'll try.

COUNCILMAN CONIGLIO: I don't know if Senator Bubba is fully aware of the corridor situation that we have here and that we are the gateway to the East Coast in the Borough of Paramus -- any municipality that borders the corridor from Mahwah down to Rutherford and from Fair Lawn over to Fort Lee. There are many problems. My growing concern, like the Chief stated to you before, that there were a number of incidents that had occurred over in Paramus over the years; the tanker truck, the PCB incident--

My greatest fear is that one day -- and I hope it never happens -- is that we would face a toxic spill along the corridor. Are we prepared? The answer to that question is, I don't believe we are. I think it's ever important that -- and the reason I had that meeting in February was to address my concerns to everyone to the return of State Police protection to Routes 4 and 17.

Listening today, I don't think that at all is going to be possible, first of all I guess because the dollars aren't there. One our Lieutenants of the fire department is the Lieutenant of the Hazardous Materials Response Team that in 1984 did a survey which I'd like to give the Senators a copy of today, about the number of vehicles, the types of vehicles, the gallons that go through the borough in a day. Not to take

anything away from the State Police-- I don't think that on a stopgap measure State Police, on an every so often basis, is sufficient to address the problem that we face here in Bergen County, the most populated county in the State of New Jersey.

I'm sure that there are other people sitting in the audience from Hasbrouck Heights, from Ridgewood that also have concerns about the highways and highway safety and what is taking place out there. I had said to the Senator that I had hoped that if the State Police couldn't be returned to this area, that at least we could be given the funding and the dollars to provide for police protection on the highways, to give us the education that is necessary, to give us the type of hazardous material response team and equipment that is necessary on the highways to protect our citizens, which is very important.

I believe -- and the Chief addressed it before -- that the most important person is the first respondent to any kind of an incident who is the police officer. I think the education of a police officer is most important. I do not agree with the people of the State that we don't have the people necessary to do these type of inspections and have the expertise. I believe that here in Paramus, we do. I'm sure that in other communities that are just as interested as we are, there are people that are out there from emergency management and CD and police departments that are very astute to this problem.

We do happen to be in a better position than most communities in Bergen County because this has been an ongoing problem and an ongoing concern in Paramus for many years. We do have a Hazardous Material Response Team, well educated, well schooled -- Texas, Florida, Canada, wherever it is necessary. Maybe some of the other communities aren't as fortunate as Paramus to have the dollars to spend for this type of education and protection of its citizens. And I would ask, Senator,

that within your bill, you could give us that ability if, in fact, you are not going to return State Police to Routes 4 and 17, to give us the ability to put our police out there, which they are doing now, to check these vehicles, to stop them, to check their placards, and to check their manifest.

The Chief did hit on one important point before. There are a lot of illegal placards on vehicles going through the Borough of Paramus and the corridor communities. I think that is a problem that has to be addressed by every community. I don't think that the State Police as a single unit in the State of New Jersey can address this problem. It's too great. I think it's just as great as the problem that the Senator addressed before with drugs. I don't think we can put enough people on the streets and on the roads to do away with this problem. And we face the same problem with hazardous materials, particularly with the type of State we are -- so industrialized, and everybody feeding in and out of the State of New Jersey from Canada all the way down to Florida.

So, I would hope today that you would give local municipalities that ability to stop vehicles from placarding, to check manifests, and to give us the dollars, if necessary if you can all see it -- to give us the dollars for the funding for that. But most important, give us the dollars for the education, the training, and the equipment necessary to respond to hazardous material incidents that might occur in one of the communities at any given time. It is a 24-hour a day problem, seven days of the week. I wish you would take a look at my survey so that you can understand what my concerns are. And bear in mind, this survey was done August 1984, It was almost four years ago.

We have with us today our Lieutenant of Hazardous Material, Steven Nehl. I don't know if Steven wants to say anything on the subject, maybe--

SENATOR GRAVES: Steven, good afternoon. Can you spell your name for the record.

L I E U T E N A N T S T E V E N N E H L: N E H L, Steven. I apologize for my laryngitis today.

SENATOR GRAVES: That means, you'll be brief.

LT. NEHL: Firstly, I think we're talking about a twofold situation: Number one, having some knowledge of hazardous materials coming through the area, and number two, enforcement. As far as the knowledge as a preventative measure of hazardous material traveling through, in the survey that we did we found that it would be next to impossible, as the State trooper has already testified, to be able to continue to maintain a survey of all of the vehicles coming through.

We found that within the course of a day, or an hour period we had some 30 tank trucks on the highway -- almost 15 gasoline tank trucks and 217 box trucks. So, for all of these vehicles carrying hazardous materials, to make some notification would be an astronomical situation. In the course of a year, you would be talking about some 65,000 vehicles carrying hazardous materials that they would have to report.

However, there are radioactive materials, poisons, etc. again, that the State Police have spoken of, that in those limited categories, it may be a good idea to have some type of notification system. In regard to enforcement, at one time, there was a motor vehicle statute in the 39 section which gave municipal officers some enforcement rights regarding placarding and proper carrying of materials. Oftentimes I, myself, enforced those motor vehicles statutes with success on guilty pleas -- every one of them. That was repealed in January 1986 or 1987. And to this day, municipal officers have no jurisdiction regarding hazardous materials. Not only am I concerned about normal transportation problems, and these people know that there's no law enforcement on the highways-- I believe that most of them disregard the law because they know that they are not going to get caught.

Secondly, if there is an incident, and the incident was caused by some negligence of the law, we have no way to enforce the law at that time. Numerous times we respond as the hazardous material team leader to a scene where there was a spill due to negligence of some type and nothing can be enforced. Fortunately, most of those times, the incident isn't large enough to require State Police assistance.

So, in these cases, I feel it would be worthwhile for local officers to have the ability if not to enforce the entire regulation or some portions of it that would not require, necessarily an off the road truck stop -- would not require crawling underneath to check for vehicle defects, but merely for enforcement of placarding, shipping papers, and other tank and container situations that would prove to be an emergency situation.

SENATOR GRAVES: Okay, thank you.

LT. NEHL: Thank you very much, Senator.

SENATOR GRAVES: Councilman Matt Kougasian. Good afternoon. Please spell your name for the staff.

COUNCILMAN MATTHEW KOU GAS IAN: I'll try. K O U G A S I A N, Matthew. I'm a Councilman in Paramus. Prior to that, I had spent 13 years as the deputy court clerk in the Borough of Paramus, and I can say based on that experience, the number of State Police summonses issued in the Borough of Paramus -- because we have always decried the lack of presence of State Police on our highways -- has been minimal. Those violations have been, the overwhelming majority of them, on the Garden State Parkway for toll violators and speeders and not on our main highways such as Route 4 or Route 17. So we have decried the lack of State patrols on our highways.

I am aware of the weight station in Mahwah, and I know there is one as you come from the Delaware Water Gap. I'm not aware of one coming over the George Washington Bridge. And there's a lot of trucks that come in that way that are not

pulled over for weight and safety checks. The amount of trucks that go through Paramus itself is unique, because we are not only a corridor community, but we are a criss-cross community with the three major roads -- that's 4, 17, and the Garden State Parkway.

With the 70 communities of Bergen County, if each contributed an average of four certified police officers, we would add an additional 280 certified police officers to the task at hand. I can't see where that would hurt. I'm sure the Colonel has cried for many more State Police. Budget restraints prevent it. I know our chief constantly asks for more borough police. We have constraints. If the communities can work together and have these patrolmen certified and just give us that many more eyes and ears, it can't help but alleviate the problem. Thank you.

SENATOR GRAVES: Thank you. Councilman Joe Goggin.

C O U N C I L M A N J O S E P H G O G G I N: I guess I'm going to be very brief. In fact, most of the things I was thinking about have already been said. I guess I'm last. That's usually what happens.

I'd like to thank the State Police for coming down here. I picked up a lot of information, particularly on that CVI. And I'm concerned about-- They are doing this going south, but I'm concerned about what's happening going north. I wish they'd give us some more information on that. I will stop over at the Totowa Headquarters and talk to them about it. But also, we in Paramus pride ourselves in the fact that all of our officers are trained in various units as far as DWI, drug patrol, and many, many other aspects. And we will be willing to send men away to school, no matter where it is, at a State Police or local academy, to be trained properly for this, and we will assign men to that detail. Thank you very much.

SENATOR GRAVES: Thank you. Councilman, would you like to ask your mayor if he would like to come in? He went

that way. Anyone else who wishes to be heard? (positive response) Yes, sir. Come up forward, if you will. How about you, miss? Are you going to say something? (negative response)

F R E D S A C C O: Good afternoon, Senators. My name is Fred Sacco. I'm the Executive Vice President of the Fuel Merchants Association of New Jersey. Originally, we had kind of ignored this bill, because it was directed at explosives, and now it looks like it's been amended to include hazardous materials. And the heating oil industry has been defined under Federal law as a hazardous material, notwithstanding we are nontoxic, we're biodegradable, and whole lot of other reasons why we probably should not be. And we do transverse Bergen County quite extensively, as we do across the State.

SENATOR CONTILLO: Fuel oil is considered biodegradable?

MR. SACCO: It is, sir. Yes, it is biodegradable, it is considered nontoxic, but we still have to face all the laws that your other committees are addressing. Our concern is the fact that we move through the county on a daily basis in the winter weather, and we were hopeful that we would not have to get involved in that permitting requirement in order to move into a town in order to deliver heating oil. We are placarded. In fact, the Fuel Merchants Association of New Jersey adopted voluntarily as early as 1981 the placarding that was mandated by Federal law in 1986. So, we have been placarding for a long time, and we've been readily identified. We still have some problems being cited. And probably if you talk to the Sergeant from the State Police, he'd probably tell you that the greatest citation has been the fact that the placards are dirty and maybe non-readable, but they are on the trucks.

We also have voluntarily offered to support the New Jersey State Police in its effort to get CVI, which is--

SENATOR GRAVES: That's a smart move on your part.

MR. SACCO: Yes, sir. Okay. I've almost been around as long as you, Senator. So, I'm learning the political business.

SENATOR GRAVES: We're all learning today.

MR. SACCO: Anyhow, we have supported it, because it makes sense to have the 16 critical parts, the safety parts of a vehicle under regulation. We have been exempted up to this point, and we support, and in fact, we have supported it voluntarily.

So, really, all we're asking is that you would make a judgment in your deliberations -- and the Senator has already voiced that -- that there are hazardous materials, and there are not so hazardous materials. And we are hopeful that you would take that into your considerations. I understand the problems of the Bhopal type chemicals and the explosives and things like that. But we don't represent that serious a problem. So, in your deliberations we would hope that you would consider the fact that we are not so hazardous.

SENATOR CONTILLO: One of the things with the fuel truck is that they are pretty well marked. You know, you see Hess and you know it's a fuel truck, it says Shell Oil all over it--

MR. SACCO: 1993, sir. That will almost tell you if it's a fuel oil vehicle.

SENATOR CONTILLO: Right. But many of the trucks are like mystery trucks. No one know what's inside them, and then they have a fire. That's one of the main concerns.

I'm still amazed that he's telling me that fuel oil is biodegradable.

SENATOR GRAVES: 1993.

MR. SACCO: That's the placard number that we have to have. Okay, thank you for your consideration.

SENATOR GRAVES: Thank you. Your honor, the Mayor. We mayors have to take care of each other, you know.

MAYOR JOSEPH CIPOLLA: Thank you, Senator. Senator Bubba and Senator Contillo.

SENATOR GRAVES: You know Bubba?

MAYOR CIPOLLA: It's really a pleasure to have you to have this public hearing here in the Borough of Paramus.

SENATOR GRAVES: Mayor, I want to ask you a question. I've been sitting here. I haven't sat here in almost 15 years and you still haven't gotten this chair fixed.

MAYOR CIPOLLA: You used to sit over there. Your seat was over there.

SENATOR GRAVES: It's still broken.

SENATOR CONTILLO: How were you so lucky to get rid of him, and do you want him back?

MAYOR CIPOLLA: No, he can stay were he is. I have enough problems. (laughter) But really, it's really great, Senator, to have this hearing here in the Borough of Paramus. You know, back in 1980 I think you had attended the first meeting that I had on hazardous cargo coming through Paramus. We had many legislators here, and we had many mayors and many emergency management people attending that meeting. Now what has transpired and triggered it was the fact that two cases dropped off a truck in Lodi and one up the street and nobody knew what was in those cases. And my concern at that time was that we have a right to know. In other words, what I was trying to do was to identify. I don't know if this can be done?

This is the thought that I had when I started out meeting about this hazardous cargo back in '80; that someone leaving Spring Valley traveling through the Borough of Paramus -- they'd call Mahwah and say that they are coming through. They would hit Paramus at 2:30, and, God forbid, something should happen. We know exactly what's on that truck. We know the first person that's going to respond to that truck. They know what's in that truck.

We had people here from the Department of Transportation; not the State Department. But trucks -- where they said that basically New York has a set of rules rules, New Jersey has a set of laws, Connecticut has a set of laws, and when they leave their state, they're traveling through and they are legal.

I felt that basically we weren't trying to stymie anyone. We weren't trying to stop anyone. We wanted the right to know that Mahwah would call Ramsey, Ramsey would call Allendale, right down Route 17 or Route 4, that they were coming through at this time, which basically doesn't take that much time, and we would know what exactly is being carried on that truck. Their argument was that the Federal law supersedes all State laws and there really isn't anything that we can do about it unless the Federal law and all laws are the same throughout each state. Then, you'll have a much better chance of doing something like this. So, we pursued this.

We formed a committee basically to continue on it, and it had gone by the wayside. Then Councilman Coniglio picked it up last year and this year and started to continue with it. But we feel that's important. You know the amount of cars and trucks that come through here -- we've had many accidents on this highway, and the first people who respond are the police, and they really don't know what's in there. So, basically what would be interesting also is the right to know that a truck coming in from New York could put a call through to the Mahwah police and phone calls all the way down the line so that we know it's coming through the community. If this can happen, I don't know.

But it was a thought that we had had way back a few years ago when I had started this bit on this hazardous cargo coming through the Borough of Paramus. We do have a very, very efficient haz-mat department which is called upon in other communities. Again, we go out and service a lot of these communities. Sometimes it's tough for us to get reimbursed for

the amount of chemicals. Maybe Chief Nehl mentioned that to you people? We use our chemicals. We had a big fire over on Route 17 a few years back. We used up all of our foam and tried to get reimbursed. By the time we go through the company and everything else-- These are the things that municipalities do. These are the things that we have to expend which come out of our pocket, yet we're patrolling the State and doing everything.

So, that's basically, Senator, all I have to say. And I want to thank you again for coming here -- you three great Senators of the State of New Jersey.

SENATOR GRAVES: Just one great Senator. (laughter)

MAYOR CIPOLLA: But, it's really a pleasure and I hope that something comes out of this. Thank you.

SENATOR CONTILLO: Mayor, did I have such a clear-cut endorsement from you just now? The right-to-know law?

MAYOR CIPOLLA: No, you didn't, sir.

SENATOR CONTILLO: I thought I did. (laughter)

SENATOR GRAVES: Does anyone else wish to be heard on this subject? (positive response) Yes, sir. Come on up, Lieutenant.

MAYOR CIPOLLA: Senator, may I be excused? I have a meeting going on.

SENATOR GRAVES: Oh, you have an open door here? Contillo tells us everything is closed in this town.

SENATOR CONTILLO: Who's in charge, the Senator or the Mayor in the town?

SENATOR GRAVES: The Senator is.

SENATOR CONTILLO: Not the Mayor?

SENATOR GRAVES: No.

SENATOR CONTILLO: When you're in Paterson, who's in charge?

SENATOR GRAVES: Senator Graves. (laughter) Hi, Lieutenant. What's your name?

L I E U T E N A N T R O N A L D B I L L E T Z: Lieutenant

Billetz, B I L L E T Z, Hasbrouck Heights Police. I think I might say for all local departments that we really don't want to take the State Police's job away from them regarding hazardous material. When I was listening to the Sergeant, he mentioned inspecting a cargo of Class A explosives. Personally, I would prefer to be about ten miles down the road watching him poke around with these explosives, through binoculars.

I really don't want to get into that, because I don't have the expertise. Most local departments wouldn't have the expertise. And I don't believe they have the manpower to have one man assigned to specifically do that type of duty. What we do have right now is heavy truck enforcement within Bergen County funded by the State. I personally have run 14 of these in Hasbrouck Heights where we inspect for whether it's speed -- through radar -- or equipment violations of the heavy trucks. We found that the operation is quite successful. We've gotten a lot of unsafe vehicles off the road.

I think along those lines while we're doing this type of inspection, if we had a little more teeth in Title 39 with the placarding system -- if we could, where we're suspicious of a cargo, check the manifest, be able to go into those sealed doors, and check the cargo, and find out that it's properly labeled, and does correspond with the manifest. If at that point we became suspicious, then fine, call in an expert like the State Police and have them come down and poke around. Either that, or, if they don't have the manpower, or they can't get to us because they are all over the State, how about a county organization, or the county police? If they had an expert in this field that could respond anywhere within the county at a moment's notice.

Also beyond that, one of my biggest concerns is if the truck with the hazardous materials gets through Hasbrouck Heights, then I personally would feel pretty safe. My concern

is if we have an accident and we have a large spill or a fire or something of that nature, our local departments are not trained to really handle this type of situation. We would be pressed for time just to cordon the area off to protect those people and to get them out to protect their lives, from that standpoint. My feeling is that if we have, like Paramus has, a haz-mat team that are experts in that field, if we had a county team specifically geared for that and equipped for that type of response to a dangerous spill where we could call them, our job would be -- the local police -- to cordon the area off. They would come in and handle the entire situation with our assistance, and they would be in charge of it.

SENATOR CONTILLO: How do you deal with that problem right now, Lieutenant?

LT. BILLETZ: Right now, basically men will just go right to the scene, and thank God nobody's been killed or injured. But they all just respond because they are not trained. They don't know.

SENATOR CONTILLO: You don't have the ability to call, say a regional group up in Paramus and use their team?

LT. BILLETZ: No. We are supposed to be in charge of it and we're supposed to handle it, and call the companies that will remove the spill and that's about it. I mean, you can call CHEMTREC and find out, but I don't think they are that much help.

SENATOR CONTILLO: We heard a report from the chemical industry that there is supposed to be a 24-hour hot line.

LT. BILLETZ: That's basic CHEMTREC. They'll tell you basically what to do, but they are not going to respond to help you. If the State Police comes--

SENATOR CONTILLO: That's provided you can read the placard and the manifest if it's still there.

LT. BILLETZ: That's correct. So, we're at a disadvantage.

SENATOR CONTILLO: Yeah, but right now, if there's a fire with a truck that's even suspiciously hazardous material, it's a never, never land. No one's really sure what to do.

LT. BILLETZ: Our fire department will roll right up to it. They're volunteers.

SENATOR CONTILLO: And they keep their fingers crossed.

LT. BILLETZ: Right, exactly. Our police department will do the same thing, myself included. And I've had the Paramus haz-mat seminar that they gave. I had three nights of that, but I'm no expert. I mean, this is really my first taste of hazardous material, and I really don't want to get into it too far.

SENATOR CONTILLO: May I ask Councilman Coniglio a question? Joe, where does Paramus go in this type of situation? Obviously, you deal with Paramus. How do you decide where you are going to go? You said before--

COUNCILMAN CONIGLIO: (speaks from audience) We have a mutual aid that we belong to also, as far as hazardous materials-- We also responded for the State down on Route 80-- (inaudible). We've had incidents in Allendale, and other communities have called for our assistance.

SENATOR CONTILLO: Paramus' team goes onto Route 80?

COUNCILMAN CONIGLIO: We did on occasion, because we were--

SENATOR CONTILLO: Were we reimbursed in any way?

COUNCILMAN CONIGLIO: Not to my knowledge. Steven can tell you better the number of incidents that we've done to help the State Police. I'm not astute to that information.

SENATOR GRAVES: Okay. Thank you, Lieutenant. Anyone else in that category? (no response) All right, this hearing is closed.

(HEARING CONCLUDED)

APPENDIX



TESTIMONY OF THE
CHEMICAL INDUSTRY COUNCIL OF NEW JERSEY
BEFORE THE
SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE
MAY 4, 1988, PARAMUS, NEW JERSEY

MY NAME IS CARLA ISRAEL AND I AM ASSOCIATE DIRECTOR OF THE NEW JERSEY CHEMICAL INDUSTRY COUNCIL.

CIC IS A NON-PROFIT TRADE ASSOCIATION COMPRISED OF 90 MEMBER COMPANIES IN THE CHEMICAL AND ALLIED PRODUCTS INDUSTRIES IN NEW JERSEY.

I AM PLEASED TO PARTICIPATE IN THESE DISCUSSIONS SINCE THE MEMBER COMPANIES WHICH I REPRESENT ARE IN SOME CASES HAZARDOUS MATERIAL TRANSPORTERS. I WOULD LIKE THE COMMITTEE TO UNDERSTAND SOME OF THE BACKGROUND INVOLVED IN HAZARDOUS MATERIAL TRANSPORTATION SAFETY AND OFFER MY ORGANIZATION'S ASSISTANCE IN ANY POTENTIAL LEGISLATION. THERE ARE MANY FACTS PRESENTED HERE AND I AM NOT A TRANSPORTATION EXPERT. I WOULD, HOWEVER, BE HAPPY TO PUT SUCH EXPERTS AT YOUR DISPOSAL AND HAVE THEM TESTIFY BEFORE THIS COMMITTEE AT A FUTURE DATE IF YOU HAVE ANY QUESTIONS.

SINCE 1971, FEDERAL LAW HAS REQUIRED THAT ALL INCIDENTS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS BE REPORTED. AS A RESULT OF THAT REPORTING, WE KNOW THAT ONLY 1/10 OF 1% OF THE TOTAL SHIPPING VOLUME OF TWO BILLION TONS A YEAR, ARE ANNUALLY INVOLVED IN REPORTABLE ACCIDENTS.

THE CHEMICAL INDUSTRY SUPPORTS A NATIONALLY UNIFORM SYSTEM BECAUSE DIFFERING REGULATIONS AT THE FEDERAL, STATE AND LOCAL LEVELS FOR HAZARDOUS MATERIALS TRANSPORTATION ARE COUNTERPRODUCTIVE TO THE SAFE MOVEMENT OF SUCH MATERIALS. THE INCREASING NUMBER OF STATE AND LOCAL REQUIREMENTS REDUCE RATHER THAN ENHANCE OVERALL HAZARDOUS MATERIAL TRANSPORTATION SAFETY. BECAUSE THESE REGULATIONS DIFFER AND SOMETIMES CONFLICT WITH ONE ANOTHER, COMPLIANCE AND ENFORCEMENT ARE MADE MORE DIFFICULT.

WE DO BELIEVE, HOWEVER, THAT STATE AND LOCAL GOVERNMENTS MUST BE ACTIVE PARTICIPANTS IN THIS REGULATORY PROCESS. THEIR INVOLVEMENT IS ESSENTIAL TO MAINTAIN THE PRESENT HIGH LEVEL OF SAFETY. THE STATE AND LOCAL GOVERNMENTS CAN MAKE A MAJOR CONTRIBUTION BY ENFORCING FEDERAL SAFETY REQUIREMENTS.

ROUTING IS ANOTHER AREA WHERE STATE AND LOCAL JURISDICTIONS SHOULD PLAY A ROLE. THE FEDERAL GOVERNMENT SHOULD AND DOES ESTABLISH THE PARAMETERS, AND STATE AND LOCAL OFFICIALS SHOULD APPLY THOSE GUIDELINES TO ROUTES WITHIN THEIR JURISDICTION. FEDERAL CONTROL OVER THE PROCESS WILL PROMOTE BETTER STATE AND LOCAL COORDINATION, AND THIS WILL ENHANCE SAFETY.

A KEY CONCERN OF THE STATES HAS ALWAYS BEEN THEIR ABILITY TO RESPOND ADEQUATELY TO HAZARDOUS MATERIALS TRANSPORTATION EMERGENCIES. THE CHEMICAL INDUSTRY WILL CONTINUE TO DEVELOP PROCEDURES AND DO EVERYTHING WITHIN ITS POWER TO PREVENT ACCIDENTS. HOWEVER, WE HAVE EMBARKED ON SEVERAL PROGRAMS DESIGNED TO MEET THE NEEDS OF EMERGENCY RESPONSE PERSONNEL FOR THE ACCIDENTS WHICH DO OCCUR.

CMA - THE NATIONAL TRADE ASSOCIATION REPRESENTING NEW JERSEY'S CHEMICAL INDUSTRY - HAS TAKEN A LEAD ROLE IN PROMOTING HAZARDOUS MATERIALS TRANSPORTATION SAFETY AND PROVIDING ASSISTANCE TO STATE AND LOCAL EMERGENCY RESPONDERS. EFFORTS SUCH AS THEIR COMMUNITY AWARENESS AND RESPONSE PROGRAM, CHEMTREC AND CHEMNET HAVE MADE MAJOR CONTRIBUTIONS TO SAFETY AND EMERGENCY PREPAREDNESS.

CAER IS A LONG TERM INDUSTRY COMMITMENT TO INTEGRATE INDUSTRY'S EMERGENCY RESPONSE PLANS WITH THOSE OF THE COMMUNITY'S.

CHEMTREC - THE CHEMICAL TRANSPORTATION EMERGENCY CENTER - IS A PUBLIC SERVICE VOLUNTARILY ESTABLISHED BY CMA IN 1971 AS A NATIONAL RESOURCE TO PROVIDE INFORMATION TO PERSONS RESPONDING TO EMERGENCIES INVOLVING CHEMICALS. CHEMTREC HAS OPERATED FOR OVER 15 YEARS FROM CMA'S HEADQUARTERS IN WASHINGTON, D.C. AND PROVIDES EMERGENCY OFFICIALS WITH DETAILED TECHNICAL ADVICE ON HOW TO

PROPERLY DEAL WITH A CHEMICAL RELEASE. CHEMTREC MAINTAINS EMERGENCY INFORMATION ON OVER 200,000 CHEMICALS AND TRADE NAME PRODUCTS. CHEMTREC IS RECOGNIZED BY FEDERAL, STATE AND LOCAL AUTHORITIES AS ONE OF THE MOST IMPORTANT FACETS OF SPILL CONTROL AND EMERGENCY RESPONSE.

CHEMNET IS THE CHEMICAL INDUSTRY'S CHEMICAL NETWORK MUTUAL AID AGREEMENT BETWEEN CHEMICAL PRODUCERS AND EMERGENCY RESPONSE CONTRACTORS THAT ALLOWS PARTIES TO SHARE EMERGENCY RESPONSE CAPABILITIES. IT IS DESIGNED TO PROVIDE EXPERT ASSISTANCE AT THE SCENE OF AN ACCIDENT INVOLVING ANY OF CHEMNET'S 101 MEMBERS. THE PROGRAM OPERATES 24- HOURS A DAY THROUGH THE CHEMTREC COMMUNICATIONS CENTER, WHICH MAINTAINS CURRENT LISTINGS OF MEMBERS AND TEAM LOCATIONS AND CAPABILITIES. A CHEMICAL SHIPPER ACTIVATES THE NETWORK WHEN THE SHIPPER CANNOT RESPOND PROMPTLY TO A SERIOUS DISTRIBUTION ACCIDENT INVOLVING ONE OF ITS CHEMICALS THAT REQUIRES THE PRESENCE OF CHEMICAL EXPERTS. CHEMTREC PUTS SHIPPERS IN TOUCH WITH A TEAM. IT ALSO NOTIFIES MEMBERS OF THE NETWORK OF SERIOUS INCIDENTS INVOLVING THEIR PRODUCTS SO THAT THEY CAN ACTIVATE THE NETWORK IF NECESSARY. MANY NEW JERSEY COMPANIES PARTICIPATE IN THIS PROGRAM.

CMA AND ITS MEMBER COMPANIES ALSO MAINTAIN AND PROVIDE TRAINING VIDEOS FOR EMERGENCY RESPONDERS. IN FACT, 3 YEARS AGO 5 CIC/NJ COMPANIES PUT UP \$350,000 TO FUND A TRAINING PROGRAM FOR HAZARDOUS MATERIAL EMERGENCIES, INCLUDING TRANSPORTATION, TO BE USED SOLELY IN NEW JERSEY.

4X

WHILE ANOTHER INDUSTRY INITIATIVE, THE CHEMICAL REFERRAL CENTER, IS DESIGNED FOR NON-EMERGENCY PURPOSES, EMERGENCY RESPONSE PERSONNEL HAVE BENEFITTED FROM ITS AVAILABILITY. BY CALLING TOLL-FREE 1-(800)-CMA-8200 IN THE CONTINENTAL UNITED STATES AND HAWAII AND COLLECT (202) 887-1315 IN ALASKA AND THE DISTRICT OF COLUMBIA ANYONE CAN GET INFORMATION ABOUT CHEMICAL INDUSTRY SOURCES FOR HEALTH EFFECTS OF PARTICULAR CHEMICALS.

IN SUMMARY, THE CHEMICAL INDUSTRY BELIEVES THAT BETTER COORDINATION IS NEEDED AMONG FEDERAL, STATE AND LOCAL AUTHORITIES IN DEVELOPING AND ENFORCING A UNIFORM HAZARDOUS MATERIALS TRANSPORTATION SYSTEM. IN SOME STATES WHERE LOCAL LAWS GOVERN TRANSPORTATION, CONFUSION RESULTED. FOR EXAMPLE, NEW YORK CITY HAS COMPLETELY BANNED THE MOVEMENT OF CERTAIN PRODUCTS, ESTABLISHED CURFEWS, PUT IN PLACE SPECIAL EQUIPMENT REQUIREMENTS AND A UNIQUE DRIVER LICENSING SYSTEM. THE RESULT IS THAT SHIPMENTS ARE FORCED TO TRAVEL CONSIDERABLY LONGER DISTANCES THROUGH NEIGHBORING JURISDICTIONS THAT ARE LESS PREPARED TO EFFECTIVELY RESPOND TO EMERGENCIES.

THE CHEMICAL INDUSTRY WILL CONTINUE TO DEMONSTRATE ITS WILLINGNESS TO ADDRESS THE ISSUE OF THE SAFE MOVEMENT OF HAZARDOUS MATERIAL, AS WELL AS PROVIDE ASSISTANCE TO RESPONDERS AT ACCIDENTS INVOLVING THESE MATERIALS.

THANK YOU FOR ALLOWING ME TO APPEAR BEFORE YOU TODAY. I LOOK FORWARD, ON BEHALF OF THE MEMBERS OF THE CHEMICAL INDUSTRY COUNCIL OF NEW JERSEY, TO PROVIDING YOU WITH ANSWERS TO ANY QUESTIONS YOU MAY HAVE.

6X

STATEMENT BY
PETER J. McDONOUGH, JR.

FOR
THE NEW JERSEY MOTOR TRUCK ASSOCIATION
HAZARDOUS MATERIALS TRANSPORTATION

7x

GOOD AFTERNOON SENATOR GRAVES AND THE MEMBERS OF THE SENATE COMMITTEE ON LAW, PUBLIC SAFETY AND DEFENSE. I AM SUBMITTING THIS STATEMENT ON BEHALF OF THE NEW JERSEY MOTOR TRUCK ASSOCIATION, WHICH REPRESENTS THE FULL SPECTRUM OF MOTOR CARRIERS IN NEW JERSEY.

THE NEW JERSEY MOTOR TRUCK ASSOCIATION'S MEMBERS INCLUDE THE LARGEST INTERSTATE CARRIERS AND THE SMALLEST OWNER-OPERATORS ON THE HIGHWAYS IN NEW JERSEY. OUR MEMBERS REGULARLY CARRY HAZARDOUS MATERIALS, AND THEY HAVE DEVELOPED GREAT EXPERTISE IN THE TRANSPORTATION OF SUCH MATERIALS.

THE ASSOCIATION IS DEDICATED TO MAINTAINING PROFESSIONALISM IN THE TRUCKING INDUSTRY AND WE SHARE THE AIM OF THIS COMMITTEE TO KEEP NEW JERSEY THE SAFEST STATE IN THE COUNTRY.

THE TRANSPORTATION OF HAZARDOUS MATERIALS HAS BEEN A WAY OF LIFE IN NEW JERSEY FOR DECADES. OUR ECONOMY IN NEW JERSEY WAS FOR YEARS DEPENDANT UPON THE OUTPUT OF PETROCHEMICAL COMPANIES AND COUNTLESS OTHER MANUFACTURERS OF MATERIALS WE NOW REFER TO AS HAZARDOUS.

AS A CORRIDOR STATE, VAST AMOUNTS OF HAZARDOUS MATERIALS ARE SHIPPED THROUGH OUR STATE.

8X

AS OUR SOCIETY BECOMES MORE AND MORE AWARE OF THE PRODUCTS THAT WE ALL USE, OF WHAT MAKES UP THOSE PRODUCTS, AND OF THE EFFECT THEY MAY HAVE ON OUR ENVIRONMENT AND, IN FACT, ON HUMAN LIFE, SOCIETY IS ALSO BECOMING FAR BETTER PREPARED TO PRODUCE, HANDLE, USE, AND DISPOSE OF THOSE MATERIALS.

MEMBERS OF OUR ASSOCIATION REGULARLY PARTICIPATE IN CONTINUING EDUCATION PROGRAMS DEALING WITH THE PROPER HANDLING AND TRANSPORTATION OF HAZARDOUS MATERIALS. NOT ONLY ARE OUR MEMBERS CONCERNED WITH THE GREATER SOCIETAL GOOD, FRANKLY, OUR LIVELIHOODS ARE ON THE LINE, AND WE DON'T WANT TO MAKE EVEN THE SLIGHTEST MISTAKE.

INTERESTINGLY ENOUGH, IT SEEMS THAT A GROWING PORTION OF THE CONTINUING EDUCATION PROGRAMS THAT ARE AVAILABLE TO CARRIERS FOR HAZMAT TRANSPORTATION DEAL WITH COMPLYING WITH THE BROAD SPECTRUM OF REGULATIONS REQUIRED FOR HAZARDOUS MATERIALS TRANSPORTATION.

IT SEEMS THAT WITH EACH AND EVERY YEAR THAT PASSES, MORE AND MORE HAZMAT REGULATIONS ARE ADDED TO THE LIST. THE REGULATIONS THEMSELVES ARE WELL-INTENTIONED AND IN MOST CASES ARE PROVIDING THE PUBLIC WITH A HIGHER AND HIGHER DEGREE OF PUBLIC SAFETY.

THIS IS CONSISTENT WITH OUR AIMS.

9x

WE ARE CONCERNED, HOWEVER, ABOUT WHAT SEEMS TO BE AN EVER-INCREASING NUMBER OF ENFORCEMENT AGENCIES INVOLVED IN THE PROCESS.

ENFORCEMENT OF HAZARDOUS MATERIAL TRANSPORTATION RULES AND REGULATIONS IS AS COMPLEX AND AS EVER-CHANGING AS ARE THE WAYS IN WHICH THESE MATERIALS ARE TO BE HANDLED. IN THE SAME WAY THAT IT TAKES A WELL-TRAINED PROFESSIONAL TO TRANSPORT THESE MATERIALS, SO TOO, DOES IT TAKE A WELL-TRAINED, SOPHISTICATED ENFORCEMENT ORGANIZATION TO ADEQUATELY ENFORCE THESE IMPORTANT REGULATIONS.

AS LOCAL AND COUNTY GOVERNMENTS FEEL THE FISCAL PINCH CAUSED BY DEMANDS OUTSTRIPPING REVENUES, HARD CHOICES MUST BE MADE BETWEEN PROGRAMS. UNFORTUNATELY, EDUCATIONAL PROGRAMS FOR LAW ENFORCEMENT AGENCIES SOMETIMES FALL VICTIM TO THE FISCAL BIND. AS A RESULT, IT IS NOT UNCOMMON TO FIND THAT OUR LOCAL AND COUNTY ENFORCEMENT AGENCIES MAY NOT BE UP TO DATE WITH THE LATEST EXEMPTIONS, AMENDMENTS OR ADDENDA TO HAZMAT REGULATIONS.

FRANKLY, IN THE WORLD OF "NEW AND IMPROVED" PRODUCTS, "BETTER LIVING THROUGH CHEMISTRY," AND HIGH TECHNOLOGY, IT IS NOT ONLY FISCALLY IMPOSSIBLE FOR MOST LOCAL AND COUNTY ENFORCEMENT AGENCIES TO KEEP ABREAST WITH NEW DEVELOPMENTS, IT IS PROBABLY PHYSICALLY IMPOSSIBLE.

THAT IS WHY THE NEW JERSEY MOTOR TRUCK ASSOCIATION WOULD LIKE TO URGE THAT A SINGLE, HIGHLY TRAINED FORCE, LIKE THE STATE POLICE, BE GIVEN THE ABSOLUTE JURISDICTION OVER HAZMAT TRANSPORTATION ENFORCEMENT.

IT IS OUR OPINION THAT BY DESIGNATING A SINGLE ENFORCEMENT AGENCY, THE PUBLIC SAFETY WILL BE BEST PROTECTED, THE PUBLIC TAX DOLLARS WOULD BE BEST UTILIZED AND THAT THE RESULT WOULD BE FAIR, FIRM, AND IMPARTIAL ENFORCEMENT OF REGULATIONS IN THIS COMPLEX AREA.

BY HAVING A SINGLE ENFORCEMENT AGENCY, PROBLEMS OF CONFLICTING UNDERSTANDINGS AND INTERPRETATIONS WOULD BE MORE EASILY RESOLVED.

ALL AVAILABLE FEDERAL MONIES COULD BE TARGETED TO THIS AGENCY. RATHER THAN HAVING HUNDREDS OF JURISDICTIONS COMPETE FOR THIS FUNDING, WITH THE RESULT BEING THAT NO JURISDICTION RECEIVING ENOUGH MONEY TO ADEQUATELY TO THE JOB, FOCUSSED THIS MONEY ON ONE AGENCY WOULD BETTER ENSURE THAT WE HAVE AN ENFORCEMENT TEAM THAT IS THE BEST TRAINED IN THE NATION.

ENFORCEMENT OF RULES AND REGULATIONS FOR HAZARDOUS MATERIAL TRANSPORTATION IS A CORNERSTONE IN OUR SYSTEM OF PROTECTING THE PUBLIC SAFETY FROM UNFORESEEN RELEASES OF

11x

HAZARDOUS MATERIALS. SO TOO, IS THE EXPERIENCE OF THE CARRIERS WHO TRANSPORT THESE MATERIALS.

FOR MANY, MANY YEARS, OUR MEMBERS HAVE BEEN TRANSPORTING HAZARDOUS MATERIALS IN NEW JERSEY. AS YOU ARE ALL WELL-AWARE, WE HAVE SOME OF THE MOST DENSELY TRAVELED ROADS IN THE NATION. IN SPITE OF THE CONGESTION IN THIS STATE, AND IN SPITE OF THE FACT THAT THERE HAVE BEEN MISHAPS, ONLY VERY RARELY HAS THERE BEEN A MISHAP WHICH RESULTED IN A MAJOR ENVIRONMENTAL THREAT.

THE REASON FOR THIS IS BECAUSE OF THE TRAINING OF BOTH OUR CARRIERS AND OUR EMERGENCY RESPONSE PERSONNEL.

WE WOULD LIKE TO URGE THIS COMMITTEE, AS IT CONSIDERS THE TRANSPORTATION OF HAZARDOUS MATERIALS, TO LET THE EXPERIENCED EXPERTS TAKE THE AUTHORITY FOR ENFORCEMENT IN THIS AREA. LET'S CONCENTRATE OUR EFFORTS, OUR FUNDING AND OUR EXPERTISE ON ONE SINGLE AND DEPENDABLE ENFORCEMENT AGENCY, AND LET'S KEEP OUR STATE THE SAFEST IN THE NATION.

THANK YOU.