

90 T764
1959e

PUBLIC HEARING

before

ASSEMBLY COMMITTEE ON HIGHWAYS, TRANSPORTATION AND PUBLIC UTILITIES

on

ASSEMBLY BILLS 184, 235, and 442

(Measures for safer operation of trucks on the highways.)

Held:
December 15, 1959
Senate Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

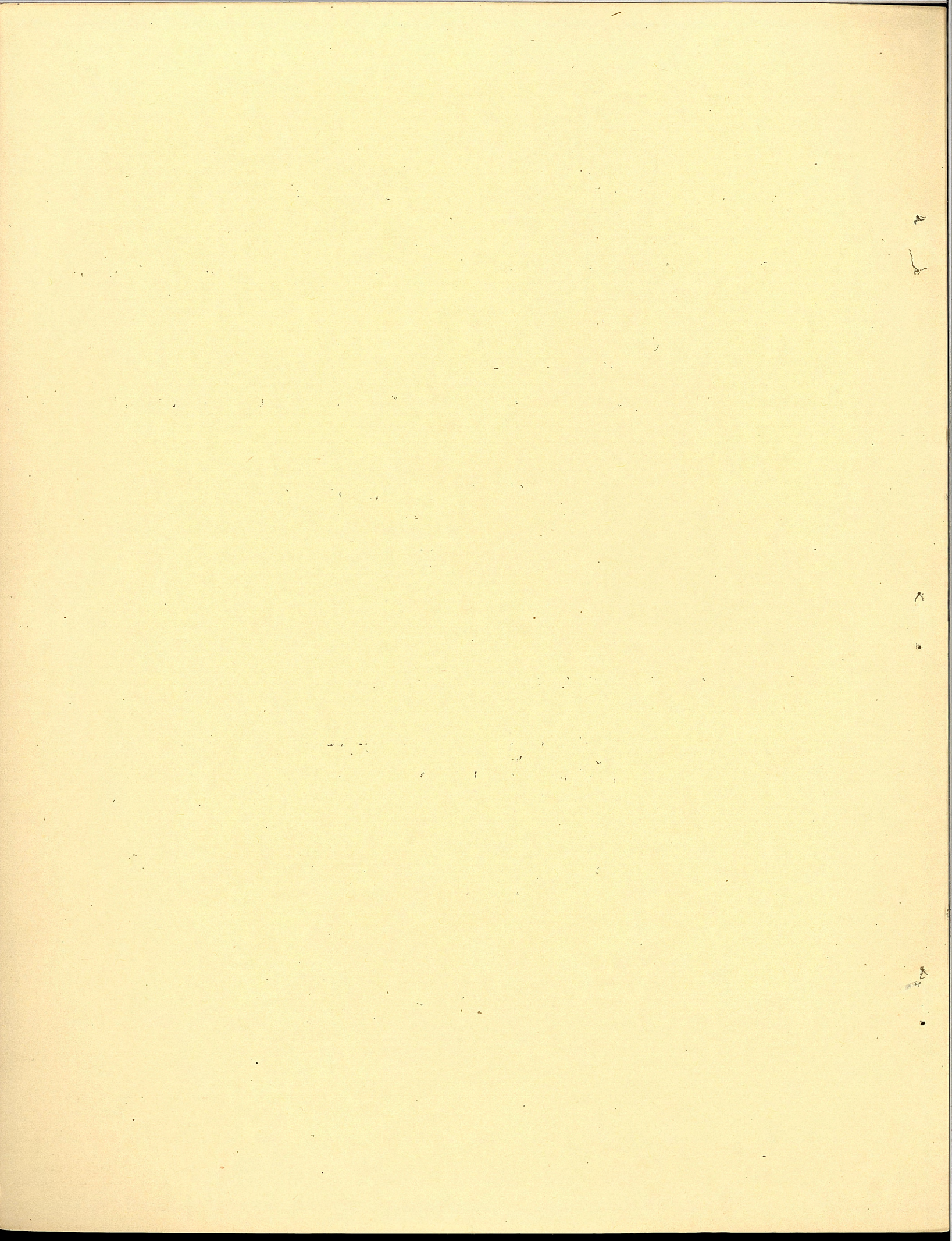
Assemblyman J. Edward Crabel (Chairman)
Assemblyman Daniel F. Flynn
Assemblyman John M. Keegan
Assemblyman John J. Wilson

Also

Assemblyman Alan Kraut
Assemblyman John W. Davis

* * * *

New Jersey State Library



I N D E X

	<u>Page</u>
Alan Kraut Assemblyman, Hudson County Sponsor of A-184 and A-235	2
Major Thomas F. Forkin New Jersey State Police	4
Joseph Morecraft, Jr. Chairman, Turnpike Authority	17
General A. A. Wanamaker Executive Director, Turnpike Authority	20
Robert Sheldon Assistant Motor Vehicle Director	23
James E. Toolan New Jersey Motor Truck Association	33
F. Kenneth Schultze Legislative Chairman, N. J. Conference of A.A.A.	53
Robert Nagy Truck Driver	59
C. E. Engler Engler Instrument Company	63

- - - -

5

1

ASSEMBLYMAN J. EDWARD CRABIEL (THE CHAIRMAN): This public hearing will come to order. I am Assemblyman Crabiel of Middlesex County, Chairman of the Highways, Transportation and Public Utilities Committee of the Assembly. On my left is Assemblyman Keegan of Passaic County, a member of the Committee. On my right is Assemblyman Kraut of Hudson County, one of the sponsors of two of the bills that we are considering this morning. This will be a public hearing basically on Assembly Bill 184, which concerns mandatory drivers' licenses for trucks; Assembly Bill 235, which requires tachometers to be installed on certain trucks; and Assembly Bill 442, which is known as the speed-differential bill. These bills were introduced in the Assembly during this session and have been in committee and because of the fact that there has been an increasing number of accidents on our highways, particularly pertaining to trucks, it was felt that it would be wise to hold a public hearing on this matter to see if we could come to a meeting of the minds concerning what might be done to help stop this high accident ratio that has been occurring on our highways.

Come in, Mr. Flynn. Assemblyman Flynn of Essex, a member of the Committee, is just arriving and will take his seat, please.

Before we commence, I presume that everyone who cares to speak on any of these matters has already registered with me. If you haven't, please come forward at this time.

We will commence this hearing by having Assemblyman Kraut, one of the sponsors of the bills, talk on his particular bills.

ASSEMBLYMAN ALAN KRAUT: With regard to the two bills which I introduced in the Assembly, Number 184, referring to the necessity of obtaining a special license for truck drivers operating vehicles which have a gross weight of vehicle and load in excess of 4,000 pounds, and Assembly Bill 235, which calls for the equipment of a commercial vehicle semitrailer or tractor of a gross weight in excess of 8,000 pounds with a tachometer, as the bill says - the actual word should be "tachograph" and an amendment is in order if it has not already been amended - let me say that these bills were introduced by me after my many, many years of experience in representing insurance carriers insuring trucks and buses. For the moment we will deal only with these trucks.

These bills were introduced in the interest of safety. First, with regard to Assembly Bill 184, for many years operators of buses have had to obtain a special license after a proper physical examination, and I assume that after proper training. At the present time, I believe there is a necessity in this state of having operators of trucks in excess of 4,000 pounds or some other agreed-upon weight to obtain a similar special license. Driving a tractor or a trailer at the present time is a specialized occupation. Before a man should be permitted to operate one of these heavy vehicles over our highways, I believe he should show the physical ability and the mental ability to operate such a vehicle. I think he should pass a physical examination. I feel he should pass a test to show his ability to operate one of these vehicles.

With regard to Assembly Bill 235, requiring the equipment of

a vehicle over 8,000 pounds to be equipped with a tachograph, I think this is a most important bill. The equipment of a vehicle with such an instrument, I believe, provides a traffic cop on the rear axle of every single truck. Human beings being what they are - and all of us more or less operate our vehicles on occasions in excess of the motor vehicle limits - I feel with the equipment of one of these instruments there is a record kept of the speed of this vehicle in question. I think it will be for the benefit not only of the driver who can use this graph from the tachograph in defense of any charge against him for excess of speed or some other charge, but for the trucking lines because experience has shown that the use of these instruments slows up the vehicle, at least within the legal limits, all to the benefit of the trucking lines.

Now I have asked one of the men of a company who manufactures these tachographs, and I believe there is more than one company that produces them, but we have one right in New Jersey, to come here. He is here and I have asked him to speak later on to show the technicalities of the operation of this particular instrument.

I feel that with the adoption of Assembly Bill 184 requiring the truck drivers to obtain special licenses, indicating their ability, physical and mental, to operate a truck, and the adoption of Assembly Bill 235 requiring the equipment of these large trucks with these instruments, it will tend to a better and safer operation over the roads of our state.

CHAIRMAN CRABIEL: Just a minute, Mr. Kraut. Do any of the members of the Committee have any questions to ask Mr. Kraut? Mr. Flynn:

ASSEMBLYMAN FLYNN: No.

ASSEMBLYMAN KEEGAN: No.

CHAIRMAN CRABIEL: Very well. That will be all.

We will hear from Major Thomas Forkin, representing the New Jersey State Police.

MAJOR THOMAS F. FORKIN: Are you talking in connection with Mr. Kraut's two bills?

CHAIRMAN CRABIEL: I think because these bills are all inter-related, we will allow you to talk on all three bills in one presentation. It is possible that we might want to recall you or ask the chance to direct some questions to you as the hearing unfolds. But they are so interrelated that I believe the best thing to do is direct your remarks to the entire three bills.

MAJOR FORKIN: Thank you. Members of the Legislature and gentlemen: I appreciate and welcome this opportunity to present the State Police viewpoint on speed differentials and legislation proposed in Assembly Bill 442.

During the month of November 1959, State Police radar operations conducted on principal public highways disclosed that better than 10 per cent of the 18,117 trucks checked travelled in excess of the posted 50 miles per hour speed limit. A majority of the trucks travelling in excess of the speed limit were heavy tractors and trailers.

During the first ten months of this calendar year, the State Police investigated 1032 accidents on four main multi-lane highways which are heavily travelled by trucks. (Routes 1, 22, 46 and 130.)

Three hundred and eighty-eight of the 1032 accidents involved trucks. The remaining 644 did not involve trucks.

Thirty deaths occurred in the 388 truck accidents, and only 11 in the 644 non-truck accidents.

During the twelve-month period ending June 30, 1959, the State Police investigated 1,886 accidents in which trucks were involved on all public highways in our areas of policing responsibility throughout the State.

Four hundred and eighty-four or more than 25 per cent of these accidents occurred on these same four principal public highways. Almost half of the deaths that occurred from truck accidents in our areas of responsibility throughout the state occurred on four main public highways. I am, of course, outlining State Police experience only. Other accidents have occurred and were investigated by policing agencies other than the State Police.

There is a definite need for a truck speed differential with a mandatory keep-right provision on the four principal public highways I have used as an example, and on some other public roads within the state. Our experience is that speed and driving related to speed greatly contribute to the truck accident frequency and truck accident fatalities, more so when impact force is a factor.

The motor vehicle is a lethal conveyance. Its use must be rigidly regulated for the safety and protection of the public. The speed at which it is permitted to be operated governs its potential for destruction. As in the case of heavy vehicles, speed plus weight increase this potential.

When the elements of speed, weight, and I might add great size, are present, the peril is increased.

An enforceable speed differential on some public highways

will reduce the tragic loss of life experienced in truck accidents. It will reduce their frequency, especially those in which the truck is the striking vehicle. The impact force will be decreased. Lesser speed will provide opportunities to stop more quickly.

A differential will discourage truck drivers from attempting to maintain a maximum speed in competition with other vehicles and will insure better compliance with "safe following distance" provisions of the statute due to a mandatory slowing down of truck traffic.

A "keep to the right" provision must be included in any truck speed differential legislation.

This provision would:

Eliminate "jockeying" by drivers attempting to maintain speed and favorable position.

Discourage careless and dangerous overtaking and passing by trucks.

Prevent "bunching" and "tail-gating" at intersections and on grades.

Diminish the mixing of passenger car - truck traffic, keeping slower moving vehicles to the right, decreasing the possibility of rear-end accidents.

A carefully planned program of truck speed differentials, including a "keep to the right" provision is justified in the public interest. The Division of State Police is in accord with the objectives of Assembly Bill 442.

CHAIRMAN CRABIEL: Major, do you have any experience with accidents which occur because of the fact that a truck is moving slower than the normal traffic or other traffic on the highway?

MAJOR FORKIN: Our experience in that for the twelve-month period ending last June 30th is that of fifty truck fatalities, nine were the result of rear-end collisions involving trucks, most of which were caused by traffic moving up on slower-moving vehicles.

CHAIRMAN CRABIEL: Is it your position then, Major, or the position of the State Police that the mandatory-right provision as you have proposed it, to be coupled with the differential, would take care of that eventuality?

MAJOR FORKIN: It would help it, as I said, by eliminating jockeying by drivers attempting to maintain speed and favorable position. What I mean by that is: If the legislation were adopted, a mandatory speed ten miles less for certain trucks than passenger vehicles, a truck driver then would be slowed down. He would keep to the right. He would not be in competition with other traffic on the highway. He would not attempt to maintain maximum speed. What I mean by that is: He would not cut in and out of traffic coming down a grade, for example, pulling out into the other traffic lanes in order to maintain speed going up another grade and then falling back. He would know that he could not exceed 40 miles an hour; he would not try to maintain a favorable position on the highway in competition with other traffic. It would slow him down and I do believe that it would decrease rear-end truck accidents.

Now, of course in regard to rear-end truck accidents, it is all according to where you are talking about - it is all according to what the speed of the vehicle in the front is maintaining - it is all according to what the speed of the striking vehicle is. You can't quote it as a general blanket thing. You must talk about

specific instances or occurrences. My answer to the whole thing is that I do believe it will decrease rear-end accidents on the public highways by slowing down traffic.

CHAIRMAN CRABIEL: Mr. Flynn.

ASSEMBLYMAN FLYNN: No questions.

SENATOR JOHN E. TOOLAN: Major, did you say it would increase or decrease rear-end accidents?

MAJOR FORKIN: Decrease. A mandatory keep-to-the-right provision would also remove the slow-moving vehicle, keeping him to the right and taking him away from other traffic, faster traffic, and he wouldn't interchange with this traffic. And I do believe that this would also contribute to a decrease in these accidents.

ASSEMBLYMAN FLYNN: Major, do we have a law now or signs all posted along the highways for trucks to keep to the right?

MAJOR FORKIN: No.

ASSEMBLYMAN FLYNN: We don't?

MAJOR FORKIN: No.

ASSEMBLYMAN CRABIEL: Major, doesn't the present law require everyone to keep to the right?

MAJOR FORKIN: Yes, it does. But if you have a speed differential, you will have a problem if you don't separate the traffic. You will have two different speeds maintained on the highway. You will have a 50 miles per hour speed and you will have a 40 miles per hour speed.

ASSEMBLYMAN CRABIEL: Well, doesn't the present law that we are now operating under direct that all drivers, whether trucks or passenger cars, keep to the right?

MAJOR FORKIN: Yes, except when passing.

MAJOR FORKIN: Our experience in that for the twelve-month period ending last June 30th is that of fifty truck fatalities, nine were the result of rear-end collisions involving trucks, most of which were caused by traffic moving up on slower-moving vehicles.

CHAIRMAN CRABIEL: Is it your position then, Major, or the position of the State Police that the mandatory-right provision as you have proposed it, to be coupled with the differential, would take care of that eventuality?

MAJOR FORKIN: It would help it, as I said, by eliminating jockeying by drivers attempting to maintain speed and favorable position. What I mean by that is: If the legislation were adopted, a mandatory speed ten miles less for certain trucks than passenger vehicles, a truck driver then would be slowed down. He would keep to the right. He would not be in competition with other traffic on the highway. He would not attempt to maintain maximum speed. What I mean by that is: He would not cut in and out of traffic coming down a grade, for example, pulling out into the other traffic lanes in order to maintain speed going up another grade and then falling back. He would know that he could not exceed 40 miles an hour; he would not try to maintain a favorable position on the highway in competition with other traffic. It would slow him down and I do believe that it would decrease rear-end truck accidents.

Now, of course in regard to rear-end truck accidents, it is all according to where you are talking about - it is all according to what the speed of the vehicle in the front is maintaining - it is all according to what the speed of the striking vehicle is. You can't quote it as a general blanket thing. You must talk about

specific instances or occurrences. My answer to the whole thing is that I do believe it will decrease rear-end accidents on the public highways by slowing down traffic.

CHAIRMAN CRABIEL: Mr. Flynn.

ASSEMBLYMAN FLYNN: No questions.

SENATOR JOHN E. TOOLAN: Major, did you say it would increase or decrease rear-end accidents?

MAJOR FORKIN: Decrease. A mandatory keep-to-the-right provision would also remove the slow-moving vehicle, keeping him to the right and taking him away from other traffic, faster traffic, and he wouldn't interchange with this traffic. And I do believe that this would also contribute to a decrease in these accidents.

ASSEMBLYMAN FLYNN: Major, do we have a law now or signs all posted along the highways for trucks to keep to the right?

MAJOR FORKIN: No.

ASSEMBLYMAN FLYNN: We don't?

MAJOR FORKIN: No.

ASSEMBLYMAN CRABIEL: Major, doesn't the present law require everyone to keep to the right?

MAJOR FORKIN: Yes, it does. But if you have a speed differential, you will have a problem if you don't separate the traffic. You will have two different speeds maintained on the highway. You will have a 50 miles per hour speed and you will have a 40 miles per hour speed.

ASSEMBLYMAN CRABIEL: Well, doesn't the present law that we are now operating under direct that all drivers, whether trucks or passenger cars, keep to the right?

MAJOR FORKIN: Yes, except when passing.

CHAIRMAN CRABIEL: Now, are you saying if you have a speed differential, you don't need to have a mandatory keep to the right? That is already in the law, isn't it?

MAJOR FORKIN: If you have vehicles operating on a highway at two different speeds, then if you do not have a mandatory keep to the right provision, I do believe that you will increase rear-end accidents.

CHAIRMAN CRABIEL: You have missed the point. The point of my question is that presently the law, as is now, says you must keep to the right except when passing.

MAJOR FORKIN: That's right.

CHAIRMAN CRABIEL: Now, if the speed differential law is passed, what does that have to do with the present law of mandatory keep to the right except when passing?

MAJOR FORKIN: Well, it would have to be specific for trucks to remove the slow-moving vehicles and separate the vehicles that are going at a higher rate of speed from the slower-moving vehicles.

CHAIRMAN CRABIEL: Well, doesn't this truck now have to keep to the right and if he had a ten-mile differential, he would still have to keep to the right?

MAJOR FORKIN: Of course, all vehicles must keep to the right now, vehicles of all types, except when passing. But it is our experience that vehicles, especially these heavy vehicles, some heavy vehicles in some locations, in order to maintain speed in competition with the speed of other vehicles on the highway, will jockey all over the highway to maintain this speed, and as I said, maintain favorable position at intersections, grades, hills, any

place where this speed can be maintained. My thinking there is that with the provision of trucks keep right, you will eliminate this condition.

CHAIRMAN CRABIEL: As I understand it, you do not advocate a blanket 10 miles an hour differential, but you advocate a differential at selected locations throughout the state. Is that correct?

MAJOR FORKIN: We are in accord with the provisions of the bill. We think that a ten mile differential is justified at certain carefully selected locations where the problem is, and I have tried to pinpoint for the State Police where our problem exists, on these four principal truck routes: Routes 1, 130, 22, 46 and others. This is where our problem exists today. It is there. I don't think anybody will testify that it is not there. I believe that A-442 is a step forward in doing something about it. I believe it will eliminate accidents. I believe it will eliminate all the evils that I spoke about.

These are two main north-south highways, from one end of the state to the other, 1 and 130. 22 and 46 are east-west highways. I believe that our problem there is caused by the intermingling of normal passenger traffic on these highways mixing with our regular intrastate truck traffic and the heavy interstate truck traffic that uses these four principal highways. Here, as far as the State Police is concerned, is where the problem is.

CHAIRMAN CRABIEL: Would you have any knowledge of the percentage of trucks there are in New Jersey as compared to passenger cars?

MAJOR FORKIN: No, I do not.

CHAIRMAN CRABIEL: Would you have any knowledge as to whether there are more accidents percentagewise by trucks than there are passenger cars?

MAJOR FORKIN: In our areas, no.

JOHN E. TOOLAN: May I have that answer explained - whether or not there are more truck accidents percentagewise than there are with vehicles that are classified as pleasure cars or not commercial vehicles?

MAJOR FORKIN: As I understood the question, you are talking about the total number of accidents that we investigate. Is that true? You are not including anything else but the total volume of accidents?

CHAIRMAN CRABIEL: Well, I am talking about the accidents that you are familiar with. In other words, the State Police are familiar with what - all accidents on the state highways?

MAJOR FORKIN: On a good portion of the state highways.

CHAIRMAN CRABIEL: But the State Police are not familiar with accidents on local and county roads?

MAJOR FORKIN: Yes, we are. We are talking about state highways and county and township roads in our areas of policing responsibility.

During the fiscal year ending last June 30th, to answer Senator Toolan's question, the State Police investigated on public roads, not including the Turnpike and Parkway, in our areas of policing responsibility approximately 8,538 accidents. Of this total number of accidents, a little better than 1800 - I think I gave you the figure a minute ago - 1886 of these accidents

were truck involved.

CHAIRMAN CRABIEL: The reason I asked that question - I have before me copy of "New Jersey Traffic Accidents Facts of 1959," and it is indicated that truck accidents, accidents in which trucks are involved, amount to 9.6 per cent of the total accidents. Now, your figures there seem to be considerably different because you are saying 1800 and some out of a total of 8500, which would indicate double this figure in this publication which is put out by the Attorney General's Office. I was trying to develop the percentage - as to whether trucks are culprits in this situation or whether this is a universal problem of traffic here.

MAJOR FORKIN: I am talking about our experience, of course, in our own areas of responsibility, and, as I have said in the statement, of course, there are other enforcement agencies who investigated other accidents. These figures I am not talking about now. The full state information is contained in that book from the Bureau of Traffic Safety. That is why I separated this in my statement.

CHAIRMAN CRABIEL: In other words, it develops from what you are saying and what the total figures are that there are more accidents percentagewise on state highways or areas of your responsibility than there are throughout the rest of the state.

MAJOR FORKIN: What I am saying, basically, here is - what I have said - is that throughout the state we investigated 1886 truck accidents during the year ending June 30th. Of those 1886 accidents, 484 of them occurred on these four highways. These four highways are several hundred miles of highways - a few

hundred miles of highways. Now we police throughout the state approximately 18,000 miles of highways - all types of highways, county, federal, municipal, township roads. On the few hundred miles of roads, to try to pinpoint what I am attempting to say, we have 25 per cent of our truck accidents. On the other approximately 17,000 miles of roads, we have 75 per cent of our accidents. To us the problem exists on certain highways within the state and here is where we think that a careful program of speed differentials would be useful and in the public interest because this is where our problem is. This is where our accidents are occurring. This is where our deaths are occurring.

CHAIRMAN CRABIEL: Has the State Police made any analysis of the accidents on those four particular highways to determine how many of those accidents were attributable to speed?

MAJOR FORKIN: Assemblyman Crabiel, we have all kinds of statistics in connection with our accidents, of course. We study all of our accidents. We have any sort of statistics that you might care to have available to you. I do not have all of them now to present to you. However, we would be very happy to present to the Committee anything that we have in connection with this problem.

CHAIRMAN CRABIEL: Assemblyman Davis, one of the sponsors of the bill, is here and he has to get to the other meeting. He would like to ask a question. Assemblyman Davis.

ASSEMBLYMAN JOHN W. DAVIS: Major, I just wondered, is the percentage of fatalities in the accidents in which trucks are involved significant?

MAJOR FORKIN: It is where the problem exists on these

highways. We do not say that there is a problem on all highways within the state in all areas. We cannot say that on Route 130 the problem that exists there and where we advocate support of the objectives of this bill - we cannot apply them against highways, say, in Cape May County where there is little or no truck traffic or in some rural counties in other sections of the state. The percentages on some highways do indicate the problem and the need on those highways.

ASSEMBLYMAN CRABIEL: Have you seen any statistics from other states that have similar legislation?

MAJOR FORKIN: In connection with what?

CHAIRMAN CRABIEL: With the speed differential. Let me ask you this question: Are there any other states that have speed differential legislation?

MAJOR FORKIN: It is my understanding that about 35 of the states do have speed differentials.

CHAIRMAN CRABIEL: And have you ever seen any statistics - before and after statistics - so to speak as to what happened?

MAJOR FORKIN: I have seen them, but I am not qualified to interpret them.

CHAIRMAN CRABIEL: Would you know whether they work it on a statewide basis or on a selective basis?

MAJOR FORKIN: I do not know whether all of them are similar, statewide or selective. I am not sure. Some of them work it on a statewide and some of them don't, I assume. But I have a listing of these states here that do have speed differentials if you are interested in it.

CHAIRMAN CRABIEL: I think the Committee has a listing of

those.

MAJOR FORKIN: The Committee has that?

CHAIRMAN CRABIEL: Yes.

Any other questions? Mr. Keegan.

ASSEMBLYMAN KEEGAN: No.

CHAIRMAN CRABIEL: Do you have comments as to the other bill, the bill which would require special licenses for truck drivers?

MAJOR FORKIN: Well, I believe that a special license for tractor-trailer drivers -- we would support a bill like that. We think that a tractor-trailer driver should have some formalized training which he would have to have if he were to qualify to operate a tractor-trailer if there were legislation of that sort enacted.

I do believe that it would be in the public interest and it would be a further step for traffic safety. It would promote traffic safety.

CHAIRMAN CRABIEL: Does the State Police regulate traffic on the New Jersey Turnpike and/or the Garden State Parkway?

MAJOR FORKIN: The State Police are responsible for policing both of those highways. We furnish 92 men on the Turnpike, and I believe a similar number of men on the Parkway. I think the figure there is about 85.

CHAIRMAN CRABIEL: You mentioned four specific highways before. Would you include in those recommendations the New Jersey Turnpike and/or the Garden State Parkway?

MAJOR FORKIN: I believe that the Turnpike Authority has over the period of years it has been in operation made tremendous efforts to provide traffic safety on the highway. I know that

they have competent traffic engineers. Our Turnpike Commanders is competent and qualified to enforce the regulations which the Turnpike has promulgated as a result of the legislation which permitted them to do so. I believe that the Turnpike and the Parkway would be the first to recognize any need for any safety measures and I believe that they have enacted them. The reputation of the highway is that it is one of the safest highways in the world and I believe that the Turnpike Authority should be allowed to adopt their own regulations, and also the Parkway, in connection with the regulation of traffic. They have done everything, as far as I ever could determine, to promote traffic safety in the best public interest. They are constantly on top of their problems and I would not recommend that this legislation apply to the Turnpike or the Parkway.

Now, the Parkway, of course, does not have the truck traffic problem that other roads have. Above Exit 90 on the Parkway there are no trucks allowed. The Turnpike and the public highways are dissimilar. The Turnpike has no grades. It has multi-laned highways. It has no lefthand turns, no traffic lights. I am sure that a truck, for instance, traveling at 50 miles an hour or 60 miles an hour on the Turnpike would be much safer than on a public road with all its hazards.

CHAIRMAN CRABIEL: You have answered my next question partially. I wanted to ask what makes the New Jersey Turnpike, for instance, safer than Route 1 from New Brunswick to Trenton now where you have just completed a barrier curb through the whole length of Route 1.

MAJOR FORKIN: Well, the road characteristics are dissimilar. As I said, you have practically no grades. You have no left-hand

turns. You have no traffic lights. You have no intersections. You have no highway cutouts for entrances and exits to business houses. All these hazards are eliminated on the Turnpike.

CHAIRMAN CRABIEL: Any further questions?

Do you have any comments on the tachometer bill, mandatory tachometer?

MAJOR FORKIN: I haven't too much comment on it. Talking purely from an enforcement standpoint, according to the wording of the bill, we would not be able to use the tachometer as evidence in any of our enforcement work. I believe the other features should be discussed by people other than myself.

ASSEMBLYMAN FLYNN: Major, if you could use the records of the tachometer, would you then approve of it?

MR. TOOLAN: Pardon me, but we did not hear the question.

ASSEMBLYMAN FLYNN: If the police could use the records of the tachograph, would they then approve of it?

MAJOR FORKIN: I believe that we would approve anything that would assist us in the promotion of traffic safety.

CHAIRMAN CRABIEL: Do you know anything about the accuracy of tachographs?

MAJOR FORKIN: No. I do not.

CHAIRMAN CRABIEL: Any other questions?

Thank you very much, Major.

I will call on Commissioner Joseph Morecraft and/or General Wanamaker as you desire, Commissioner. Commissioner Morecraft of the New Jersey Turnpike will speak.

JOSEPH MORECRAFT, JR.: Gentlemen, in presenting our arguments this morning, we want to confine our recommendations entirely to

the New Jersey Turnpike and do not care to make any recommendations concerning any state highways, township roads or other public roads.

Our experience and our comments are confined chiefly to the Turnpike and we would like to have you bear that in mind in anything that we might present.

We agree with the State Police Major here who has indicated that the Turnpike is not similar to any of your state highways. As he has indicated, it is a road that is without any extensive grades, not exceeding 3 per cent, good sight distances, wide shoulders and north of Camden it is a three-lane highway in each direction. There are no intersections. There are no traffic lights. There are no left-hand turns, all of which makes it a great deal different as compared to the freeways and the state highways of New Jersey.

These conditions are not similar to any other express highway in the state. We feel that we must exercise our best judgment based upon our experience in making the recommendation that there be on the Turnpike no truck speed differential. At each interchange there is a permanent sign designating the authorized speed then in effect on the Turnpike as well as the general weather conditions prevailing. In time of adverse weather conditions, this sign posts a 35 miles per hour limit and advises of the existence of ice, snow, fog, wind or traffic congestion between certain designated interchanges. In addition, large overhead neon signs are built over or adjacent to the roadway at 63 locations which display signals "drive slow, "accident," "fog, ice, snow ahead." The control of speed by means of these signs

and other devices, as enforced by organizations consisting of 92 members of the State Police, give the Turnpike traveler far greater protection than it is believed can be found on any public highway.

So, therefore, we would ask and recommend that as far as this bill effecting the differential, the truck differential speed, it shall not affect the Turnpike regulations. At the present time we make our regulations based on the experience of our traffic official, the State Highway Captain, and then present them to the state for approval. And I want to say that if our experience from now on indicates that there should be a change in these regulations, including the truck speed differential, we shall act promptly in making that change and making that recommendation, and we at the present time would have the authority to make that change under our present setup. We would like to have that condition continue, so that if we should find it would be necessary that a speed differential on trucks be made, we would have the privilege of doing it and recommending it and sending it to the state for approval. Our operating head of the New Jersey Turnpike, our Executive Director, General W. W. Wanamaker is present. If there is anything so far as data is concerned which you desire, statistics or further information, I am sure that he will be glad to present our case to you.

CHAIRMAN CRABIEL: Mr. Keegan?

ASSEMBLYMAN KEEGAN: No questions.

CHAIRMAN CRABIEL: Mr. Flynn?

ASSEMBLYMAN FLYNN: No questions.

CHAIRMAN CRABIEL: General Wanamaker, would you care to

answer a few questions, please.

General, what is the safety record on the Turnpike as against the public highways?

GENERAL WANAMAKER: Well, on a fatal accident frequency, we are now about 1.65 per hundred million vehicle miles and on our public highways, I imagine it is somewhere in the magnitude of 5 or 6.

CHARIMAN CRABIEL: Of your total accidents on the Turnpike, what percentage of those are truck involved?

GENERAL WANAMAKER: In the period from 1952, when we opened, through 1958, seven full years of record, we averaged about 10 per cent trucks on the Turnpike and trucks are involved in 25 per cent of the accidents. If you take it on another kind of a ratio in which you speak of the vehicles involved and their exposure rate, which is a measure of their length of travel, trucks are involved in 70 per cent more accidents than the other passenger cars.

CHAIRMAN CRABIEL: With an experience rating like that, wouldn't it indicate that some more control should be put on trucks?

GENERAL WANAMAKER: Well, sir, there is no doubt but that with an experience like that it would focus attention on what to do about trucks. There is no doubt of it. If you talk about fatal accidents, 38 per cent of our fatal accidents and 42 per cent of our fatalities involved trucks. So from those statistics alone, one would say how can we minimize it or lessen it? The problem is exactly that. Would a speed differential do it or is it something else?

CHAIRMAN CRABIEL: I am thinking back to Major Forkin's testimony when he was indicating, I think, that trucks were involved on the four state highways in about 20 per cent of the accidents.

GENERAL WANAMAKER: As I heard his figures, it was about that.

CHAIRMAN CRABIEL: And if you are saying that your trucks are involved in more than double that, doesn't that indicate that certainly speed - and the facts are that your speed limit is higher than the speed limit on the other highways - has something to do with accidents?

GENERAL WANAMAKER: Well, I think it is something we have to analyze very carefully and let me make again clear in that seven-year period I mentioned, ten per cent of our traffic was truck traffic and twenty-five per cent of the accidents were accidents in which trucks were involved. Now, if we get down to just fatal accidents - and I don't mean getting down to it - but I am talking about the really severe accidents, we have found that 40 per cent of them involve trucks, and of those 40 per cent, three-fourths are rear-end collisions. And of that three-fourths, in another three-fourths, the truck was the forward vehicle.

Now let me say further, sir, to begin with, on the Turnpike we have probably the most complete analysis of accidents that could be had, not just our Turnpike, but other Turnpikes, because we know every vehicle and every type of vehicle and exactly the trip it took and exactly when it took it. There are some things that are unable to be determined, such as the exact speed of the vehicles involved in an accident and in numerous cases it is not always possible for the police to know or to find out reasonably closely the speed of the two vehicles. But nonetheless those

statistics, when you get down to trucks, stand out, that 75 per cent of them in fatal accidents are rear-end collisions and of those in 75 per cent of the cases, the truck was the forward vehicle, something hit it behind. So we have to be very careful in an analysis of those accidents to see whether a speed differential would be the thing to reduce accidents with trucks. If you go through those 177 accidents, you will find out that a speed differential could possibly have bettered the situation in some of them. It might not have worsened it. You can pick out, of course, accidents in which a vehicle was hit by a bus from the rear or a truck was hit by another truck, and one could say that if that following vehicle had been going slower, the accident would have been minimized or possibly been avoided, and we don't deny that.

I don't think any of our experts deny that. But there is the other realm of accidents about which no one knows how many of these accidents that are now near misses or were avoided would occur if there were a differential and if the forward vehicle, a truck or bus, were going not more than 50 miles an hour. It is that uncertainty and that danger that makes our people believe that the solution is not a speed differential on an express highway. There are so many, many other things that occur. In the first place, most of these accidents take place at night and they take place in all kinds of adverse weather and we know and our police know that the problem in these rear-end collisions with trucks perhaps bears out two things: one, faulty rear lighting or rear lighting which is not as high a standard as it should be, and, secondly, sleepy drivers. There, we think, is where we should all focus our attention.

CHAIRMAN CRABIEL: Under the present law, you have the right to determine speed with a maximum of 60 miles an hour, is that right?

GENERAL WANAMAKER: Yes.

CHAIRMAN CRABIEL: And you have a right to set any regulations that you want with the approval of who, the State Highway Commissioner or the Motor Vehicle Director?

GENERAL WANAMAKER: No - the approval of the Authority.

CHAIRMAN CRABIEL: The Authority alone?

GENERAL WANAMAKER: Yes, sir.

CHAIRMAN CRABIEL: Any questions, Mr. Keegan?

ASSEMBLYMAN KEEGAN: No.

CHAIRMAN CRABIEL: Mr. Flynn?

ASSEMBLYMAN FLYNN: No.

CHAIRMAN CRABIEL: That's all. Thank you, General.

Mr. Robert Sheldon, the Assistant Motor Vehicle Director.

ROBERT SHELDON: Gentlemen, I hope I haven't delayed the Committee in my appearance here. I didn't know I had this assignment until about twenty minutes ago.

The Division in anticipation of a hearing before this Committee has made an effort to obtain opinions from other states that have enacted this type of legislation and we have come up with some information, not the kind that we desire from the standpoint of real accuracy or sure-fire statistics. However, if I may I should like to read in part from a letter which we received from the Council of State Governments just recently wherein we asked them to provide us with some information with respect to states that do have speed

differential laws, with some opinion from them with respect to its success. The letter in part reads that 34 states presently have lower limits for trucks than for passenger cars. However, all except four of these states have passenger car limits of over 50 miles per hour; even though their truck limits are lower in most states, the legal maximum for trucks in these states is at least 50 miles an hour. Now, of course, that immediately puts us in a position somewhat different from the majority of the states inasmuch as our legal maximum for passenger vehicles on our state highways is 50 miles per hour.

On the negative side, of course, we have the uniform vehicle code, which does not specifically recommend a differential speed for various types of vehicles. They do go into recommendations concerning a lower speed during the nighttime hours as contrasted with during the day.

Our Bureau of Traffic Safety made another inquiry, which I believe is more detailed. They find that there are 35 states at the present time that have differential speed laws and this report in part reads:

"On the basis of information that 35 of the 48 states had statutory regulations requiring a lower maximum speed for commercial vehicles than that permitted for passenger-type vehicles, an inquiry was addressed to each.

"Thirty-one of the thirty-five states responded. We did not hear from Alabama, Illinois, Oklahoma, and Tennessee. Generally these regulations limit trucks to a maximum speed that differs from 10 to 15 miles per hour from the speed allowed passenger-type vehicles.

"Taking a random example, the State of Kentucky has a daytime speed for passenger vehicles of 60 miles per hour and a 50 miles per hour nighttime speed - speed for trucks - 50 miles per hour with 40 miles per hour at night. This applies to all trucks in non-urban areas. In urban areas it is 35 miles per hour at all times. Mr. Paul M. Smith, the Director of the Kentucky State Police, states that these regulations have improved the safety and expedited the flow of traffic on the highways of that state.

"It is the general opinion of those whom we questioned that measures enacted to differentiate between trucks and automobiles probably resulted in a safer use of the roads. In this connection Maryland reports a 1.2 per cent reduction in truck accidents since adopting the speed differential."

The 31 states which have adopted the differential, some having legislated it for more than 20 years, such as Mississippi, which has had it since 1938 and North Carolina since 1937, and Texas has always had it - most of these states that do have it have resisted any attempts to repeal it. They feel that it is a safety factor. Although they cannot give us statistics with respect to how many lives they saved or accidents that they have cut down, they feel that it is an important safety factor and they wish to continue it.

We find that the states that do not have it, the 16 states, are states that are from areas such as sparsely populated sections like Nevada, Utah, Colorado, Idaho and Arizona. And then again on the other hand, the states that do not have it also include very populated states like New York, New Jersey, Connecticut, and

Massachusetts. So it seems that the states that are inclined to enforce it are states that are in the in-between category, states like the Carolinas where the population is not as heavy as in this area and not as sparse as some of the more western or southwestern states.

The only state that has given us any specific comment with respect to its success has been the State of Maryland where they have indicated a reduction in accidents of one and two-tenths percent.

We in the Division feel that this legislation which you are considering now is not creating a mandatory differential speed, but is merely giving authority to the State Highway Commissioner and the local authorities with jurisdictions over their roads to enact differential speeds on certain roadways. We can understand a distinction between the New Jersey Turnpike and Garden State Parkway as compared to two-lane highways in some of the more rural areas in the state. We are equipped through the Bureau of Traffic Safety and the State Highway Department is also equipped to make scientific speed surveys for individual cases and make determinations in those cases with respect to whether or not a differential speed should apply. Frankly, I would be a little reluctant to testify in favor of the differential speed if it were a mandatory thing which would apply to any of the roadways of the state. However, I do believe that, if given the authority, it can be exercised with good discretion by the Highway Department, by the Freeholders or by the municipal governing bodies.

CHAIRMAN CRABIEL: Mr. Flynn.

ASSEMBLYMAN FLYNN: No questions.

CHAIRMAN CRABIEL: Mr. Keegan.

ASSEMBLYMAN KEEGAN: No questions.

CHAIRMAN CRABIEL: Why should this be left with the State Highway Department rather than the Motor Vehicle Department?

MR. SHELDON: Well, the State Highway Department is equipped and has been for the past several years to regulate its own highways. Although by statute we have the authority to approve their regulations, we find that personnel-wise they have the facilities to do it on their own roadways - they understand their own roadways better - and although we do consult with them from time to time with respect to the desirability of certain types of installations, we find that they are competently qualified to know their own roads and make their own determinations.

CHAIRMAN CRABIEL: Would you have any knowledge or statistics that would indicate the relative position or the total percentage of trucks in New Jersey as against the percentage of accidents that trucks are involved in?

MR. SHELDON: Well, we made a survey on that subject and I would be glad to provide the Committee with a copy of it. I think, to answer that question, we found that accident involvement - now this is, I believe eight months of 1959 - show that in the State of New Jersey 91.3 per cent of the accident involvement involved passenger vehicles and 8.7 per cent involved trucks, as compared with a truck registration of 10 per cent of all of the vehicles operating in the state.

CHAIRMAN CRABIEL: Has anyone ever made an estimate of the relative mileage driven by trucks as against the passenger cars? I know it is very hard to do. In other words, what I am driving

at, it indicates that the trucks are not involved in many more accidents percentagewise than are passenger cars.

MR. SHELDON: I don't know if we have any specific studies on that. The Motor Vehicle Fuel people may have some way of determining that, although it wouldn't be a part of our own statistical compilations.

CHAIRMAN CRABIEL: Major Forkin in testifying before you came in, I believe, indicated that he would favor a speed differential, and he named specifically four highways, on Route 130, Route 1, Route 22 and Route 46. Would you have any comments along those lines?

MR. SHELDON: Well, the ones that he mentioned, I would be inclined to concur with him on. They are highways that are problem highways for us at the present time. I think he is probably more adequately qualified to know, having patrolled those roads. But our inspectors would certainly concur in that too. Those roads are certainly serious problems for everybody.

CHAIRMAN CRABIEL: Would you think that this should go behind state highways and be applicable on county and municipal roads?

MR. SHELDON: I believe it should be applicable to county and municipal roads. I don't know that we would get as much activity with this type of speed zoning on county and municipal roads because they are not zoned, most of them, for 50 miles per hour now. Most of them are zoned for lesser speeds, except in the very rural areas. But I think that it should be just as applicable there where the situation warrants.

CHAIRMAN CRABIEL: Would you think this has any merit on two-lane roads or must it only be used on four-lane roads?

MR. SHELDON: No. I believe that it could be considered on two-lane roads as well as on four-lane roads.

CHAIRMAN CRABIEL: What would your opinion be as to increase in accidents because of a passenger car passing a lower-rated truck on a two-lane road?

MR. SHELDON: Well, I don't think that this bill is the panacea for this type of accident. We are talking about truck lighting. I think that by an improvement in our truck lighting law, we can eliminate that sort of accident. This sort of legislation is not going to keep drivers awake and I think most of these accidents where passenger vehicles are running into the rear end of commercial vehicles are caused by people slumbering at the wheel. I think perhaps many of these accidents might occur anyhow, whether or not there is a speed differential law where passenger vehicles are going to creep up on commercial vehicles and run into them. I think that other areas deserve some exploration too, such as truck lighting. But I don't know. I see statistics from the Turnpike Authority where they show that these passenger vehicles are running into commercial vehicles. The statistics are there. I don't know that it is because these trucks are going slower than they should go. I would assume that these trucks are probably traveling at the maximum limit when they are run into from the rear. I don't think that that is the real problem on a differential law. The inquiries that we have made of other states- none of them make any point of that at all. They are all satisfied with the law. None of them say that they

have had an increase in rear-end accidents. I think perhaps that is a conclusion that we might draw without a real study of it.

CHAIRMAN CRABIEL: Do you have any comments on A-235, which is the tachometer bill?

MR. SHELDON: I have none at the present time. This legislation has been apparently the subject of discussion for a number of years. Whether or not it is practical, is a real problem from an enforcement point of view. I don't know of any states that are using it. The expense of enforcement of this type of legislation, it would seem, would be very high. I don't think there is any question that if these vehicles were required to use tachometers and if we had the facilities and personnel to inspect them from time to time, they may serve some useful purpose. But without real uniformity throughout the other states in the requirement of this type of legislation, I doubt that it would have very much meaning for us in New Jersey - together with the expense involved and the enforcement involved. I would take a dim view toward it now. This isn't an authoritative opinion on it; it is more or less one off the cuff that I have had. We haven't considered these bills too seriously because of that. I haven't heard anything in its favor. I am sure there is good argument in its favor. But from the standpoint of the state, I think it is going to be an expensive thing.

CHAIRMAN CRABIEL: Concerning A-184, the bill to have special licenses for truck drivers, do you have any viewpoint on that?

MR. SHELDON: Well, I think that it is good. I think that special licensing for truck drivers would serve a very useful purpose.

I don't see why we should distinguish between trucks and buses the operators of which are now required to get special licenses. Again, I can only say this, that without the funds and the people to conduct this type of examination, we are not in a position right now to do anything about it. We would desire it. We think it is good. However, we are not equipped at the present time with our inspector force personnel to do it. So more money would be required again.

CHAIRMAN CRABIEL: Do any other states have special licenses for trucks?

MR. SHELDON: Offhand, I am not prepared to say.

CHAIRMAN CRABIEL: Are you prepared to comment on this: What effect would that have on out-of-state trucks in New Jersey if this bill were passed?

MR. SHELDON: The special licensing?

CHAIRMAN CRABIEL: Yes. In other words, an out-of-state truck driver could still drive in ---

MR. SHELDON: Under our statutes, we would extend reciprocity to them, regardless of whether or not they had an examination in their home state, so long as they had a valid license from their home state.

CHAIRMAN CRABIEL: What are your thoughts concerning out-of-state drivers in truck accidents?

MR. SHELDON: Well, my thoughts are these: I think that no matter what we do in New Jersey, we are going to be faced with a tremendous problem because of the vehicles coming into our state from foreign states. Even though we exert very high standards in our statutes here, we can't expect any real

accomplishments until we can get other states to adopt the same high standards. The Association of Motor Vehicle Administrators has indicated a willingness to provide work shops on this subject. I believe if we can get real cooperation from the surrounding states in enacting legislation of a high standard, that it will be helpful to us. But the Middlesex County accident I think was a good illustration - a vehicle that was registered in New York State which was not required to be inspected - a driver who was licensed in another state. Certainly none of our regulations or statutes could have controlled this vehicle nor could they have controlled the operator of this vehicle.

Without good interstate cooperation, we are not going to get too far. And that is why we are trying to encourage this sort of interstate reciprocity relationship on many of our laws. Without that, we are going to have a difficult time overcoming any of these problems.

CHAIRMAN CRABIEL: How can we get at better reciprocity?

MR. SHELDON: Well, we can continue our efforts of meeting with other states through joint conferences or through the A.A.M.V.A. to establish agreements which are allowed under the statutory authority of the respective states. But the big problem is that states such as New York and Delaware and Maryland, all are operating under laws which are different from our laws. Their motor vehicle administrators do not have the authority in all cases to propound regulations and enter into reciprocity agreements. So there is little that we can do individually, except through joining with other states, attempting to have legislation influenced in those states which will give their commissioners

of motor vehicles authority to act in these cases where they cannot now act.

CHAIRMAN CRABIEL: Do you think there is merit to the idea of a national license, issued by a federal agency rather than a state agency?

MR. SHELDON: Well, I think there is merit to a national program of driver records in order that we may obtain driver records of operators of vehicles in other states. I don't think that it is fully necessary if each state will exercise its own responsibility in this respect. But I question the practicality of any national commissioner of motor vehicles or any other agency which would have the authority to license vehicles in all states or license drivers in all states. I don't believe it is too workable and I don't think that we should dwell too much on that particular subject because I think that it is a little wishful thinking at this stage. I think we can deal with more of our specific problems.

CHAIRMAN CRABIEL: Any other questions? (No response.)
Very well, Mr. Sheldon.

Mr. Wilson, I saw you come in. Mr. Wilson, come over and join us. He is a member of the Committee from Union County.

I will call on Former Senator John Toolan, representing the New Jersey Motor Truck Association.

JOHN E. TOOLAN: Thank you, Mr. Chairman. For the record, my name is John E. Toolan and I appear here on behalf of the New Jersey Truck Association. And on behalf of that Association, I want to make the record clear at the outset by stating our general position with reference to this or any other legislation respecting

safety on the highway. The New Jersey Motor Truck Association is in favor of greater safety on the highways and for all sound legislation that will promote or assure this end.

Having said that, I suppose you might say that is like being against sin because the generalization doesn't mean much until you get to the specifics. This group of bills has probably been activated by the recent unfortunate and horrible accident in Middlesex County that cost the lives of eleven people. I suppose that projects the question. Assume that all these bills were the law of the land on that horrible night. Would they have had any effect whatsoever upon that accident? I think anybody who knows anything about that accident would have to answer that none of these bills would have any effect upon it whatsoever. That accident was not caused by speed. That accident was not caused by any lack of brakes. You see, I represent the gentleman who was driving the truck. Beyond that at the moment, I wouldn't regard it as wise or politic to go. While we know that the primary cause of that accident was the contact between two vehicles, there was another factor involved in that accident that isn't touched by any of these bills. All of these people burned to death. And, of course, it might be appropriate at some time for the legislature to think in terms of the prevention of that sort of a result. That doesn't necessarily involve speed or brakes or even human error. You are dealing there with equipment and the construction and the location of gasoline tanks.

However, let us direct ourselves to the specific pieces of legislation here. First, with reference to Assembly Bill Number 235, the tachometer bill, that bill provides that each

truck shall be equipped with a tachometer, it says in the bill, but it has been suggested the correct name is tachograph. Now I wonder what purpose or function that is to perform under the provisions of Assembly 235 because under that bill "no information or record taken or reproduced from a tachometer shall be permitted as evidence that the vehicle was operated in violation of a lawful speed limit in a proceeding in any court or before the Division of Motor Vehicles." According to the bill, "such information may be offered by or on behalf of the owner or operator of the vehicle on which the tachometer was installed."

Now, if I were to take that bill literally, I would assume that it was intended and designed to afford an operator a defense against the charge of some police officer or state trooper that he was exceeding the speed limit. And it seems to me that the bill as drawn is limited to that specific purpose. Well, if that is the purpose, I want to go on record here and now clearly and specifically as saying that the Motor Truck Association of New Jersey is opposed to the bill.

This bill would impose a very substantial expense upon the commercial vehicles in this state with no commensurate return or reward. I understand that these tachometers are devices that can be tampered with very easily by any truck driver and be made to record something other than the fact.

With reference to the large operators who are operating in interstate commerce. They are subject to regulation by the I.C.C. and they are under the duty and responsibility of keeping all of their equipment in order, in good working order, and if they don't, it is a violation. So you would expose all of these operators to

charges of violations any time this tachometer was not operating and recording properly, and again, with no reward.

The only function or purpose of a tachometer would be to give the owner-operator information respecting stopovers, time that the driver took out, and if it is not tampered with, perhaps some general idea as to average speeds that might have been maintained during certain periods. But that information has not proven of sufficient value to most operators to cause them to put in this device. Now, if it were good business to put tachometers on trucks from the point of view of management or ownership, you wouldn't need legislation. They would do it themselves. Now if it is not good business to put these tachometers on these trucks, then you have to say to yourself: What purpose or function is this tachometer to serve? What public good does it serve? There is nothing suggested in the bill. There is nothing that has been suggested in any presentation here today. The only thing this bill will accomplish will be to subject the substantial operators to a very high installation cost, to a very high maintenance cost, to the hazard and risk of being brought up before the I.C.C. for violation in the sense that its equipment is not maintained in good order and so forth, with no commensurate benefit either to the operator or to the public and as far as we are concerned there is no present justification for the passage of this bill, and we oppose it.

Now with reference to Assembly Number 184, with reference to special license to operate gross weight vehicles and loads in excess of 4,000 pounds, number one, if there is ever to be this type of legislation, the weight of the vehicle should be increased

because this weight of 4,000 pounds is too low. Now, the New Jersey Motor Truck Association is in favor of anything that will give them better drivers. The people who have the greatest interest in truck safety are the owners because they are involved with the lives of their employees and their own property, insurance rates and increased costs that result from accidents.

If some method could be devised to have special licensing that would make sure that no one ever got aboard one of these trucks, particularly the large tractor-trailer vehicles, who was not qualified, it would be in the interest of the owners and operators and they would be for it. But don't pass legislation of this kind unless you really mean it; by that I mean this, unless you follow up the legislation with a substantial appropriation so that the legislation will be meaningful. Then you have to ask yourself the question: Well, is the legislation now in effect with reference to bus drivers appropriate, suitable and adequate with reference to the operation of the vehicles that you are trying to regulate because this is primarily aimed, I assume, at the operators of these larger and heavier-weight vehicles? Unless a set of standards were set up that must be met, both with reference to physical fitness, mental capacity, nervous reaction, alertness and other standards so that you would make sure the examination when a driver got a certificate of fitness really meant something, there is no point in passing legislation because if you give the people of the state anything less than that, you are merely going to add an expense to the operation of the state without a commensurate benefit to the people of the state because ultimately they are the

ones who are going to pay this bill, whether you put the initial tax upon the licensee or upon the truck driver or the truck owner or where you put it.

This is the category of thing that the New Jersey Motor Truck Association says "Yes, we are in favor of it if you do it right, but no half way measures." And this bill as drawn, we respectfully submit, will not accomplish what the New Jersey Motor Truck Association would like to see accomplished. Give us a good bill and the New Jersey Motor Truck Association will be for it. In other words, if you can give us better truck drivers, the New Jersey Motor Truck Association wants it.

Now coming to Assembly Number 442 - that is the bill which as presently drawn provides for a speed differential - now this bill as drawn is an amendment of Section 39:4-98. First with reference to the specific provisions of this bill, we want to comment upon the specific provisions because we think this bill as drawn is not adequate to the needs. This bill, of course, goes back to 39:4-98 and recites that the speed limits are 25 miles an hour when passing through a school zone and so forth, 25 miles an hour in business or residence districts, and 50 miles an hour in all other locations. And then the bill provides that "Whenever it shall be determined upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway* * *" Now, who makes the determination? You might guess about it later on in the bill that in one instance it might be made by the State Highway Department and the other instance by

the municipal body or the county body. But the bill ought to clarify who it is that makes the determination. But in any event, assuming that such a determination is made, it then goes on: - and this seems to be a clause left more or less out in space as I read the bill - " *** or that a differential rate of speed of 10 miles per hour less than a maximum rate of speed of 50 miles per hour or greater for commercial vehicles exceeding 10,000 pounds gross weight would create safer driving conditions for all vehicles using all or any part of a highway," and so forth.

Now with reference to that particular phrase, that makes a mandatory differential of 10 miles per hour and then it goes on "or greater for commercial vehicles exceeding 10,000 pounds." Presumably you could have a differential of 10 miles per hour on all commercial vehicles in 50-mile areas and a differential of something in excess of ten miles per hour for all vehicles having a gross weight of 10,000 pounds. There is no limitation upon how much greater. Now, if you are going to give that sort of power as this bill does to municipalities and counties - of course, while it is true that whatever they do must be subject to the approval of the Director of, I believe it is the Motor Vehicle Department - still you leave open a mileage differential that could under the hysteria of some accident such as recently occurred on Highway One there near New Brunswick to rather absurd results and I don't think it ought to be left open that way.

Now, as far as the Motor Truck Association is concerned, they are opposed to so-called mandatory speed differentials. They are in favor, and have been in favor and have put themselves on record as being in favor of speed differentials where special

study and special circumstances indicate that a speed differential will contribute to safety to the operators of the vehicles and to the operators and all persons using vehicles upon the public highways.

Now, it has been stated here - and on behalf of the Motor Truck Association we are in accord with the idea - that you cannot pass generalized legislation on this subject of speed and speed differentials and embrace the Turnpike Authority, the Parkway and all state highways and county and local roads of the state because that type of legislation just will not work out. There are so many differing facts and factors and circumstances and incidents that generalized legislation would be a hindrance perhaps rather than an aid to the ultimate safety if you attempt them. We think you have to treat the so-called express highways like the Turnpike Authority in one category and you have to treat the state highways and the county and municipal highways in another category and it is not anything, this whole subject matter of speed differential, that you can come to fast conclusions about. It is a very easy thing, as I say, under the emotional impact of this sort of an accident to try to do something in a hurry and to adopt some panacea or universal cure-all to still the public clamor for the elimination of all fatal accidents. Legislation adopted under those conditions is usually bad legislation.

For instance, you take a two-lane highway and if you just arbitrarily permit some municipality through which it operates to say that "You shall not go through here over 15 miles an hour,"

you are not just affecting commercial vehicles. For all practical purposes, you put a 15 mile speed through that area because if a commercial vehicle can't go any faster than that - it is a two-lane highway and you wouldn't regulate the speed at all unless it is fairly heavily traveled - that means you won't be able to get by any vehicle because there will be traffic coming in the other direction and you fix a speed limit for all vehicles.

There are sections in this state - and I have an illustration here in a communication I just got from one of the members of the Association where in a certain section of the state within a radius of a relatively few miles, you run through a series of changes in speed in different municipalities where they are close to each other - 45, 25, 20, and 35 miles an hour. Now, I think you must recognize that most of these speed signs aren't that plain and that obvious and that conspicuous so that the average citizen will have them brought to his attention. It is very, very easy to get caught with a violation when you have no intention to be a violator because if you are going through a 40-mile zone and then don't happen to see the speed change sign, you are a violator, and with the current threat of the loss of your license if you are going in excess of a speed limit by 10 miles, it is a very, very great risk.

I think all these things the members of this Committee know and certainly the people on the highway recognize these things. I think you have to have a very, very practical and sensible approach to this whole problem. You are never going to eliminate all accidents. We can pass sensible legislation that will have a

tendency to minimize them and that is about the best you can do because you are not going to eliminate them unless you can pass legislation that is going to change human nature and up to now nobody has been smart enough to work that one out.

Just one other thing, as far as the New Jersey Motor Truck Association is concerned, they are in favor of some agency in the state reporting to the owners or to the New Jersey Motor Truck Association all violations involving trucks so that the owner-operator will be informed and be advised of tickets that are given to their employees. It will aid them in better supervision, in better policing and better control. Similarly, while there are statistics published annually in this state respecting the number of arrests and violations by out-of-state operators, there is never any identification of who those out-of-state operators are, and if some agency in the state would notify the New Jersey Motor Truck Association or notify the employers, the out-of-state employers, it would be a similar great service to them in this whole subject matter of supervision and regulation and policing. It would be an aid perhaps in cutting down and minimizing the accident rate.

This bill - the general purpose of Bill A-442 which is sought to be accomplished - is favored by the New Jersey Motor Truck Association, not as a mandatory process, but we think that if there is to be legislation of this sort, it ought to provide that there can be a differential of not in excess of ten miles an hour; and that whether or not the differential should be applied in any particular location or circumstance should be determined by some designated agency after careful investigation and study to the end that the differential will be used at locations

upon the highways where it will contribute to safety and not merely be the means of causing additional traffic congestion and perhaps be a contributing factor to a higher accident rate.

Is our position clear?

CHAIRMAN CRABIEL: Senator Toolan, you refer to the tragic accident on Route One in Middlesex County, and, of course, I am very familiar with that, happening to live very close to there. I just want to point out for the record that these three bills were introduced in the Legislature, two of them on January 19th, and A-442 on February 9th, and that the Committee had been giving consideration to these bills during the year. In fact, Assembly 442 had been introduced last year and had been released by the Committee and had been passed by the Assembly, but had not moved forward in the Senate. It is true that when the tragic accident happened, there was a public clamor continued for some regulation to stop things such as this. And it was the purpose of the Committee to delay holding this hearing until that accident got a little bit more in perspective so that it could be considered in the over all picture and that is one of the reasons for the length of time elapsing before the holding of this hearing. I believe that what will come out of this hearing will be a recommendation to the new Legislature or the new Highway Committee to consider action on these matters because it is too late in the session for us to do anything. But I wanted to get that clear to the people, that we are trying to consider this in the light of the latest record and also in the light of bills that have been in or thoughts that have been submitted to us.

Mr. Keegan.

ASSEMBLYMAN KEEGAN: Senator, I am confused on this point and I would appreciate it if you could clear it up for me. If I understand your statement correctly, the Association is in favor of a differential if it is limited to a differential of 10 miles an hour. Is that correct?

SENATOR TOOLAN: Not in excess of.

ASSEMBLYMAN KEEGAN: -- not in excess of 10 miles an hour and if there is a specific agency which would be empowered to make the recommendations where the differential would be applied in the state. It is my understanding from reading the bill that that is the provision of the act. Now, is your criticism directed to the fact that the bill as written from line 11 forward to line 27 is too general?

SENATOR TOOLAN: I think that the bill from line 11 forward could be redrafted and made much clearer. I think the English construction is not too good. For instance, with reference to speeds, this says "*** or that a differential rate of speed of 10 miles per hour." There is no flexibility in there. You have got to make it 10 miles an hour. Now there might be locations in the state where wisdom might dictate that you might have a differential of 5 miles per hour or 7 or 8 miles per hour, but not necessarily 10 miles per hour. This bill gives no latitude at all in that respect. This bill provides that you can make a differential of 10 miles per hour and in situations and with reference to vehicles in excess of 10,000 pounds, a greater differential. Well, now, how are you going to announce that on your signs? Are you going to put a sign up "If you truck is over 10,000 pounds, your differential is 15 miles an hour"?

In other words, our point on that is this: We are in favor of differentials at proper locations where sincere honest study and good judgment dictate that there should be a differential, but we think once you delegate the authority to make a differential to some agency, either the Highway Department or the Motor Vehicle Department, you also must have confidence enough in that agency to permit them to fix the differential within certain limits that will be prescribed by the Legislature, which we say should not exceed 10 miles. Do I clarify our position?

ASSEMBLYMAN KEEGAN: Yes. Thank you, sir.

ASSEMBLYMAN FLYNN: Senator, you are familiar with the accident that you mentioned in Middlesex, the bus and truck?

SENATOR TOOLAN: Yes.

ASSEMBLYMAN FLYNN: Could you tell me what the insurance coverage was on the truck?

SENATOR TOOLAN: I can't tell you what it was, but the driver of that truck was the employee of the largest corporation of its kind, I believe, in the United States of America and entirely aside from the insurance, if they didn't have any insurance at all, the corporation has more than abundant means to take care and pay any claims that might arise out of this accident.

ASSEMBLYMAN FLYNN: Is it possible, Senator, to your knowledge that a smaller concern, a private owner, owner-operator, would be allowed to operate the same type of truck with say coverage of five and ten thousand dollars?

SENATOR TOOLAN: I don't quite get the point of your question.

ASSEMBLYMAN FLYNN: A private individual, owning a large tractor-trailer, driving it himself, would be an owner-operator.

Would it be possible for him under the laws of the State of New Jersey to operate that truck with only coverage of five and ten thousand dollars? Now, he would not have the means, the personal means, to make good if anything went wrong.

SENATOR TOOLAN: That's correct. In other words, is this the point of your question: Should the operators of these vehicles be required to carry adequate insurance?

ASSEMBLYMAN FLYNN: Well, naturally they should be required to carry adequate insurance. What I was trying to get to is this: Is it possible now for them to operate with only a coverage of five and ten thousand?

SENATOR TOOLAN: I believe that is the present law, yes.

ASSEMBLYMAN FLYNN: And would you consider that adequate?

SENATOR TOOLAN: Would I? No. As a matter of fact, I don't think five and ten is adequate on any vehicle that is operated on the highways of the State of New Jersey today. All you have to do on that is go back and find the days when we thought five and ten was adequate and see what the purchasing power is today and that ends that question.

ASSEMBLYMAN FLYNN: Could you say offhand what the Truck Owners Association would consider a fair coverage or wouldn't they want to go into that or would you?

SENATOR TOOLAN: I was going to say in all frankness to you I can't answer the question because I have never heard the subject matter discussed. I don't know whether they have any policy or have ever considered what is adequate. I think this, that any man in any business who has any assets always wants to carry sufficient insurance to cover any reasonably anticipatable

accident or claim so that the claim will be paid out of his insurance coverage rather than out of his personal assets or the assets of the corporation.

ASSEMBLYMAN FLYNN: Thank you.

CHAIRMAN CRABIEL: Mr. Keegan.

ASSEMBLYMAN KEEGAN: Senator, I direct your attention to A-235. If I understood you correctly, it is the experience of the operators that tachometers don't function properly for their business purposes. Not to put you on the spot in any sense, but are you aware of the experience from the viewpoint of the employee with respect to the devices? Are they met favorably by the men or is it the situation where man hasn't created a device yet that the operator can't tamper with? Is the tampering done by the operator himself, meaning the driver?

SENATOR TOOLAN: By the drivers.

ASSEMBLYMAN KEEGAN: By the driver, I meant - the motor vehicle driver.

SENATOR TOOLAN: Yes.

ASSEMBLYMAN KEEGAN: Do you know what is the reaction to the tachometer by the driver?

SENATOR TOOLAN: You know I had anticipated there would be some union representatives down here today on behalf of these drivers, but I see none.

ASSEMBLYMAN KEEGAN: The reason I asked, Senator, I looked at the list of those who have signified that they are going to speak and I don't see any and I wanted to have the reaction, if you had it, due to your experience in the field.

SENATOR TOOLAN: I wouldn't want to comment on that. I don't

know. But if I were asked to speculate about it, I would assume that the drivers generally would be against these tachometers because they might think maybe the boss might use it to check upon them. From the point of view of the operators, as I understand it, that is the only function it can possibly serve. Some of the operators have tried it and have found that it takes so much time and effort and cost to police the tachometers, to keep them in operating order and to try to beat the ingenuity of the drivers that they lose their usefulness for even that purpose.

ASSEMBLYMAN KEEGAN: It is not good business.

SENATOR TOOLAN: No.

CHAIRMAN CRABIEL: What is the attitude of the Motor Truck Association concerning reciprocity between the states?

SENATOR TOOLAN: I think the Motor Truck Association, generally speaking, and I am picking this right out of the air - over here I get the nod that they are in favor of it.

CHAIRMAN CRABIEL: What would be the attitude of the Motor Truck Association concerning mandatory requirement of logs for drivers?

SENATOR TOOLAN: I am informed that under the I.C.C. they now have to keep mandatory logs.

CHAIRMAN CRABIEL: That is right. But for local intrastate trucking, it is not required as of this time.

SENATOR TOOLAN: That's correct. I am informed that there was such legislation on the books of this state and the legislation was repealed about three years ago.

CHAIRMAN CRABIEL: I realize that, but there has been considerable

discussion since some of these major accidents on the basis that possibly part of these accidents are caused by a lack of sleep of drivers and it has come out in both the testimony of General Wanamaker and also Mr. Sheldon, I believe, that a portion of these accidents are caused by people falling asleep. The purpose of my question is to determine, although that has been repealed, whether there is some merit to consideration of logs on trips.

SENATOR TOOLAN: Will you bear with me?

CHAIRMAN CRABIEL: Yes, sir.

SENATOR TOOLAN: Wait until I get briefed. (Senator Toolan confers with some members of the N.J. Motor Truck Association.)

I think I have at least what appears to be a sensible and logical answer. First, with reference to all operators who have I.C.C. permits, any vehicle that operates within the radius of 50 miles from its home base is not required to keep a log. Any vehicle that goes beyond 50 miles must keep a log. So it seems to me that the I.C.C. regulations cover the situation adequately with reference to the interstate operator.

Now when you come to the operator who is not under I.C.C. regulations, namely, who operates entirely within the State of New Jersey, an intrastate operator, it seems to me the law is not necessary because New Jersey is such a small state that if he doesn't go outside the perimeter of the State of New Jersey, the chances are he won't be running nights and days as maybe some of the interstate operators do.

CHAIRMAN CRABIEL: I don't want it developed into the merits of the North Brunswick accident, but I was informed that the driver of that truck by the nature of the business he was in didn't

have to keep a log and it was an interstate vehicle and also the later accident at Route One and Milltown Road was a truck coming from the south with produce of some sort and I was informed there that they didn't have to keep a log. Now can you develop with me under I.C.C. who are exempt from keeping logs?

SENATOR TOOLAN: May I say to you that the driver of the truck involved in the New Brunswick accident had to keep a log. He was an I.C.C. operator and he was under the absolute duty to keep a log, both he and the owner of the truck.

I can say also for your information - this is just by way of volunteering - that I have taken that man's deposition and he testified in that deposition that he had 8 hours of good, solid sleep prior to going on that particular trip, that he was at home all day and got the call sometime in the evening to go on that trip, and that trip was to be from his home base in Long Island City to Philadelphia.

CHAIRMAN CRABIEL: Do your colleagues know if there are any exemptions to the I.C.C. rule or are all trucks in interstate commerce required to keep a log?

MR. DAMEO: There are no exemptions under the safety regulations whatsoever. There are commodity exemptions where they don't need I.C.C. authority to move produce, but they must comply with the safety regulations of the Interstate Commerce Commission.

CHAIRMAN CRABIEL: Well, all trucks traveling through New Jersey, no matter what they are hauling must keep a log if they are an interstate vehicle?

MR. DAMEO: That's correct.

ASSEMBLYMAN FLYNN: On this log, would that be filled out during the course of the trip or upon the completion?

SENATOR TOOLAN: I am going to ask Mr. Dameo who is an operator and a former President of the N. J. Motor Truck Association to answer that question.

MR. DAMEO: At the starting-out point of the trip, they fill in their log and all the pertinent information as to where the origin point is and where the final destination will be. They must insert at every state crossing, the time at which they made the state crossing and where it was made and the log shall not lapse over a period of any more than four hours between entrances and it is strictly a graph so that even a person who could not write can fill the log in.

ASSEMBLYMAN FLYNN: One more question: Some of these large trucks have more than one driver. They carry a spare driver for relieving?

MR. DAMEO: That's right.

ASSEMBLYMAN FLYNN: Could you explain a little bit just how that would operate?

MR. DAMEO: Well, that is known as a sleeper-cab operation. They have a sleeping compartment inside of the cab where a man can partially undress and lie down and go to sleep in a comfortable bed or bunk. He acts as a relief driver. When the driver at the wheel puts in his eight hours or four hours, they keep swinging off and they put in the log the time spent in the sleeping berth, time driving, time out for meals, time off duty, etc. That is how that works. That is on a straight-through operation where they don't relay.

ASSEMBLYMAN KEEGAN: Is that a requirement of the I.C.C.?

MR. DAMEO: No, that is not a requirement. That is not mandatory. You mean the two-man operation? No, that is not mandatory. That is at the operator's discretion whether he wants to run a two-man operation or a one-man operation. In a long-distance two-man operation, they have the two methods: the sleeper cab and the relay station where a driver goes from A to B within an eight-hour period and he leaves the truck there and another driver takes it over and he drives it for an eight-hour period.

ASSEMBLYMAN KEEGAN: Are there any statistics to show what the results of this two-man operation would be? Has it been a safer operation?

MR. DAMEO: I couldn't qualify that because I don't have the statistics on it.

CHAIRMAN CRABIEL: It is the opinion of the New Jersey Motor Truck Association then that the keeping of a log has no useful --

MR. DAMEO: -- no useful purpose here in the State of New Jersey because of the size of the state.

ASSEMBLYMAN WILSON: Senator, may I ask you this question: If you got this differential, if the bill stated 10 miles, does the New Jersey Motor Truck Association have any idea of the expense involved to the operator? Naturally, the time between points would be greater at a lesser speed.

SENATOR TOOLAN: That question has been very thoroughly considered and discussed by the New Jersey Truck Association and the difference in time because of the speed differential is not a

factor with them of any importance whatsoever. In other words, there is no disposition on the part of the New Jersey Motor Truck Association to say merely because a differential may cost us a little bit more money that we are against it. They figure if it is in the interest of safe operation, the returns and the rewards and the compensation to them in that respect far outweigh any extra cost incident to a little extra time in making deliveries.

CHAIRMAN CRABIEL: Senator, on A-442 on line 16 that you talked about, the word "greater" - as I read that before you talked, I read that that "greater" referred to the 50 miles per hour or where you have a higher speed limit on the Turnpike, which would be 60 miles per hour, and that it had nothing whatsoever to do with the differential and that it applied to all trucks exceeding 10,000 pounds and the "greater" only modified the 50 miles. I will yield to you though as an attorney of long experience.

SENATOR TOOLAN: As a matter of grammatical construction, you may be right. But the mere fact that I can read it my way is an indication that it is poor draftsmanship. And when I say "poor draftsmanship," I don't mean to reflect upon anybody. I mean to say that the draftsmanship of this kind of legislation ought to be so clear that it should not be possible for anybody to have anything but the one construction.

CHAIRMAN CRABIEL: Any further questions? (No response.)
Very well. Thank you, Senator Toolan.

SENATOR TOOLAN: And thank you, gentlemen, for your time also and I want to put the Motor Truck Association of New Jersey on

record here and now as being willing and anxious to work with this committee, to work with the Attorney General's Office and the Motor Vehicle Department and the State Highway Department or any other agency on legislation and developing ideas and methods and techniques of making the highways safer because, as I say, there is no one who has a greater interest than they do. I always remember being in an investigation one time following a great train wreck and the representative of the Trainmen's Association in testifying made a point that I never forgot. He said "Remember, the one who dies first in a train wreck is the engineer." Similarly, the people who die first in these truck accidents are usually the truck drivers. Now that is the impact upon the driver. In so far as the owner of that vehicle is concerned, the impact of a bad accident can affect him adversely in many, many ways over a long period of time and, therefore, he has an interest second only to the driver of the truck in eliminating the accident.

CHAIRMAN CRABIEL: Thank you, sir.

Mr. Kenneth Schultze, Legislative Chairman, New Jersey Conference of A.A.A. Automobile Clubs.

MR. F. KENNETH SCHULTZE: Mr. Chairman and gentlemen, sitting back there in that back row, I couldn't help but notice that the Senate still has a 48-star flag hanging up there. Maybe we could send a special message to the Senate President ---

GEORGE HARKINS: The new flag - pardon me - is going to be ordered in July.

SENATOR TOOLAN: Thank you, Mr. President. (Laughter.)

MR. HARKINS: You just heard a gentleman talk here a minute

ago who was one of the finest senators in the Legislature we ever had and many years I served with him. He is a wonderful fellow.

SENATOR TOOLAN: Thank you, George. I think the same of you too, I'll tell you.

CHAIRMAN CRABIEL: Mr. Schultze, you may proceed.

MR. SCHULTZE: Thank you, Mr. Chairman. I couldn't help but think as I sat back here listening to these gentlemen ahead of me, I guess the best thing for me to do driving home to Morris County tonight is leave my car where it is and go down and get a railroad train, providing I was sure there would be one running.

And also, referring to Mr. Sheldon's remarks - and correct me please, Mr. Sheldon if I am wrong - I took from his remarks that truck traffic from surrounding states cannot be controlled as to the equipment and certain types of safety operations in this state as can our own trucks. Is that correct, sir? Then as a citizen and not as a representative of my group today - as a citizen, Mr. Chairman, I call upon you gentlemen to do something about that as fast as possible.

Now I feel that my own personal life has led me to a point that is advantageous to me today. I started out in 1921 giving driving lessons to truck drivers and passenger car owners and for four years that is the way I made my bread and butter. I have driven small trucks and medium sized trucks and today twice a month I still move throughout the state a 49-foot combination truck and trailer that is no toy. So I think that I have a little experience that some of the younger folks around here and maybe

some of the older ones would like to have had.

In June of 1959 it was my pleasure to travel through 16 states, 14 of which have differential speed laws for trucks. And these states had well posted, anywhere from 5 to 15 miles per hour less speed on certain highways for trucks over 10,000 pounds. I believe that those well-planned highways were in a great sense responsible for the clean manner in which I personally noted truck operation in those states. I have before me a list of 33 states having daytime regulation plus 4 with nighttime regulation only and at the termination of my little presentation here, I shall hand you gentlemen the sheet for whatever use it may be to you.

Now our New Jersey Motor Vehicle law states that a passenger car traveling at 20 miles per hour must be able to stop in 30 feet and this same law says that a huge truck traveling at 20 miles per hour must also be able to stop in 30 feet. Let's increase the passenger car speed to 50 or 60 miles per hour with a truck traveling at the same speed behind the passenger car.

Now the passenger car driver sees a person or an animal start across the road and makes a fast stop to avoid an accident. If the truck brakes are not operating at maximum efficiency and if the truck driver has no other place to go, he will end up inside the trunk of your car, and you end up in a hospital or on a slab.

We think that the State of New Jersey should have a lower speed limit for trucks above 10,000 pounds gross weight. We are not alone in our thoughts on this matter. The Safety Engineering Department of the American Automobile Association in Washington, D. C. has been studying this problem for years and

not just since this serious truck accident in Middlesex County a few weeks ago. On the basis of facts developed by these studies, the policy committee of the AAA has recommended for several years that differential in speed between trucks and passenger cars be established as part of a national program. And here we mention again, 33 states have already adopted this program.

Due to the highway congestion which exists on the New Jersey highways, there should be some consideration given first of all to these two factors:

First, a concentrated effort by state officials to recommend and demand from the manufacturers of trucks a more efficient braking system.

Second, a concentrated effort by enforcement agencies and trucking companies to control the excessive speed that trucks maintain and to provide additional education of the drivers.

Along with serious consideration given to the above items, on some selected highways speed zoning could be administered. On highly congested dual highways where there are two lanes of traffic moving continuously it would be practical for trucks to maintain a five mile per hour rate of speed less than the maximum allowed for passenger cars. This would eliminate the endangerment caused when trucks are continually battling with the passenger cars to gain superiority of the highways. This should only be considered, however, where truck traffic is heavy and where past results prove that accidents have resulted due to this factor.

Speed zoning should be determined on the basis of careful engineering studies, field checks and conferences with enforcement

officials.

On single lane highways and expressways the rate of speed for both passenger and trucks could be the same. Further consideration should be given to a reduced speed for trucks for night driving on all highways.

Many states enforce a lower speed limit at night than for daytime, mainly on the fact that the driver cannot see as well at night even with today's modern headlights. And may I say that in the past five years, it has been my privilege to have tested in our safety trailer the eyes of many hundreds of people, and the physical ability of a driver's eyes to return to his normal night sight after glaring headlights have struck him in the face is something that will scare every one of you. If you are over age 50, it doesn't pay to take the test. I know. I have cut my speed down at night to 30 miles an hour and the rest of us could well do the same thing.

We feel that such a speed differential is a most important safety factor in this state because of the many hundreds of trucks using New Jersey highways daily in the pursuit of trade. The proof that the stopping ability of trucks is not as efficient as that of passenger cars is in the horrible severity of injuries when a truck is involved.

We would like to point out, however, that no law is better than its enforcement, and that a statute requiring any speed differential will be ineffective unless it is enforced better than the 50-mile limit is currently enforced for buses and commercial vehicles in many areas of our state today.

We recommend that Assembly Bill 442 be amended to contain the above recommendations and we do not endorse it as it now stands. Thank you.

CHAIRMAN CRABIEL: Mr. Flynn.

ASSEMBLYMAN FLYNN: No questions.

CHAIRMAN CRABIEL: Mr. Keegan.

ASSEMBLYMAN KEEGAN: I wondered, Mr. Schultze, if your organization has any statement with respect to the two other measures which we have before us this morning? Do you have any remarks to address specifically to the licensing bill?

MR. SCHULTZE: We have not prepared a statement. But if I could be permitted to speak for myself and not for our organization, in view of the fact that we have not discussed this in a meeting of all of our club representatives - I don't wish to speak for them - but giving you my personal experience as a young truck driver years ago and as a trailer driver today, I think that very definitely the driver of a huge vehicle - I haven't put any weight on that - a huge vehicle - should have special examination, especially special health examination. And as I have mentioned to some of you folks before, I think that you gentlemen in the Assembly and the Senate could well propose a bill that would license automobile mechanics who work on the steering gear and brake systems of all vehicles. I will get my head in the noose for that one, but that is the way I feel personally.

CHAIRMAN CRABIEL: Mr. Wilson.

ASSEMBLYMAN WILSON: No questions.

CHAIRMAN CRABIEL: That will be all. Thank you, Mr. Schultze.
Mr. Robert Nagy.

ROBERT NAGY: Well, I am just speaking for myself. I drive a truck for a living about nine years now. And the way I see it, most accidents are caused by cars being piled in the back of trucks because the bumper on the back of a truck is not low enough for a car bumper and all you are hitting is tin. And if they had a bill that would make all trucking concerns have a bumper as wide as a truck and low enough for a car bumper, I don't believe those twelve people who got killed in the North Brunswick accident would have been killed. And there was a woman killed on the 20th of November at one o'clock who got pushed under another truck by a truck and my brother-in-law got killed that night at 10:45 because there was no bumper on the back of the trailer. If there had been a bumper, I think you would hit more iron which is as you know much stronger than that tin and these accidents wouldn't happen like that and I think a lot more people would be alive today.

Also there is one thing that somebody mentioned about log books, that all drivers have to have a log book, which is correct. But you can also have two log books which you can buy at any truck terminal. You can keep one log for your personal use, which I have done before when I drove as an independent driver, and that allows you to drive as many hours as you feel like driving. Then you have the log book that your company issues and you have to turn a log in every day of your driving. But any time you are stopped by the cops on a spot check, you show the phony log book and they can't tell the difference. There should be something set up where you couldn't buy these log books any place you stopped. Most of these accidents are caused by

drivers who drive 15 hours a day and as far as that special license, I don't see where that is going to do us any good. I don't have any special license to drive and I consider myself as good a driver, if not better, than anybody in the room because I do that for a living. You can make a speech better than I can because you do that for a living.

As far as that tachometer is concerned, I can give you one example. We had a driver take over another truck in this firm that I drive for, which I am not going to mention by name because I am down here on my own. This driver had a truck before and tampered with the tachometer and he made it about 15 miles an hour different. This driver was coming down the road at 55 miles an hour and the cop got him at 55 and the tachometer showed 40 miles an hour. So they can be tampered with. I don't know the way to do it, but if I had one in my truck, I guess I could.

Most firms that I know of have tachometers in all open-road trucks that go over a 50-mile radius and the firm that I drive for also has the same thing. All local trucks don't have them because there is no use for them. That is all I have to say.

ASSEMBLYMAN FLYNN: Mr. Nagy, when you say some of these drivers are driving 15 and 16 hours, do you mean they are driving that long for themselves, independent drivers, private owners, or driving for companies?

MR. NAGY: Private owners. In other words, people that don't have the I.C.C.

ASSEMBLYMAN FLYNN: When you say people who don't have the I.C.C., such as yourself, if you bought a truck, you might be

inclined to drive for a longer period of time than you would want to drive if you were working for someone else, for an employer.

MR. NAGY: Correct and when you own a truck on your own or let's say you own three or four trucks but you can't buy an I.C.C. All the big firms have it, but you are a small man and you can't get it. I used to drive for a man that had six trucks and we used to pull produce. I used to drive 14 or 15 hours a day and night and I have learned through experience that driving like that doesn't pay because you don't fall asleep behind the wheel, but you don't have your mind on your driving. I drive now 8 and 9 hours a day and not continuous driving; that is, driving to, let's say Philadelphia, unloading and coming back where there is a break-off of at least four hours of driving time. And I feel that my driving has improved a great deal since I used to drive for this other firm.

CHAIRMAN CRABIEL: Do you drive now under I.C.C.?

MR. NAGY: Yes, sir.

CHAIRMAN CRABIEL: Thank you very much, Mr. Nagy, you are one of the few public-spirited citizens who took time to come today and we appreciate your thoughts.

MR. NAGY: I got a day off.

CHAIRMAN CRABIEL: I wonder if we could recall the members of the New Jersey Motor Truck Association just to ask them about this dual log book situation. Would you care to come back?

This is Mr. Dameo. You just heard the statement made that you can have dual log books. What are your comments on that?

MR. DAMEO: Well, we as certificated operators wouldn't know of a situation such as the gentleman before me just stated. As I got his remarks, these log books are for sale at places

other than the certificated operator's terminals. We, as a certificated operator, issue a log to each man on the first day of each month. The log is good for a month and that is the only log he gets, and that is turned in nightly at the end of his trip and it is a matter of record. Now, if a situation like this exists, it is something that we don't know anything about.

CHAIRMAN CRABIEL: Is the log prepared on a form established by law or is the form established by each corporation?

MR. DAMEO: It is a form established by law by the Federal government, the Interstate Commerce Commission, and it is a standard form and as each sheet is torn out of the log, one sheet remains in and one sheet is turned into the terminal and you have 31 running days and there is a recap on the inside of the cover so that the recap of hours is kept right in order all the time and we have complete control over our drivers' logs in that manner.

CHAIRMAN CRABIEL: It requires a signature of the driver each day?

MR. DAMEO: That's correct - each day the time that he started, the time that he ended and what he did during the day at given points, time for loading and unloading, eating his meals, lay-over time, points of entry of different states and departure, and the termination time and point.

CHAIRMAN CRABIEL: I presume there is an I.C.C. penalty for fraudulent logs.

MR. DAMEO: Yes. There is a \$500 minimum mandatory penalty on the operator and a penalty on the driver of \$50 for falsifying the log.

ASSEMBLYMAN FLYNN: Where do you obtain these logs?

MR. DAMEO: These logs are obtained from the various printers that make standard documents and forms of all kinds and we can procure them through our state agency or our national agency.

ASSEMBLYMAN FLYNN: Is there any special form you have to fill out when you are requesting them?

MR. DAMEO: What is that, sir?

ASSEMBLYMAN FLYNN: Is there any special form you would have to fill out when you are requesting a new supply of log books?

MR. DAMEO: No. You order them through your regular channel and they are supplied to you. And incidentally, may I say at this point - I didn't finish the question that you asked before - the driver must make out a log for his days off as well as the days he is working. He has to make them out for a Saturday and a Sunday if they happen to be two normal days off or a holiday.

CHAIRMAN CRABIEL: Thank you very much. That will be all.

Mr. C. E. Engler. Mr. Engler is the representative of the Engler Instrument Company.

C. E. ENGLER: I am here primarily to answer any questions that undoubtedly some of you have in regard to the tachograph. I say I am going to try to answer them; I am not prepared to answer anything you might ask, but I will try.

Basically this is a recording speedometer which can in effect take the place of your speedometer or it can be installed separately from your speedometer in conjunction with it. It has a large face which is easily read, designed for safety in that respect. Further, it has a chart or charts. There are various models. This happens to be a seven-day model, which is capable

of running for seven complete days without refilling. It records speed, mileage, stops and distance between stops, length of time each stop took, and the actual speed at any given point.

Just in general, there are a couple of statements I would like to make on what I have heard here in the meeting room. One question came up in regards to accuracy. I am not prepared to give you any specific figures on that other than these instruments are considerably more accurate than your speedometers which are notably inaccurate. Further, this particular instrument here as well as others have been held up in actual court cases after they have gone through various tests for accuracy. This particular instrument was held up in a Canadian case in a 20 mile-an-hour zone and it exonerated the driver from being accused. It happened to be a case where he killed a child in a 20 mile-an-hour zone and it freed the driver of that charge because the chart showed he was not going over 20 miles an hour. So these instruments act to the benefit of the driver as well as safety purposes for everybody's interest.

Another point that was mentioned, that no other states have any laws requiring the use of this instrument. I believe that is incorrect and it can readily be checked because I think it is New York State that has a law requiring the use of tachographs on certain vehicles and further, I believe it requires that any vehicle coming into the State of New York in this particular type of vehicle range is required to use a tachograph, not just New York vehicles. I say I believe that is true and you can readily check that.

Further, it is my understanding that there are many countries

that are commencing to get into the program throughout Asia and South America and for years, as I understand it, Europe has had several countries that have required the use of tachographs on various weights of trucks or buses. I am not familiar with the laws, but they are used quite readily throughout Europe.

Another point is that this thing has another safety factor. These instruments have another safety factor on them and that is a speed warning light which can be pre-set at a given speed, again as an aid to the driver.

It has been mentioned that this instrument is not tamper-proof. Nothing is tamper-proof. That is true. But as you see, it has a key. Further, these have been used in this country voluntarily by many trucking companies and they have even given the keys to the drivers when they are only a 24-hour model to change the chart themselves, under the theory that the drivers are becoming conscious of the fact that these instruments can actually be of benefit to them by helping them to improve their driving habits and also helping them to watch their speed. They don't want to lose their licenses. That is their business. They are anxious to stay within the speed law, the same as you or I. There are speed warning mechanisms being installed in new cars for that very purpose, to help people going over the speed limit unintentionally, which undoubtedly you have done and so have I.

Another thing is in improving their driving habits, it tends to make the driver more regular rather than laying over a little bit longer at one spot than he might ordinarily and trying to catch up or going without sleep in an effort to catch up.

One other thing - and then I am through - there are a great many companies in this country today - and I am not prepared to give you figures - that have these installed not necessarily this make, but tachographs in general in varying quantities in some of your larger fleets as well as your smaller ones, and again this is done on their own primarily in an effort to create safety and improve their routing schedules, etc. I would suggest that you check with some of these firms and some of them are quite sizeable with a great deal of analytical background to give you quite a detailed answer on it. That is all I have to say. If there are any questions that anybody has, I would be glad to try to answer them.

CHAIRMAN CRABIEL: Mr. Flynn.

ASSEMBLYMAN FLYNN: No questions.

CHAIRMAN CRABIEL: Mr. Keegan.

ASSEMBLYMAN KEEGAN: No questions.

CHAIRMAN CRABIEL: What is the cost of these?

MR. ENGLER: Roughly in the range of \$100.

CHAIRMAN CRABIEL: Is that the bare cost?

MR. ENGLER: That is the bare cost. Installed, they usually take the place of the speedometer. They are put on the dashboard where there is room or on a bracket form. There is another cost involved for getting them installed.

One other thing, I have some literature I can leave with you if you like which will explain some of the details.

ASSEMBLYMAN WILSON: What is the normal maintenance item on these things? What is the thing that goes wrong most and what does it generally cost to repair it?

MR. ENGLER: The instrument itself has a very good record maintenancewise compared to instruments in general. One of our major crië s are cable problems, but you have that cable breakage with your speedometers too. But some people say these cause more strain on the cable. Well, you can put a heavier cable in. However, these things have been improved now. This particular one is a magnetic type of instrument as compared with a centrifugal force one and requires less wear, I believe, than your speedometer.

ASSEMBLYMAN WILSON: What is the normal life of one of those machines?

MR. ENGLER: Without any maintenance?

ASSEMBLYMAN WILSON: Yes.

MR. ENGLER: That is hard to say, but I would say that with a minimum of maintenance, it would outlast your truck.

ASSEMBLYMAN WILSON: It will outlast the truck with normal maintenance?

MR. ENGLER: That is my opinion. I have no figures on that. I would be glad to get them if anybody requires them.

CHAIRMAN CRABIEL: Thank you very much, Mr. Engler.

According to my list, that is the extent of the people who asked to talk. Have I missed anyone? Is there anyone else who cares to talk on these bills?

I might say as I outlined before that the record of this hearing will be turned over to the 1960 Assembly for whatever action they decide to take on it. We appreciate your attendance and trust we have all learned something.

The hearing is adjourned.

- - - - -

