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# *Public Hearing*

before

## ASSEMBLY TRANSPORTATION COMMITTEE

*“Bus Safety and the Implementation of the 1995 ‘Bus Safety Compliance Act’”*

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**LOCATION:** Committee Room 12  
State House Annex  
Trenton, New Jersey

**DATE:** May 21, 1998  
9:30 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Alex DeCroce, Chairman  
Assemblyman Francis L. Bodine, Vice-Chairman  
Assemblywoman Marion Crecco  
Assemblyman Richard A. Merkt  
Assemblyman Samuel D. Thompson  
Assemblyman Jack Connors  
Assemblyman Reed Gusciora  
Assemblyman Joseph J. Roberts Jr.



**ALSO PRESENT:**

Assemblyman Kenneth C. LeFevre  
District 2

Amy E. Melick  
*Office of Legislative Services*  
*Committee Aide*

Scott M. Rudder  
*Assembly Majority*  
*Committee Aide*

Eric E. Richard  
*Assembly Democratic*  
*Committee Aide*

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

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**ASSEMBLYMAN ALEX DeCROCE (Chairman):** Good morning -- wake you all up, to tell you the truth. I'm Alex DeCroce. We're chairing a Transportation Hearing this morning on the Bus Safety Act. For those of you who are not familiar with it, the Bus Safety Act was sponsored by former Assemblyman John Gaffney and myself several years back. It was a bill that was put together in order to assure situations such as the bus accident that happened in Sussex County may not happen again. We wanted to make sure that proper inspections were being taken on the buses.

There's Assemblyman LeFevre who is sitting with us today -- indicates to me that over 10 million people per year are traveling on buses into Atlantic City down our major thoroughfares; and for that purpose alone, we wanted to find out why, though, the fact that the bill was signed into law in 1995, why wasn't there any effort placed on implementing rules and regulations. The penalties were in the bill. The bill was ready to go but, unfortunately-- I will defend the DOT to some degree, because between the time the bill was signed into law and now, we've had two different commissioners, and that happens from time to time. Each commissioner has to get his feet on the ground. One's leaving, the other one's coming in, and they have to learn where everything is; that happens.

But, of course, there are people down there in DMV and in DOT who should have been advising them of what was happening with some of these bills, and especially this particular bill, knowing that this was controversial when the accident happened years ago. So for that purpose alone, plus the fact that there's been a lot of questions in South Jersey with regard to the necessity of a bus safety program, the fact of the matter is we do

have an inspection station, I think, on the Parkway. If you're driving north and south, that's fine. But I don't think we have a way to inspect the buses coming from other parts of the country. A lot of buses, believe it or not, come in from Virginia, Washington, D.C., Maryland, and I'm not at all sure that we have the wherewithal to do proper inspections.

It was my understanding that DOT or New Jersey Transit was building a facility somewhere down in the southern part of the state, but I don't know if that's taken place. I don't know if it's an inspection station. I don't know. We don't get advised. We promote these laws. We put them into effect, and then we seem to be forgotten.

That's the purpose of this hearing today, and I'm somewhat disappointed the Commissioner's not here today. It seems to me that this is important enough that he should have been here for this. Director Kamin should have been here. Unfortunately-- I knew he had an excuse. He had a long-standing doctor's appointment. He could not make it. He explained that to me.

But I think bus safety is important enough, and we've convened because we all believe it's important enough in this State of New Jersey that we want to hear more about it from the people who are in the business, from the people who promulgate the rules and regs. And I see we have some of New Jersey's State Troopers here. I hope they'll be contributing to this in some way or another. They have to deal with it on a day-to-day basis. It's not easy for them either.

So with that, I'm going to ask the first speaker -- unless anybody else wants to contribute?

Ken, do you want to contribute? It really affects your area more than all of us, because Assemblyman LeFevre is an Assemblyman from the Atlantic City area, and obviously, all of the buses in the state, for the most part -- I'd say 85 percent of them -- are going to Atlantic City. So he has to deal with it on a daily basis.

Ken.

ASSEMBLYMAN LeFEVRE: Thank you, Mr. Chairman. Thank you for scheduling this hearing.

I think your points were well taken, and I would really only be redundant if I had anything else to say, but it's important to understand the severity of the impact that charter buses have on Atlantic City. On a statistical summary that was prepared by the South Jersey Transportation Authority in the calendar year 1997, 392,000 charter buses entered Atlantic City -- 392,000 -- carrying a total of 9,857,000 passengers. That's almost 10 million passengers.

Now, again, many of these buses, as the Chairman indicated, come from out of state. They come from Pennsylvania, New York, Washington, D.C., Maryland, and other destinations, and many of them are probably not up to standard. And, again, when you're carrying that load of passengers, it's an accident waiting to happen, so to speak. So I can appreciate the Chairman.

I'm anxious to hear what the DOT has to tell us today. I'm quite frankly embarrassed for the Department of Transportation. This bill was signed into law in August of 1995. It will be three years in August, and still we have no rules and regulations. And, frankly, I'm even more insulted, not as personally, but as a legislative body, because this legislation, again, was enacted

three years ago and signed into law three years ago; and what does it take for the executive branch of this government to understand that when these laws are signed into law that they must adhere to the rules and regulations that should be promulgated as a result of that legislation? So I'm somewhat insulted, even though I was not in the Legislature at that time. In the memory of John Gaffney, who was the sponsor of this bill, the least we should do is get these rules and regulations on the books to protect the folks that do come into Atlantic City and other parts of New Jersey.

I'll end my comments there. Thank you.

ASSEMBLYMAN DeCROCE: Thank you, Assemblyman.

The first speaker is Vincent Schulze. Apparently, he is representing the New Jersey DOT Commercial Bus Unit.

Good morning, Mr. Schulze.

**VINCENT SCHULZE:** Good morning.

ASSEMBLYMAN DeCROCE: When you speak into the mike, please make sure your red button is on so that everyone hears you.

MR. SCHULZE: Good morning, Chairman DeCroce and members of the Committee. My name is Vince Schulze. I'm representing Commissioner John Haley and Commissioner Kamin. They've asked me to testify before you today on the important issue of bus safety compliance.

Mr. Chairman, I want to thank you for calling this special committee hearing and focusing on bus safety. Bus transportation is vitally important to New Jersey. I am pleased to be able to say that the record shows that the New Jersey Department of Transportation is in the forefront

nationally on bus safety and is committed to providing for the safety of bus passengers.

Many people are not aware that New Jersey has one of the nation's leading random roadside bus inspection programs. For example, in fiscal year '97, the DOT did over 6000 bus inspections under its random roadside inspection program, and during these inspections, we found safety violations that required us to place about 890 of these vehicles out of service until repairs were made. Our message to everyone is clear: operating unsafe buses in New Jersey is unacceptable. The record clearly demonstrates DOT's commitment to protecting the safety of bus travelers in New Jersey.

Department investigators must adhere to Federal regulations when placing a commercial bus out of service. These regulations are defined in criteria issued yearly by the Commercial Vehicle Safety Alliance, also known as CVSA. Major items looked at include steering, brakes, tires, and wheels. Investigators can only place buses out of service that fall under these guidelines so that nothing is left to judgment errors. Approximately 80 percent of roadside inspections are done on buses without passengers on board.

The question has been asked why DOT has not adopted safety regulations imposing new fines upon bus operators pursuant to this Bus Safety Compliance Act. First, let me say that we are now finalizing the proposed Compliance Act regulations and that the proposed regulations should be filed with the Office of Administrative Law sometime next week. While this process has taken longer than we would have preferred, I want to talk a little bit about what has happened.



On passage of the Bus Safety Act, DOT staff contacted other states to see if similar regulations on bus safety violations and fines existed elsewhere and could be used as a guide. We found that no other state had regulations which covered Bus Safety Compliance Act requirements. We had to develop our own regulations from scratch.

Following considerable staff effort and outreach to the regulated industry, we have developed the regulations that identify more than 100 safety-related bus equipment violations and specific associated fines. This comprehensive effort has made us a national leader and probably the first agency to develop such a comprehensive bus equipment safety violation schedule. I expect that our proposed regulation will become the national model and guide other states when they adopt similar detailed regulations. Our effort in developing these regulations has taken time, but it has been time well spent. We have been, and continue to be, a national leader in bus safety efforts.

Let me state this fact clearly: the integrity of the bus safety inspection program has not been compromised during our development of the Safety Act regulations. In 1996 and '97 alone, we did over 11,000 random roadside bus inspections and placed over 1500 buses out of service. We do not like to inconvenience either the passengers or the operators by placing a bus out of service, but it is the obligation of the bus operators to keep their buses up to standard on every day and on every trip. Is our program effective? Yes. No one contests that DOT is effective at finding problem buses and placing them out of service until all the repairs are made.

The late Assemblyman John Gaffney sponsored this Bus Safety Compliance Act, and shortly before his death, many of our bus inspectors had the opportunity to meet him as he came out to see firsthand the roadside bus inspections being done by the DOT. I firmly believe that our bus inspection program and the regulations we are about to propose reflect the concerns and goals of Assemblyman Gaffney's legislation. We have an exceptional State bus safety inspection program, and our implementation of this legislation keeps us on a national leadership position on bus safety.

Mr. Chairman, members of the Committee, I thank you for this opportunity, and if you have any questions, I'll try and answer them as best I can.

ASSEMBLYMAN DeCROCE: Thank you very much. I have several questions, and, frankly, I have to tell you we're disappointed. That's why you're here today, because, obviously, we feel three years is far too long to put these rules and regs into place. And, obviously, if it wasn't for the fact that-- I wouldn't have known about it, to tell you the truth, if Ken LeFevre didn't bring it to my attention. I wasn't aware of it. I thought that the rules and regs had been put into place, and I was really disappointed when I found out that had not been accomplished. Three years is a long time. I realize we had two commissioners, but Kamin's been there for a while, and it seems to me this stuff can be moved a lot faster than it does.

And as far as not compromising the inspection system, you can thank those fellows right in the back (indicating officers in audience) -- that's why it hasn't been compromised -- because the State Police have been right out

there working to make sure these buses that are not on target, they've had them pulled over one way or another.

You say the rules and regs are going to be put in, where -- to where?

MR. SCHULZE: In the *Register*--

ASSEMBLYMAN DeCROCE: In the *Register*--

MR. SCHULZE: In the *New Jersey Register*.

ASSEMBLYMAN DeCROCE: --next week?

MR. SCHULZE: Next week.

ASSEMBLYMAN DeCROCE: And they'll take-- When will they take effect?

MR. SCHULZE: Thirty day -- I believe there's a 30-day comment period.

ASSEMBLYMAN DeCROCE: And then?

MR. SCHULZE: And after that, they should take effect shortly thereafter, to the best of my knowledge.

ASSEMBLYMAN DeCROCE: Have you been doing spot inspections on the highways?

MR. SCHULZE: On the buses?

ASSEMBLYMAN DeCROCE: Yes.

MR. SCHULZE: We've been doing them for years.

ASSEMBLYMAN DeCROCE: Spot inspections?

MR. SCHULZE: We've been doing safety inspections on the Garden State Parkway since 1979.

ASSEMBLYMAN DeCROCE: But we know that.

MR. SCHULZE: I mean--

ASSEMBLYMAN DeCROCE: I know it's done on the Parkway--

MR. SCHULZE: --this--

ASSEMBLYMAN DeCROCE: --but I'm talking about, let's say, buses that are coming from out of state -- coming, let's say, from the west into Atlantic City, let's say, or anywhere else.

MR. SCHULZE: We do an Atlantic City Expressway -- that's one of our other major inspection areas there. We're at Great Adventure, Liberty State Park, Action Park, Atlantic City, the Parkway, and several shopping centers around the state. We're out there at least two days a week, sometimes three. We're out there every weekend. Part of the Federal program requires that we do 25 percent of our inspections after normal working hours. So we're out there all the time and have been.

ASSEMBLYMAN DeCROCE: What criteria do you use when you determine that a bus has to be inspected? What's the guiding light?

MR. SCHULZE: We go by something right here. (indicating booklet) This is called the *Federal Motor Carriers Safety Regulations*. This is the MCSAP. That's what MCSAP stands for, M-C-S-A-P, Motor Carriers Safety Assistance Program. These are the Federal guidelines that tells us what we can put a bus out of service for. We have to go by these guidelines. It's very specific. There's about 11 major categories for buses, which is steering, brakes, wheels, tires, and things of that nature, and we have to go by this when we put a bus out of service or issue them a warning. This booklet, here, is just the out-of-service criteria. So it tells us what we can put the bus out of service for. We can't pick and choose what we want to put it out for. If it's not in here, we

can't put it out. So these are Federal guidelines. They're adopted by 48 other states.

ASSEMBLYMAN DeCROCE: Are they sufficient?

MR. SCHULZE: Yes. Very much so.

ASSEMBLYMAN DeCROCE: More than sufficient? Yes.

MR. SCHULZE: In fact, the penalties that we're going to enforce now mirror these violations. That's what they're intended to do. So we're not trying to go above and beyond theirs, we're doing something that's already out there now. We're just putting fines to that.

ASSEMBLYMAN DeCROCE: So you feel that once implemented, these rules and regs will be more than enough to assure that bus safety will be taken care of without any problems, without any hindrances on your part or that of your inspectors or the State Police?

MR. SCHULZE: It will do a much better job than we can do now, because we'll be able to issue summons and fines to the bus company that are blatant violators. And that's all we intend to get, are the ones that are the blatant violators that don't do the maintenance on their vehicles. The good operators have nothing to fear in this.

ASSEMBLYMAN DeCROCE: Tell me what you're going to do with a bus from Virginia, comes into New Jersey, and all of a sudden you guys do a spot inspection, and it fails. What happens to that bus?

MR. SCHULZE: All right. According to this criteria, the bus has to go out of service immediately. Let's just say, it has a cracked wheel, for instance, a severely cracked wheel. That bus has to go out of service on the spot. It's on the onus of the bus carrier to get another bus company there --

another bus to pick up the passengers, if there are passengers at all. The only time we stop buses that have passengers is generally on the Garden State Parkway; otherwise, we do them at end-of-the-line destinations. So about 80 percent of the checks we do don't have passengers on board anyway. But the law says the vehicle has to be towed or fixed on the spot. We can't tell them that. That's already in the law -- the Federal law before we even implemented this.

ASSEMBLYMAN DeCROCE: I hear you. Okay.

Questions?

Assemblyman Bodine.

ASSEMBLYMAN BODINE: Thank you, Mr. Chairman. I just wanted to clarify a couple of points, if I could.

Did you say you did 6000 bus inspections -- did I hear that in your report?

MR. SCHULZE: Approximately 6000.

ASSEMBLYMAN BODINE: Over what period of time?

MR. SCHULZE: That was for fiscal year '97, which would be July to--

ASSEMBLYMAN BODINE: Okay. And you took 890 of those buses out of service?

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN BODINE: Which is about 15 percent or 16 percent, which is fairly reasonable. But, if you look at the report from the South Jersey Transportation Authority on all of the tolls that were paid, you're talking almost 400 million--

Is that correct, Ken, down there, or in the bottom line of '97, 400 million buses?

ASSEMBLYMAN LeFEVRE: Four hundred thousand. Four hundred thousand.

ASSEMBLYMAN BODINE: That's 400 million, isn't it?

ASSEMBLYMAN LeFEVRE: No. Under Section III--

ASSEMBLYMAN BODINE: Under December of '97, year-to-date, the bottom line, total toll transactions for buses.

ASSEMBLYMAN LeFEVRE: Yes. I see what you're talking about.

ASSEMBLYMAN BODINE: Isn't that 400 million buses that went through the toll gates over a period of a year?

ASSEMBLYMAN LeFEVRE: Yes, throughout the state.

ASSEMBLYMAN BODINE: Yes, I understand that, not just one. Okay. That kind of traffic, 6000 is a kind of low number. But on the other hand, I realize you have resources that you have to deal with and--

MR. SCHULZE: Limited resources.

ASSEMBLYMAN DeCROCE: Well, we want to know that, too. If you're saying limited resources, we want to know so that we can advise this administration that maybe they have to put on more people to do some of this work.

MR. SCHULZE: And, believe me, I'm here to do that. Sometimes this is the folks you have to talk to -- that we can get some people to get this job done.

ASSEMBLYMAN BODINE: Well, that's-- We're here to help as much as we possibly can. But with that kind of transactions and with 6000 that you've only been able to deal with, it's just that, I realize, a lot are the same buses, but they're out there day after day after day.

How come the report is going to be submitted next week? Is it just because we're having a hearing today, and you said that you've been preparing this for some time? But it seems--

MR. SCHULZE: Well, in order to set up the fine schedule was very time consuming. I had to sit with my area supervisors -- people that are mechanically inclined -- or inspectors, and there's a lot of mechanical-type issues in here. We had to be very careful about what we put for a fine schedule. The fines go up to \$5000. Some of them are very severe. We had to check with Federal regulations to see if there was anything on board there. We just had to be very careful before we put these out there. It's a whole new step. It's the first in the country. We really didn't have anybody or any other states to guide us to do this, so we had to be very careful.

ASSEMBLYMAN BODINE: You said several times: we're a national leader in the safety prevention and the guides to other states. What goes into that? What do you have to do to make this such a successful program you're putting together?

MR. SCHULZE: Well, in the past, buses that were stopped were issued a summons. I think it's about \$40 for an unsafe vehicle. And it was a cost to doing business for a lot of these carriers. You could take a \$300,000 piece of equipment out there, you're spending hundreds of dollars for tires and fuel and maintenance, and they come down and get a bus put out of service for



a cracked wheel or no brakes, and you're putting them out of service. They can fix it, sure, but you're slapping them with a \$40 fine. It's a cost of business -- will keep on going.

So now we have to put something a little more in effect here with a little more bite to deter these bad operators from sending this kind of equipment out there. And there's a lot of good operators out there, too, but there are some bad ones. And it's from all different states, and we've got to weed them out and hit them.

ASSEMBLYMAN BODINE: Does the legislation that went into effect three years ago -- will that put enough teeth in the things that you have to do to get the attention of the bus companies, whether it be New Jersey Transit or a private sector, to make them conform to the regulations?

MR. SCHULZE: I think so, yes.

ASSEMBLYMAN BODINE: The fines are serious enough that you're going to get their attention?

MR. SCHULZE: Yes, they are. There's some fines that are up to \$5000 -- about five or six different fines. One, for instance, is for a vehicle that permanently shuts their emergency exit windows. We found this on some buses before where they permanently put screws in the windows to put them shut. For what reason, I don't know. If they don't want to flop open or what. People can't get out of the vehicle then. We're going to hit them with a \$5000 fine, and that's for each window. I mean, you've got to make it clear that safety is an important issue here.

ASSEMBLYMAN BODINE: One last question. With so many out-of-state buses coming into New Jersey, do we, again-- Does this legislation

-- can we deal with those out-of-state companies, too, so that if there is a violation that they have to conform to what you're proposing in the way of fines and safety measures that have to be taken?

MR. SCHULZE: Yes, sir. This applies to all buses intrastate or interstate that come through New Jersey.

ASSEMBLYMAN BODINE: Could we stop a bus company from coming in the state if they just continued to flagrantly violate the--

MR. SCHULZE: We work with the Federal U.S. DOT in that respect, and we can't pull their operating authority, but they can. If we inform them -- we have worked with them in the past. We inform them if there are problem carriers. They'll in turn go to that state and do a compliance review, check the records, etc., and if the bus company is not up to snuff, they can revoke their authority and stop them from operating.

ASSEMBLYMAN BODINE: Thank you.

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN DeCROCE: Assemblyman Merkt.

ASSEMBLYMAN MERKT: Just a couple of questions. I'm relatively new to this. How long does it take to conduct an average inspection?

MR. SCHULZE: There are two major inspections we do. They're called Level I and Level II. A Level I is a complete inspection of the vehicle, underneath the vehicle, and the driver. A Level II, which is what we do in the Garden State Parkway, is a walk around of the vehicle -- tires, wheels, that kind of thing -- and the driver. We've gotten ramps, two years ago, where we can now go under buses at various lots throughout the state where we can do a lot of Level I inspections. These take approximately an hour -- at least you're

allowed an hour by Federal law to do this. You're allowed a half an hour for the Level II. Depending on the traffic flow and the weather conditions, things like that, I-- Half an hour to 45 minutes, though, to do a thorough Level I and about 20 minutes to do a Level II.

ASSEMBLYMAN MERKT: And how many people do you currently have assigned to doing these inspections?

MR. SCHULZE: I have 18 motor carrier investigators now.

ASSEMBLYMAN MERKT: Okay. Thank you.

ASSEMBLYMAN DeCROCE: Assemblyman Thompson.

ASSEMBLYMAN THOMPSON: You said you have 18 inspectors?

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN THOMPSON: Do they work as individuals, or do you have multiple members in a team?

MR. SCHULZE: When we do the Level I inspection, which is the complete inspection, I said they work in teams of three for safety reasons, because one man-- Since somebody is under the bus, somebody has to be in contact with the driver at all times. During the Level II inspections, they're done individually. However, every time we do the roadside inspection, it's usually a team of three or four inspectors including a supervisor that's out there at that location, whether it be Great Adventure or a parking lot in a shopping center, whatever.

ASSEMBLYMAN THOMPSON: So with 18, then, you might have three or four sites operating at a given time?

MR. SCHULZE: Generally, no more than two on a given day, because these inspectors -- this isn't their only duty, also. They have to do the regular maintenance inspections in New Jersey for all the intrastate carriers. Buses in New Jersey have to be inspected twice a year just like your car gets inspected. You go to the inspection station. My inspectors go to the garage. The company has to have a pit or a lift.

ASSEMBLYMAN DeCROCE: Annually.

MR. SCHULZE: Twice annually.

ASSEMBLYMAN DeCROCE: Twice annually.

MR. SCHULZE: Twice. They have to be inspected twice. Once is inspection by the DOT. The next inspection is a self-inspection by the carrier. It just alternates back and forth. However, according to the law, if a carrier is found to have poor maintenance, we can put them on a more accelerated inspection cycle. We have approximately 60 or 70 companies that are all on 90-day inspection cycle due to poor maintenance, let alone the 6 month and the self. They're on 90 day. We can put them on one month. It depends on the severity of their maintenance programs.

ASSEMBLYMAN THOMPSON: In fact, you had said you do inspections, perhaps, two or three days a week. Is that correct?

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN THOMPSON: In other words, they're not out there every day, but only two or three days a week.

MR. SCHULZE: Right. And they are random. They're unannounced.

ASSEMBLYMAN THOMPSON: The 6000 was the random--

MR. SCHULZE: That was the random roadside on the MCSAP program, which is a Federal grant that the State gets to perform these inspections.

ASSEMBLYMAN THOMPSON: Approximately, how many thousand are done in shop? You said you have people that do the routine annual or biannual inspections.

MR. SCHULZE: Incidentally, there's about 6000 buses in New Jersey -- has nothing to do with the other number there. New Jersey Transit has about 2000 buses, and there's about 4000 buses -- private carriers in New Jersey. And, again, they are inspected twice a year.

ASSEMBLYMAN THOMPSON: Okay. Thank you.

ASSEMBLYMAN DeCROCE: Assemblyman LeFevre.

ASSEMBLYMAN LeFEVRE: Just a follow-up. Again, this is, as I indicated earlier, this is somewhat embarrassing to be asking these questions, because I just don't think that we should be here today having to do this. This should have been done a long time ago. You indicated that you have about 6000 inspections during the last year with about 1500 buses that were found to be in violation.

MR. SCHULZE: Out of service.

ASSEMBLYMAN LeFEVRE: Out of service or taken out of service. And they are done on a roadside basis. Why hasn't your agency looked at doing something in the interceptor parking lots where these buses are parked all day?

MR. SCHULZE: We do those there, also. We stop them on the Parkway, because I know the majority are going to Atlantic City, but in the

summer months, the warmer months now, we do have a small percentage of the vehicles that are going to Wildwood and down to Cape May. If we just did them at Atlantic City, we wouldn't get those vehicles at all probably.

We've found on the Garden State Parkway -- I'll give you two instances, because a lot of this comes up all the time that people say, "Well, you're stopping us on the Parkway. Why can't you let us go to Atlantic City? It's only another 60 miles." We had a bus pull in there one day, and when they pull in, they come off on an apron. It's a five-mile-an-hour speed limit. They have to come up to a stop sign, and we pick out the buses randomly that we want to inspect. We had a bus come, came up to the stop sign, right through the stop sign, hit a tree. He had no brakes. He pulled into that stop with no brakes. Had he gone down probably to the next toll plaza he probably would have creamed the toll plaza. It was just luck that we stopped him there.

When Assemblyman Gaffney was down there one day, we had a vehicle with the oil seal -- the front wheel bearings are bathed in oil, and the plastic cover had broken. All the oil was out of the seal and the bearing. The wheel was almost red-hot to the touch. This vehicle probably would have lost that wheel within that 60 miles down to Atlantic City. We speak to the people -- most of the people are in favor, that were there, I realize there are a lot of senior citizens on the bus. We do have some facilities there: lavatories, phones. The people are allowed to stay in the bus.

The people thanked us for being there when we point out what the problem was with the bus. I mean, right away sometimes they want to jump on us. We're holding them up from making money at Atlantic City, but that's not the case. We want to show you here you have an unsafe bus. You may

not have made it down to Atlantic City to put those coins in the machines had we not stopped you here. It's a small inconvenience -- most of the buses are waved through. We do a small percentage as they come through, randomly; otherwise, the bus is in that area and out and on their way.

ASSEMBLYMAN LeFEVRE: Has there been any trend of multiple violators? Out of that 1500, let's say, does there appear to be--

MR. SCHULZE: Yes.

ASSEMBLYMAN LeFEVRE: --particular bus carriers that more than others seem to be the violators?

MR. SCHULZE: There are some carriers, yes. And, again, without this (indicating booklet), you get a \$40 fine.

ASSEMBLYMAN LeFEVRE: Wouldn't that have lit the light bulb or sent a red flag up that said if we had stronger penalties that it would preclude you from having to stop these people in the future?

MR. SCHULZE: Let me make another point to that, too, in the concern to the man power a little bit, when Assemblyman Gaffney came out there that day. When we put a vehicle out of service or even give them a warning, they're allowed 15 days -- they're given a form -- to make the repairs, then submit this form back to our office. I don't have the man power to follow up and go back there like we should to see that they, in fact, do these repairs. It's almost like an honor system. They have bald tires, let's say. Did they replace it? We don't know. Then, we catch them out there again with the same problem.

Assemblyman Gaffney asked me, "Do you go back and look at these vehicles?" Very randomly -- I don't have the people. I can't do it.

ASSEMBLYMAN LeFEVRE: But if they had been fined, as this Act would have allowed, up to \$5000, you can bet that you might not have that problem again down the road.

MR. SCHULZE: Agreed.

ASSEMBLYMAN LeFEVRE: I mean, so wouldn't it have been an incentive for somebody to have taken a look at this? Because I know some of the comments that were made to the *Atlantic City Press* during this investigative report that really uncovered it. It wasn't me. This was the *Atlantic City Press* -- indicated that you folks were working with the bus industry, the bus carriers, to work out the bugs in these regulations. And, then, after they contacted some of the bus carriers and representatives in the industry, they said we had no contact or consultation with the DOT. I mean, I really want to find out why it takes three years to develop rules and regs. It's just hard for me to fathom.

MR. SCHULZE: Yes. I know, and I agree with you. I apologize for that. Our office has moved twice. We've merged with the Division of Motor Vehicles in the last couple of years. Boxes are packed, forms get put away -- we've moved about four times in the last six years, and it seems like it's chaos all the time. And, unfortunately, I think this thing got shuffled to the side in the move. And this article brought it to light again, which I'm glad it did, because this should be out there. All I can do is apologize that it hasn't gotten enacted, and I want to see it enacted. I hope it moves fast.

ASSEMBLYMAN LeFEVRE: Thank you.

ASSEMBLYMAN DeCROCE: Joe -- Assemblyman Roberts.



ASSEMBLYMAN ROBERTS: Mr. Chairman, thank you. I want to echo the Chairman and Assemblyman LeFevre's frustration in that the process hasn't moved forward. Obviously, this is not just a procedural initiative that hasn't been implemented. This is jeopardizing people's safety, so it's very real. This is part of the reason that people don't ever take State government seriously or respect it, and I share their view that this is a really pitiful situation.

I want to address my comments mostly in terms of where we go from here. You mentioned that in addition to the roadside inspection you do end-of-line inspections.

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN ROBERTS: Where are they routinely done?

MR. SCHULZE: Atlantic City, Great Adventure, Liberty State Park, several shopping centers, Vernon Valley Action Park up there.

ASSEMBLYMAN ROBERTS: So when you say--

MR. SCHULZE: A lot of destinations which are play lands, what do you call them--

ASSEMBLYMAN ROBERTS: Okay. When you say Atlantic City, where is that done in Atlantic City?

MR. SCHULZE: Hanson's (phonetic spelling) on Route 40, and there's a new lot that's open now on Route 30 on Haran (phonetic spelling) Avenue. The South Jersey Transportation Authority runs these lots or has control over those lots. And, also, a place called Roughview (phonetic spelling) Ford on Route 40. So there's three lots.

ASSEMBLYMAN ROBERTS: Okay. Focusing just on Atlantic City for a moment -- is this just a random process, or is every bus that pulls into Atlantic City inspected?

MR. SCHULZE: No, it's random. It has to be random. For instance, on the Parkway the other day, 190 buses came through. With three inspectors, we would have them backed up to New York City if we stopped every bus.

ASSEMBLYMAN ROBERTS: How many would you check of that 190?

MR. SCHULZE: We do about 25.

ASSEMBLYMAN ROBERTS: Okay. So that would be -- what would that be? -- 12 percent of the number of buses. The roadside inspections are done, you said, on the Parkway, the Garden State Parkway?

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN ROBERTS: Is there a reason you don't do them on the Atlantic City Expressway?

MR. SCHULZE: We do do them on the Atlantic City Expressway.

ASSEMBLYMAN ROBERTS: Oh, you didn't indicate that earlier.

MR. SCHULZE: Yes, we go there once a month, and that's to get the buses from Philly, Maryland, that kind of thing.

ASSEMBLYMAN ROBERTS: Right. Thank you. Yes, I think that's important--

MR. SCHULZE: We're there.

ASSEMBLYMAN ROBERTS: --because as you recognize, you may have vehicles that come from western suburbs of Philadelphia that may never get on the Parkway.

MR. SCHULZE: Right.

ASSEMBLYMAN ROBERTS: The rule that you have to identify offenders and, perhaps, repeat offenders, and then interface with the Federal government so that there are permanent sanctions against out-of-state operators, are you very pleased with the cooperation you're getting from the Federal government in identifying people that should be banned from the roadways in New Jersey?

MR. SCHULZE: Yes, I am. They're up in West Trenton, here -- their office -- and we meet with them regularly. And anytime we have a problem, they tell us to give them a call, give us the paperwork, and they'll take care of it. Then, they do. They're very cooperative with us. We have a good relationship.

ASSEMBLYMAN ROBERTS: So you can say, authoritatively, that your process of identifying bus operators that are repeat offenders is being addressed adequately by the Federal government?

MR. SCHULZE: It is, although with the exception that we need computers -- laptop computers -- to get this done, which we don't have yet. So we would be able to get this information in the system so that we can easily pick it up right on the road without making phone calls, without waiting the next day, things like that. I think we need some more space-age technology out there.

ASSEMBLYMAN ROBERTS: When will you be getting that?

MR. SCHULZE: I don't know.

ASSEMBLYMAN ROBERTS: I'll just conclude by getting back to where I started, and that is that I appreciate that you're here. It would be great if the Commissioner were here, because I think we need to know that this is a priority, and we need someone who can say that the laptops are essential and they're going to be in this year's budget.

MR. SCHULZE: I've done that, too. I've asked for cellular phones. I put in a request and was approved in July of last year. I'm still waiting for the cellular phones. When we're out there in the field, we have no communication. We have to deal with police agencies at times, and I'm still waiting for cellular phones, because I understand there's a contract with the State and whoever provides the service. So some of this stuff you have to deal with is tough sometimes -- at my level.

ASSEMBLYMAN ROBERTS: Right. I understand. I sense this isn't the last time we're going to be dealing with this issue.

Thank you very much.

Thank you, Mr. Chairman.

ASSEMBLYMAN CONNERS: Mr. Chairman. Mr. Chairman.

ASSEMBLYMAN DeCROCE: Assemblyman Connors.

ASSEMBLYMAN CONNERS: I'm just curious about the-- I can understand why you want to examine a bus after it gets to its destination, because if you did it the other way and you had -- in Atlantic City's case -- I guess you'd have 50 people who would be pretty upset because they weren't getting to their destination. But you could stop a bus with passengers on it, I assume. There's no reason--

MR. SCHULZE: We don't have the authority to pull the bus over ourselves. We work with the State Police and sometimes local police to actually pull the buses over. This is how we do it on the Garden State Parkway. We do have the authority under Title 48 to go on any public utility for the purpose of inspection, though.

ASSEMBLYMAN CONNERS: Okay. Because I was just thinking that perhaps more buses at least-- You said, I think, the exam could take an hour -- could possibly take an hour to do a thorough examination. And I'm just thinking in some cases-- I think you mentioned even just walking around the vehicle you could pick up bald tires and things like that.

MR. SCHULZE: Right. Cracked wheels, things of that nature.

ASSEMBLYMAN CONNERS: Okay. Because I'm thinking maybe a combination of the two, you could actually examine more vehicles. Perhaps not as thoroughly, but you could examine more vehicles.

MR. SCHULZE: You have to remember-- Let me explain with the Level I inspection, which is preferable that we do; that's the thorough inspection where we can get underneath the vehicle and really look at the brakes. You have to have ramps to do this. Unlike trucks, where you can get under the vehicle on a creeper, this high off the ground (indicating height), a bus is probably only about 10 inches off the ground. It has an air bag suspension. If an air bag ever broke -- the vehicle is right on the ground -- my inspector is crushed. So we have to use ramps. You can only use them in certain locations. We don't want to use them on the Garden State Parkway with passengers on board, because we don't do the Level I inspection there. We only do those in Atlantic City and lots, where there are no passengers on

board, where we have the room to do that. So, again, it is our preference to do that Level I inspection if we can.

ASSEMBLYMAN CONNERS: Okay. All right. Thank you.

Thank you, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Anyone else?

Assemblyman Bodine.

ASSEMBLYMAN BODINE: Just a point of clarification. I think Assemblyman LeFevre mentioned 1500 buses that went out of service. I thought that was 890. I thought you said 890 out of 6000. And in this *Press* report, it says 760. I'm just trying to find out what the real number is of the number of buses that went out of service.

MR. SCHULZE: I believe with the 6000 buses this was done in conjunction with what the State Police did also. I'm not positive of this, but I think that's the overall inspections in the state.

ASSEMBLYMAN BODINE: You mentioned 890, and then there's a number of 1500 -- your opening comments.

MR. SCHULZE: I don't know about the 1500. Did I-- I said that?

ASSEMBLYMAN BODINE: It's 1500? All I want to know is which number is correct.

MR. SCHULZE: Well, I can tell you from experience that with the Level II inspections, throughout the 20-year period we've been doing them, it's approximately 10 percent of the vehicles that we inspect are put out of service. Now, with the Level I inspections, where we use the ramps -- we just started using them about two, two and a half years ago -- where we can really

look at the bus with the brakes, we were starting off with an average of over 40 percent of the vehicles out of service. We're now down to probably 17 percent, 18 percent, which is still much higher than the Level II, because we have the ramps. And to the best of my knowledge, that's a pretty accurate statistic.

ASSEMBLYMAN BODINE: Okay. Thank you.

ASSEMBLYMAN DeCROCE: Assemblyman Gusciora.

ASSEMBLYMAN GUSCIORA: Thank you, Mr. Chair.

I just wanted to recap and clarify. The total number of DOT inspectors for buses is 18.

MR. SCHULZE: Eighteen field inspectors, and I have four area supervisors and myself. Out of a complement -- I should have 25. I'm short 2 people due to a couple of men out on permanent disability, really, that I haven't been able to replace. And I actually need about 4 more people including a supervisor to get this program done properly.

ASSEMBLYMAN GUSCIORA: Now, I notice the statute permits all county, municipal, and other officers charged with enforcement of State and municipal laws -- they're authorized to assist the Department. Do the regs permit local law enforcement or county sheriff officers to also conduct inspections?

MR. SCHULZE: Under the Federal program, only the State Police and the Department can conduct these Federal MCSAP inspections. There are some Port Authority Police that can do them, also, but no local police can do these.

ASSEMBLYMAN GUSCIORA: Well, how does this conform to the statute that-- I don't understand what the language -- is that authorized to assist the Department?

MR. SCHULZE: What I was explaining before -- to assist us to pull the vehicles over. We do the inspections, though. They're not allowed to do the inspections themselves. They can only act as police to pull the vehicles over.

ASSEMBLYMAN GUSCIORA: So I don't know how that could be realistic when notice of the statistics are 400,000 buses travel to Atlantic City alone, and you only have 18 inspectors. And if you have a local law enforcement officer pulling the bus, what do you -- haul one of the inspectors down from North Jersey? I mean, how do you get 18 people--

MR. SCHULZE: I mean, they'll pull them over for speeding tickets, Title 39 violations, that kind of thing, but they won't pull them over to do the Federal roadside inspection program on the buses. From time to time, they've notified us if they find a bus serious enough, and we'll send somebody over there, but that's very rare.

ASSEMBLYMAN GUSCIORA: In your opinion, are 18 field inspectors enough to handle the--

MR. SCHULZE: Absolutely not.

ASSEMBLYMAN GUSCIORA: I would encourage the Department somehow to include in the regs more unilateral assistance from the county and the local law enforcement officers. Because, otherwise, I think that any regs with just 18 inspectors, you're waiting for a catastrophe to happen.



MR. SCHULZE: You have to be careful that you let every police department pull over and start inspecting buses under these regs, because you'll have traffic tied up all over this state. Everybody would be pulling in buses every day. They'll see this as a cash cow, probably. So you have to be--

ASSEMBLYMAN GUSCIORA: What about county officers?

MR. SCHULZE: I don't think so either.

ASSEMBLYMAN BODINE: Some counties don't have officers.

MR. SCHULZE: I think the State Police and the--

ASSEMBLYMAN DeCROCE: Careful. That's why we have our own State Police.

MR. SCHULZE: --Department now, as inspectors, we have the expertise and experience. We've been doing these since 1947, actually, when we were with the Public Utilities Commission inspecting buses. My men are all drawn from mechanic's background to start with, so they have the knowledge of buses to begin with. You have to have a knowledge of bus to do it. It's a very technical, mechanical piece of equipment. It's not just like stopping a car and checking your turn signals and a couple of things. It's a complicated piece of equipment, so you have to know what you're doing.

ASSEMBLYMAN GUSCIORA: I only make that point because I thought it was unwise for the State to take local law enforcement in the inspection of trucks. Now, we see we have an increase in truck traffic on a lot of our local roads -- 206 and 31 -- and I think it's as a result of our removing local inspection. And I notice 400,000 buses go to Atlantic City in 1997 alone, and you only have 18 inspectors. I would say that that's grossly undermanned

to ensure that bus passengers going to Atlantic City alone have serious reservations.

Thank you, Mr. Chair.

ASSEMBLYMAN DeCROCE: Thank you.

Let me assure you, despite the criticism that our own State Police have received recently for other areas, I have seen them at work on 31 and 202. I travel that way, and they more than do their job. I'm sure a lot of those truckers have fear coming across the bridges into New Jersey knowing they're going to be facing these fellows down on Route 202, where they usually stop them several times a day, and on 287, by the way, where I've been involved.

However, I do have some additional questions. I've watched -- and I wasn't aware the State Police didn't have the authority to do an inspection because one day traveling--

MR. SCHULZE: They do.

ASSEMBLYMAN DeCROCE: They what?

MR. SCHULZE: They do have the authority.

ASSEMBLYMAN DeCROCE: To do an inspection?

MR. SCHULZE: Yes.

ASSEMBLYMAN DeCROCE: Oh, I didn't know that.

MR. SCHULZE: Yes.

ASSEMBLYMAN DeCROCE: Okay. I thought they did, but I wasn't sure.

MR. SCHULZE: Yes. Yes. I didn't say didn't -- they do have authority.

ASSEMBLYMAN DeCROCE: Because one day I stopped and watched one of these fellows pull a bus over -- and I really think he stopped because he was speeding -- and do a walk around. I saw him do the walk around, and I just took off because I figured he was doing what he was supposed to do, and I was happy about that at the time. That was going back a couple of years ago.

How many inspectors do you really need to do a competent job on these 6000 buses that we have in the State of New Jersey, plus God knows how many come in and out of our state?

MR. SCHULZE: I would say about 30.

ASSEMBLYMAN DeCROCE: And your complement -- you're set up for 25 and you're short 2 now?

MR. SCHULZE: Right. So we down to 23 and--

ASSEMBLYMAN DeCROCE: And the two you have that are out -- you have two guys that are out on disability leave?

MR. SCHULZE: Right.

ASSEMBLYMAN DeCROCE: You can't replace them in an acting position?

MR. SCHULZE: I've tried. I think there's -- a Disability Act comes in. You can't replace a person -- I'm not a personnel man--

ASSEMBLYMAN DeCROCE: Yes, I hear you. I hear you.

MR. SCHULZE: --but I'm told if this man is on the book and he's still being paid--

ASSEMBLYMAN DeCROCE: Are you saying--

MR. SCHULZE: --and his job number is on there, we can't replace him.

ASSEMBLYMAN DeCROCE: Are you saying, though, that you could use as many as, maybe, five more.

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN DeCROCE: Maybe we could have Assemblyman LeFevre and maybe one of our Democratic colleagues join together to put a bipartisan bill in to beef up that complement. Is that possible?

Ken?

ASSEMBLYMAN LeFEVRE: Yes. Surely would like to discuss it.

ASSEMBLYMAN DeCROCE: I mean, I could do it, but I'd prefer that you do it.

MR. SCHULZE: I've requested personnel already and have gone through the proper channels with the paperwork in my office to put in the request for some people, but I'm told there's a hiring freeze on now, and I can't get people.

ASSEMBLYMAN DeCROCE: I didn't know there was a hiring freeze on, but maybe there is. Okay, we can work on that a little bit.

When you do your inspections, are the State Police present during those inspections?

MR. SCHULZE: The State Police are present with us on the Garden State Parkway and on the Atlantic City Expressway. We have a good relationship with the State Police. We've worked with them long before the MCSAP program came into effect. We started down in New Gretna at Bass

River pulling buses over on the Parkway, there, and we had a trooper assigned to us. He would rotate every two years. So we have a good relationship with the State Police.

ASSEMBLYMAN DeCROCE: Good.

MR. SCHULZE: Yes.

ASSEMBLYMAN DeCROCE: Let me ask you this, though. You tell me that you do random inspections?

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN DeCROCE: I would like a list of those dates of random inspections that you're expecting to do in these next three months.

MR. SCHULZE: Okay.

ASSEMBLYMAN DeCROCE: Okay?

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN DeCROCE: Anyone else?

ASSEMBLYMAN LeFEVRE: Mr. Chairman, I just have one other question.

In reading the definition of buses under the current law that we're looking at today, where do school buses fall?

MR. SCHULZE: School buses are under the Division of Motor Vehicles. That's a separate unit. I'm in a unit called Technical Support, and school buses are done by another supervisor in that area. I do the commercial buses on our side. We do have some buses under our jurisdiction that are dual-use buses -- probably a handful out of the 6000, maybe 50 buses, maybe even less. They're called dual use where they can use them for charter and school use, and they have to meet criteria, as the way they're designed, for

charter use and for school use. Otherwise, the school buses are done by the Division of Motor Vehicles. I don't.

ASSEMBLYMAN LeFEVRE: Do you happen to know how often they're required to be inspected?

MR. SCHULZE: Twice a year, which is a full inspection by the Division of Motor Vehicles. There's no self-inspection for school buses.

ASSEMBLYMAN LeFEVRE: Thank you.

ASSEMBLYMAN DeCROCE: Okay. Anyone else for Mr. Schulze? (no response)

If not, thank you. If you'd stand by, though, just in case we need you again, okay?

MR. SCHULZE: I'll be here.

Thank you, sir.

ASSEMBLYMAN DeCROCE: Thank you, Vincent.

Stan Wrobel, along with Cathy Hawn with New Jersey Transit.

Good morning, Mr. Wrobel.

**S T A N W R O B E L:** Good morning, Mr. Chairman. Good morning, members of the Committee. My name is Stan Wrobel. I'm Director of Maintenance for New Jersey Transit with its Central Division.

ASSEMBLYMAN DeCROCE: Is your red button on? (indicating PA microphone)

MR. WROBEL: Yes, sir, it is.

ASSEMBLYMAN DeCROCE: Okay.

MR. WROBEL: I'd like to thank you for the opportunity to tell you about New Jersey Transit's preventive maintenance inspection procedures.

New Jersey Transit (indiscernible) the policy of preventive maintenance on our vehicles, which will enable us to meet the stated life of our vehicles -- typically for a Transit bus, that's 12 years -- in compliance with FTA regulations. The primary objectives of our PM program and policy are adherence to regular inspections and minimizing deferred work. To ensure the maximum utilization of each vehicle during its useful life, New Jersey Transit Bus has structured its maintenance plan in line with vehicle manufacturer's guidelines as follows: Our current inspection intervals are 3000 miles for a minor inspection for a commuter, suburban, and Transit bus inspections; 6000 miles for commuter, suburban, and Transit bus major inspections. Additionally, each bus is inspected twice annually according to New Jersey Transit DOT standards. This program is also under oversight of the Motor Carrier Inspection Unit, like DOT.

The scheduling of all our preventative maintenance inspections is computerized. The mileage data, which drives the program, is automatically calculated based on fuel consumption. To meet the objectives of minimizing deferred work, the vehicle maintenance staff performs defect repairs on a daily basis to correct problems which occur between inspections. It's New Jersey Transit Bus's policy to correct vehicle defects on the same day as identified, unless major repairs are required that need to have the bus taken out of service.

Weekly and monthly reports are generated to assist garage management in identifying and resolving maintenance problems in order to reduce vehicle-related road incidents. These reports indicate which vehicles are experiencing excessive road calls and a number of failures by type of costs, such as electrical or engine. New Jersey Transit has also developed a computerized

vehicle maintenance information system to help identify and resolve maintenance problems and to provide maintenance management with a tool to manage daily operations, reduce vehicle failures, and analyze equipment problems to help us with long-range vehicle procurement.

The PM scheduling module schedules buses for inspection as recommended by the bus manufacturer. This is done automatically based on a mileage calculation based on fuel. This scheduling module also schedules the buses for the biannual DOT inspection. We have a road incident module in this system, which interfaces with our radio communication system, which alerts garage management to incidents that occur on the road when the vehicles arrive.

Mr. Chairman, I'd like to thank you again for this opportunity to tell you -- to give you a brief overview of our PM program.

ASSEMBLYMAN DeCROCE: Thank you.

Can you tell me-- I know you built a new garage in Atlantic City recently, and I think there's one down in Howell or somewhere down toward the shore area anyway.

MR. WROBEL: Yes, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Are there inspection stations in each of those facilities?

MR. WROBEL: We don't have public inspection stations in those facilities. The facilities are utilized for our own inspections.

ASSEMBLYMAN DeCROCE: That's what I mean.

MR. WROBEL: Yes.

ASSEMBLYMAN DeCROCE: For your own?



MR. WROBEL: For our own.

ASSEMBLYMAN DeCROCE: And are those the only two places that you do it?

MR. WROBEL: We do self-inspections and our PM inspections at 16 locations currently within New Jersey.

ASSEMBLYMAN DeCROCE: Okay. All right. That's good.

Any questions? Anyone here?

Ken.

ASSEMBLYMAN LeFEVRE: Just curious as a possible new revenue stream -- would you make those inspection services available to a private carrier?

MR. WROBEL: I can't answer that.

ASSEMBLYMAN LeFEVRE: Just as a possibility of providing that as a service for a fee so that the private carriers are in compliance. Just a thought that just occurred to me after you mentioned that.

ASSEMBLYMAN DeCROCE: Anyone else? (no response)

Let me ask you a question then. How many inspections do you guys do a day?

MR. WROBEL: It depends on the mileage. It's all driven by mileage. For example, at a Transit bus garage, I may only see that bus once for inspection -- once in two weeks. However, that bus goes through our service lane daily, and it receives a walk around inspection such as tires, lighting, and you can also tell if there are any steering defects when they're driving the bus.

ASSEMBLYMAN DeCROCE: Who does that, the bus driver or a bus inspector or an operator or a mechanic?

MR. WROBEL: Okay. A service person, or a mechanic, does that inspection -- does the PM inspection. A serviceman will do the inspection daily on the fuel alley, as the bus is brought in for its daily fueling and washing.

ASSEMBLYMAN DeCROCE: Okay.

MR. WROBEL: By commercial driver regulations, each operator is required to do a pre-trip before he takes that bus on the road.

ASSEMBLYMAN DeCROCE: Okay. Thank you.

Cathy, you want to add anything? Cathy really runs New Jersey Transit. (laughter)

**CATHY HAWN:** I'm denying that. Categorically denying that.

ASSEMBLYMAN DeCROCE: She's our kind of relationship with New Jersey Transit and does a good job.

ASSEMBLYMAN DeCROCE: Nothing?

MS. HAWN: No. I just came to listen and take notes.

ASSEMBLYMAN DeCROCE: Thank you. Thank you for coming.

MR. WROBEL: Thank you.

ASSEMBLYMAN DeCROCE: Could you just stand by just in case?

MR. WROBEL: Sure.

ASSEMBLYMAN DeCROCE: Gary Mariano and John Solomita, New Jersey Motor Bus Association. They want more inspections, I think.

**CAROL KATZ:** Mr. Chairman, if I could just--

ASSEMBLYMAN DeCROCE: We didn't call on you. Did we call on you?

MS. KATZ: They signed up, but they didn't put my name on there -- but if I could just introduce them. I'm Carol Katz from Public Strategies Impact, and we represent the New Jersey Motor Bus Association. Some of you may already know John Solomita, who is from Independent Bus Company, and Gary Mariano is the President of Suburban Transit, which is a Coach U.S.A. Company. We've got some brief testimony, and then we'll be happy to answer any questions that you might have.

ASSEMBLYMAN DeCROCE: Thank you.

MS. KATZ: Thanks.

**GARY MARIANO:** Good morning, Mr. Chairman, members of the Committee. Thank you for allowing us to appear here before you.

The New Jersey Motor Bus Association, which represents the state's private motor bus operators, believes that good safety practices and the vigilant practice of bus maintenance are vitally important. That is why we have always supported, and continue to support, active and aggressive enforcement of bus safety regulations. Thousands of New Jerseyans ride our buses to work and play daily. These buses are the key to a thriving tourism industry and bring thousands of people to Atlantic City who might not otherwise come. What's more, they help the state to meet the increasingly strict requirements of the Clean Air Act by encouraging people to leave their cars at home.

We are proud of our members' excellent safety records. In fact, in terms of passenger miles traveled, buses are the safest vehicles on the road. Let us briefly review with you our inspection and maintenance requirements. Buses are subject to twice-yearly inspection by the Department of

Transportation. For operators with a good safety history, that usually entails one inspection by DOT and one self-inspection. Other companies are inspected twice yearly by the DOT. And the DOT is able, if they find the carrier to be a poor performer, to place that carrier on a more stringent inspection schedule, including up to a 90-day inspection cycle.

Our members, who also incur the cost of aggressive maintenance programs, supported a significant increase in bus inspection fees in 1993, when the inspection program was threatened, in order to keep that program alive. At that time, the State increased the fees for inspections for private operators from \$5 to \$85 for a DOT-staffed inspection and imposed a new fee for self-inspection of \$30. Our fees for various reinspections also increased to between \$35 and \$70 per bus -- up from \$0 to \$10 at that time.

In spite of the fact that such fees place an added burden on private operators, we supported them because we believe in frequent and thorough inspections by the DOT. In fact, we would support legislation to increase the number of inspectors utilized by the DOT. It is important for the State to ensure that all buses are held to the State's stringent maintenance standards and that those standards are enforced actively and evenhandedly for all operators, whether they are private or public, regulated and unregulated, whether they run in the morning, evening, weekdays, or weekends, and whether they come from the north, south, or in between.

In addition to garage inspections, buses are also subject to random roadside inspections. Since passage of the Bus Safety Compliance Act, the DOT has stepped up both the frequency and the randomness of the roadside inspections. The DOT is aggressively inspecting Atlantic City-bound buses at

its inspection station set up at Exit 94 of the Parkway. That station is open three or four times per week, and all buses must stop there when it is open.

We are especially pleased to note the more random nature of the inspections, as that is something we specifically suggested when the Legislature debated the Bus Safety Compliance Act.

Prior to the Bus Safety Compliance Act, the DOT inspected buses on the Parkway only on weekday mornings. Many buses, however, don't operate on weekday mornings. The current system allows for inspection of most of the unregulated operators who go to Atlantic City on Friday and Saturday nights, as well. It is actually more urgent that those buses, which in many cases are not subject to the same semiannual inspections that ours are, face random inspections.

We have maintained our support for roadside inspections in spite of the fact that we would have preferred to see more inspections take place in Atlantic City, after passengers are dropped off, rather than on the Parkway or the Atlantic City Expressway, where the passengers have to wait for the completion of the inspection or, if a bus is taken out of service, wait for a new bus to be supplied. This is a tremendous inconvenience to those passengers. Conducting inspections in Atlantic City itself after passengers are dropped off minimizes this inconvenience to passengers and ensures that buses that do not travel on the two major arteries mentioned are also inspected.

We believe it makes eminent sense to flag down buses not at a DOT facility fixed at one location on the Parkway, but as they enter Atlantic City itself. State Troopers could hand out summons to buses on a random basis as they enter the city requiring them to report for inspection after

discharging their passengers at their destination. If the bus fails inspection, the company will have time to send a replacement without delaying passengers. Buses that do not report for inspection should be penalized appropriately.

The overwhelming number of buses operate responsibly ferrying thousands of passengers in safety and comfort to go to work or to enjoy Atlantic City and other parts of our state every day.

Thank you for the invitation to speak here today and would be happy to answer any questions that you may have.

ASSEMBLYMAN DeCROCE: Thank you, Mr. Mariano.

Mr. Solomita.

**JOHN SOLOMITA:** Yes. A couple of points that I would like to make is one that we're discussing with the DOT. We probably sat right here three or four years ago.

ASSEMBLYMAN DeCROCE: I'm sure you did.

MR. SOLOMITA: Gary was saying to voluntarily increasing our fees from \$5 to \$85 to keep the inspectors on the road, because we think it's so important. We don't want to be grouped together with the out-of-state people who, you know, have some of these terrible accidents. But not to reiterate what Gary is saying, because it would be a waste of time, I just want to discuss a little bit about the DOT. I think people in this state who see bus inspections by our Department of Transportation could be really proud of what's going on. These guys are thorough. These guys are brutal, and I mean that in the nicest possible way. These guys give you no break when they come in and inspect your vehicles. And if you get to know these guys and you see them for a while, all they do is apologize when they put the red sticker on your

windshield. I mean, these guys are the tops. And from somebody else to operate and deal with them, we've often described where they may be a pain sometimes, but that's because they're very good.

And I think the people in this state really should have a lot of pride in having the New Jersey Department of Transportation inspecting your buses. You know, because we're consumers, too, of bus services. My kids -- we're going to a Yankee game, you know, we're on a motor coach. I'm not driving over there. And we want to feel that, you know -- my wife and two kids -- that that bus is as safe as anything else. I personally feel myself, being in this business, if it's inspected by the New Jersey DOT, it is.

A big problem we have, obviously, are from the out-of-state people. You can just see from the *Atlantic City Press's* article how very few inspections they do, and I think that's where a real area of concern is and should be addressed specifically.

Thank you.

ASSEMBLYMAN DeCROCE: Thank you, gentlemen. I appreciate that.

We're more concerned, frankly, with out-of-state operators than we are with in-state operators. I think that accident that took place several years ago in Sussex County was an out-of-state operator.

MR. SOLOMITA: Yes, a New York bus, I think.

ASSEMBLYMAN DeCROCE: Right. And the fact of the matter is we're concerned. I know I have some concerns with regard to buses that come in, as Mr. Mariano mentioned, on weekends. Because you get these independents who come in, we don't even know if they're properly insured.

They have an ICC license and that allows them to drive anywhere. We don't know if they're properly insured. We don't know if their mechanicals are up to par.

I'm going to bring Mr. Schulze back to question him again regarding that issue, because your point with no weekday mornings and Friday and Saturday evenings is something that I think should be considered by DOT. So we'll talk to him about that a little bit more.

Are there any other recommendations that you think should take place other than what you've already described? And though you might think that they're tough, they're not tough enough sometimes.

MR. SOLOMITA: All I'm saying is we appreciate that they're tough, because they help everybody out.

ASSEMBLYMAN DeCROCE: Well, they are tough, and I'm glad to hear that they're tough. But the fact of the matter is we've heard, too, that they could use some more help, and I think that's important.

Thank you.

Any questions of either of these gentlemen? (no response)

Thank you very much.

MR. SOLOMITA: Okay, thank you.

ASSEMBLYMAN DeCROCE: Michael Horak, Academy Companies, and Ben Feigenbaum, another member of Academy.

**BEN FEIGENBAUM:** Mr. Chairman, members of the Assembly Transportation Committee, my name is Ben Feigenbaum. I'm the General Manager of Operations for Academy, housed in Hoboken, New Jersey. We operate from six operating locations throughout New Jersey. We have close to



600 buses in our bus fleet. We are the state's largest privately owned bus company. Joining me today for testimony is our Director of Safety and Training, Mr. Mike Horak. We believe Mike has a lot to offer this Committee since he is an acknowledged training and safety expert and maintenance expert in the area of safety.

Before I turn it over to Mike, I just want to add to John Solomita's and Gary Mariano's thoughts about the DOT. They are very competent, well meaning, and work very hard. I think that if this Committee can consider adding to their staff, they can only do more good for this state. What's missing is the lack of staff, not the lack of competence or the lack of well-intentioned activity.

With that, I'm going to turn it over to Mike.

**MICHAEL HORAK:** Thank you.

Good morning, Mr. Chairman--

ASSEMBLYMAN DeCROCE: Good morning.

MR. HORAK: --members of the Committee. Thanks again for the opportunity to speak here. It is truly an opportunity, and hopefully, I can take a different vantage point on this from a technical side rather than a regulatory side, which is my expertise on the technical side. I have 17-years experience both in safety and risk management. I've been with Academy for approximately 3 years now. I'm a member of a regional and national safety committees for the transportation industry. I have some exposure from a day-to-day basis and can give you an idea of what the carriers deal with in this environment and what our obligations are and what our response to those obligations are.

Academy itself is a large regional carrier operating at just over 560 coaches in the state. We move approximately 10,000 commuters a day. We operate probably around 37,000 trips to Atlantic City in a year. That probably approximates the 10 percent of the number total I heard before.

Speaking for Academy and speaking for a lot of the other midsized-to-large carriers in this state, I can speak confidently that we take a very deep interest in safety and realize not only our obligations to the people in this state, but also the customer service issues that that now presents. We manage five locations throughout the state that operate 24 hours a day with maintenance facilities and an additional facility that operates PM maintenance operations. We have 35 maintenance vehicles that are in service on a daily basis. We have set up a self-inspection program with the DOT, which is awarded only to those carriers who have demonstrated the integrity of a safety program that will operate correctly and meet the standards. So, therefore, as I stated before, we're inspected twice yearly. Our entire fleet is inspected every six months, once by Academy, once by the DOT. But in addition to that, the DOT comes in on random inspections, probably about 10 percent of what we inspect ourselves, to do a random inspection to see if the integrity of our inspections is up to par. If not, the self-inspection program can be withdrawn at any time.

Our experience with the DOT inspectors, both on roadside and in the garages, is one of due diligence, one of competence, one of that they want to do the right thing for the public. We understand the decisions that are made, as Gary mentioned before. It could happen that a bus is placed out of

service, and we understand why, and we wholeheartedly want to comply with that and make a resolution of those issues.

We go through the 2500-mile inspections, which is Level A. Level B is every 10,000, in addition to the random inspections on the roadside. In addition to that, a driver does a pre-trip, a post-trip every day, and we also maintain a facility in Pomona and Atlantic City. When every bus goes into that location, it is pre-tripped, post-tripped again. So any defects that are noted on that bus in transit from its pickup location to its destination in Atlantic City will be repaired, corrected before it's sent back on its return trip to Atlantic City. If it cannot be repaired for whatever reason, a substitute bus is put in place immediately not to inconvenience the passengers.

The mechanics are trained constantly, not only by the manufacturers, but the components of the manufacturers' engines, air-conditionings to make sure all that's up to standard. They also attend subcommittees and seminars given by the DOT. The national and the State boards that I'm on meet regularly with the DOT representatives, and we throw all the issues on the table and try to come up with a real-world way to address the issues and get them corrected, as best we can. Never has there been an accident to the best of my knowledge contributed to a mechanical failure on our buses. In addition, we clean and do maintenance every day on every coach inside and outside trying to help the -- not only the presentation, but the comfort of our passengers.

Maintenance being the thrust of it here today, I just wanted to touch base on the safety side and the driver training, also. We do daily reviews of logs. We do unannounced log audits. We visit the roadside inspections,

especially at the Garden State Parkway. We have four full-time safety managers that spend their time just on the road -- will visit the Garden State Parkway, will work with the DOT inspectors to see how we're doing there in addition to visiting the garages. We do bimonthly and annual safety programs, which are award incentives to all our drivers for accident-free, safe driving, comprehensive loss control programs to identify trends before they become a problem.

And I think moving forward that not only should the regulations be punitive, but I think they should be progressive. I think maybe we can look at -- go into carriers and identify trends that may be evident prior to identifying an unsafe bus on the road, despite the size of the carrier. Is there a program in place that meets the integrity of the DOT's standards? I think giving the carrier notice -- an opportunity, guidelines, timetables to correct those deficiencies -- would be a plus. I think it would reduce the number of roadside, out-of-service violations.

In the pending regulations, the Class A and Class B violations and the penalties that will be associated with them, there is some subjectivity in that to identify which would be considered which class. For instance, a bus is pulled over on the side of the road and the brakes are found to be out of tolerance by maybe an eighth or a quarter of an inch. That doesn't necessarily mean that that violation was evident by the driver driving that bus or that he felt that coach was unsafe. Not that it's right or it's wrong, but our drivers -- if they do the pre-trip and they do the post-trip and they feel they're driving a safe bus -- a quarter inch or eighth-inch tolerance still means the bus is safely

driveable -- however, it will be taken out of service. That does happen from time to time. So it cannot be identified from one inspection to the next.

The degree of penalty that's associated with those out-of-service violations, I think, would depend on the negligence factor. If it's identified that you have repeat offenders, you have companies which do not identify obvious defects on their buses, which were stated before, wheel bearings, losing oil, etc., I think they should carry stiff penalties. I think minor defects that could happen in transit -- for instance, a tire having picked up some kind of a road hazard and be leaking some air on a brand new tire -- I don't think that should be associated with a \$500 or a \$1000 penalty. I think it should be based tiered level on negligence and the factor of repetitiveness, cooperation, and the ability of that carrier to implement a safe program.

Overall, not only Academy, but I think the industry as a whole maintains safety and service programs which support the corporate policy to ensure safe, reliable service to the passengers in New Jersey. We appreciate the improvements that have been made to date, the random spot-checking for -- and the open times for the roadside service inspections, and wholeheartedly support seven-day, full-time inspection station hours. I think that would not only identify some of the small and out-of-state carriers who can circumvent the process based on their smaller fleet size and ability to run different hours, but also meet the limited resources currently of the DOT.

I think the efforts that have been made here overall, since the 1995 Bus Safety Act was implemented, have been outstanding. We've worked with the DOT. My personal experience, not only with the roadside inspectors, but meeting with the regulatory boards, has been one of pure cooperation. We

want to do everything within our ability to make our buses as safe as they possibly could be for the public. We want to maintain an effective, preventative program, and we'll do whatever that takes to implement.

I appreciate the opportunity.

ASSEMBLYMAN DeCROCE: Thank you.

Besides doing charter work, you do passenger service. Am I right?

MR. HORAK: Yes.

ASSEMBLYMAN DeCROCE: So your buses have to be really up to par every day, I would say.

MR. HORAK: Right.

ASSEMBLYMAN DeCROCE: How many buses out of your 600 fleet are in passenger work?

MR. FEIGENBAUM: About 350 do passenger trips in addition to charter, and the rest of the them are charter buses -- are tour buses.

Mr. Chairman, if I may, I would also, once again, to support what Mike said, encourage the Committee to consider, in addition to the additional staffing that's necessary -- to consider asking about what aggressive safety initiatives can be oriented through the DOT to follow up on unsafe inspections. Finding somebody doing something wrong is very important. Ultimately, it can save lives and will save lives. In addition to that, staff needs to be identified and added to work with the bus carriers, to meet with the bus carriers to bring the inspections back to the senior management of the bus company so that they realize that there's not only going to be a fine, but there's going to be a face-to-face, eye-to-eye meeting between safety people and owners and operators and managers so that everybody is on notice,

face-to-face, that this is a serious program. Sometimes it's easier to pay a bill than it is to face a safety inspector, and there needs to be more staff for that.

ASSEMBLYMAN DeCROCE: You mean DOT staff?

MR. FEIGENBAUM: Yes.

ASSEMBLYMAN DeCROCE: Okay.

Let me ask you another thing, since you fellows are, as the other two fellows who preceded you, familiar with the out-of-state buses, because I'm sure you have to deal with them in one way or another. Is it more serious that we get these out-of-staters coming in to the state on weekends as opposed to during the week?

MR. FEIGENBAUM: Yes, I believe so. I think that the smaller out-of-state carriers in particular are going to be doing charters on weekends. They may be more inclined to find ways of avoiding the inspection station if they know they're in trouble. It doesn't take much to realize if you're only operating one bus a week or one bus a month that if you get off the Parkway at a certain place and bypass it, you're less likely to face a DOT inspector.

The State Police have been a big help. They are vigilant, as you mentioned, Mr. Chairman. But again, out-of-state carriers don't have the DOT twice-annual inspections, which are very important. We don't know how they are doing if we don't inspect their buses and garages. Mr. Schulze is well aware, based on his garage inspections, who he's got to really be concerned about, and he's not as aware of out-of-state, as he would be for in-state. So yes is your answer to the question.

ASSEMBLYMAN DeCROCE: Okay, thank you.

Any questions? (no response)

Okay, thank you very much for coming. We appreciate that.

MR. HORAK: Thank you, Mr. Chairman.

MR. FEIGENBAUM: Thank you.

ASSEMBLYMAN DeCROCE: Mr. Schulze, would you come back to the microphone, please.

I'd like to know why you don't operate weekday mornings?

MR. SCHULZE: We do.

ASSEMBLYMAN DeCROCE: You do.

MR. SCHULZE: I stated that earlier. We do operate -- 25 percent of our inspections are after hours. We're out there every Saturday, many Sundays--

ASSEMBLYMAN DeCROCE: Oh, you are out there on Saturdays?

MR. SCHULZE: Oh, every Saturday.

ASSEMBLYMAN DeCROCE: In the evening, as well as mornings?

MR. SCHULZE: We can't go when it's dark, because there's safety factors, as far as lighting and pulling the buses in. It's a safety issue there, but we are there on weekends -- every weekend -- virtually all yearlong and have been for a long time, many years.

ASSEMBLYMAN DeCROCE: Okay. Now, besides Atlantic City, I mean, we have places like Great Adventure, we have places up in Sussex County--

MR. SCHULZE: We'll be there this Saturday.



ASSEMBLYMAN DeCROCE: --where there's a big draw where that accident occurred, frankly, several years ago and, of course, the people traveling back-and-forth to the city, meaning New York. You have a team all over these areas?

MR. SCHULZE: On the weekends, we're generally at two or three locations. For instance, this weekend, we're at Great Adventure. In fact, we saturate Great Adventure starting around now until the middle of June. A lot of school trips come in there, and they use charter buses from all over many states. That's a big spot now for graduation trips -- school trips. So we're there two and three days a week from now until the end of June. After that, we're at Great Adventure every Saturday or Sunday until it closes in October. We have good cooperation with the people there at Great Adventure. We have for years. Same with Vernon -- they're going to open again this year. They weren't open last year, except for the skiing. But I understand that they're going to open the summer park again, and we're going to go up there and work there again, also. Liberty Park -- we were there last Saturday, the Saturday before. A lot of the out-of-state buses come in there. We're out there on the weekends and after hours.

We'll tend to do some more after hours, evenings in the summer months, because it's light until 8:30 or 9:00. But in the winter months, it's a little tougher, again, because there's a safety factor involved there. You need the lighting.

ASSEMBLYMAN DeCROCE: Okay.

Are there any further questions for Mr. Schulze?

Assemblyman LeFevre, do you have any?

ASSEMBLYMAN LeFEVRE: No. Again, my ultimate concern is the particular volume that we see in my legislative district. The statistics that we cited earlier show almost 400,000 buses. That's over 1000 a day, and on weekends, it's probably more like 2000 to 2500 buses a day that come into that small island of 44 blocks. So there are opportunities to do these surprise inspections.

I'm glad to hear that you're doing them. Frankly, it's a problem, because I made it my business after the *Atlantic City Press* did this story. I stopped at one of these sites -- it was on Huron (phonetic spelling) Avenue -- and I walked and looked at buses and saw just from visually that there was some problems with the buses, and they just happen to be from out of state.

It's a concern, and I'm hoping that with the regs that you're publishing next week that will provide the State Police and others the ability to provide higher fines and penalties that will eliminate this problem down the road. It's a shame they came to this hearing today -- to have to come to these discussions, but this should have been done a long time ago. We talked about that before, so that's all I really have to say.

ASSEMBLYMAN DeCROCE: Okay.

Thank you for coming.

And when you send me these random dates, I'd like to know where and the times you're going to be there.

MR. SCHULZE: I will.

ASSEMBLYMAN DeCROCE: Okay.

MR. SCHULZE: Yes, sir.

ASSEMBLYMAN DeCROCE: Thank you.

MR. SCHULZE: Okay, thank you.

ASSEMBLYMAN DeCROCE: Anyone else have anything they would like to add? (no response)

I thank the State Police for coming today. They need some backup, these guys from DOT. Thank you.

Nothing further? (no response)

Okay, we are adjourned.

**(HEARING CONCLUDED)**