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P U B L I C H E A R I N G

before

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE

on

SENATE BILL 1138

(INCREASE IN THE OVERALL LENGTH OF TRUCKS)

Held:
October 5, 1982
City Hall
Jersey City, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Thomas F. Cowan, Chairman
Assemblyman Thomas A. Gallo
Assemblyman Edward K. Gill
Assemblyman John W. Markert

ALSO PRESENT:

Laurence A. Gurman, Research Associate
Office of Legislative Services
Aide, Assembly Transportation and
Communications Committee

* * * * *

New Jersey State Library

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SENATE, No. 1138

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Senators ORECHIO and FORAN

Referred to Committee on Transportation and Communications

AN ACT concerning **commercial** motor vehicles **and omnibuses**
and amending R. S. 39:3-84^{**} [*; P. L. 1951, c. 264; P. L. 1952,
c. 16; and P. L. 1962, c. 10^{*}]^{**}.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. R. S. 39:3-84 is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semi-
3 trailer shall be operated on any highway in this State the outside
4 width of which is more than *the federal maximum of 96 inches*,
5 inclusive of load, *or as such may be amended from time to time*, or
6 the height of which exceeds 13½ feet, inclusive of load, and no com-
7 mercial motor vehicle, tractor or trailer shall be operated on any
8 highway in this State, the extreme overall length of which exceeds
9 35 feet either for a two-axle four-wheeled vehicle, inclusive of load,
10 or 35 feet either for a three-axle six-wheeled vehicle, inclusive of
11 load, except that a vehicle or vehicle inclusive of load exceeding the
12 above limitations may be operated when a special permit so to
13 operate is secured in advance from the director. The application for
14 such permit shall be accompanied by a fee fixed by the director. A
15 special permit issued by the director shall be in the possession of the
16 operator of the vehicle for which such permit was issued. In com-
17 puting any dimensions of a vehicle, or vehicle and load, for the
18 purposes of this section, there shall not be included in the dimen-
19 sional limitations safety appliances such as mirrors or lights, or
20 chains or similar fasteners used for the securing of cargo, provided
21 such appliances or fasteners do not exceed the overall limitations
22 established by the director by rule or regulation.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 6, 1982.

**—Senate amendments adopted May 24, 1982.

23 In the case of an omnibus the maximum width and length dimen-
 24 sions shall be such as the "[Board of Public]" [Utility Commis-
 25 sioners prescribe] "[Utilities]" "Department of Transportation"
 25A prescribes, but no outside width in excess of 96 inches "[or
 26 overall length in excess of 45 feet, excluding bumpers.]" shall
 27 be prescribed with respect to one or more highways specified
 28 or otherwise described except upon certifications, (1) of the
 29 Division of Motor Vehicles in the Department of Law and Public
 30 Safety that the proposed width "[or length]" is not unsafe for use
 31 on the highways in this State and (2) of the State Department of
 32 Transportation that the proposed width, if in excess of 96 inches,
 33 "[or the proposed length]" is not in conflict with the requirements
 34 of any agency of the United States having jurisdiction over the
 35 National System of Interstate and Defense Highways authorized
 36 by law. No outside width "[or overall length]" so prescribed shall
 37 be valid if the allowance of use of the same would disqualify the
 38 State of New Jersey or any department, agency or governmental
 39 subdivision thereof for the purpose of receiving federal highway
 39A funds.

40 In the case of farm tractors and traction equipment and farm
 41 machinery and implements, the maximum width and length shall
 42 be such as the Director of the Division of Motor Vehicles shall
 43 prescribe by uniform rules and regulations but the operation of
 44 such vehicles shall be subject to the provisions of "[section]"
 45 "R. S." 39:3-24 "[of this Title]" and any such vehicle shall not be
 46 operated on any highway which is part of the National System of
 47 Interstate and Defense Highways or on any highway which has
 48 been designated a freeway or parkway as provided by law.

49 In the case of commercial motor vehicles, trailers and semi-
 50 trailers including farm trucks, while loaded with hay or straw the
 51 maximum width of the load shall not exceed 105½ inches.

52 No commercial motor vehicle [drawing or having attached
 53 thereto any other such vehicle, nor any] or combination of
 54 vehicles"[.]" shall be operated on any highway in this State"[.]"
 55 in excess of a total overall length, inclusive of load, of*: a.* [55]
 56 60 feet for a commercial motor vehicle drawing or having attached
 57 thereto any other such vehicle, "[and]" "which shall not exceed
 58 48 feet in length; or b.* 65 feet for a commercial motor vehicle
 58A drawing or having attached thereto two motor drawn vehicles
 58B "[except a]" ". A commercial motor vehicle drawing or having
 58C attached thereto two motor drawn vehicles may only be operated
 58D on highways which the Department of Transportation may desig-
 58E nate. The department, within 180 days of the effective date of this

58f 1982 amendatory act, shall promulgate regulations designating on
 58g which highways, if any, such vehicles may operate and shall report
 58h to the Senate and General Assembly Transportation and Com-
 58i munications Committees as to potential safety hazards created by
 58j allowing the operation of such vehicles. A* vehicle or a combina-
 58k tion of vehicles transporting poles, pilings, structural units or
 59 other articles incapable of dismemberment *~~the~~* *may exceed
 60 the above limitations but its* total overall length *~~of which~~*,
 61 inclusive of load, shall not exceed 70 feet*~~], but the~~* *. The*
 62 provisions of this paragraph shall not apply to a vehicle nor to any
 63 combination of vehicles, operated by a public utility as defined in
 64 R. S. 48:2-13 which vehicle or combination of vehicles is used by
 65 such public utility in the construction, reconstruction, repair or
 66 maintenance of its property or facilities.

67 Notwithstanding the above limitations, a combination of vehicles
 68 designed, built and used to transport other motor vehicles may
 69 carry a load which exceeds ~~the 55~~ *~~65~~* *60* feet overall
 70 length, provided, however, the total load overhang shall be limited
 71 to 5 feet and may not exceed 3 feet at either the front or rear ~~and~~
 72 that the overhang shall be above the height of the average
 72a passenger car]. *A combination of vehicles designed, built and
 72b used to transport other motor vehicles may have a total overall
 72c length of 65 feet, provided, however, there shall be no overhang
 72d at either the front or rear.*

73 The gross weight imposed on the highway by the wheels of any
 74 one axle of a vehicle shall not exceed 22,400 pounds.

75 For the purpose of this Title the gross weight imposed on the
 76 highway by the wheels of any one axle of a vehicle shall be deemed
 77 to mean the total load transmitted to the road by all wheels whose
 78 centers are included between two parallel transverse vertical planes
 79 less than 40 inches apart, extending across the full width of the
 80 vehicle.

81 The combined gross weight imposed on the highway by all wheels
 82 of all axles whose centers are on or between two parallel transverse
 83 vertical planes spaced 40 inches, but less than 96 inches apart,
 84 extending across the full width of the vehicle, shall not exceed
 85 34,000 pounds.

86 In addition to the other requirements of this section and not-
 87 withstanding any other provision of this Title, no commercial motor
 88 vehicle, tractor, trailer or semitrailer shall be operated on any
 89 highway in this State with a combined weight of vehicle and load,
 90 an axle weight or a vehicle dimension the allowance of which would
 91 disqualify the State of New Jersey or any department, agency or

92 governmental subdivision thereof for the purpose of receiving fed-
93 eral highway funds.

94 The dimensional and weight restrictions set forth herein shall
95 not apply to a combination of vehicles which includes a disabled
96 vehicle or a combination of vehicles being removed from a highway
97 in this State, provided that such oversize or overweight vehicle
98 combination may not travel on the public highways more than 5
99 miles from the point where such disablement occurred. If the dis-
100 ablement occurred on a limited access highway, the distance to the
101 nearest exit of such highway shall be added to the 5-mile limitation.

1 **2. Section 18 of P. L. 1952, c. 16 (C. 27:12B-18) is amended
2 to read as follows:

3 18. (a) No vehicle shall be permitted to make use of any project
4 except upon the payment of such tolls as may from time to time
5 be prescribed by the authority. It is hereby declared to be unlawful
6 for any person to refuse to pay, or to evade or to attempt to evade
7 the payment of such tolls.

8 (b) No vehicle shall be operated on any project carelessly or
9 recklessly, or in disregard of the rights or safety of others, or
10 without due caution or prudence, or in a manner so as to endanger
11 unreasonably or to be likely to endanger unreasonably persons or
12 property, or while the operator thereof is under the influence of
13 intoxicating liquors or any narcotic or habit-forming drug, nor
14 shall any vehicle be so constructed, equipped, lacking in equipment,
15 loaded or operated in such a condition of disrepair as to endanger
16 unreasonably or to be likely to endanger unreasonably persons or
17 property.

18 (c) A person operating a vehicle on any project shall operate
19 it at a careful and prudent speed, having due regard to the rights
20 and safety of others and to the traffic, surface and width of the
21 highway, and any other conditions then existing; and no person
22 shall operate a vehicle on any project at such a speed as to
23 endanger life, limb or property; provided, however, that it shall be
24 prima facie lawful for a driver of a vehicle to operate it at a
25 speed not exceeding a speed limit which is designated by the
26 authority at a reasonable and safe speed limit, when appropriate
27 signs giving notice of such speed limit are erected at the roadside
28 or otherwise posted for the information of operators of vehicles.

29 (d) No person shall operate a vehicle on any project at such
30 a slow speed as to impede or block the normal and reasonable
31 movement of traffic except when reduced speed is necessary for
32 safe operation thereof.

33 (e) No person shall operate a vehicle on any project in violation

34 of any speed limit designated by regulation adopted by the author-
35 ity as hereinafter provided.

36 (f) All persons operating vehicles upon any project must at all
37 times comply with any lawful order, signal or direction by voice or
38 hand of any police officer engaged in the direction of traffic upon
39 such project. When traffic on a project is controlled by traffic
40 lights, signs or by mechanical or electrical signals, such lights,
41 signs and signals shall be obeyed unless a police officer directs
42 otherwise.

43 (g) All persons operating vehicles upon any project, or seeking
44 to do so, must at all times comply with regulations, not inconsistent
45 with the other sections of this act, adopted by the authority con-
46 cerning types, weights and sizes of vehicles permitted to use such
47 project, and with regulations adopted by the authority for or
48 prohibiting the parking of vehicles, concerning the making of turns
49 and the use of particular traffic lanes, together with any and all
50 other regulations adopted by the authority to control traffic and
51 prohibit acts hazardous in their nature or tending to impede or
52 block the normal and reasonable flow of traffic upon such project;
53 provided, however, that prior to the adoption of any regulation
54 for the control of traffic on any such project, including the designa-
55 tion of any speed limits, the authority shall investigate and con-
56 sider the need for and desirability of such regulation for the
57 safety of persons and property, including the authority's property,
58 and the contribution which any such regulation would make toward
59 the efficient and safe handling of traffic and use of such project, and
60 shall determine that such regulation is necessary or desirable to
61 accomplish such purposes or one or some of them, and that upon
62 or prior to the effective date of any such regulation and during its
63 continuance, notice thereof shall be given to the drivers of vehicles
64 by appropriate signs erected at the roadside or otherwise posted.
65 The authority is hereby authorized and empowered to make, adopt
66 and promulgate regulations referred to in this section in accordance
67 with the provisions hereof. Regulations adopted by the authority
68 pursuant to the provisions of this section shall insofar as practi-
69 cable, having due regard to the features of the project and the
70 characteristics of traffic thereon, be consistent with the provisions
71 of Title 39 of the Revised Statutes applicable to similar subjects.
72 *Regulations governing the overall length of commercial motor*
73 *vehicles and omnibuses shall not prescribe a length less than that*
74 *which is permitted on highways in the State under R. S. 39:3-84.*
75 The authority shall have power to amend, supplement or repeal
76 any regulation adopted by it under the provisions of this section.

77 No regulation and no amendment or supplement thereto or repealer
78 thereof adopted by the authority shall take effect until it is filed
79 with the Secretary of State, by the filing of a copy thereof certified
80 by the secretary of the authority.

81 (h) The operator of any vehicle upon a project involved in an
82 accident resulting in injury or death to any person or damage to
83 any property shall immediately stop such vehicle at the scene of the
84 accident, render such assistance as may be needed, and give his
85 name, address, and operator's license and registration number to
86 the person injured and to any officer or witness of the injury and
87 shall make a report of such accident in accordance with law.

88 (i) No person shall transport in or upon any project, any dyna-
89 mite, nitroglycerin, black powder, fire works, blasting caps or
90 other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
91 turpentine, formaldehyde or other inflammable or combustible
92 liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered
93 metallic magnesium, nitro-cellulose film, peroxides or other readily
94 inflammable solids or oxidizing materials, hydrochloric acid, sul-
95 furic acid, or other corrosive liquids, prussic acid, phosgene,
96 arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any
97 other poisonous substances, liquids or gases, or any compressed
98 gas, or any radioactive article, substance or material, at such
99 time or place or in such manner or condition as to endanger un-
100 reasonably or as to be likely to endanger unreasonably persons or
101 property.

102 (j) If the violation of any provision of this section or the viola-
103 tion of any regulation adopted by the authority under the provi-
104 sions of this section, would have been a violation of law or
105 ordinance if committed on any public road, street or highway in
106 the municipality in which such violation occurred, it shall be tried
107 and punished in the same manner as if it had been committed in
108 such municipality.

109 (k) Notwithstanding the provisions of paragraph (j) of this
110 section, if the violation within the State of the provisions of
111 paragraph (i) of this section shall result in injury or death to a
112 person or persons or damage to property in excess of the value
113 of \$5,000.00, such violation shall constitute a **[high misdemeanor]**
114 *crime of the third degree*.

115 (l) Except as provided in paragraph (j) or (k) of this section,
116 any violation of any of the provisions of this section, including but
117 not limited to those regarding the payment of tolls, and any
118 violation of any regulation adopted by the authority under the
119 provisions of this section shall be punishable by a fine not exceed-

120 ing \$200.00 or by imprisonment not exceeding 30 days or by both
121 such fine and imprisonment. Such a violation shall be tried in a
122 summary way and shall be within the jurisdiction of and may be
123 brought in the county district court, or any criminal judicial
124 district court, or municipal court in the county where the offense
125 was committed. The rules of the Supreme Court shall govern the
126 practice and procedure in such proceedings. Proceedings under
127 this section may be instituted on any day of the week, and the
128 institution of the proceeding on a Sunday or a holiday shall be no
129 bar to the successful prosecution thereof. Any process served on a
130 Sunday or a holiday shall be as valid as if served on any other
131 day of the week. When imposing any penalty under the provisions
132 of this paragraph the court having jurisdiction shall be guided by
133 the appropriate provisions of any statute fixing uniform penalties
134 for violation of provisions of the motor vehicle and traffic laws
135 contained in Title 39 of the Revised Statutes.

136 (m) In any prosecution for violating a regulation of the
137 authority adopted pursuant to the provisions of this section copies
138 of any such regulation when authenticated under the seal of the
139 authority by its secretary or assistant secretary shall be evidence
140 in like manner and equal effect as the original.

141 (n) No resolution or ordinance heretofore or hereafter adopted
142 by the governing body of any county or municipality for the
143 control and regulation of traffic shall be applicable to vehicles while
144 upon any project operated by the authority.

145 (o) In addition to any punishment or penalty provided by
146 other paragraphs of this section, every registration certificate and
147 every license certificate to drive motor vehicles may be suspended
148 or revoked and any person may be prohibited from obtaining a
149 driver's license or a registration certificate and the reciprocity
150 privileges of a nonresident may be suspended or revoked by the
151 Director of the Division of Motor Vehicles for a violation of
152 any of the provisions of this section, after due notice in writing
153 of such proposed suspension, revocation or prohibition and the
154 ground thereof, and otherwise in accordance with the powers,
155 practice and procedure established by those provisions of Title 39
156 of the Revised Statutes applicable to such suspension, revocation
157 or prohibition.

158 (p) Except as otherwise provided by this section or by any
159 regulation of the authority made in accordance with the provisions
160 hereof, the requirements of Title 39 of the Revised Statutes appli-
161 cable to persons using, driving or operating vehicles on the public
162 highways of this State and to vehicles so used, driven or operated

163 shall be applicable to persons using, driving or operating vehicles
164 on any project and to vehicles so used, driven or operated.

1 3. Section 37 of P. L. 1962, c. 10 (C. 27:12C-37) is amended to
2 read as follows:

3 37. (A) Except as otherwise provided in section 26 of this act,
4 no vehicle shall be permitted to make use of any project except
5 upon the payment of such tolls as may from time to time be pre-
6 scribed by the authority. It is hereby declared to be unlawful for
7 any person to refuse to pay, or to evade or to attempt to evade
8 the payment of such tolls.

9 (B) No vehicle shall be operated on any project carelessly or
10 recklessly, or in disregard of the rights or safety of others, or
11 without due caution or prudence, or in a manner so as to endanger
12 unreasonably or to be likely to endanger unreasonably persons or
13 property, or while the operator thereof is under the influence of
14 intoxicating liquors or any narcotic or habit-forming drug, nor
15 shall any vehicle be so constructed, equipped, lacking in equipment,
16 loaded or operated in such a condition of disrepair as to endanger
17 unreasonably or to be likely to endanger unreasonably persons or
18 property.

19 (C) A person operating a vehicle on any project shall operate
20 it at a careful and prudent speed, having due regard to the rights
21 and safety of others and to the traffic, surface and width of the
22 highway, and any other conditions then existing; and no person
23 shall operate a vehicle on any project at such a speed as to endanger
24 life, limb or property; provided, however, that it shall be prima
25 facie lawful for a driver of a vehicle to operate it at a speed not
26 exceeding a speed limit which is designated by the authority as a
27 reasonable and safe speed limit, when appropriate signs giving
28 notice of such speed limit are erected at the roadside or otherwise
29 posted for the information of operators of vehicles.

30 (D) No person shall operate a vehicle on any project at such
31 a slow speed as to impede or block the normal and reasonable
32 movement of traffic except when reduced speed is necessary for
33 safe operation thereof.

34 (E) No person shall operate a vehicle on any project in violation
35 of any speed limit designated by regulation adopted by the
36 authority as hereinafter provided.

37 (F) All persons operating vehicles upon any project must at
38 all times comply with any lawful order, signal or direction by voice
39 or hand of any police officer engaged in the direction of traffic upon
40 such project. When traffic on a project is controlled by traffic
41 lights, signs or by mechanical or electrical signals, such lights, signs

42 and signals shall be obeyed unless a police officer directs otherwise.

43 (G) All persons operating vehicles upon any project, or seeking
44 to do so, must at all times comply with regulations, not inconsistent
45 with the other sections of this act, adopted by the authority con-
46 cerning types, weights and sizes of vehicles permitted to use such
47 project, and with regulations adopted by the authority for or
48 prohibiting the parking of vehicles, concerning the making of turns
49 and the use of particular traffic lanes, together with any and all
50 other regulations adopted by the authority to control traffic and
51 prohibit acts hazardous in their nature or tending to impede or
52 block the normal and reasonable flow of traffic upon such project;
53 provided, however, that prior to the adoption of any regulation for
54 the control of traffic on any such project, including the designation
55 of any speed limits, the authority shall investigate and consider
56 the need for and desirability of such regulation for the safety of
57 persons and property, including the authority's property, and the
58 contribution which any such regulation would make toward the
59 efficient and safe handling of traffic and use of such project, and
60 shall determine that such regulation is necessary or desirable to
61 accomplish such purposes or one or some of them, and that upon
62 or prior to the effective date of any such regulation and during its
63 continuance, notice thereof shall be given to the drivers of vehicles
64 by appropriate signs erected at the roadside or otherwise posted.
65 The authority is hereby authorized and empowered to make, adopt
66 and promulgate regulations referred to in this section in accord-
67 ance with the provisions hereof. Regulations adopted by the
68 authority pursuant to the provisions of this section shall in so far
69 as practicable, having due regard to the features of the project and
70 the characteristics of traffic thereon and except as to maximum or
71 minimum speed limits, be consistent with the provisions of Title 39
72 of the Revised Statutes applicable to similar subjects. *Regulations*
73 *governing the overall length of commercial motor vehicles and*
74 *omnibuses shall not prescribe a length less than that which is*
75 *permitted on highways in the State under R. S. 39:3-84. The*
76 *authority shall have power to amend, supplement or repeal any*
77 *regulation adopted by it under the provisions of this section. No*
78 *regulation and no amendment or supplement thereto or repealer*
79 *thereof adopted by the authority shall take effect until it is filed*
80 *with the Secretary of State, by the filing of a copy thereof certified*
81 *by the secretary of the authority.*

82 (H) The operator of any vehicle upon a project involved in an
83 incident resulting in injury or death to any person or
84 damage to any property shall immediately stop such vehicle at

85 the scene of the incident, render such assistance as may be needed,
86 and give his name, address, and operator's license and motor
87 vehicle registration number to the person injured and to any
88 officer or witness of the injury and shall make a report of such
89 incident in accordance with law.

90 (I) No person shall transport in or upon any project, any dyna-
91 mite, nitroglycerin, black powder, fire works, blasting caps or
92 other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
93 turpentine, formaldehyde or other inflammable or combustible
94 liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered
95 metallic magnesium, nitro-cellulose film, peroxides or other readily
96 inflammable solids or oxidizing materials, hydrochloric acid, sul-
97 furic acid, or other corrosive liquids, prussic acid, phosgene,
98 arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any
99 other poisonous substances, liquids or gases, or any compressed
100 gas, or any radioactive article, substance or material, at such time
101 or place or in such manner or condition as to endanger unreason-
102 ably or as to be likely to endanger unreasonably persons or
103 property.

104-114 (J) If the violation of any provisions of this section or the viola-
115 tion of any regulation adopted by the authority under the provi-
116 sions of this section would have been a violation of law or ordi-
117 nance if committed on any public road, street or highway in the
118 municipality in which such violation occurred, it shall be tried and
119 punished in the same manner as if it had been committed in such
120 municipality.

121 (K) Notwithstanding the provisions of paragraph (J) of this
122 section, if the violation of the provisions of paragraph (I) of this
123 section shall result in injury or death to a person or persons or
124 damage to property in excess of the value of \$5,000.00, such viola-
125 tion shall constitute a [high misdemeanor] *crime of the third*
126 *degree*.

127 (L) Except as provided in paragraph (J) or (K) of this section,
128 any violation of any of the provisions of this section, including but
129 not limited to those regarding the payment of tolls, and any
130 violation of any regulation adopted by the authority under the
131 provisions of this section shall be punishable by a fine not exceed-
132 ing \$200.00 or by imprisonment not exceeding 30 days or by both
133 such fine and imprisonment. Such a violation shall be tried in a
134 summary way and shall be within the jurisdiction of and may be
135 brought in the county district court or any municipal court in the
136 county where the offense was committed. Proceedings under this
137 section may be instituted on any day of the week, and the insti-

138 tution of the proceedings on a Sunday or a holiday shall be no
 139 bar to the successful prosecution thereof. Any process served
 140 on a Sunday or a holiday shall be as valid as if served on any
 141 other day of the week. When imposing any penalty under the
 142 provisions of this paragraph the court having jurisdiction shall be
 143 guided by the appropriate provisions of any statute fixing uniform
 144 penalties for violation of provisions of the motor vehicle and traffic
 145 laws contained in Title 39 of the Revised Statutes.

146-148 (M) In any prosecution for violating a regulation of the author-
 149 ity adopted pursuant to the provisions of this section copies of any
 150 such regulation when authenticated under the seal of the authority
 151 by its secretary or assistant secretary shall be evidence in like
 152 manner and equal effect as the original.

153 (N) No resolution or ordinance heretofore or hereafter adopted
 154 by the governing body of any county or municipality for the
 155 control and regulation of traffic shall be applicable to vehicles
 156 while upon any project operated by the authority.

157 (O) In addition to any punishment or penalty provided by other
 158 paragraphs of this section, every registration certificate and every
 159 license certificate to drive motor vehicles may be suspended or
 160 revoked and any person may be prohibited from obtaining a
 161 driver's license or a registration certificate and the reciprocity
 162 privileges of a nonresident may be suspended or revoked by the
 163 Director of the Division of Motor Vehicles for a violation of any
 164 of the provisions of this section, after due notice in writing of such
 165 proposed suspension, revocation or prohibition and the ground
 166 thereof, and otherwise in accordance with the powers, practice
 167 procedure established by the provisions of Title 39 of the
 168 Revised Statutes applicable to such suspension, revocation or
 169 prohibition.

170 (P) Except as otherwise provided by this section or by any
 171 regulation of the authority made in accordance with the provisions
 172 hereof, the requirements of Title 39 of the Revised Statutes appli-
 173 cable to persons using, driving or operating vehicles on the public
 174 highways of this State and to vehicles so used, driven or operated
 175 shall be applicable to persons using, driving or operating vehicles
 176 on any project and to vehicles so used, driven or operated.

1 4. Section 5 of P. L. 1951, c. 264 (C. 27:23-29) is amended to
 2 read as follows:

3 5. All persons operating vehicles upon any such turnpike project,
 4 or seeking to do so, must at all times comply with regulations, not
 5 inconsistent with the other sections of this act, adopted by the
 6 New Jersey Turnpike Authority concerning types, weights and

7 sizes of vehicles permitted to use any such turnpike project, and
 8 with regulations adopted by the authority for or prohibiting the
 9 parking of vehicles, concerning the making of turns and the use of
 10 particular traffic lanes, together with any and all other regulations
 11 adopted by the authority to control traffic and prohibit acts haz-
 12 ardous in their nature or tending to impede or block the normal
 13 and reasonable flow of traffic upon any turnpike project; provided,
 14 however, that prior to the adoption of any regulation for the
 15 control of traffic on any such turnpike project, including the desig-
 16 nation of any speed limits, the authority shall investigate and
 17 consider the need for and desirability of such regulation for the
 18 safety of persons and property, including the authority's property,
 19 and the contribution which any such regulation would make toward
 20 the efficient and safe handling of traffic and use of such turnpike
 21 project, and shall determine that such regulation is necessary or
 22 desirable to accomplish such purposes or one or some of them, and
 23 that upon or prior to the effective date of any such regulation and
 24 during its continuance, notice thereof shall be given to the drivers
 25 of vehicles by appropriate signs erected at the roadside or other-
 26 wise posted.

27 The authority is hereby authorized and empowered to make,
 28 adopt and promulgate regulations referred to in this section in
 29 accordance with the provisions hereof.

30 Regulations adopted by the authority pursuant to the provisions
 31 of this section shall insofar as practicable, having due regard to the
 32 features of any such turnpike project and the characteristics of
 33 traffic thereon, be consistent with the provisions of Title 39 of the
 34 Revised Statutes applicable to similar subjects. *Regulations gov-*
 35 *erning the overall length of commercial motor vehicles and omn-*
 36 *buses shall not prescribe a length less than that which is permitted*
 37 *on highways in the State under R. S. 39:3-84.*

38 The authority shall have power to amend, supplement or repeal
 39 any regulation adopted by it under the provisions of this section.

40 No regulation and no amendment or supplement thereto or
 41 repealer thereof adopted by the authority shall take effect until
 42 it is filed with the Secretary of State, by the filing of a copy thereof
 43 certified by the secretary of the authority.*]**

1 •[2.]**[5.]* **2.** This act shall take effect immediately.

ASSEMBLYMAN THOMAS F. COWAN (Chairman): Gentlemen, my name is Assemblyman Cowan. I am Chairman of the Assembly Transportation and Communications Committee, and I hereby call this Public Hearing to order.

I would like to welcome you here this morning. At this time I will introduce the other members of our Committee who are here present. We have Assemblyman Gallo from Hoboken on my left, to your right; Assemblyman Ed Gill from Union County and Assemblyman John Markert from Bergen County.

Our purpose today is to consider S-1138 (2nd Official Copy Reprint). This legislation concerns commercial motor vehicles and omnibuses.

The bill gives the Department of Transportation jurisdictional authority to prescribe the length of omnibuses which may be operated on highways in the State.

The bill also sets new length limits for commercial motor vehicles, or a combination of vehicles, that may be operated on highways in New Jersey. The bill prescribes: (1) No commercial motor vehicle or combination of vehicles shall be operated on any highway in this State in excess of a total overall length, inclusive of load, of 60 feet for a commercial motor vehicle drawing or having attached thereto any other such vehicle, which shall not exceed 48 feet in length; (2) No commercial motor vehicle or combination of vehicles shall be operated on any highway in this State in excess of a total overall length, inclusive of load, of 65 feet for a commercial motor vehicle drawing or having attached thereto two motor drawn vehicles. Such vehicles may only be operated on highways which the Department of Transportation may designate; and (3) A combination of vehicles designed, built and used to transport other motor vehicles may carry a load which exceeds 60 feet in overall length, provided, however, that the total load overhang shall be limited to five feet and may not exceed three feet at either the front or rear. Such vehicles may have a total overall length of 65 feet, but in that case there shall be no overhang at either the front or the rear.

Before I begin, let me say that I will call those witnesses who have already requested to testify. If you would like to testify but have not yet submitted your name to us, please see Mr. Larry Gurman of our staff, on my right. We will now commence with the public hearing.

At this time, we do have the pleasure of the presence of the Mayor of Jersey City, whom I am certain would like to come forward and welcome you here today. Mayor McCann?

G E R A L D M c C A N N: Assemblymen, Ladies and Gentlemen -- is this on? I'm used to speaking in here without a mike anyway. I just want to welcome the Assembly Committee on Transportation and Communications to the City of Jersey City. This is the first time that the Assembly or the Senate has met in our chambers. I know that we have had other meetings in our County Administration Building, but I just want to welcome everyone here to the City of Jersey City. As you can see, it was probably difficult for everyone to get a parking space around here; one, because we have a lot of construction going on, and two, because we don't have too many parking lots in the area. I promise you that I won't send our police officers out to ticket all your cars to increase our revenues. I would hope that during this session the interests of the people of Jersey City will always be considered, as well as the rest of the State.

So, on behalf of Jersey City, the members of the Municipal Council, and myself, I just want to welcome each and every one of you to our city. I hope that while you are passing through the town you get a look at some of the building

that is going on in Jersey City. This year we will have a record year in terms of building permits issued. As a matter of fact, twice as much as the best ever in the history of the city. So, we are proud of some of the things that are going on in the city and, as a matter of fact, even before this month starts, this will be the greatest month in the city's history in terms of announcements of development projects in Jersey City. We're proud of the new Jersey City, and we hope that each and every one of you while you are passing through our town will take a good look and maybe you might even see a good investment while you are here.

To Assemblyman Cowan, who lives in Jersey City, and Assemblyman Gallo, who is from our neighboring Hoboken, which has also experienced a tremendous re-growth, -- we welcome you, and to Assemblyman Gill and Assemblyman Markert, we also welcome you here to Jersey City. Anything we can do while you are here -- and Paul Anzano from Senator Orechio's office, we welcome you -- anything we can do while you are here, please call on us. Thank you.

ASSEMBLYMAN COWAN: Thank you very much.

MAYOR McCANN: Assemblyman, I just want to point out that we have the Today Show filming in Jersey City today on what is going on in Jersey City. Maybe I will bring them in and show them what is going on.

ASSEMBLYMAN COWAN: They would be most welcome, Mayor. Thank you. I would like to state at this time that I believe the Motor Transit Association has some slides and the Committee has agreed to allow them to present these slides if they are ready now. If not -- we thought it would be somewhat educational for some of us, along with our Committee thoughts on it anyway, and if they are ready we would proceed with it. Are you ready?

All right, before we start the slides, I would like to mention for the public's information that Senator Orechio sent regrets that he would not be able to be here this morning, but he has submitted some testimony which will be entered into the record.

O W E N G L E N N: Chairman Cowan, my name is Owen Glenn. I'm with Consolidated Freightway. I have a slide presentation on the 65-foot doubles, in conjunction with the New Jersey Motor Truck Association. (Mr. Glenn proceeds with his presentation.)

ASSEMBLYMAN COWAN: Thank you, Owen.

MR. GLENN: At this time, I would like to thank the Committee for giving us the opportunity to show this film. If you have any questions, I would be more than happy to answer them.

ASSEMBLYMAN COWAN: Very good. I think we will follow that right up -- as we go along with our testimony, I'm sure there will be people who may want to address some issues that were raised in that slide presentation.

Our first witness is Jeffrey Horn from the New Jersey Department of Commerce and Economic Development.

J E F F R E Y A. H O R N: Mr. Chairman and honorable members of the Assembly Transportation and Communications Committee: My name is Jeffrey Horn. I am the New Jersey Department of Commerce and Economic Development's Transportation Specialist. Commissioner Borden Putnam asked that I express our Department's continued interest in New Jersey's overall freight situation and inform you of our position relevant to Senate Bill Number 1138 (S-1138), or as we call it the "Truck Length Bill."

This is our second appearance before this Committee to discuss New Jersey's transportation system as it relates to freight movement. In our first appearance, we presented our view of the rail freight situation and actions underway

to assist railroads and rail users. Our appearances underscore the unique linkage between the economic concerns of our Department and the State's transportation system. Both are inextricably linked to the Administration's first priority -- more jobs for New Jersey. New Jersey's extensive rail and truck terminals comprise a vital link in our transportation system. Forty percent of this country's population is within an overnight truck haul from New Jersey, as are the principal Canadian cities of Montreal and Toronto. Our transportation system is used in many ways which benefit our economy. More than 800,000 people, 25 percent of New Jersey's total work force, work in manufacturing which produces \$25 billion worth of goods annually. Fifty billion tons of freight daily is moved on New Jersey's highways and railroads.

S-1138 contains three key provisions which provide an important opportunity to improve our business climate, to upgrade our image, and to draw new business by providing opportunity for significant productivity savings already available in most other states. The key provisions of this bill are: (1) an increase from the current 55-foot length restrictions for tractor trailers to 60 feet, but including a 48-foot restriction on trailer length; (2) an increase in the allowable tractor-semitrailer "double bottom" combination length restriction from 55 feet to 65 feet on highways designated by the New Jersey Department of Transportation; and, (3) an increase in the length of automobile transport vehicles from what can be termed an effective 60 feet, if you include the overhang provisions in the existing law, to 65 feet, with no overhang.

We support passage of S-1138 with one important change -- removal of the trailer length restriction in a 60-foot tractor trailer combination. To explain the basis of our position, we must examine each key provision of the legislation and the relevant sector of the economy. The increase in overall tractor trailer length to 60 feet can assist our beleaguered manufacturing sector whose impact on our economy was discussed earlier. However, the 48-foot trailer restriction contained in the Senate-passed version of the bill will not provide any assistance to this important segment of our economy, in that under the current 55-foot restriction, a 48-foot trailer is already permissible. Manufacturers of light and bulky items, particularly those in the glass industry, the various container industries, manufacturers of lightweight paper products, snack foods, and druggist sundry products who may use 48-foot trailers at present must compete with firms in at least 32 other states that allow 60-foot tractor trailers with no restrictions as to trailer lengths. In the glass industry for example, industrywide standards for movement and storage of product require use of a 48-inch by 40-inch pallet, which in fact means this industry can ship no more product in a 48-foot trailer than is possible in a 45-foot trailer. Removal of the 48-foot restriction within the bill will allow this industry to increase the capacity of the trailer by up to four pallet loads, a greater than 18 percent increase in total load that will not come near placing the vehicle in jeopardy of reaching critical weight restrictions. A vast majority of the products to benefit under this provision as amended would seldom approach New Jersey's weight limits. Fewer trucks would be required to transport equal output, thus resulting in significant transportation cost savings to New Jersey operations. Productivity gains will be made as a result of fewer interruptions to production processes for shipment backup and more efficient loading dock operations. Transportation cost savings among the affected industries range from 11 percent to 22 percent. As firms are required to examine the bottom lines of their production facilities to determine where cutbacks or closures are to be made, improvements to

a facility's economic picture as a result of this amended legislation may play a role in deciding whether to keep a New Jersey facility in operation as opposed to a facility in another state. Removal of the existing 48-foot trailer restriction will have economic benefits. Again using the example of the glass industry, for every six trucks of product shipped from Pennsylvania or Delaware and a vast majority of other states, seven trucks must be used for the same amount of product produced in New Jersey.

The future of New Jersey's position as a distribution center and a center for major truck terminals is endangered by our failure in statute to recognize an important nationwide development in the trucking industry -- what is known as the 65-foot "double bottom" tractor semitrailer combination. As the trucking industry attempts to survive the impacts of the national recession and deregulation, this development is proving to be a major tool for remaining competitive within the marketplace. An increasing number of states, including Delaware and New York, are allowing the 65-foot double bottom.

The "double bottom" has been a victim of misconception, as many believe this bill legitimizes the full 110-foot double bottom combinations used in the western states and on the New York State Thruway. This legislation in fact only allows a version of the double bottom one which is 45 feet shorter.

The 65-foot double bottom standard is emerging as a minimum national standard. Essentially, this bill allows the use of two 27-foot trailers pulled by one truck tractor. The freight forwarder and freight handler are provided significant productivity savings. In essence, the economy of the terminal operation is significantly altered as a result of flexibility in assembling and distributing half loads. The bill also provides for Department of Transportation study and designation of routes to be used by "double bottoms" as per the Department of Transportation's purpose to ensure the safety of the motoring public. A similar provision also exists in New York State.

The third provision of this bill has a significant impact on the automobile industry. Current statutes allow automobile transport trailers 55 feet in length which may carry automobiles with a total overhang of five feet. This change will allow the use of a 65-foot -- a maximum use of a 65-foot automobile transport trailer with no overhang permitted. Depending on the size of the vehicle transported, one to two additional vehicles could be accommodated on a trailer, thus resulting in productivity savings of 15 percent to 25 percent. This directly impacts automobile manufacturing operations in New Jersey and the future of distribution operations of foreign importers at Port Newark. This is especially true in light of New York State legislative action now being implemented to allow 65-foot "stinger-steered" automobile transport trailers in that state. The ultimate benefactor is the New Jersey automobile consumer, who will benefit from the resultant savings in delivery costs to the dealer.

In this brief period we have presented some of the significant points in favor of S-1138 from our perspective. We urge your favorable consideration and action on this legislation and request your assistance in amending the existing language pertaining to trailer restrictions. If we may be of assistance to the Committee or its staff during your deliberations on the legislation, do not hesitate to call on us.

Thank you very much.

ASSEMBLYMAN COWAN: Do you have anything, John, Ed, Tom?

ASSEMBLYMAN GILL: I have just one question.

ASSEMBLYMAN COWAN: Yes, Ed.

ASSEMBLYMAN GILL: As the traffic expert for the New Jersey Department of Commerce and Economic Development, will you describe what is the necessary action now if a double bottom or if a trailer in excess of 60 feet approaches a border of New Jersey? Can you hear me all right?

MR. HORN: Yes, I'm having no trouble.

ASSEMBLYMAN GILL: What happens when a double bottom or a trailer comes to New Jersey? What do you have to do then, unload?

MR. HORN: If a double bottom approaches New Jersey, they cannot exceed the 55-foot limit that currently exists in statute. However, if there are some extraordinary circumstances involved, they would be allowed to obtain a special permit on a, I believe, one-time basis. This would have to be obtained from the Department of Transportation.

ASSEMBLYMAN GILL: Are there any instances where the trucks, double bottom, or the tractor trailers, exceed the present limit -- do they have to unload when they reach the New Jersey border?

MR. HORN: They would be cited by the State Police or any enforcing agency as being in violation of statute without the necessary permit that would allow them to be over length. So, yes, they would be forced to either break the trailer apart and come in with a shorter trailer, or unload and go to another trailer. As an example, I think the best thing is to point out in the 55-foot regular tractor-trailer, a glass manufacturer for example in Camden, or a container manufacturer in Camden, can only load on a 55-foot trailer, or a 48-foot trailer, or a 45-foot trailer. If they were located directly across the Delaware River on Delaware Avenue in Pennsylvania, they could load a 50- or 53-foot trailer. But they could not bring that trailer into New Jersey then.

ASSEMBLYMAN COWAN: John?

ASSEMBLYMAN MARKERT: No questions at this time, Mr. Chairman.

Thank you.

ASSEMBLYMAN COWAN: I have heard, going back several months ago, that, particularly with people in the industry here, and this is in regard to the tractor size, that they have had problems with that insofar as repair and the building of tractors, along with this overall length restriction. Are you aware of anything in that --

MR. HORN: The tractors or the trailers, sir?

ASSEMBLYMAN COWAN: The tractors.

MR. HORN: Okay. We have heard -- to be honest, we haven't heard that much on that end of it. However, the bill does provide a great deal of latitude. For example, if you remove the trailer length restriction, it provides a great deal of latitude to both the trucking industry and the manufacturing industry as to the size trailer they wish to use vs. the size tractor they wish to use.

ASSEMBLYMAN COWAN: Tommy, do you have anything? (no audible response) In regard to the overall length now -- the restrictions that exist now, when you compare Delaware and Pennsylvania, is there much -- you might be the wrong person to ask -- as far as enforcement, is there really a great problem existing out there now? Have you had, shall we say many intruders, oversized intruders, in the State?

MR. HORN: All I can say is as commerce agencies, we do not pretend to represent expertise in either traffic engineering or enforcement. What we want to demonstrate today in our testimony is the competitive disadvantages the existing statutes place on New Jersey's business community.

ASSEMBLYMAN COWAN: Assemblyman Markert?

ASSEMBLYMAN MARKERT: Thank you, Mr. Chairman. The conversation and questioning by the Chairman has also, at this point in time, given me some thoughts. I was just wondering, has there been any communication between yourself, or your Department I should say, and the Department of Transportation with reference as to if this bill were to become law what their position would be relative to allowing the double bottom trucks on New Jersey streets? Would this be a type of cooperation between the two departments? Do you foresee the Department of Commerce and Economic Development getting involved with the Department of Transportation in addressing some of those problems, or has there been, up to this point in time, any dialogue?

MR. HORN: There has been dialogue between the two departments. We, as a matter of fact, met with Commissioner Sheridan and his very able staff. We also brought members of the industry in to discuss the situation with Commissioner Sheridan. We would, of course, continue to interact with the Department of Transportation, as under this bill they would be empowered to enact regulations that would indicate where the double bottoms would be allowed to traverse New Jersey. We, of course, would hope to play a role as an advisory agency to the Department of Transportation in that process.

ASSEMBLYMAN MARKERT: One thing further if I may, Mr. Horn. I certainly appreciate the viewpoint that the Department of Commerce and Economic Development is coming forth with at this point in time. Although I am sitting as a member of the Transportation and Communications Committee, I am very interested in the economic development of the State of New Jersey and, of course, interested in citizens from Bergen County to Cape May, and I would like you to know that there is a little bit of concern for that Bergen County area. We have tremendous problems in Bergen County with truck traffic, not that it is the trucks themselves that are creating the problems, but the elimination of routes by which these trucks may traverse through Bergen County. I wonder whether or not the Department has considered reaching out for New York to address the problem of the Route 9-W route, which would certainly take truck traffic into New York, and whether or not you have addressed the City of New York to be able to lift the restrictions for those trucks that are now restricted from using the George Washington Bridge, because at this point in time the rate of accidents on Route 17, which seems to be the only access route into the New York State Thruway, is getting to be one a day. At least it appears that way.

The people are getting to a point where it is impossible to live without at least one phone call per day coming into my office alone. I know this is a problem not created by the State of New Jersey, not created by the trucking industry, and not created by those truckers who are using the roads. But it is a problem that the Department of Commerce and Economic Development should be faced with. Are you attempting in any way to solve those problems with reference to this added legislation relative to truck lengths?

MR. HORN: With reference to our consultation with Bergen County, I personally met with the Bergen County Board of Transportation to discuss this very situation. We are hoping to join with the Department of Transportation in asking New York State to reconsider its ban of truck traffic on Route 9-W. We would also

be happy to enter into discussions through, perhaps a bistate agency such as the Freight Services Improvement Conference, which is housed at the Port Authority, to see what can be done in the City of New York.

ASSEMBLYMAN MARKERT: Thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: Assemblyman Gill, I believe, has one further question, Jeff.

ASSEMBLYMAN GILL: Mr. Horn, you probably saw, along with the rest of the world, the release of the trip report yesterday, which indicated New Jersey's highways and bridges are the worst in the country. I should like to ask you -- in fact, I will probably ask this of most of the witnesses today -- first of all the question is, what is your opinion, or what is the opinion of your Department with respect to, first of all, our roads relative to truck traffic? What impact will the increased sizes of the trucks and the double bottoms have on further deteriorating our roads and bridges? Certainly, the people that we represent are very much aware of the fact -- certainly they read the newspapers -- that our roads are deteriorating rapidly. As a matter of fact, yesterday, I guess, they said, "with a bad winter, they will become almost impossible."

Now, offsetting all of that, is a thought that we may want to bring bigger trucks, double bottoms, to the highways of New Jersey. The very thought, I know from the many calls I get in my office, brings an instinctive fear on the part of many of the people, who are not concerned about commerce, not concerned about the value of the trip. They are concerned about safety, and the value of the roads. Will you give me your opinion of what the impact is going to be, categorically, on the roads?

MR. HORN: In terms of the impact that the trucks themselves have on the roads under this legislation, in terms of the 60-foot combinations that would be allowed and, hopefully, with no restriction on the trailer length, we're primarily talking about loads that really do not reach the weight limits that exist today. In terms of the 65-foot double bottoms that would be allowed in this legislation, there would be a greater distribution of weight over the various axles and that would minimize the amount of wear on the roadways. In any event, if this legislation is passed, I think you will see -- and I can't be a seer -- but I think I can statistically predict that there will be a net decrease in the amount of trucks that traverse New Jersey roads, and as a result, that emanate from New Jersey.

We would hope, however, that in a better economy, that number will increase as well.

ASSEMBLYMAN GILL: The bottom line you are covering is what?

MR. HORN: The bottom line is that we feel there would be no real significant impact to road wear. The question that we must address, however, is how can we repair our road system. The trip report is an unfortunate report from our perspective in attracting new business to New Jersey. The startling statistic that was released yesterday as to 87% of our roadways being in serious danger and in need of necessary repairs on an immediate basis, is causing significant concern to us, especially as we try to attract business to this State. I believe the Governor, in his speech to the Transaction Conference yesterday, came up with a solution that the Administration will be coming forward to your Committee with.

ASSEMBLYMAN COWAN: Thank you very much. Our next witness will be one of our distinguished colleagues, who is one of the first in New Jersey because

he is not only a very fine and capable legislator, but he also comes from District 1, the first legislative district, our colleague, Assemblyman Joseph Chinnici. Hope you caught your breath, Joe.

A S S E M B L Y M A N J O S E P H W. C H I N N I C I: Good morning. It was a long trip, as a matter of fact, about 130 miles. The weather in Cape May is terrific. I just wanted you to know that, Assemblyman Markert.

ASSEMBLYMAN MARKERT: Thanks, you're really making things easier for us.

ASSEMBLYMAN CHINNICI: Mr. Chairman, Gentlemen of the Committee: I took the time today to drive this distance because I am truly concerned about S-1138. There is no question in my mind that the sponsor, Senator Carmen Orechio, -- the intentions with which he introduced the bill, I have no doubt, were honorable, and they were fair, and I'm sure without malice. My reason for coming here today is probably twofold or threefold and, in one case perhaps, on behalf of myself.

There is no doubt in my mind that Senator Orechio, when he introduced the bill, felt that there was a need for it, and I have to agree with him in part. But what I would like to do, is to try to convince the Committee today to amend this bill to include the 60-foot unit. There is no question in my mind -- I have been contacted by literally hundreds of industries, truckers, and constituents. They all feel as I do really, that a saving to the trucking companies is going to trickle down to a saving to industry and ultimately to the consumer. I agree wholeheartedly with that; I think it will happen.

First of all, about 33 or 34 states in this part of the nation already permit the use of the 60-foot trailer. You just heard the gentleman from Commissioner Putnam's office say that probably the entire 60-foot load would not amount to ten or 15 ton, which is way beyond the limits on our highways in New Jersey, because of the bulk that is carried in the State which does not have as much weight. For example, my own industry. We ship to Memphis, Tennessee, Atlanta, Georgia, and the Midwest. We ship garments. A full trailer load of garments -- 60-foot trailer load of garments wouldn't weigh 12 ton, in packages, all packed.

When people bid, on defense work for example, we bid against competition throughout this entire nation, all 50 states -- bid on defense work. And transportation fees are as important as anything that you can cope with in industry today. You can change the -- and I'm going to use my own industry as an example because I know that quite well -- you can change the cost of transporting a garment from Bridgeton, in South Jersey, to California, by \$.25 a garment, just by increasing the load and increasing the amount of garments in each trailer load. This could mean the difference between getting or losing an immense government contract, and we need those, God knows that.

You know, many people talk about the hazard of a long trailer, a 60-foot trailer, but studies show differently. Studies show that the accident ratio among the longer trailers is nowhere near that of other trailers. Of course, the abundance is there, but the percentages actually count. The long trailers actually constitute only about 8% of the accidents that take place on highways. This is a pretty good record, no question about it. Industry in our part of the State has some tough sailing at this point in time, Mr. Chairman, and gentlemen. I don't have to tell you that the unemployment rate in Cumberland County and in Cape May County -- of course, Cape May is more of a tourism area and in the wintertime it escalates tremendously, but in the summertime, when everybody is busy, the unemployment rate in Cumberland County is 17.5%. Industry must have initiatives and reasons for locating

down in our area, and much of the product that is manufactured in our area, for example, glass, a very important industry -- you testified, Mr. Chairman, in the City of Millville about a month ago regarding the glass problems in the factories and the problems that the glass manufacturers have, and I'm sure you have some up in the north here, up in, if I'm not mistaken, there's one in Bergen County. I think Assemblyman Markert would know about that one. But, there again, in the manufacturing and shipping of gallon jars by Owens-Illinois or by Wheaton Glass, Kerr Glass, Armstrong Cork -- you could load a 60-foot trailer and not have ten ton in your trailer.

So, we're not talking about the destruction of the highways and roads, we're talking about moving more product for a lesser price, which is a saving to the trucking firms, a saving to the industries, and it's got to trickle down to the fellow who buys that gallon of vinegar, or what have you.

So, Mr. Chairman, I know you are going to have a number of witnesses speaking on behalf of this amendment which I would like to see the Committee enact today, or at some future time, so I am not going to take too much more time. I will say this, I sincerely hope that the Committee does make a move along the lines of amending this bill. I have spoken to the sponsor of this bill, Senator Orechio, regarding it and, well, he didn't say yes, nor did he say no. You know that, Tom. However, he did make a final parting statement, "Well, let's leave it up to the Assembly Committee," and here's where we are. He put the onus on your backs. I feel that if we can truly show Senator Orechio, and I am sure he is not trying to hurt the trucking industry nor the consumer, but I would like to see Senator Orechio -- Mr. Chairman, I would like to see you speak with him personally -- I have on several occasions, to try to convince him that an amendment on this bill to include the 60-foot trailer is not going to hurt anything in the State of New Jersey. I am sure that all, especially in Jersey City -- and you can get lost very easily in this city, as my driver and myself just found out -- there are many streets in Jersey City that these long trucks are not going to be able to get around in, and, of course, we have restrictions in parks, in cities, in downtown areas, and what have you, but, of course, this can be coped with along those lines too.

So, Mr. Chairman, I took this time because it is so important to all of us down in South Jersey. I think it is important to everybody in New Jersey, and I am sure that everyone in this room is not going to be for it -- an amendment to this bill -- they are probably going to be for the bill itself. But before the final release of this bill is done, Mr. Chairman, I respectfully ask you and the members of the Committee to please consider an amendment to include the 60-foot trailer. Thank you very much for listening.

ASSEMBLYMAN COWAN: Thank you, Joe. Ed, do you have anything? John?

ASSEMBLYMAN GILL: No questions.

ASSEMBLYMAN MARKERT: No questions.

ASSEMBLYMAN COWAN: Thank you very much for coming all the way up, Joe. We appreciate it. There are two cars blocking some individuals who are trying to get out of the parking lot. The car has the license plate 433-SUX. It's a tan Oldsmobile. If you go out and move the car and let the people out, you can pull right back in. There is a blue car -- 202-NRT. The two license plates 433-SUX and 202-NRT -- if you would just go out and move the cars, then you can pull right back in. Thank you. Our next witnesses will be Norman Sherbert and William Hendrickson from General Motors Corporation.

N O R M A N S H E R B E R T: Chairman Cowan, Members of the Assembly Transportation and Communications Committee: My name is Norman Sherbert. I am Regional Manager for Government Relations with the General Motors Corporation in Trenton. I have with me this morning Mr. William Hendrickson, who is Senior Staff Assistant for Logistics Operations out of Michigan. While Mr. Hendrickson will make the formal testimony, and we will leave copies of that testimony with you, I would just like to say that we do support the comments that were previously made by the Department of Commerce and Assemblyman Chinnici, and the comments that will be made by the New Jersey Chamber of Commerce. While our comments will be directed toward auto transport, we feel that the extension to no regulation on length would allow for cost savings in all areas, including shipping of parts and materials in our industry. So with that I would like Mr. Hendrickson to make our formal testimony.

C. W. H E N D R I C K S O N: General Motors Corporation appears today in support of the passage of New Jersey Bill S-1138, which allows the operation of 65-foot automobile transporter equipment in New Jersey.

My name is C. W. Hendrickson. I am a Senior Staff Assistant in Logistics Operations for General Motors Corporation.

Our Logistics Operations is primarily responsible for the direction and coordination of the transportation-related activities of the various divisions of General Motors Corporation for the purpose of achieving optimal service and utilization of transportation equipment in the movement of General Motors products.

One of my primary responsibilities includes the analysis of rates and charges made by the automobile transporting companies, as well as investigating the factors that have an impact on those rates.

The primary business of General Motors Corporation is the manufacture and sale of new motor vehicles. These vehicles are assembled at various locations throughout the United States and Canada, including our assembly plant located at Linden, New Jersey. GM vehicles are also shipped by rail from around the country to a major east coast distribution facility located in Jersey City for delivery to GM dealers in New Jersey, New York and Connecticut. In addition, motor vehicles assembled at 16 other GM plants located in surrounding states traverse New Jersey highways while delivering vehicles to 325 GM dealers. In total, approximately 560,000 new GM vehicles are transported through New Jersey annually.

General Motors supports passage of this bill because it will reduce motor carrier operating expenses. It is well known that the auto industry is doing everything possible to reduce costs in order to maintain or lower our product prices. Motor carrier operating costs are an integral part of our attempt to control freight costs.

We believe benefits of this bill include:

(1) Increased Productivity

Automobile transporters will have the ability to add one vehicle per load. On average, a 55-foot piece of equipment can handle six to nine vehicles per load. By having the ability to load one additional vehicle, the carrier can increase his productivity approximately 18 percent, a very significant factor.

(2) Vehicle Damage

At present, vehicles placed on automobile transporter equipment can experience some damage. The increased length will permit

wider spacing between vehicles and mitigate some of this problem.

(3) Reduced Capital Investment

The automobile transporters should experience reduced investment and financing costs due to the increase in productivity. These cost reductions should impact the rate structure and provide shippers with lower freight costs.

(4) Energy Conservation

With trucks used more productively, fuel usage will decrease. This is obviously in our national interest of becoming energy self-sufficient.

It is widely known the automobile industry has incurred severe economic hardships. In order to help reverse this situation, it is critically important that every effort be made to hold down the inflationary spiral of transportation costs. These costs can be reduced by permitting carriers the opportunity to maximize equipment utilization and reduce expenses.

Therefore, General Motors supports passage of Senate Bill S-1138. I would be glad to answer any questions.

ASSEMBLYMAN COWAN: Thank you. Ed, do you have anything?

ASSEMBLYMAN GILL: I guess I'll have to ask what might be an obnoxious question. Having spent a lot of my time and effort going around the State on behalf of the Assembly and the Transportation Committee attempting to convince the electorate that indeed our roads and bridges are in poor shape, and that we need to invest additional monies in getting them back in shape, now we are apparently flying in the face of that and saying, "Let's make our trucks bigger."

I fully appreciate your commentary on the commercial advantages of bigger trailers. Bigger trailers, a 15% or 20% bigger trailer would almost logically say, "This is going to be a 15% greater wear and tear on the highways." I guess all I'm looking for is expert testimony on what is the effect going to be if we increase the weight of each tractor and trailer by 15% or 20%, or whatever this new capacity will allow. Will it necessarily increase the wear and tear on the roadways and the bridges by a corresponding 15%? I fully appreciate that at the moment many of our tractors are well below and well within the allowable limit. I fully appreciate the fact that even with double bottoms and bigger trailers you will still be within the allowable limit, but going from Point "A" to Point "B" it would seem to me that you are going to increase the weight by about 15% or 20%.

Now, we have a lot of people out there -- again, at the risk of repetition, who are becoming a little alarmed -- will this indeed cause further deterioration to our roads and bridges. All the way through this, I think I would like to get some expert testimony in that direction. You may have a personal opinion, and I appreciate your personal opinion, but I would like some expert testimony in this area.

MR. HENDRICKSON: I can give you my personal opinion on that for two reasons. Number one, with the increased productivity, there will be less trucks on the highway, so the deterioration of the highways and bridges should be lessened. Number two, speaking for the automobile industry, as compared to dry freight, we transport lighter weight vehicles, lighter in total load. So, I'm not sure how much

we can say we contribute to deterioration, but I believe that it should be decreased, based on those two assumptions.

ASSEMBLYMAN MARKERT: Mr. Hendrickson, possibly you could tell me, if we are able to add one vehicle per load as far as the car carriers are concerned, what would you estimate might be the cost per vehicle on the existing, as you said I think, seven to nine -- if we would increase it, just what would be the change in the cost per vehicle for transport be? Do you have any idea whether you could break it down to per mile transport or what?

MR. HENDRICKSON: That would be very difficult to estimate because different carriers have different types of equipment. They haul different types of vehicles, and the costs associated with those vehicles would be different. So, to come up with one or two answers would be very difficult at this time.

ASSEMBLYMAN MARKERT: Do you have any idea what it cost now per car, to transport it?

MR. HENDRICKSON: It varies by company.

ASSEMBLYMAN MARKERT: It varies by company?

MR. HENDRICKSON: Yes.

ASSEMBLYMAN MARKERT: Do you have any idea what the varying amounts might be? I realize I'm talking, you know, possibly to the wrong people, and I should be talking to the new car carriers as to what it cost them to do, but I would like to get a handle on it if possible. If you can't answer it, I can understand that.

MR. HENDRICKSON: No, I wouldn't be able to answer it.

ASSEMBLYMAN MARKERT: All right, thank you.

ASSEMBLYMAN COWAN: Thank you very much. Our next witnesses are from the Ford Motor Company, Alice Cantwell and Richard Humm.

A L I C E C A N T W E L L: Good morning, Chairman Cowan and Members of the Assembly Transportation and Communications Committee. My name is Alice Cantwell, and I am Regional Governmental Relations Manager, Ford Motor Company. We certainly add here our appreciation, besides our introduction, for having this opportunity to submit our support for Senate Bill No. 1138. Certainly, we have said this before in testimony -- written testimony -- to the Transportation Department and to the Senate Committee that we see, also as you have heard previously, the reduction in transportation costs, fuel economy -- we see the elimination of a lot of circuitous routes, and New Jersey is indeed in a very important corridor on this East Coast. I am pleased today to have here Mr. Richard Humm from our Vehicle Transportation Section, who is more knowledgeable and has expertise on this subject. I would like to introduce him, if I may, and let him take over from here.

R I C H A R D B. H U M M: Thank you. Gentlemen, I am the Supervisor of the Analysis and Studies Unit in the Vehicle Transportation Department of Ford Motor Company. I have been with the Ford Motor Company for approximately six years. Among my duties include the responsibility for supporting auto transporters' applications for operating authority.

The primary business of Ford Motor Company is the manufacture and sale of new passenger automobiles, commercial motor vehicles and vehicle components. The motor vehicles are produced at 15 assembly plants in the United States and three plants in Canada. In addition, Ford Motor Company imports vehicles manufactured and assembled outside of the United States through ten port cities on the East Coast, West Coast and the Gulf of Mexico. Ford Motor Company also ships motor

vehicles between other points in the United States. The Vehicle Transportation Department has the corporate responsibility for the movement of motor vehicles from Ford plants to dealers selling Ford Motor Company products, and to independent body companies which modify Ford Motor Company products.

Ford Motor Company has an assembly plant located in Edison, New Jersey, which produces the Escort and Lynx model passenger vehicles. Ford also has a rail-head distribution center located in Newark, New Jersey. Current model year forecasts indicate approximately 100,000 Ford cars and trucks will be delivered to dealer destinations by auto transporters from these two New Jersey locations. When considering the volume of traffic the auto transporters are required to handle efficiently, the need for increasing the motor vehicle transporter length from 55 foot to 65 foot and thereby increasing productivity becomes apparent. Passage of Senate Bill No. 1138 will increase the auto transporter's truckload capacity by approximately 13%. The inherent advantages to Ford include affecting timely delivery of our product to our dealers, thereby enhancing customer satisfaction in a very competitive market. An increase in New Jersey length laws will allow trailer modification designed to increase vehicle capacity and reduce the number of necessary trips to affect delivery to our dealers. Additionally, the increase in maximum trailer length and utilized vehicle capacity will achieve fuel consumption savings assisting in further reducing auto transporters' economic exposure.

Ford Motor Company has experienced severe financial losses over the last two years and desperately needs every assistance available to manufacture, and in this case distribute, its products to the consumer at reduced costs. For these reasons, Ford Motor Company urges immediate passage of Senate Bill No. 1138 to extend the maximum trailer length for auto transporters in the State of New Jersey to 65 foot.

ASSEMBLYMAN COWAN: Thank you, Richard. Any questions, Assemblyman Markert?

ASSEMBLYMAN MARKERT: Nothing thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: Thank you very much, Alice and Richard.

MS. CANTWELL: Thank you again, Mr. Chairman and Members, for this opportunity.

ASSEMBLYMAN COWAN: Our next witness will be Matthew Edelman from the Freight Services Improvement Conference.

MATTHEW EDELMAN: Good morning, Mr. Chairman. With me today is Mr. Raymond Ruggieri of the Freight Services Improvement Conference staff and an employee of the New York State Department of Transportation.

I am Manager of the Freight Services Improvement Conference, a private sector, public sector coalition united in its concern for economic development in the New Jersey/New York region and the important role freight transportation plays in economic development.

The Freight Services Improvement Conference is funded and staffed jointly by the New York State Department of Transportation, the Port Authority of New York and New Jersey, and the New Jersey Department of Transportation. As you know, New York State has recently permitted the operation of 65-foot double bottoms. The Freight Services Improvement Conference, or FSIC as I will refer to it from here on in, has an Advisory Board composed of private sector leaders in the freight transportation industry. Our Advisory Board Chairman is Director of Transportation for General Foods in White Plains, New York. The Vice Chairman is General Traffic

Manager for Johnson & Johnson in New Brunswick. Other members include representatives of the major freight transportation modes, forwarders, and the financial community.

I want to stress that the FSIC is a government group which gets its priorities by listening to the private sector, where almost all freight activity takes place. The private sector has spoken on the issue of increased truck length and in response to this we are here today in support of Senate Bill 1138.

Our region has a reputation for having some of the nation's highest trucking costs. The FSIC is concerned about this, since these high costs hinder government efforts to make New Jersey more attractive as a warehouse distribution center, as well as a manufacturing center. With motor carrier costs continuing to increase, the only way to reduce truck freight costs to New Jersey shippers is to increase productivity. Let me briefly state how S-1138 would increase carrier productivity. First, it would allow carriers to haul larger volumes of shippers' low density commodities, while still remaining within New Jersey's legal weight limits; second, by bringing New Jersey's truck length limits into conformance with most of the United States, carriers will be able to utilize the most efficient equipment available; third, the carriers' ability to carry more volume per truck would reduce the number of trucks on New Jersey's highways, the amount of fuel consumed, and the freight bills to shippers.

Our concern for the motor carrier industry is exemplified by the following fact. Seventy percent of the surface freight moving into and out of the State moves by truck. Further, the trucking industry in itself is a major employer and income generator for New Jersey. There are over 3,000 businesses with over 60,000 direct employees, nearly a billion dollars in payroll. These figures are from 1979. The financial health of this important New Jersey industry has been hurt by the prolonged national recession, as well as difficulties brought on by the new regulatory framework contained in the Federal Motor Carrier Act of 1980. The industry has been plagued with a record number of bankruptcies, as industry representatives today can attest.

Forty-two states allow 60-foot tractor-semitrailers, and 34 states allow 65-foot double bottoms. New Jersey must adopt Senate Bill 1138 to enable shippers and carriers to be competitive.

I wish to direct the rest of my comments specifically to the issue of twin 27-foot trailers. Just to restate a few facts -- first, twin 27's help to mitigate the cube problem experienced by shippers of bulky, lightweight commodities. This is especially important in New Jersey because of the large numbers of manufacturers of low-density commodities, such as aluminum cans, plastics and pharmaceuticals. Further, the State is also a warehouse distribution center for primarily low-density freight. Secondly, two small trailers can be loaded separately and simultaneously and then assembled for the line haul move, allowing faster turnaround time and reducing costs. Third, the shorter trailers can be used individually for pickup and delivery within urban areas as an alternative to larger tractor-semitrailers, thus reducing congestions.

As others here today will undoubtedly note, a recent U.S. Department of Transportation study on uniform truck size and weight limits shows that were all states to allow doubles, the nation's freight bill would be reduced by \$2.5 billion and total truck miles traveled would decline by 1.2 billion miles annually. If Senate Bill 1138 becomes law, the Freight Services Improvement Conference will work

closely with the New Jersey Department of Transportation, and carriers and shippers, to develop a system of designated route space on demand for this service and subject to safety and operational criteria. The Conference, consistent with its mission to promote a dialogue between the private and public sectors, will conduct a survey of New Jersey and New York carriers and shippers to determine what routes are desired, types of commodities involved, frequency of service desired, and need for staging areas.

With regard to safety, we have looked at material on other states' experience and have found twin 27's to be no less safe than regular tractor trailers. New York State has recently permitted these vehicles after making its own safety determination. Where there could indeed be safety considerations unique to certain routes in New Jersey, we are confident that the New Jersey Department of Transportation will be able to make such a determination.

Finally, I want to comment on the uncertainty of the twin 27 trailer situation in Pennsylvania and the effect of this on New Jersey. The use of doubles through Pennsylvania is still in litigation and remains uncertain. Nonetheless, opportunities exist for the use of these vehicles into New Jersey, since New York, Delaware and Maryland are important trading partners of New Jersey and they need not be reached through Pennsylvania. If New Jersey allows doubles, carriers will be able to use them to serve these markets. Upstate New York, if considered as a composite, would be the region's biggest trading partner after Philadelphia. Baltimore ranks as the fourth leading trading partner. The FSIC has spoken to major carriers who have said that they will use 65-foot doubles on their East-West service, and North-South service, if New Jersey allows them, the Pennsylvania issue notwithstanding.

In closing, I just want to note that the Freight Services Improvement Conference is a government economic development group. We are not the motor carrier lobby. We support the motor carrier industry on this issue, not because it is in the truckers' interest, but because it is in New Jersey's interest.

Thank you, Mr. Chairman. I appreciate the opportunity to be here today.

ASSEMBLYMAN COWAN: Thank you, Matthew. Do you have something, Ed?

ASSEMBLYMAN GILL: I won't ask you the usual question; I'll save that for later. But, since you are representing the freight services, what is your comment with respect to restricting, if the bill were to pass permitting longer trailers and double bottoms? What is your comment with respect to keeping these larger trucks on the interstate highways or four-lane highways, restricting them, in other words, from county roads and narrower roads?

MR. EDELMAN: I think we have to look at this situation specific to New Jersey. Obviously, from an economic development standpoint, one would like to see them in many places. In the State of New York -- correct me if I'm wrong, Mr. Ruggieri -- only on four-lane roads, is that correct?

MR. RUGGIERI: At this point, except for staging areas, that's right.

MR. EDELMAN: The "proof is in the pudding" on this in terms of the determination that will have to be made link-by-link, and we have confidence in the professionalism of the New Jersey Department of Transportation that they will be able to make such a determination.

ASSEMBLYMAN GILL: Thank you.

ASSEMBLYMAN COWAN: Assemblyman Markert?

ASSEMBLYMAN MARKERT: Thank you, Mr. Chairman. Maybe if we could just go back to the comments that I made earlier. As a freight service conference, it is great for us to be able to do this possibly, and those are the comments that I am hearing in New Jersey, but we can't get our trucks out of New Jersey. We can't get the trucks into New York. You just said it would be great, that it would help upstate New York. How are we going to help New Jersey and allow those trucks to leave New Jersey, if there does not seem to be any type of pressure being put on our neighboring State of New York to allow the trucks to enter?

MR. EDELMAN: Are you referring to --

ASSEMBLYMAN MARKERT: I'm sorry, I didn't finish. I'm talking about the one only main access route into the New York State Thruway which is Route 17, and the elimination of the George Washington Bridge and the elimination of Route 9-W.

MR. EDELMAN: First, in regard to your question of what is it that you see of benefit for upper New York State and what's in it for New Jersey -- not to give a basic platitude, but all trade benefits both partners. Our economy in North Jersey is very closely linked to that of upper New York State. Both New Jersey and New York would benefit by lower freight costs between them. The issue of Route 9-W, I know, is a very difficult one. It is our understanding that Commissioner Hennessy of the New York State Department of Transportation and Commissioner Sheridan of the New Jersey Department of Transportation are working on this issue, which is a very complex one. We have confidence that they will be able to give it the maximum attention possible.

ASSEMBLYMAN MARKERT: Well, may I ask just this -- is the Conference trying to exert any energies whatsoever toward a solution? I'm talking about you as a Conference trying to help create a solution for the problem that is now existing between New York and New Jersey. I'm not talking about just New York State, I'm talking about New York City also, because without that, we're only kidding ourselves.

MR. EDELMAN: Are you referring to 9-W, sir?

ASSEMBLYMAN MARKERT: Pardon me --

MR. EDELMAN: Are you referring to the 9-W situation?

ASSEMBLYMAN MARKERT: I'm referring to the George Washington Bridge and the restriction of the type of goods we are allowed to carry.

MR. EDELMAN: Are you referring to the hazardous materials situation?

ASSEMBLYMAN MARKERT: That is correct. I believe just a can of hair spray could be considered the type of material disallowed to travel or traverse the George Washington Bridge into the New York City streets. I may be oversimplifying it, but I understand that its to a point where the number of products that are disallowed is so large that it almost does restrict a great many trucks that now have to travel through the Holland Tunnel, and the Lincoln Tunnel, and the Tappan Zee Bridge, because we can't use 9-W.

MR. EDELMAN: The hazardous materials issue, of course, and the announcement that came out from New York City, certainly caused considerable consternation among New Jersey government interests and among the motor carrier industry in New Jersey. There are some leaders of the trucking industry here today who are closely involved in negotiations with New York City right now. I think I can say with confidence that the situation is not as bad as it seems, and that the announcement of

restrictions in New York City made things appear far more restricted than they are. There will be a reduction in hazardous materials movements across the George Washington Bridge. The New Jersey Department of Transportation, I believe, is studying that very, very closely right now with their traffic engineers. But, in terms of large volumes of hazardous materials movements being backed up on Route 17, appearances are, particularly for dry freight, that it will not be as bad as it seems. Negotiations with the City are proceeding and should be completed by the end of October -- that is between the New York City Fire Department and the motor carrier representatives. I think they can speak best on this issue.

ASSEMBLYMAN MARKERT: Thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: Thank you. Do you have anything? (no response) As you represent here today, speaking as a private group or public representative, from what you presented it really doesn't appear that there is any real problem with this legislation as it exists. Would you like to see the restrictions as you presented there removed?

MR. EDELMAN: On the 60-foot issue, which I assume is of particular concern to you on this, many shippers have come to us and asked us to support this bill, since we work jointly with the New Jersey Department of Transportation, and we are after all a government and business liaison trying to accommodate all interests. The New Jersey Department of Transportation has not yet made a determination on the 60-foot length issue and we will defer taking a position on it until New Jersey DOT makes a determination.

ASSEMBLYMAN COWAN: Anything else? (no response) Thank you very much.

MR. EDELMAN: Thank you.

ASSEMBLYMAN COWAN: As the witnesses come forward, if you do have copies of your testimony, we would appreciate them being presented to the Committee before you begin the testimony. Our next witnesses are Michael Goldberg, Frank Greco and Reggie Miller.

M I C H A E L G O L D B E R G: Mr. Chairman, I'm Michael Goldberg. This is Frank Greco, and on my far right, your far left, Reggie Miller. With your permission, Mr. Miller will present his testimony first, followed by Mr. Greco, and then I will finish up our presentation.

R E G G I E M I L L E R: Mr. Chairman and Members of the Committee: I would like to thank you for the opportunity to testify here today. My name is Reggie Miller, and I am from Edison, New Jersey. I have been a truck driver and a bus driver for 20 years. I currently work for the Smith & Solomon Trucking Company in New Brunswick, New Jersey, as a city driver. I have also worked for Smith & Solomon as an over-the-road driver. I am a member of the Teamsters' Local 701, and I am also a member of Teamsters for a Democratic Union, which is a reform group within the Teamsters Union trying to make that union more democratic and responsive to its members.

I am here today to urge you to vote against the truck length bill which is before this Committee. You should know that I am so opposed to this bill that I took a day off from work, without pay, so I could be here today. I'm sure there would be more rank and file truck drivers here to oppose this bill if they could be paid to come here like most of the trucking company executives who are here today.

I am against this bill for two reasons. First, because it would permit double bottomed combinations in New Jersey, and they don't make sense for

the kinds of traffic conditions we've got in this State. Second, I'm against this bill because truck safety is already a big problem in New Jersey, and current laws governing weight limits are already ignored on a regular basis. Allowing bigger trucks into New Jersey will just make a big problem even worse. Let me talk for a minute about the problems with double bottom combinations. One advantage the trucking companies point to is that the doubles can make tighter turns because they "bend" in two places instead of one. That's true, but it is not necessarily an advantage. There are numerous situations on certain types of bridges, for example, where support beams angle up over each side of the roadway. Thus, a double bottom tractor-trailer combination may be able to make a tight turn near the curb, but the top of its trailer, when it is close to the curb, can hit the overhanging beams. Out West, where doubles are common, the highways and bridges are generally newer and these kinds of problems don't come up as much.

Another very, very major problem is that they can't back up, because of the two joints. That means that if a double gets boxed-in in a tight place, either because the driver made a wrong turn on a detour, for example, or because of the breakdowns of other vehicles, the double is stuck there like a beached whale. It has to just sit there until the obstruction is cleared, or the second trailer can be dropped and another tractor can be brought in to pick it up. You can just imagine the amount of traffic piling up behind the stranded double.

If doubles are let into New Jersey, this won't be as unusual an occurrence as you may think. It's true, they will be confined mostly to multi-lane highways like the Turnpike, but I've been on the Turnpike a number of times -- and maybe you have too -- when the fog was so bad they had to divert the traffic onto other roads. Along these same lines, think back a month or two ago when that tanker truck carrying acid broke up on the Turnpike near Exit 13. I was on the Turnpike that day. The Turnpike had to be closed near the accident and all the traffic following that truck got caught in enormous traffic jams which caused additional accidents. As it was, the 55-foot tractor-trailers that got diverted onto smaller, local roads in densely populated areas could not get under certain bridges, or get through certain congested streets. Ambulances and fire trucks had a terrible time getting through the resulting mess. I hate to think how much worse it would have been if less maneuverable 65-foot doubles, which can't back up, were involved in that jam up. They'd probably still be trying to get it untangled today.

I know that doubles have been used out West, but New Jersey is very different from Texas or North Dakota. Our highways are much more heavily traveled and the communities surrounding our highways are much more densely populated. Also, our roads have one major feature very rare out West -- toll booths. We've all seen toll plazas with only a couple of lanes open and cars and trucks cutting sharply from one side of the highway to the other to get to the toll booth with the shortest line. Cumbersome 65-foot doubles in that situation can lead to serious problems.

I am also against the proposed law because trucking companies in New Jersey already ignore the existing weight limits and other traffic and safety laws as it is. I can tell you, that on many occasions, I have knowingly taken trucks out on the road that were as much as 10,000 pounds overweight. The trucking industry is so competitive, especially since the deregulation went through a few years ago, that if any one company flaunts the weight limit, they all have to do the same

thing to stay competitive. Allowing bigger trucks on New Jersey's roads would just make things worse. There will be just as much cheating, but instead of overloading 55-foot units, we will be overloading 65-foot units, resulting in much heavier trucks on the road -- often probably far in excess of the 80,000 pound limit. It is true that the bill does not raise the legal weight limit, but these weight limits are often ignored anyway. Bigger trucks will simply mean it will be easier and even more common for the companies to violate the weight limits. And remember, heavier trucks do not just chew up the roads faster, which they do. They are also harder to stop, putting more stress on the brakes on the tractors that may simply not be designed to haul such heavy loads. How would you like to be driving down an incline on the highway in your family car and look in your rearview mirror and see an 80,000 double tractor-trailer barreling down on you, with brakes designed to handle 60,000 pounds? Believe me, I know the way many truck companies operate, and I know that this situation comes up all the time, sometimes with fatal results. As a truck driver, I don't want to be forced behind the wheel of one of those trucks, but unless you vote against this bill, I may not have any choice.

ASSEMBLYMAN COWAN: Thank you, Reggie.

F R A N K G R E C O: Mr. Chairman, Members of the Committee -- good morning. My name is Frank Greco, and I'm from Edison, New Jersey. Like Reggie Miller, I also took a day off from work so I could be here today to testify against Senate Bill 1138. I currently work as a city driver for Consolidated Freightways, one of the biggest trucking companies in the country. I have close to 30 years experience in the trucking industry as both a city driver and an over-the-road driver for both union and non-union companies and as an owner-operator. I also have experience out West driving the kind of double bottom combination tractor trailers Senate Bill 1138 would allow on New Jersey's roads. I am a member of Teamsters' Local 478, and I am a national board member and former co-chairman of Teamsters for a Democratic Union, an 8,000 member organization of rank and file Teamsters working to reform the Teamsters' Union. I have also been active in an organization called PROD, or the Professional Drivers Council, which since 1971 has been a major force in Washington working on truck safety issues. In 1979, PROD merged with Teamsters for a Democratic Union.

I oppose Senate Bill 1138 for two reasons: First, and most important, because the bill will threaten the safety of not just truck drivers, but all motorists on New Jersey's highways. Second, because the bill will open the State's highways to even more illegally overweight and oversized trucks than we already have.

As far as safety, I can tell you based on my own experience as a driver of double bottoms from Ohio to California, they are simply not as safe as the type of 55-foot tractor-trailers New Jersey currently permits on its roads. If it were ever necessary for twin trailers to back up in an emergency situation, it cannot be done, which makes these trucks a definite safety hazard. I have never met a driver that was capable of backing them up. Just imagine the consequences if there were a serious accident in a tunnel and a double bottomed tractor-trailer combination could not be backed out of the entrance to allow emergency vehicles, such as ambulances, fire trucks, or chemical spill control units to reach the scene of the accident. How many people would die because of the excessive delays? Will a toxic waste spill go completely out of control, or will fires or an explosion occur as they did in San Francisco last Spring, when six died on the spot because of an accident in a tunnel?

My second major reason for opposing this bill is because it will have a practical effect of letting heavier trucks on the roads of New Jersey than are now permitted. I know the bill leaves unchanged the present 80,000 pound limit. But the truth is that 80,000 pound trucks are now relatively rare in New Jersey, because most types of cargo are simply not heavy enough to result in an 80,000 pound total in a tractor trailer combination only 55 feet long. When you allow ten more feet of cargo space, though, it will be much more likely that more units will reach the 80,000 pound limit. In fact, depending on the type of freight being hauled, these double bottoms will have the capacity to reach weight totals far over 80,000 pounds. As you know, overweight trucks are bad for two reasons. First, you don't need to be an engineer to know that the heavier a truck is, the harder it is going to be to stop, and the more damage it is going to cause if it cannot stop. Second, heavier trucks pound the hell out of our roads -- if you will excuse my French. Bad roads are not only very expensive to repair -- especially in light of budget cutbacks -- but become safety hazards themselves.

All this would be bad enough if we could count on these bigger trucks staying within the 80,000 pound limit, but as Reggie Miller just testified, trucking companies just don't obey the law when they think they can get away with it. The company I work for, for example -- Consolidated Freightways -- is one of the giants of the industry with a net income of over \$75,000,000. It can afford to operate legally if it wants to, but the simple truth is, it doesn't. The small city tractors I drive for CF, for example, are often licensed to haul gross weights of only 40,000 or 50,000 pounds, and yet it is a common occurrence for CF to send these tractor trailers out weighing in at up to 20,000 pounds over their legal limit. When I have confronted CF management personnel over this, they answer, "It pays to run overweight, because we get caught so seldom."

Overweight trucks are bad enough under the best of circumstances, but they are nothing less than a lethal weapon when truck companies cut corners on maintenance, as many do. In 1978 and 1979, the Federal Bureau of Motor Carrier Safety conducted a series of random, roadside inspections of heavy trucks, and found that 34% of them had problems so serious they had to be taken out of service right on the spot. Indeed, the National Transportation Safety Board stated recently that, "It appears that industry cannot be relied upon to implement the periodic inspection and routine maintenance necessary to detect and correct maladjusted brakes." In 1979, New Jersey had over 1,000 serious truck accidents, which resulted in 63 deaths and close to 1,000 injuries. If Senate Bill 1138 is passed, allowing bigger and heavier trucks on the road, the consequences could be tragic, especially given the trucking industry's record in running overweight and cutting corners on maintenance.

Some of you may be wondering, if present conditions are as bad as Reggie and I have outlined, why don't the drivers or their union do something about it? First of all, there are many non-union trucking companies operating in New Jersey and their drivers have absolutely no union protection. For union drivers, things should be better, and sometimes they are better, but unfortunately, that is not always the case. Teamsters' contracts on paper usually require the companies to provide their drivers only safe, legal trucks, and the contracts on paper give drivers the right to refuse to drive equipment that is not safe or legal. Unfortunately, that contract language is not always enforced. As you undoubtedly know, some Teamsters' locals in New Jersey have had problems with corrupt leadership. In those cases, what sometimes happens is the union looks the other way when the company

violates the safety provisions of the contract, and in turn the company looks the other way when corrupt union officials mismanage the jointly controlled pension and welfare funds. Ordinary truck drivers, of course, for obvious reasons, do not like driving illegal or unsafe trucks, but in many cases if they refuse, they are likely to be fired as troublemakers. With unemployment at 10%, not many drivers are willing to take that chance.

Again, for my safety and for the safety of your families, I urge you to defeat this bill. Thank you.

ASSEMBLYMAN COWAN: Thank you, Frank. Anything here?

ASSEMBLYMAN GILL: I have just a couple of questions, which I would like to address to both of you as professional truck drivers. I'm curious, why can't you back up a double bottom trailer?

MR. GRECO: Because they lock up on you.

ASSEMBLYMAN GILL: They lock up -- therefore, you just couldn't get the -- Is it common practice for trucking organizations to overload trucks? So far we have had testimony that the major problem that's got to be solved is volume, not weight. We were led to believe -- at least I was led to believe that very often our existing traffic in trucks is not up to the weight limit anyway, because it is limited by the large volume that is required to be carried now. What you're saying is, if I hear you right, is that it is not unusual to overload the trucks by as much as 10,000 pounds. Is that common practice?

MR. GRECO: Yes -- I'd like to respond to that. There are a whole series of circumstances in the history of running overweight in the trucking industry. Now, I think Michael Goldberg will refer to it in his testimony. I testified before Congressional Committees on this. I've written and documented overweights at Consolidated Freightways to Governor Byrne, to -- I don't know who was in charge then -- on this issue of overweights. The response is that you have to catch the vehicle on the road in order to do anything about it. The company's attitude is that there can be an overweight situation because the fines are so light, that the chances of getting caught are so light. Our law enforcement agencies are wasting time playing hide-and-go-seek with 340,000 vehicles in this State, when they should be down there in Atlantic City and other places fighting corruption. I've been in the grievance machinery with this thing; I've had it in arbitration. Our trucks are still running overweight, and we are one of the best companies in the country and in the State.

ASSEMBLYMAN GILL: What percentage of the trucks operating in New Jersey, from your standpoint -- this would be an estimate -- are running overweight?

MR. GRECO: I couldn't honestly answer that. I see them periodically at my terminal. There was an overweight just the other day; one of the guys was out and got caught overweight. This is after five years of my fighting with Consolidated. I've been in the news media, I've been on the television -- done the whole ball of wax with this thing, from one end of the country to the other. They are still running overweight. They refuse to abide by the laws -- and that is one of the good companies.

ASSEMBLYMAN COWAN: Reggie?

MR. MILLER: I would also like to explain one thing. The law enforcement in the State and how it operates is ridiculous -- really, really ridiculous. When the companies are running the overweight, they are working almost a nine to five job. They may start scaling trucks in this State -- we'll say seven o'clock

in the morning, they go to break around eight-thirty, then they come back again -- it's a hit and miss job. Okay? So they are the easiest things to get around. Half of the scales right in this State here aren't open at all. Coming off Interstate 80 in Delaware, the toll plaza up there, it has never been open, I don't believe. They are under some litigation. We have law enforcement that goes around with portable scales. It's all hit and miss. It's so easy to get around it that I could run 22 times overweight, and if they ever caught me once, it would be lucky on their part.

ASSEMBLYMAN GILL: How many trucks a week would you estimate you drive, 20, 50, how many trucks do you take out a week?

MR. MILLER: I take out one a day. I load up and empty once a day.

ASSEMBLYMAN GILL: Out of those five a week or so, how many of those are overweight?

MR. MILLER: I would safely say three.

ASSEMBLYMAN GILL: Three -- 60% of all the trucks you drive are overweight?

MR. MILLER: Naturally, it depends on the customers that I may be going to at that particular time. I do vary from customer to customer.

ASSEMBLYMAN GILL: Just one last question, and as professional truck drivers this may be a difficult one. Regarding your testimony, Mr. Greco, about a truck bearing down with not necessarily the capacity to stop, what safety factors that you know of are built into these trucks? If a truck is allowed to carry 50,000 pounds, what safety factors are built into the normal truck?

MR. GRECO: First of all, Consolidated is out in front of the rest of the industry on this, and they have increased the ability of the truck to stop. I give them due credit for that. But what you're doing here is, you're exposing the State of New Jersey and its citizenry to a situation where you have high unemployment. Where people are desperate for jobs, the drivers are not checking out the trucks.

ASSEMBLYMAN GILL: I'm only asking about the safety factor of the brakes, not the total economic condition, if I may. What safety factor do you know of is built into a normal truck?

MR. GRECO: A normal truck -- I would say that they are supposed to have the braking capacity of what the truck is carrying, but some of these trucks in the industry today are not designed and capable of handling 80,000 pound gross weight, running 55 miles an hour on interstates, or going down through these towns on crowded highways where you cannot separate the trucks. You cannot separate the vehicles as you are supposed to. The braking capacity is not there in the majority of the trucks, is what I am saying.

ASSEMBLYMAN GILL: Thank you.

MR. MILLER: I would like to take a crack at that also. There is one very important issue that we are missing, and that is that Consolidated Freight, in their picture right up front here shows a model truck, and I assure you you don't see too many model trucks like that. The truck I particularly drive is ten years old. I guarantee the brake system on that is entirely different from the one that he has right now. There are a lot of people out there that have old equipment, and they aren't going to be able to carry the weight they have today.

ASSEMBLYMAN COWAN: Tommy?

ASSEMBLYMAN GALLO: Mr. Greco, I would like to ask you a question.

MR. GRECO: Yes, please do.

ASSEMBLYMAN GALLO: Does a double bottom have the mechanical ability to back up?

MR. GRECO: The mechanical ability?

ASSEMBLYMAN GALLO: Yes.

MR. GRECO: I would say yes, but it is impossible to train a driver to back it up. It's impossible to keep the three units straight because you're talking about your tractor, a trailer, then a second fifth wheel and a trailer, and as soon as that back trailer deviates or any portion of that deviates in any way, the whole thing is locker-jawed. Now what happens is that you have to go forward and straighten out, and you don't have that room on the Turnpike entrance or exit.

ASSEMBLYMAN GALLO: Mr. Greco, does a driver require a special license to drive one of these double bottoms, or is he trained to do so?

MR. GRECO: Well, there are two answers to that. In some companies, such as Consolidated Freightways, -- one reason why the statistics are so misleading on accident frequency is, they require that a driver to qualify for double bottom operation --

ASSEMBLYMAN GALLO: (interrupting) Would you hold your thought -- To qualify, wouldn't he have to have the ability to back it up?

MR. GRECO: No, because you can't back them up. Nobody has the capacity to back them up that I am aware of. This is just to drive them forward. You have to have five previous years -- immediate years -- without accident or incident. Then the Ohio Turnpike Commission would license you for one year, and one year only.

ASSEMBLYMAN GALLO: But you do say that they do have the ability, the mechanical ability to back up.

MR. GRECO: Yes, they have a reverse gear, but you cannot back them up.

ASSEMBLYMAN GALLO: The double bottom has the mechanical ability to back up --

MR. GRECO: Yes.

ASSEMBLYMAN GALLO: So, in my opinion, and maybe I am wrong, I've never driven a truck -- shouldn't drivers be trained to back up the double bottom and shouldn't they have the ability to do so?

MR. GRECO: Yes, if it was possible to train them to that extent, I would agree with you, wholeheartedly agree with you, because they can be -- If you have a situation, as I said, where you have chemicals or something like that, it could be a catastrophe.

ASSEMBLYMAN GALLO: In other words, you agree that a driver can be trained to back up a double bottom?

MR. GRECO: No, I don't agree with that, because I don't think a guy could ever learn that.

ASSEMBLYMAN GALLO: I thought that was what you just said.

MR. GRECO: Well, understand what I'm saying. I'm saying the possibility is there, and probably if you took a thousand experienced drivers you could probably get a couple of them to learn to back them up.

ASSEMBLYMAN GALLO: I don't think you're answering my question the way I would want it answered. You did tell me that they do have the mechanical ability to back up.

MR. GRECO: Yes.

ASSEMBLYMAN GALLO: You also told me that drivers can be trained to back them up.

MR. GRECO: I said that a small minority could. Don't misunderstand what I am saying. If you took a thousand drivers, capable drivers -- I'm talking about qualified drivers -- and tried to teach them to back up, I believe that the majority of them would never learn to back them up.

ASSEMBLYMAN GALLO: All right, let's get away from that for a second. You speak about overweight -- you constantly speak about overweight in trucks.

MR. GRECO: Yes.

ASSEMBLYMAN GALLO: I think that problem could be alleviated by changing the penalties that would go with overweight, or changing the method of penalizing those companies that permit overweight. I think that problem could be resolved.

MR. GRECO: It can be, but the circumstances are that you cannot catch them, and where the change has to come is not only in the penalties -- and the severity of the penalties -- but the manner in which you police the trucking industry. You should go in and audit the company's books. These companies have the records to prove when they run overweight. There is a combination of pieces of paper that they have, that if you took those and you analyzed them, you could put the overweight together. And then, take the official that is ordering these overweights, and pull him out of the corporate womb and process him, and then the corporation itself. And, if necessary, suspend their operating authority. Then you'll have something. As long as you come out with this \$.02 a pound and \$.03 a pound stuff, forget about it. The rates today amply cover the two and three cents a pound with the number of times they are caught. You have to attack it from a number of different ways.

ASSEMBLYMAN GALLO: Thank you, Mr. Greco. That's all.

MR. GRECO: You're welcome.

ASSEMBLYMAN COWAN: Assemblyman Markert?

ASSEMBLYMAN MARKERT: Thank you, Mr. Chairman. I'd like to ask a question as to your reference to the Teamsters for a Democratic Union which is a reform group, I believe you said, within the Teamsters' Union. May I ask just how many members within the Teamsters' Union you represent, or are represented in the Teamsters for a Democratic Union which is, as you said, a separate group within the Union itself?

MR. GRECO: There are approximately 8,000 members, and that number fluctuates.

ASSEMBLYMAN MARKERT: Eight thousand within the total Union?

MR. GRECO: Yes.

ASSEMBLYMAN MARKERT: What is the percentage of that 8,000 that would be members of the Teamsters for a Democratic Union, or is that the answer you just gave me? What is the total Union membership -- how many -- and what is the percentage for members of the Teamsters for a Democratic Union?

MR. GRECO: It is a very small percentage. The total number in the Teamsters' Union is 1,800,000, and for a variety of reasons, people come into our organization and drop out. Part of it is -- it's economic and physical reprisals many of them are afraid of.

ASSEMBLYMAN MARKERT: Thank you. I'd also like to address a question generally to both of you, if I may. The cost of overweight as far as the charge to the trucking company is, I believe you just stated, \$.02 a pound. Is that correct?

MR. GRECO: I think it's \$.02 a pound up to 5,000 pounds, and \$.03 a pound after that. It's very minuscule compared to what's happening -- the damages that it incurs and the burden that it puts on the citizenry of New Jersey. So you have to realize that on the city tractors when they run the license, they are saving a good deal of money. A tractor is being licensed for \$350.00, instead of maybe \$600.00 or \$700.00, and the New Jersey citizens are picking up the difference here. They are paying for the cost, instead of the trucking industry.

ASSEMBLYMAN MARKERT: Mr. Greco, suppose, and I think Assemblyman Gallo made excellent points that could be followed in future legislation, or could possibly even be addressed in this legislation, although I don't believe our Constitution would allow that -- if we were to address, and this is hypothetical because I am not giving a position as to what I will be taking on this piece of legislation --

MR. GRECO: I understand.

ASSEMBLYMAN MARKERT: -- I want to make sure that that position must remain clear with everyone until I have heard all of the testimony and have had an opportunity to study any amendments. Suppose this fee of \$.02 up to 5,000 pounds and \$.03 over were to go to something like \$.10, and every trucker who turns his truck in to the State as an overweight truck receives 50% of the fees -- the charges.

MR. GRECO: I think it is very important that you do something of that nature. I wholeheartedly agree.

ASSEMBLYMAN MARKERT: You might be able to retire after about a year, if we go along the rates that you are talking about as far as overweight trucks on the road today. You know, you might be able to quit at 20, if you start at 18.

MR. GRECO: Well, the thing is, what we've got to do is consider the safety of the public, we've got to consider --

ASSEMBLYMAN MARKERT: I'd like to consider the safety of the public, and I'd like to consider the safety of the truck drivers. I would like to consider the safety of everybody, and I'm sure that this Committee, as well as every citizen, including those members of the Union that are operating as truck drivers, are concerned enough to see to it that if we, by law, register a 60,000 pound weight, that is what it should be, not a 60,001 pound weight.

MR. GRECO: That is correct.

ASSEMBLYMAN MARKERT: There are areas where we can address, I am sure, a solution to the type of problem that you have discussed about overweight and I for one would be very willing to see to it, and you can call it whatever kind of legislation you want, but I would be willing to pay any truck driver 50% of the fees and raise it to \$.10 a pound. I guarantee you we wouldn't have too many overweight trucks on the road today.

MR. GRECO: I wholeheartedly agree with you, sir.

MR. MILLER: Just prior -- before us, the two gentlemen who testified as far as their finished products going onto the road and how much they weigh -- and one was at 12,000 pounds, 15,000, whatever -- but the raw materials, especially speaking of the glass company that was mentioned and the sand trucks, and you all know very well what those sand trucks really weigh -- they are maybe 20,000 pounds overweight. Now you are going to allow doubles. What is to disallow them to put even more than that on there? It's the raw materials coming into these factories

not just the finished products -- there is a lot of bulk freight, but there is a lot of raw material that comes in.

ASSEMBLYMAN MARKERT: We're talking, if I may, Mr. Miller, about the total allowable weight for any truck, whether it be a manufactured product, whether it be a raw material product, or whatever. We are not changing, or at least it is not proposed at this point in time in this legislation, to change that total overall weight. We are not considering that at all.

MR. MILLER: The gross weight?

ASSEMBLYMAN MARKERT: The gross weight is the same; it remains the same if we go to a 150-foot trailer. It is still a total gross weight. That's not changing; I want you to know that. So, if you are going to haul sand for making glass and it's 20,000 pounds overweight at \$.10 per pound, that would be a nice day's pay for you if you got 50% of it.

ASSEMBLYMAN GILL: Just one point -- I think I might make this more of an explanation than another question. When I entered into this discussion today I looked upon the Motor Truck Bill in probably six different areas. One was productivity, and I think we have had pretty good testimony so far. It is rather obvious that productivity would increase. One is energy -- would there be energy savings? I think we have gotten fairly good testimony that energy would be saved, unless we had a corresponding increase in trucks, where it would be a standoff.

The safety factor and the accident factor -- I'm not so sure these have been thoroughly covered yet, except that you have given some testimony as expert truck drivers of the possibility of trucks being driven either with insufficient braking capacity or in an overloaded condition.

The flexibility of a double bottom, and this was rather an issue -- we started with the pictures. Now, Assemblyman Gallo has -- I guess between the two of us -- has indicated that maybe we don't have as much flexibility with the double bottom as we had previously thought -- as I had thought. The impact on the roads and highways, again, you're talking about tearing the hell out of the highways. I know this is probably a subjective feeling on your part. If you have anything, really, in a concrete way or an objective way to prove -- I would be interested in hearing it.

The labor, the use of labor, the impact upon labor -- I can appreciate that if we have fewer truck drivers, that might have a negative impact on labor, as you might from the testimony of truck drivers in the Union so indicate. On the other hand, if it stimulates commerce and industry, it might have a positive impact.

I think what I am trying to say is, I don't want you ever to feel that as far as I am concerned we're picking on you as truck drivers because we're asking you some very hard questions. We're here to ask hard questions, because out there somewhere we have seven million people in New Jersey who we really have to direct our actions to. And when you say that 60% of the trucks that you drive, and you are driving for a good firm, are overloaded, that is another problem that we are going to have to take a look at. And it doesn't make any difference what the sizes are if truck associations are going to violate the law and overload -- regardless of the size of the trucks, we have a serious problem here I would think. So, I want you to very carefully consider this, because I would take this very, very seriously -- because that added weight would necessarily, again, have an impact upon the roads and bridges, which is one of the negative things we have had about New Jersey in the past six months, more particularly yesterday.

I just want you to know, and I say this in explanation as to why we are asking some pretty pointed questions.

MR. GRECO: Yes, we appreciate your concern. I would like to elaborate on this financial situation. If the Teamster pension plans continue to lose members and the monies continue to fall -- the amount of monies that go in continue to fall -- those plans are in financial trouble now, some of them -- they are underfunded. The taxpayers of New Jersey are going to be included in making up the cuts that are going to come. It is going to cost the taxpayers money before it is over. Somebody is going to have to pay for these pension and welfare plans when there is not enough money to meet their obligations. So this cost has to be taken into consideration when we take total costs of what is happening here, not only the jobs of drivers, but the jobs of docking, and the impact on the benefit plans. If that money doesn't go in, the obligations that are there now are going to compound the problem that we have. Those expenses are going to be picked up by someone.

ASSEMBLYMAN GILL: As a point of information in regard to the taxpayers of New Jersey picking up the cost of the pension fund, I think some of the later negotiations that were made in legislation passed on the national level you have a guarantee that you yourself pay for that in insurance. So, the taxpayers in New Jersey wouldn't be picking that up.

MR. GRECO: No, that's not necessarily so, sir. What they are doing is, they are going to permit --

ASSEMBLYMAN GILL: Don't you pay a premium? Doesn't your insurance plan -- your pension plan pay a premium now to the National Guaranteed Pension Fund?

MR. GRECO: Yes, but it is very limited, sir. It doesn't cover everything.

ASSEMBLYMAN GILL: Isn't that who picks up the cost if a pension fund defaults?

MR. GRECO: Yes, but only to an extent.

ASSEMBLYMAN GILL: Then it wouldn't be the taxpayers in New Jersey. I just want to correct you.

MR. GRECO: Well, we are part of the Federal taxpayers that will make up anything that is needed.

ASSEMBLYMAN GILL: That's all done through the pension plans themselves, and I'm sure Mr. Goldberg will correct you on that if you wish so.

MR. GRECO: Thank you.

ASSEMBLYMAN COWAN: I have a strong interest in that myself. Mr. Goldberg?

M I C H A E L J. G O L D B E R G: Mr. Chairman and Members of the Committee: I would like to thank you for this opportunity to appear before you today. My name is Michael Goldberg, and I am an Associate Professor at Rutgers Law School in Camden. I teach Labor Law, and within that field, my specialty is the law of the rights of rank and file employees. Before coming to Rutgers a little over a year ago, I practiced law in Washington, DC, representing rank and file Teamsters like Mr. Greco and Mr. Miller. Through that work I have developed a fair understanding of the trucking industry, and a keen interest in truck safety. I have testified on the subject of truck safety before Congressional Committees on several occasions; I have submitted formal comments on truck safety regulations proposed by the Federal Bureau of Motor Carrier Safety; and I have represented several truck drivers who were fired by their companies because they refused to drive trucks that they believed were unsafe.

In addition to this background, I should point out that I am also testifying as a long-time resident of New Jersey. I was born and grew up in Bergen County, and now live in Camden County.

I would like to begin by endorsing wholeheartedly the testimony of Reggie Miller and Frank Greco, and echoing their fears that Senate Bill 1138 will create serious safety problems on New Jersey's highways. Mr. Miller and Mr. Greco have already pointed out some of the hazards of double trailer combinations from a truck driver's perspective. There have also been numerous studies that indicate that double bottoms are more dangerous than ordinary single tractor-trailers. A study conducted by the government of Ontario, Canada, for example, found out that when doubles are involved in accidents, the chances of fatalities resulting from those accidents are 2.6 times greater than truck accidents involving ordinary tractor-trailers. Similarly, when there are fatalities resulting from these accidents, the number of deaths is 58% greater. Another study by the Michigan Department of Highways indicates that double bottoms are 2.5 times as likely to overturn than ordinary tractor-trailer rigs. Another study by the Highway Safety Research Institute at the University of Michigan suggests that in urban settings -- which is certainly relevant for much of New Jersey -- double bottom combinations were twice as likely to be involved in accidents as ordinary tractor-trailers.

Needless to say, spokesmen for the trucking industry will try to discredit these findings. They will bring out other studies which reach different conclusions. We all know how figures can be manipulated. The New Jersey Motor Truck Association has already circulated material quoting officials from states like Arizona, Utah, Nebraska, and Texas on the safety of double bottom tractor-trailers. But before we jump too quickly to accept these glowing reports, let's take a closer look at the safety record of those states. According to a 1979 report by the Federal Highway Administration, for every 100 truck accidents in New Jersey there were six deaths. In Arizona there were 17 deaths for every 100 truck accidents -- the worst record in the nation, and close to three times the rate in New Jersey. In Utah and Nebraska, there were 14 deaths for 100 truck accidents, and in Texas there were 11 deaths. I suggest that states like Arizona and Nebraska should be looking to New Jersey for guidance, and not the other way around.

The trucking industry, of course, has been lobbying quite heavily for Senate Bill 1138 for quite some time, but I certainly hope it is not too late to stop this bill. If, however, in your judgment, the bill -- like the 80,000 pound truck -- has too much momentum behind it to stop easily, I would urge you to consider adding an amendment to the bill which would go a long way toward minimizing some of the dangers inevitably associated with these larger trucks that would be brought into New Jersey. I would propose an amendment which would protect truck drivers who refuse to drive illegal or dangerous trucks from retaliation by their employers.

Frank Greco and Reggie Miller have already mentioned the cavalier attitude that many truck companies take toward maintenance of their equipment and compliance with weight limitations and other governmental regulations. Indeed, as good businessmen, why should truckers obey laws, when these laws are difficult to enforce, and when they are enforced they result in fines rarely exceeding a few hundred dollars, which is then simply written off as a business expense? As long

as Consolidated Freightways kind of took the lead with their film at the start of the hearing, Mr. Greco just brought to my attention this morning a copy of a letter sent by a Dispatch Operations Manager of a Consolidated Freightways terminal out in California to one of their truck drivers:

"Dear Mr. McKaig:

On February 19, 1979 you were dispatched out of Ashfork, Arizona with tractor 24-757, trailer GAY7529 to Los Angeles. This trailer was a very hot shipment (which meant a high priority) and you were informed of the importance of this shipment reaching Los Angeles as soon as possible. You had a great deal of trouble getting this equipment over the dam due to bad brakes but you did it.

"It is my pleasure to inform you that you are to be commended..." and so forth.

Well, a company concerned with truck safety wouldn't commend that driver. That company should have given that driver a warning letter for violating the law by driving a truck with bad brakes and, as Mr. Greco said, Consolidated Freightways is one of the better companies, with one of the better records.

A spokesman for another major trucking company stated several years ago, "Interstate Motor Freight is not in the maintenance business. It is in the trucking business," and, of course, he's right. Trucking companies can't make as much money if their trucks are laid over in the garage being repaired, rather than being out on the road hauling freight. Thus, it is not likely that we can expect many truck companies to voluntarily obey laws that they know they can break without getting caught very often. This is especially true in the highly competitive period that the trucking industry is in right now as a result of deregulation and the slump in the economy. If one company can obtain a slight competitive advantage over the others by cutting corners on maintenance or by violating overweight regulations for example, there is tremendous pressure on the rest of the industry to follow suit in order to remain competitive. So it's probably naive to assume that we can rely on the trucking industry to regulate itself. On the other hand, in the face of the serious fiscal crises at all levels of government, it is equally unlikely that any level of government will want to commit the resources it would take to police the trucking industry into compliance.

There is a third source available which could play a very significant role in improving truck safety if given the opportunity, and it wouldn't cost the taxpayers of New Jersey or any other state a dime -- the truck drivers themselves -- people like Reggie Miller and Frank Greco. It is their lives that are at stake every time they take the wheel of a big truck. For obvious reasons, truck drivers have a very real incentive to make sure that the trucks they drive are as safe as they can be, and truck drivers like Frank and Reggie should be expected to be the government's natural allies in efforts to detect and correct problems related to truck safety. Unfortunately, most truck drivers are reluctant to help in this way because when they do they are quickly labeled "troublemakers" by their employers and become targets for retaliation ranging from minor harassment on the job to having their schedules switched, or being outright fired.

Employers frequently conjure up other pretexts for disciplining their safety conscious employees, but common sense tells us that employer intimidation has

got to be a factor. Bureau of Motor Carrier Safety roadside inspection reports show that over 40% of the tractor-trailers checked on this country's highways are in imminently hazardous condition -- 40%. Problems with brakes and lights are the two most frequent violations. What truck driver in his right mind would want to take out a 60,000 pound or an 80,000 pound truck without functioning headlights or working brakes if he had the choice? Not very many, as I see it.

It is not difficult for an employer or a truck company to coerce an employee into breaking the law. Suppose you are a company driver, and you are instructed to take out a truck that is overweight or that you think has defective brakes. Your real choice is to comply with the safety regulations and risk being fired for insubordination, or to follow orders and take the truck out on the road, incurring only a small risk of prosecution and, of course, a greater risk of an accident. The consequences of the first choice, to refuse the truck and risk getting fired -- those consequences are certain and immediate. The consequences of the second choice, which is to take your chances with that truck out on the road, are remote and uncertain. There really is no choice. The certain loss of livelihood is too great a penalty to pay for complying with an unenforced and currently unenforceable traffic safety law.

Through my work representing safety conscious truck drivers, I know of dozens of drivers fired because they refused to break the law for their companies. One driver named Charles Hennessey, out of the Midwest, was fired by his company for refusing to drive a truck that both he knew and the company knew was in violation of Indiana's 73,000 pound weight limit. His official instructions from the company were to drive the truck anyway, but to take a more roundabout route to evade the weighing stations, and thus evade any enforcement. Closer to home, I am currently representing an ABF driver named Daniel Callahan from Harrisburg, Pennsylvania. He refused to drive a truck that he thought had weak brakes and was missing certain reflectors required by Federal Department of Transportation regulations. Three different men he worked with watched him test the brakes and agreed with him that the brakes looked weak, but the company called Callahan a nitpicker and fired him.

Unfortunately, the current state of the law offers virtually no protection to employees fired or otherwise disciplined for "blowing the whistle" on unsafe trucks that their companies are running. The Occupational Safety and Health Act, which offers this kind of protection to employees in most other industries, does not cover most truck drivers. Moreover, there are no Federal Department of Transportation regulations prohibiting employer retaliation.

The only existing statute that offers even minimal redress is the National Labor Relations Act. In fact, in a very recent decision, the National Labor Relations Board ordered Charles Hennessey's company to reinstate him with back pay. Unfortunately, because the National Labor Relations Act is designed more to protect union activity than it is to protect the activity of individual truck drivers working alone, many drivers in Hennessey's position are not so lucky. In a recent NLRB case called Comet Fast Freight, Inc., the NLRB refused to reinstate a driver who was fired for refusing to drive a truck that the judge determined had malfunctioning turn signals, malfunctioning headlights, and a malfunctioning speedometer. The situation is even worse in New Jersey, which is within the jurisdiction of the United States Court of Appeals for the Third Circuit. That court has often refused to enforce those NLRB decisions which do make an effort to protect individual employees acting on their own.

Even union contracts don't offer much protection to safety conscious drivers. As Frank Greco pointed out in his testimony, many truck drivers work for non-union companies, so they certainly have no union protection. Moreover, drivers working under union contracts are sometimes no better off. All too often, their Teamster locals are either unable or simply unwilling to enforce contract language that looks better on paper than it does in practice.

The long and short of it is that professional truck drivers, the government, and the motoring public desperately need legal prohibitions against management reprisals directed at law abiding employees. That such statutory safeguards do not already exist is nothing less than a tragic oversight which should be remedied without further delay. If this Committee is seriously considering endorsing Senate Bill 1138, with all the additional truck safety problems the bill would bring with it, it is imperative that the bill be amended to protect safety conscious drivers from retaliation when they refuse to drive trucks that are unsafe or otherwise in violation of the law. I have taken the liberty of drafting such a proposed amendment, which is attached to my copies of the testimony that I believe you have. It is really a very simple amendment. It prohibits employers from firing or otherwise discriminating against truck drivers who refuse trucks that violate state or federal safety regulations, or from firing drivers who refuse to drive trucks that they reasonably believe are unsafe. There are checks drafted into my proposed amendment which would protect the trucking companies from liability unless the drivers could prove in court that they had good reason to believe the trucks were dangerous. In the event of unlawful retaliation, the truck driver could sue in New Jersey Superior Court to obtain reinstatement and damages.

Again, if you are considering endorsing this bill, I urge you to consider adding this amendment. If the trucking companies are right that these bigger trucks are safe trucks, then there is no reason they should object to this amendment. As long as they operate within the law, which I am sure they say they do, New Jersey highways will be safer, and this proposed amendment will see little use. But, if the trucking companies begin cutting corners, drivers will finally have the protection they need to begin saving not only their own lives, but the lives of the motoring public.

If any members of this Committee, or the Committee staff, would like to explore in greater depth this proposed amendment, I would be happy to provide any technical assistance that I can.

Again, I would like to thank you for this opportunity to testify.

ASSEMBLYMAN COWAN: Thank you very much, Mr. Goldberg, and Frank and Reggie. You certainly raised some important issues here this morning in my mind, particularly weighing stations, enforcement of the travel of these vehicles on our State highways and, from all indications of what I heard this morning, I doubt that few of these weighing stations are really working, or in operable condition today, and some of the figures you mentioned, about 40% of the vehicles being unsafe, you could very well be right in that regard because I believe the Division of Motor Vehicles over the past two weeks has found that almost every citizen in the State is functioning with 50% of unsafe vehicles in our State. So -- I don't know if that is really a true comparison.

MR. GOLDBERG: Well, of course, a 2,000 pound car is not quite as lethal as an 80,000 pound truck.

ASSEMBLYMAN COWAN: Along those lines, in some of the testimony -- and I believe Assemblyman Gallo touched on it -- so far as backing up combination vehicles, and I assume that the testimony -- my assumptions could be incorrect, and if they are I would like to be corrected -- insofar as backing up a vehicle, you indicate that it has to be moved forward to straighten it out. I would just ask the question, of course there may be more room needed, but doesn't the same thing exist with the present tractor-trailer?

MR. GRECO: No, because you can follow the trailer in the turn with just the two pieces of equipment. In a semi, the tractor will follow the trailer. What's happening here is because they go in different directions -- everything is going in a different direction. You have to pull forward until you get everything straight, then you come back, and as long as everything stays straight, fine. But as soon as it starts to go a little bit in either direction, be it the back trailer, the fifth wheel, the front trailer, or the fifth wheel, you're gone. It's finished. I'm having trouble explaining this to you, because I just can't.

ASSEMBLYMAN COWAN: It just appeared to me in a sort of common sense way that when a vehicle is hinged, in order to correct that incorrection that you do perceive in backing up, that in order to straighten out that hinge you would naturally have to pull up a little forward, regardless of what you had.

MR. GRECO: Yes, that is correct.

MR. GOLDBERG: As another layman, maybe I can take a crack in layman's terms at trying to explain the problem. Unlike an ordinary tractor-trailer where there is basically one hinge and the tractor and the trailer can only move in two directions, where you have the second trailer there is an additional hinge, which means you can have three units moving separately.

ASSEMBLYMAN COWAN: What you're saying is that you would need more room to straighten it out -- really, that is what it would come down to, correct?

MR. GOLDBERG: Right.

ASSEMBLYMAN COWAN: Okay. Thank you very much. I don't believe we have a copy of your testimony, Mr. Goldberg. Do you have it there, Debbie? Oh, you have some there, okay good. Thank you.

ASSEMBLYMAN GILL: Mr. Chairman, just one question -- one very brief one.

ASSEMBLYMAN COWAN: Eddie, come on, you're going to wear these guys out. They've been here almost an hour now, and we have 30 witnesses. Okay? Our next witness is also a colleague of ours from up in the extreme Northern area of our State, Assemblyman Robert Littell from Sussex County.

A S S E M B L Y M A N R O B E R T E. L I T T E L L: Good morning, and thank you, Mr. Chairman. I appreciate you allowing me to speak before your break. I came down from Sussex County today to attend this hearing because I am concerned about the impact that this bill is going to have on the State of New Jersey. I've been in the Legislature for 15 years, and I have voted to increase truck lengths and weights in the past. I have serious reservations about whether or not they ought to be increased any further in the State of New Jersey. The fact of the matter is that New Jersey is a small state geographically -- I believe the length of the New Jersey Turnpike is something like 120 miles long, and if you were to go across Route 80 from the Delaware River to the Hudson River, I don't think that is more than 100 miles. Those are some of the major routes that these large trucks would be traveling

on, but in addition to that they are going to be traveling on other roads in our area.

We face in Sussex and Warren Counties, the two counties that I represent right now, an extremely serious problem. The Federal government and the Federal Park Service are in the process of taking over Route 209 in Pennsylvania. They plan -- and their Environmental Impact Statement, which should be released this week, advocates that they close down Route 209 to truck traffic and reroute the truck traffic that goes on Route 209 to other highways. Some of those other highways are going to be through Sussex and Warren Counties, namely Route 94, Route 206, and so on. Those are what I call low capacity highways. They certainly are not built to the standards that they have today. Most of the highways that we have in Sussex County and in Warren County were constructed some 30 or 40 years ago. If you add additional weight and additional length and double bottom trailers to those highways, the people are going to be terrified and intimidated by that kind of traffic.

So I have to say to you, with no disrespect to the two sponsors of this bill, that I oppose these amendments to extend the double bottoms, to extend the length of new car carriers, to extend the length of trucks, -- the overall concept I think is bad. You have heard, I am sure, plenty of testimony about the safety record in New Jersey being one of the best in the nation, and I'm sure you have heard that our highways are the worse in the nation. I'm sure that you know that there are people who are for this and I, like all of you, have had mail for and against this. People, for instance, who are employed by United Parcel have written to me and said that they think it is a safe and sound thing to do. People who are represented by AAA corresponded with me and told me that they are opposed to it.

So, I won't get into all of those things. I am in the propane gas business and I have some knowledge of trucks. I have seen trucks come into our area with brakes so hot that they are smoking, and that's under the existing lengths and under the existing weights. If you exceed those lengths and weights, then what you are going to do is further jeopardize the people who are traveling on the highways, and in a small state like this, I don't think it is necessary.

I think that we can live with the inconvenience of having to break down a truck and bring it in here, if that is what it takes. We're not dealing with overall highways like you deal with in Pennsylvania, Illinois, and Ohio, where they go for miles and miles in a straight line and have very little traffic. We have a totally different situation. I think you recognize that the travel on the New Jersey Turnpike -- and the accidents that we have seen and witnessed over the past, have been caused by trucks for the most part. That is not to say that the trucks are at fault, or that the drivers are at fault, but the fact of the matter is that most of the accidents involve trucks. That is because there is a tremendous number of trucks on that Turnpike. I would like to point out to you that I think there is a defect in this bill -- on the bottom of Page 2, Line 58(e), it says, "The Department within 180 days of the effective date of this act shall promulgate regulations designating on which highways, if any, such vehicles may operate, and shall report to the Senate and General Assembly Transportation Committees as potential safety hazards created by..." and so on. I don't believe that the Commissioner in the Department of Transportation, or anyone else in that

Department, has the legal authority to specify the use of these vehicles on the New Jersey Turnpike, the Garden State Parkway, or the Atlantic City Expressway. It is my recollection that those authorities have complete control over their highways, and that we, in the Legislature, do not regulate the length of vehicles and the weights. Now, I may be wrong about that, and I just throw that out for your Legislative Aide to investigate.

I would like to see you postpone any action on this bill today and in the future, and I think that what we need to do before we give any further consideration to increasing lengths and weights in New Jersey is to improve our highway system and provide safe highway traffic patterns for the people who do have to travel on our highways -- and improve that system, and not worry about increased lengths.

Thank you very much.

ASSEMBLYMAN COWAN: Thank you very much, Bob. We appreciate your coming down. What the Committee will do now is recess the hearing until one o'clock. Then, when we come back, we will continue the hearing until three o'clock. What I would ask -- I notice there are quite a number of industries -- or the trucking industry itself represented here. Perhaps some of you could just submit your testimony in the paper form, if you have it prepared, and perhaps sort of set up a little alliance there between yourselves, because we certainly would like to have, in the next two hours when we will begin this hearing again, a mix of people who are here. I gather the industry people are for the bill, if I am not being too presumptive, and then we could have a mix of the remaining -- I believe there are only -- as I look at the agenda here, maybe one or two, perhaps three opposed. So, we would like to wrap up the hearings today if we could and, of course, that would depend upon what you can do as far as getting your thing together with the industry, because to me it appears that the major portion of people remaining today -- in fact, the larger portion, is industry representatives.

We will reconvene at one o'clock. Thank you.

(RECESS)

AFTERNOON SESSION

ASSEMBLYMAN COWAN: The next witness scheduled is Augustus Nasmith. Gus? Mr. Nasmith is from Conrail.

AUGUSTUS NASMITH: I presume you would not mind if I did not read this entire memorandum, Mr. Chairman. My name is on here as Augustus Nasmith. I am an attorney. In addition to representing Conrail, I also represent the New York, Susquehanna and Western Railroad Company, who are equally concerned about the competitive aspects of this legislation.

On Page 1 of my memorandum, I would like to ask your attention to Item 3, particularly the so-called "overhang" provision, because as the bill now reads, the word "overhang" is a misnomer. The original statute required the five feet to be over the height of a passenger car. I assume that was for some type of safety reasons.

On Page 3, Lines 71 and 72, that provision has been deleted.

I also invite your attention to the second paragraph, requesting the report as to potential safety hazards by the Commissioner of the Department of Transportation within 180 days after enactment, because as we will conclude, we think if there are potential safety hazards they should be explored first, not after legislation is enacted.

Skipping to the next to last paragraph -- the last paragraph discusses the 48-foot trailer limit. The Department of Commerce, through Jeffrey Horn, this morning recommended that that limit be deleted. We think that limit is advisable, but in any event, I have before me a brochure, undated, put out by the New Jersey Motor Truck Association, "55' Max - New Jersey...A Roadblock to Interstate Commerce." On Page 3 of that brochure there is an implication that they desire this legislation because "improved driver comfort" can be realized by longer length trucks. Now, I think if you delete the 48-foot limitation, you necessarily have eight foot cabs, the small ones of the type that were shown on the Consolidated Freightways slides. I'm not a truck driver -- I don't even know how to run a railroad train -- but I don't think the truckers can have it both ways. If they are going to improve driver comfort, that's one thing, but if you are going to eliminate the 48-foot limitation, I think you are going to make drivers operate in shorter cabs. Excuse me -- am I speaking too loudly?

ASSEMBLYMAN COWAN: No.

MR. NAISMITH: On the second page, I discuss legislative history. I primarily point out that 14 years ago Governor Hughes vetoed legislation that would have provided 65-foot double bottoms at that time because the State Police concluded such operations would pose an increased hazard on our highways. Assemblyman Gill, in the third paragraph of that page I have indicated when the gross weights were increased, because there were comments indicating concern about the weights at present, and I'm merely pointing out that our standard was 73,280 pounds in 1973; it was increased to 80,000 pounds in 1975; and now there is no specific limit -- we go by the national.

Now, I don't know whether our highways have deteriorated since that 80,000 pound weight or not. The Highway Department engineers could tell you. But I did want to point out that we went to 80,000 pounds relatively recently.

On Page 3 I point out that, at least in my opinion, some of the material in that brochure was a little misleading. I think New Jersey is out of

step apparently with other states as to the 60-foot length, because there are 42 other states that have it. But I don't think we're out of step as far as 65-foot double trailers are concerned.

Now, I would like to spend a little time on the constitutional issue which was brought up in the slide by Consolidated Freightways. I refer to it on Page 4 of my memo. In effect, I'm asking you to stand up for "home rule." I have tried to discuss those two cases that Consolidated Freightways brought in Iowa and Wisconsin and I have tried to indicate that the laws of those states discriminated against interstate truckers, to a certain extent. Ours does not. I also point out that as far as the need to legislate 60', 65', 70', or any length, if we are constitutionally forbidden from doing anything contrary to what the far Western states do, there is no need for any legislation. Consolidated Freightways, as Justice Rehnquist pointed out, can start litigation in New Jersey.

You have not been told so far about another case I would like to mention -- it is mentioned on Page 4 -- a recent case in Pennsylvania involving the American Trucking Associations, Inc. and others, who went into a U.S. District Court and obtained a favorable judgment, stating that requirements of safety inspection stickers on tractors and trailers, either from Pennsylvania or another state -- that was the Pennsylvania law, the statute. It was attacked by the truckers. The lower court found it to be a burden on interstate commerce. Upon appeal, the Third Circuit reversed. I have seen a brief by the American Trucking Associations requesting a rehearing, but I don't know. This Third Circuit decision was the end of July of this year.

I wish to read the last paragraph -- this is from the Third Circuit: The evidence showed that many Western states do not require inspection; approximately 231,000 tractors and 700,000 trailers are not inspected in any state and, thus, if operated in Pennsylvania would be subject to the Pennsylvania inspection scheme. The truckers argued that because of (1) the dearth of states west of Pennsylvania that inspect interstate motor carrier vehicles, (2) the paucity of inspection stations in Pennsylvania, their limited hours of nighttime operation and locations distant from major interstate trucking routes, and (3) the costs, delays, diversions from route and disruptions of service that would result from trying to obtain such a certificate -- it would be a burden on interstate commerce.

It seems to me that we don't need interstate truckers telling us this. They prevail in the lower court, even, on this theory, "By forcing large and heavy tractor-trailer combinations off the wide, straight and modern interstate highways and onto narrow, hilly and winding back roads" in search of inspection stations, the statute actually threatened to increase accidents involving motor carrier vehicles in Pennsylvania.

Now, by parallel, we contend that here we have the New Jersey Motor Truck Association telling us that New Jersey does not have the right to limit the length of and must permit longer and larger and "heavy tractor-trailer combinations off -- I'm going back to that opinion -- the wide, straight and modern interstate highways and onto narrow" or, in the case of Jersey City, broad, but congested city streets. What I am saying is that New Jersey is the most densely populated state in the nation, with the equivalent density of Japan. In my opinion, we are not forced to let longer trucks through New Jersey, primarily interstate trucks going, as they indicated on the top of their brochure, from the West, North, South and New England. We are not required to let giant interstate

carriers go through our State. We may impose whatever limits we find are necessary for our own residents.

I have attached two newspaper clippings showing some problems that Michigan had with twin trailer gasoline tankers, as reported in the press there. I have attached a statute in Michigan which precludes -- I ask you to read the third page of that statute, subparagraph (9):

"Notwithstanding any other provision of this section, a truck tractor shall not transport, except between the hours of midnight to 6 a.m. on routes and at times designated by the department of state police, a flammable liquid, in bulk..."

I point out that Senate Bill 1138 has no limitations on gasoline twin trailer tankers and, according to this report from Michigan, they have had some serious problems.

Finally, I attach a newspaper excerpt which I think discusses the same accident that occurred on the Turnpike that was referred to by one of the previous speakers.

I have pointed out the impact on the railroad industry. On occasion, some people bemoan the fact that the railroad industry, and particularly Conrail, is forced to abandon some branch lines, and efforts are made to hopefully have us reinstate freight service on those lines. By the same token, as shown by the productivity statements of the proponents, with which in essence we do not disagree -- our figures, which I quote, show that their cubic volume will increase -- we merely bring to your attention that there will be a serious impact on railroad traffic, particularly boxcar traffic, which is hauled on these branch lines.

We conclude, hurriedly, -- I'm trying to keep on the track, so to speak, but we do believe that if the Senate Committee wrote into the bill the language talking about potential safety hazards, that there should be a study by the Department of Transportation before this bill is released from Committee and, paraphrasing the language of some of the speakers here today, in my personal opinion, the bottom line is not the economic impact on the railroads, nor productivity to the truckers, or to the shippers, or even to the consumers. The bottom line is the little guy, or someone's wife, who is not concerned about commerce as such as his own guilt -- I'm quoting your language or paraphrasing it -- the concern of the average citizen is not about commerce, it is about whether he wants to have a larger truck on his tail while he is driving on the Turnpike.

Thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: Thank you very much, Gus. Unless there are some questions -- no questions. Thank you very much, Gus. Again, I would just like to repeat for the people in attendance now, that when we broke at ten to one, or a quarter to one, we said that we would be back at one o'clock and we asked that most of the people on the remainder of the list of the agenda who seemed to be from the transit industry -- or transportation industry -- we asked you to combine your efforts, if at all possible, and just submit your statements to us, if you have them in writing. What we will do now -- we will be going until three o'clock. We're going to cut out at three o'clock because there are several members of the Committee who have prior commitments, and they have to meet with those. So what we would ask you to do is to limit yourselves to ten minutes and that way, if you summarize your statements, we'll get, hopefully, everybody in. All right? Irvin McFarland? (no response) We have a representative from the AAA Automobile Clubs of New Jersey, the State Chairman, Jack Staskewicz.

JACK STASKEWICZ: My testimony says "good morning," but I'll change that to "good afternoon," with your permission.

My name is Jack Staskewicz and I am here today in my capacity as State Chairman of the Public Affairs Council of the AAA Automobile Clubs of New Jersey, representing all six Triple A affiliates in the State. With me today is Mr. Charles Brady, a highway safety expert with the American Automobile Association's national headquarters in Falls Church, Virginia. Mr. Brady joined Triple A in 1949 as Driver Education Consultant in Traffic Safety. Ten years later he transferred to the Government Affairs Department. He was appointed Highway Director in 1965. He has been appointed by Transportation Secretary Drew Lewis to serve on the Federal Highway Administration's National Motor Carrier Advisory Committee. He would be happy to answer any technical questions you may have about the vehicles permitted under Senate Bill 1138, or any questions about this issue on the national level, following my testimony.

Mr. Chairman, Members of the Committee, thank you for this opportunity to present the views of the six Triple A Clubs of New Jersey concerning S-1138, legislation to permit larger trucks on New Jersey highways.

Before I get started today, however, I would like to call your attention to one simple fact: unlike most of those you will hear from today, the Triple A has no financial interest in the outcome of this legislation. We have waged an aggressive and, despite trucking industry claims, honest campaign against S-1138 for one simple reason: we believe that the larger vehicles authorized by S-1138 will pose a threat to highway safety if permitted on New Jersey's already poorly maintained and overcrowded highways.

We have based our opposition on the facts and figures available to us through the research of other independent private and public resources who have raised questions about the safety record of the giant 65-foot double bottom tractor-trailers. We have relied heavily upon the findings of the Federal Highway Administration which stated, "Accident rates by truck and roadway type were compared to determine the relative safety of various truck configurations and to account for the relative safety of various roadway types. The results show that doubles, relative to both straight trucks and singles, had a higher mean accident rate." This same Federal Highway Administration report showed that the larger, double bottom tractor-trailers had "more problems on downgrades than upgrades and that singles did not reflect this same discrepancy."

Studies published by both the State of Michigan and the Ontario Ministry of Transportation and Communication show that the twin trailers permitted on their highways were substantially less safe than the traditional single trailer rigs in several key performance categories. Specifically, this Michigan study showed that the twin rigs overturned approximately 2.5 times as often as the singles. And the Canadian study stated that, "If a double is involved in an accident, the possibility of a fatality is 2.6 times more than for the single."

One other source upon which we have relied heavily is the Highway Safety Research Institute's findings which were published in the HSRI Research Review of January, 1982. This study showed that in urban settings, such as those which are characteristic of New Jersey's highway system, the double-trailer rigs have an accident rate which is significantly higher than that of the traditional single trailer unit. This is a fact which we feel must bear heavily upon the decision of this Committee.

At this time, I would like to call your attention to the New Jersey Motor Truck Association's booklet entitled, "New Jersey...A Roadblock to Interstate Commerce." It seems ironic to us, but as we see it, this booklet provides some powerful illustration of our argument that these twin rigs are unsuited for New Jersey's urban highways. If you will look closely at this document, and the section which is entitled, "What Do The Safety Experts Say About Twin-Trailers in States in Which They Are Operated:", you will notice that the testimonials in favor of the twin-trailer rigs come from alleged safety experts in the primarily Southern and Western states which now permit these vehicles. That's fine. I find it difficult to imagine a state safety official in one of these states saying anything else; to do so would be an admission that they are not doing their job to promote highway safety. Moreover, it is entirely possible that these giant tractor-trailer combinations are relatively safe for the wide open spaces of the great American West. But all of the evidence we have seen indicates that allowing them on New Jersey's congested highways would prove a destructive and potentially deadly mistake. The trucking industry's own literature lends implicit support to this point of view.

The trucking industry and their allies have tried to portray New Jersey as a roadblock to interstate commerce. They have tried to create the impression that New Jersey is virtually the only state prohibiting these longer tractor-trailers on our roads. This is not true. In fact, several other urban Eastern and Northeastern states have resisted trucking industry pressure and refused to permit the giant double bottom rigs on their highways. This fact illustrates that other states share New Jersey's concern that giant trucks are not suited for operation in urban settings. Pennsylvania, Connecticut, Massachusetts, and Rhode Island have joined eleven other states and the District of Columbia in saying "NO" to the giant tractor-trailers. And New York has limited their operation in the densely populated area surrounding New York City and Northern New Jersey.

Up until this point, I have confined my comments to the safety aspects of Senate Bill 1138. But there is another aspect of this legislation which should be of concern to the members of this Committee. That is the additional wear and tear which these longer, and therefore heavier, vehicles would impose on New Jersey's highways.

The trucking industry has claimed that S-1138 will not increase the weight of trucks currently traveling New Jersey roads. This is not true. According to the April 1, 1982 issue of the Motor Truck Association's own newsletter, Bulletin, one of the "strong arguments for S-1138" is that because of Federal regulations, a 60-foot or 65-foot tractor-trailer combination would be able to carry 1,500 to 2,000 pounds more in payload than the 55-foot rigs now in use. Based on calculations by the American Association of State Highway and Transportation Officials, the 2,000 pound increase in tractor-trailer payload could result in a 27% greater rate of wear and tear on the State's roads. All this at a time when the State's transportation budget has been cut to the bone, largely because of the efforts of the New Jersey Motor Truck Association to defeat Governor Kean's 5% gas tax increase, sponsored by Assemblyman Markert and supported by the Triple A. It seems that our friends in the trucking industry want it both ways; they want the right to operate heavier tractor-trailers which will increase deterioration of the road surface, and yet they are unwilling to pay for the damage that would result from their activity.

They prefer instead, to let the State slip into a deepening fiscal crisis, and our highway system to continue its pattern of shameless deterioration.

The New Jersey Motor Truck Association will tell you that because of better load distribution, the double bottom tractor-trailer permitted under S-1138 would impose less wear and tear on the road surface.

While it is true that the axle weight impact of tandem trucks is less severe than that of a single of comparable weight, tandem's have many more axles, which means more impacts and accumulative effect on the road surface which is about 40% more severe than that of the single carrying the same load. Stated simply, an 80,000 pound single tractor-trailer rig weighs about as much as 20 automobiles. Its impact on the road surface, however, is equivalent to 9,600 automobiles -- and I repeat that -- 9,600 automobiles. The impact of an 80,000 pound tandem is equal to 13,500 -- 13,500 automobiles. Incidentally, the April 15, 1982 issue of the New Jersey Motor Truck Association newsletter brags that, "one large tractor semitrailer pays as much in New Jersey and Federal highway taxes as 24.8 medium passenger cars." Not much of a bargain compared to the equivalent wear and tear they cause.

To invite longer and heavier trucks on New Jersey's roads at this time is to invite an increased rate of deterioration which our transportation network can't withstand. The move also places the lives of all New Jersey motorists at risk, and the Triple A thinks that it makes more sense for the Legislature and this Committee to concentrate on proposals that would improve highway safety and get our roads back up to par.

Finally, I think that we owe it to our 600,000 Triple A members throughout New Jersey to inform this Committee that, in recent membership polls, our members have expressed overwhelming opposition to legislation which would increase the size of tractor-trailers on our roads and highways. They rightfully fear the buffeting air blasts of massive trucks, the blinding spray that they kick up in bad weather and the way they block the motorist's vision. Their fears may, as the trucking industry claims, be based on emotions. But that does not diminish the fact that their position is supported by numerous studies which show that the bigger the truck, the bigger the danger.

I would like to offer one final bit of safety information which may be supported more by common sense than by hard statistical data, but I think it is valuable nonetheless: cars are getting smaller and the trucking industry is making every effort to allow trucks to get bigger. Between 1975 and 1980, the number of persons killed annually in accidents involving heavy trucks increased approximately 40%. According to the National Highway Transportation Safety Administration, nationwide traffic fatalities will increase by 10,000 a year over the next decade because autos are getting smaller, and trucks are getting larger. I think it only fair to say, therefore, that this Committee is faced with a life and death decision, and if this legislation is passed, more New Jersey motorists will die than if it is defeated. Some of you may think that statement is too dramatic. But look closely at the facts. Go to the independent experts, the Federal government and the others. Look closely at what they have to say. We are confident that you will reach the same conclusion we did.

You are being asked to balance the private economic interest of a small group of trucking industry representatives against the highway safety interests of New Jersey's four million motorists. The decision is yours.

I thank you, and Mr. Brady now would be glad to answer any questions you have.

ASSEMBLYMAN COWAN: Are there any questions?

ASSEMBLYMAN GILL: Is Mr. Brady going to testify?

ASSEMBLYMAN COWAN: No, he is not going to testify.

ASSEMBLYMAN MARKERT: Mr. Chairman, I would just like to ask one question. On Page 4 of your prepared statement, in the first paragraph you state that a 60-foot or 65-foot tractor-trailer combination would be able to carry 1,500 to 2,000 pounds more in payload than the 55-foot rigs now in use based on calculations. Now, I don't understand what the story is there. Are you saying that Federal regulations would allow this? Is it a weight per foot increase that they are allowed, or does not the restriction of the legislation holding to the existing total weight prevail?

CHARLES BRADY: I believe this is the weight of the extra cargo that could be put on there without increasing beyond the 80,000 pounds. As you heard in testimony early on, the double can get more cargo aboard because of its extra cube capacity, and this is frequently lighter cargo. Therefore, you will have more vehicles operating at, or very close to, the maximum gross weight because you can get more cargo on board. The really important thing here, though, is the great increase and impact on your highway --

ASSEMBLYMAN MARKERT: I heard that in the statement, and I do remember those facts, and, of course, I will be reviewing them. I'm just trying to get clear in my mind -- you state that one of the strong arguments for Senate Bill 1138 is that because of Federal regulations, the 60-or 65-foot tractor-trailer combination would be able to carry 1,500 to 2,000 pounds more in payload than the 55-foot rigs. If we remain with the legislation requirements as to maximum load, what Federal regulations are going to supersede our legislation calling for a maximum load limit. That is what I am trying to find out. What regulations are we talking about? I did not know of any, and I am curious.

MR. BRADY: Frankly, I did not write this statement, so I do not know what was in the author's mind when he wrote this. But, the Federal regulation is based upon actual weights, 20,000 single, 34,000 tandem, 80,000 pound gross vehicle weight, and a bridge formula. Now, by extending your length --

ASSEMBLYMAN MARKERT: We're getting beyond the point because the legislation does not allow for an increase in overall weight. Total gross weight is not increased in this legislation. It is still restricted to the same exact weight, no matter whether we go to 2,000 feet long, the bill still says you have a total gross weight that must be adhered to. What Federal regulations are going to turn that restriction of gross weight around, or allow it to be increased, or is that an erroneous statement?

MR. STASKEWICZ: Well, I don't think there's -- again, the author is not here, but I think based on the knowledge that we have here, I think what it really means is that when you go to this type of a distribution, automatically based on the weights of the current size trucks, this, without actually exceeding the 80,000 pounds, would create a situation with a larger truck that would automatically permit it to --

ASSEMBLYMAN MARKERT: In other words, what you are saying is that the availability of taking a truck on the road exceeding the maximum allowable by law weight would be increased?

MR. STASKEWICZ: I'm not saying that at all. I'm saying what it does -- when you increase the size of the truck, you automatically increase the amount of weight that it can carry and, based on the statistics of the Federal government, this would automatically follow through in this particular case.

ASSEMBLYMAN COWAN: Excuse me just a minute --

MR. BRADY: May I inject here that this statement is not our statement, this 1,500 pounds. This is the trucking association's statement. It would be more appropriate to ask them where they got the data from.

ASSEMBLYMAN MARKERT: Mr. Brady -- Mr. Brady, excuse me. Would you allow the Chairman to address -- excuse me just a moment.

ASSEMBLYMAN GILL: Then we can disregard the statement, and the testimony.

ASSEMBLYMAN COWAN: The thing is, I think we better undoubtedly -- you're saying that what is in that statement so far as the 1,500 or 2,000 is un-supportive -- the way it is presented there, or at least the way it is being interpreted here.

MR. BRADY: That apparently came from their bulletin. Now, we do not know who wrote that bulletin, or what his thinking was.

ASSEMBLYMAN MARKERT: Okay, but I understand the point before us is -- if I am not misinterpreting what is being kicked around here right now -- that the size of the truck itself prohibits those trucks in general from carrying the full capacity that they are allowed to on the gross weight, whereas with the expansion of the tractor you will be coming closer to the gross weight that is allowable now. Is that correct?

MR. BRADY: This is very heavily cargo related. For instance, your 55 foot tractor semi loaded with steel -- you could only occupy a quarter of that.

ASSEMBLYMAN COWAN: You could carry that on a 25 foot truck.

MR. BRADY: That's right.

ASSEMBLYMAN COWAN: Okay. That's what we are saying.

MR. BRADY: Well, not legally, but as far as space is concerned. It would represent a very small portion of the cubic content of that vehicle. When you are hauling plastics, usually the unit cubes out before it weighs out. So that is the argument for the use of the doubles, you get more cube. But our point is that when you do this, if you are using what we call Western doubles, these are five single axles, the impact on the highway is significantly greater than if you put that same load, that same weight, in your common, garden variety 18 wheeler, the S3S2 vehicle, because you have five axles there. Regardless of what Consolidated Freightways showed, they only showed three, but two of those three were tandems -- there are five axles on that vehicle, and those are tandem, and the affect on the highway is much less when you put this weight on tandem than when you put it on five single axles.

I might point out that the State law in New Jersey permits 22,400 pounds on a single, so the only thing safeguarding you is your 80,000 pound limit because if you didn't have the 80,000 pound limit, you could legally permit over 100,000 pounds on a five axle rig, and that would be catastrophic.

ASSEMBLYMAN MARKERT: I do understand that, and that's why it was so important for me to clear up in my mind any type of deviation from the maximum gross weight that is called for in the legislation. I wanted to be sure I wasn't reviewing the legislation in a different light.

MR. BRADY: I think, though, if I understood an earlier witness here, your legislation is geared to the Federal legislation, that 80,000 is geared to whatever is permitted Federally, and if the Feds change, as they very well may, and drop 80,000 pounds and go to a bridge formula limit on gross weight, the states are going to have to be careful that they don't exceed that capacity.

ASSEMBLYMAN MARKERT: Thank you. No other questions, thank you, Mr. Chairman.

ASSEMBLYMAN GILL: I have just a couple. Again, I'm getting back to the axle because I am particularly interested in the affect of stress and wear and tear on the highways and bridges. It would seem to me, and we have already had testimony, that the spreading and the double bottom spreading the weight, given the same amount of weight being carried in a trailer or double bottom, spreading it over eight axles would cause less wear and tear than spreading it over four axles which you have normally now. As an expert in technology, tell me about it.

MR. BRADY: You really don't have the eight axles. What they are talking about here is the Western double, which has five axles. It has a steering axle, it has a drive axle, and as was pictured here, an axle under the first trailer, a dolly axle, and an axle in the back. So there are five axles. Sometimes they run these vehicles with a twin screw, two axles under the tractor besides the steering axle, so in that case you have six. But that type of combination, as I pointed out, has a much more adverse effect on the pavement than your tractor semi which has five axles. It has a tandem underneath the tractor and a tandem underneath the trailer.

For instance, when the Federal government changed the axle weight law in 1974 -- the Federal limit used to be 18,000 pounds and they went to 20,000 pounds in 1974, single axle. The effect of that was to increase what we call the 18 kip equivalent single axle loading -- that's the force of that axle on the highway -- increased it from 1.0, which was the reference factor for 18,000 pounds, to 1.57, which is a 57% increase in the impact of the axle on the highway only increasing it 2,000 pounds. That is the magnitude of the problem you are looking at if you permit Western doubles to operate on your existing highway plant, even though they are not loaded to any greater extent than what you currently permit your tractor semi to operate today. You are looking at a tremendous increase in the wear and tear on your highways when they are operated at the same weights, simple because they are operating on single axles, and this is somewhat restricted to flexible pavements -- that's your blacktop type. On cement concrete, the effect isn't nearly as great, but on flexible pavements -- and most of New Jersey's pavements are identified as flexible pavement, you are going to have a tremendous increase in the rate of wear and tear when these vehicles are loaded with the same gross weight as your tractor semi.

ASSEMBLYMAN GILL: This is contrary to some of the testimony we have heard, whereby when you are using double bottoms you say when you spread it out over more area, more axles and more wheels there is less wear and tear. What you are saying is there is as much as or more -- is that what you are saying?

MR. BRADY: They are not spreading it out over more axles. They have the identical -- some of the Consolidated Freightways' pictures you saw showed an identical number of axles as the tractor semi -- five singles -- although as you will note, the arrow widths for the tractor semi were very wide, but they had two

showing as if there was just two axles and a steering axle. But that isn't so. They had five axles there, and the width of the arrow represented a tandem. Then they showed five single axles. So you've got the same number of axles -- you're not putting it over more axles and your length -- you're increasing what -- ten feet --

ASSEMBLYMAN GILL: (interrupting) Just one last question --

MR. BRADY: It's not the spreading out, it's the impact of the axle on the pavement that does the damage.

ASSEMBLYMAN GILL: To Mr. Staskewicz, if I may -- you heard the testimony that many trucks, in fact in some cases most trucks, go out overloaded. What is the experience with the AAA? Do you agree with that?

MR. STASKEWICZ: Do I agree with that?

ASSEMBLYMAN GILL: Yes.

MR. STASKEWICZ: I would have to leave that up to the people who are familiar with that -- the truck drivers -- and I think we heard that testimony here too so I would have a tendency to believe what they tell me.

ASSEMBLYMAN COWAN: Is there anything else? (no response) All right, thank you very much.

MR. STASKEWICZ: Thank you, gentlemen.

ASSEMBLYMAN COWAN: Our next witness is William E. Halsey from the New Jersey State Chamber of Commerce.

WILLIAM E. HALSEY: Mr. Chairman, in the interest of time, if you'd like, I could have the next two people that follow me join me up here and maybe help in the question and answer period.

ASSEMBLYMAN COWAN: All right, if that would expedite things, Bill. We said we would only give them ten minutes, and the last group was on a little bit longer than that.

MR. HALSEY: Joining me are James P. Deehan of Union Camp Corporation, shippers, and Donald R. Gatens of National Freight, Inc., a trucking firm.

Mr. Chairman and Members of the Committee: My name is William E. Halsey. I am a legislative representative for the New Jersey State Chamber of Commerce. I appreciate the opportunity to express the views of the State Chamber in regard to Senate Bill 1138, which would increase the overall length of trucks allowed to operate in New Jersey.

The State Chamber is a nonprofit organization which is supported by its dues-paying members in the business community. It provides information and acts as a spokesman for the members on a broad range of issues affecting the growth and economic well-being of the entire State. General policies of the State Chamber are established by its elected Board of Directors, with technical guidance provided by special and standing committees, such as its Transportation Committee, whose members are drawn from the top ranks of qualified specialists employed by a number of companies.

As originally introduced, Senate Bill 1138 would have provided for: (1) 60-foot tractor-semitrailers, with no trailer length restrictions; (2) 65-foot twin trailers; and, (3) 65-foot automobile transporters. The tractor-semitrailer portion of this bill was amended by the Senate Transportation Committee to restrict the trailer portion to 48 feet. Later in my testimony I shall address the very important reasons why the State Chamber believes that this restriction on the length of the trailer should be removed.

Mr. Chairman, there are many factors which contribute to a particular company's decision to locate in a given state. The company will examine such factors as tax stability and dependability, the availability of an educated or trainable work force, utility costs, and the overall quality of life provided by the State. Certainly, a major consideration of any company is the cost of transportation. This factor is particularly important to New Jersey, due to the large amount and diversity of the goods produced here, as well as New Jersey's location as a corridor state. This legislation goes a long way in bringing New Jersey into a competitive position with the majority of states in the nation. The increased productivity provided by this legislation will not only benefit shippers, that is the manufacturers and receivers of goods by lowering their costs of doing business, but will pass their cost savings along to the consumer and benefit the overall economic well-being of the State.

Seldom does a piece of legislation provide the type of economic benefits that will occur with the passage of this bill. The current economic hard times demand actions that will stimulate productivity, encourage growth, and create employment.

Mr. Chairman, you will hear today from a wide range of business representatives who will address themselves to the various portions of this bill that have a direct and substantial impact on their businesses. This is a testament to the importance of truck transportation within our State, and a credit to the truckers who provide this essential service.

I would now like to address the specific sections of the bill. The bill would allow 65-foot twin trailer combinations to operate on highways designated by the Department of Transportation. New Jersey presently allows twin trailers of 55 feet. These units provide for increased efficiency in the trucking industry, since the multiple units may be easily loaded at terminals or shippers' docks, assembled for over-the-road haul, and then disassembled into their component parts for quick distribution and unloading. The result in fuel savings and reduction of environmental pollution are also important factors to consider. In the 34 states that permit the operation of 65-foot twin trailers, not one state has repealed the legislation to permit their operation.

The State Chamber of Commerce urges that New Jersey become competitive with these states.

The next major component of the bill I would like to discuss concerns allowing 65-foot automobile transporter equipment. Once again, New Jersey is out of step with the majority of the states. Thirty-five states allow 65-foot automobile transporters to operate. You have heard automobile industry representatives state their case with regard to the increased productivity and cost savings which this section of the bill would provide. Hardly a week goes by that we do not hear about the difficult times of the American automobile industry. Indeed, the need to cut costs at every available opportunity helps the recovery of this major industry. Let us not have New Jersey be a roadblock to the return to greatness of the American automobile industry.

Finally, Mr. Chairman, I would like to address the section of the bill that increases the overall length of the tractor-trailer combination from 55 to 60 feet. As I mentioned in my introductory remarks, the State Chamber of Commerce strongly opposes the Senate amendment to the bill that would restrict the

length of the trailer portion to 48 feet. We have presented our views to the members of the Committee in explanatory letters, and have met with the Department of Transportation on this subject -- and the Department of Commerce, I might add, as well.

I would like to take this opportunity on behalf of the State Chamber to express our deep appreciation to Commissioner Sheridan and to Commissioner Putnam, and to their staffs, for providing us with the time to express our views on this subject thoroughly.

We left the Department of Transportation meetings with a strong belief that we had eliminated the initial concerns of the Department. It should be noted, Mr. Chairman, that 48 foot trailers are currently allowed to operate in New Jersey and have been since 1976. Restricting the trailer length to 48 feet while increasing the overall length of the tractor-trailer combination to 60 feet, does not help manufacturers who ship primarily light and bulky products. This is due to the fact that these shippers cube out before they weigh out, that is, they can fill up their trailer with their products without coming close to the prescribed weight limitations. Indeed, 46% of the freight in New Jersey is cube and not weight. Moreover, 33 states currently allow tractor-trailer combinations of 60 feet or greater, with no restrictions on the side of the trailer portion.

I have with me today representatives of both large and small companies, who will explain the benefits they will realize with the removal of the 48-foot trailer restriction. In addition, the representative of the trucking firm National Freight, Inc. will explain the technical aspects of moving larger trailers. The primary benefits of removing the 48 foot restriction on the length of the trailer portion of the tractor-trailer are: (1) reduced consumption of petroleum and related reduction in exhaust emissions; (2) no added wear and tear on highways, since we are not asking for an increase in weight limits; (3) savings in cost due to greater utilization of carriers' equipment; (4) fewer trailers at plant unloading platforms, alleviating congestion and adding to the productivity of workers; (5) similar cost savings and benefits to those receiving goods; (6) contributes to maintaining the competitive position of New Jersey plants; and, (7) provides for the free flow of commerce to, from and within New Jersey. I would like to add on the wear and tear aspect that if the number of trucks are reduced on the highways, this would also add to the lessening of the wear and tear on the roads, from some of the other questions I heard asked earlier.

ASSEMBLYMAN COWAN: All right. Assemblymen, do you have anything?
(no response) John?

ASSEMBLYMAN MARKERT: Not at this time.

ASSEMBLYMAN COWAN: I think, Bill, that will conclude it, unless you have some brief statement.

MR. HALSEY: I believe there will be brief statements from the two gentlemen with me.

JAMES P. DEEHAN: Gentlemen: I appreciate the opportunity, Mr. Chairman, to be here. I had a prepared statement which I have made available to the members of the Committee. If I may, I will just pick a few points in that statement to direct my comments to.

My name is James Deehan. I am General Manager of Transportation for the Union Camp Corporation. We have in New Jersey four manufacturing plants. Of

the four plants, three of them make products that can use the existing transportation equipment. By that I mean the 55 foot law as it is today satisfies our needs. One plant, a corrugated box plant in Trenton, makes what we call corrugated boxes, which are light and bulky. We make these to the specifications of the manufacturers. These products range from automobile parts, appliances, refrigerators, light bulbs, canned goods, or whatever. So the configuration of the boxes, not only are they light and bulky, but they are not uniform in size. What we would like is the flexibility to be able to have the different size trailers that would permit us maximum productivity opportunities.

I have been authorized to support the Chamber's position by the New Jersey Industrial Transportation League. That is a group of manufacturing firms, some 100 members, who meet regularly to adopt positions and take action on matters affecting transportation in the State of New Jersey. Also, the National Industrial Traffic League, which is a comparable organization on the Federal level, lends support to the original Senate Bill 1138, not the amended bill.

I was at the Senate Transportation Committee hearing and there was some interest as to why manufacturers are interested in an issue of this type. We are because most of the bills that have been taking place in the various states, and at the Federal level, in recent years have dealt more with an orientation to weight, rather than cube. So the past few years, there have been more and more manufacturers of the light and bulky products and commodities who have determined that their interests are best handled by their own participation in these various state and other legislative bodies to seek some form of relief that will allow more productivity opportunity in a trailer. As Mr. Halsey pointed out, the law in New Jersey permits the 55-foot overall tractor-trailer combination, and in that configuration you today cannot operate 48-foot trailers. So, by giving us 60 feet in the overall and keeping the trailer at 48 feet, we have gained nothing except another five feet in the tractor, which means a more expensive unit if we were to put it in a tractor. So you really have not helped the light and bulky manufacturers.

The question has been asked, wouldn't the double bottom trailers that we're hearing about today -- wouldn't that additional cube be satisfactory and solve that problem for the manufacturer of light and bulky commodities? The answer is no. Mr. Halsey dealt with it briefly. It lends itself to someone who is moving a long haul who has multiple deliveries, but when I'm shipping a load of boxes to General Electric or Westinghouse, or whoever, I'd rather put it in one trailer so it is loaded by me and unloaded by them in the easiest possible manner. If you are delivering two units, you are going to have the problem of dropping the one, having it unloaded, pull it out and put another one in -- and you go through it all in a Mickey Mouse fashion. You're better off putting one larger trailer in if you are able to.

The point has been raised sometime in the past that, wouldn't this 60-foot no restriction on trailer length bring about an obsolescence of the existing 45-foot equipment, and the answer to that is no because -- it will happen eventually to some extent, but it will not happen overnight. There are many people who would like to use a larger cube trailer with greater productivity opportunities, but you just can't go out and obsolete the existing fleet. They will be blended in as the economics justify it.

There is also the point that not all trucking companies like to handle light and bulky freight, and for that reason trucking firms have developed a

specialization. Those who build these trailers and make them available to those interested shippers, do specialize because when you have these longer trailers, you've got to keep control of them, and you need drivers who are familiar with the fact that you have a longer trailer. If you have a fleet that is a mixture, you are more apt to have some operating problems because of that.

Gentlemen, that summarizes my point. We obviously do urge the removal of the 48-foot restriction by your Committee. I heard this morning -- someone indicated that the Federal body might take some action that would solve this problem. I would not want to wait for the Federal body to take any action; I would urge this Committee to take that action. Thank you.

ASSEMBLYMAN COWAN: Mr. Gatens?

D O N A L D R. G A T E N S: Mr. Chairman, because some of these items are factual, I will attempt to paraphrase, or read fast, whatever the case may be. I have already been identified as being with National Freight, Inc. out of Vineland, New Jersey. My area of responsibility has been maintenance. We operate some eight terminals and warehouses here in the State of New Jersey.

I am appearing here to address one-half of the concern that shippers and manufacturers have with the inhibiting restriction of 48 feet on semitrailers that has been amended into Senate Bill 1138. Toward that end, I will submit this.

In 1976, my company began operating 48-foot trailers in New Jersey and other states that were reviewing, as you are now, their respective weight and length laws, modifying them to permit increased parameters in both areas. This included, by the way, the use of 57½-foot semitrailers in the Southwestern part of the United States.

At this point I would like to interject this, and it is important, that our company is basically self-insured, and our accident records are monitored very closely for reasons that could affect us adversely. These reasons, whether they are certain locales, routes, crowned roads, bridges, size of equipment, quality of labor, weights, etc., were and continue to be investigated whenever a trend we feel is harmful begins to surface. Input regarding the tractors and trailers and their sizes is an integral part of the monitoring function.

As the states have examined the obvious benefits, satisfied their concerns and changed their tolerances upward, we have manufactured longer trailers and have introduced them to various states where they are legal. We are presently operating hundreds of trailers larger than 48 feet in areas of dense traffic such as Orlando, Tampa, Philadelphia, Chicago, Houston and Dallas.

With the enactment of the 60-foot nonrestrictive law in Ohio (the 33rd state to do so) which became effective August 20, 1982, a 53-foot trailer configurated to a legal 60-foot length can travel from Delaware Avenue in Philadelphia, Pennsylvania west to Des Moines, Iowa, and further than that to the West Coast. Unfortunately, at the present time it cannot travel one mile in the opposite direction.

At the end of this statement, you will find a summary of our experience with trailers larger than 45 feet. Our five-year average fleet has consisted of approximately 2,800 trailers, and our over-45-foot units have averaged 20% of the entire fleet. However, this 20% of trailers, again going up to 57 feet long, has been involved in only 8% of our accidents and incidents.

One interesting development pertaining to the safety factor of larger trailers came to light recently. While in Washington, DC attending a meeting on Senator Cannon's Federal Bill No. S-1402 on lengths and weights, we found that

other carriers and shippers had the same accident experience as we had -- less frequency with larger trailers. We have concluded that the driver with a superior field of vision operating a cab-over-engine (C.O.E.) tractor is more acutely aware of his surroundings and their potential problems and, as a result, is driving more effectively defensive.

Therefore, we know the following:

1. All things being equal, larger trailers carry approximately 10% to 30% additional product resulting in, again, approximately the same percentage of FEWER tractor-trailers on the road. I'm talking about bulk now.

2. All things being equal, less equipment is required to haul the same quantity of freight with the resultant less occasion to have an accident occur; and, to repeat, with trailers that historically, and that is not supposition, that is historically, have had less accidents.

These two facts result in appreciably less wear and tear on the roads in the State of New Jersey -- or would rather -- a fact that is very important that was made recently.

Up to this point I have addressed the safety performance of larger trailers, knowing that the effects of fuel savings and their attractiveness would be covered later. The changes contemplated in the length on "double" trailers and auto transporters have been initiated for the same reasons -- lower transportation/consumer costs.

I would like to address the possible concerns -- and this came from the Department of Transportation when we met with Commissioner Sheridan and his staff for about three and a half or four hours -- they had a concern regarding the handling properties of the tractor/semitrailer combination. And I'll say this, the cab-over-engine that is used for these doubles and these long trailers has been operating for some 26 or 27 years and, if you have watched as I have, the models of tractors pulling semitrailers up and down the Turnpike or Route 295, you will find it is by far a more popular type than the conventional cab. Therefore, the concerns seem to arise only when a change or upgrade in length laws is proposed. It seems that very little credit is given to the driver, whose task it is to drive that vehicle, to recognize whether a tractor is safe or not. Also, carriers and individual owners are not going to purchase or lease equipment that will hurt their drivers or themselves, nor will their insurance carriers insure them if evidence exists that their cab-over-engines are unsafe.

As an example, I have attached a drawing that visualizes the off-track properties of the 53-foot trailer configured into 60 feet overall and a 45-foot trailer configured into 55 feet. Both combinations will execute a 90° turn in almost the exact, identical track. In this case, the same tractor was used to pull both trailers. The points of articulation (the king pin and the centerline of the rear-most axle) are nearly identical because of the use of the sliding tandem on the trailers. A change of one foot in the distance between these two points reflects itself with a six-inch or seven-inch change in the off-track. Further, a long-nose conventional tractor -- now, I'm talking about this as against a cab-over -- that has an excessively long wheelbase of 210 inches or 212 inches -- would bring into play the articulating points of the steering axle and the centerline of the rear axle, and would have a more difficult time executing a 90° turn than a shorter wheelbased tractor that is used on either our equipment or doubles.

A distance of 40 feet between the king pin and the centerline of the rear axle could be used safely, and this would only increase the off-track by some 13 inches or 14 inches.

Another concern has been the ability to use the on and off ramps of the turnpikes and the interstates. Generally, these types of roads utilize a 165-foot radius on their approaches and exits. As shown above, the trailer would experience no more difficulty than a 45-foot or 48-foot trailer. Further, we have constructed during the past year and a half over 200 of these 53-foot, 55-foot and 57½-foot trailers at the Vanco plant in Florence, New Jersey, and from Florence to Vineland, these trailers are using Route 295 southbound. The 360° turn on the ramp at Exit 52A is used by these trailers without any difficulty at all; and again when moving them to our locations in Florida, Texas and Illinois, the trailers are using the approaches from Route 295 to the Delaware Memorial Bridge, again without any problem.

In closing, I would like to point out that shippers and manufacturers of bulky-lightweight material have been using 48-foot trailers in New Jersey since 1976; and the amended Senate Bill 1138 offers nothing to this important part of our State's economy. It requires the removal of the 48-foot restriction to enable them to be competitive with neighboring out-of-state manufacturers.

One of the sponsors of the bill, the New Jersey Motor Truck Association, in its supplemental issue published in early Spring, 1982, said, and I quote, "New Jersey is a roadblock (and you've heard this before) to interstate commerce. By limiting overall truck length to 55 feet, New Jersey is out of step with its neighboring states and most of the nation."

Mr. Chairman, I want to thank you for this opportunity to address your Committee, and I will be glad to answer any questions you may have.

ASSEMBLYMAN COWAN: Thank you, Donald. I assume, Bill, that would conclude all the people who are here representing --

MR. HALSEY: We have a couple other shippers, if you would like to --

ASSEMBLYMAN COWAN: No, I think we've had, you know -- as long as we have gotten the input from you people, I feel that you represent what the rest of the people you have here with you --

MR. HALSEY: Okay, you have the list of names, I believe, and the companies that are represented --

ASSEMBLYMAN COWAN: Yes, we go down to Jim Lear from Vanco. Correct?

MR. HALSEY: There is Richard Stokes, I think, with Nabisco Brands, Inc., Owens Corning Fiberglass --

ASSEMBLYMAN COWAN: Yes, -- we have American Can Co., New Jersey S.E.E.D., Nabisco Brands, Inc., Owens Corning Fiberglass and Therapedic Sleep Products.

MR. HALSEY: Yes, that is a small businessman from Garwood, New Jersey, and he was going to demonstrate how the cube factor for small businessmen -- how it effects his business -- it is crucial for him.

ASSEMBLYMAN COWAN: Maybe, Bill, when we get through with the rest that are here with groups, I assume -- Paul, do you have your group together to be able to present something in as brief a fashion as possible? Do you have two groups? We only have 45 minutes now.

MR. HALSEY: We'd also like to, Mr. Chairman, reiterate our offer of a demonstration, if you would like to see the turning radii or whatever of the trucks. We're open for that. We could organize it for you down in Trenton if you would like to see it.

ASSEMBLYMAN COWAN: Yes, we might take you up on that. We might be very much interested in that, Bill. Thank you very much.

MR. HALSEY: Thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: All right, the next group will be with the New Jersey Motor Truck Association -- Paul Stalknecht. We have already asked Paul that any of the group that is here who will not be testifying, if they have testimony with them, would they submit it to the Committee so it could go in as part of the record -- please.

P A U L S T A L K N E C H T: Would you permit me to set up my models? (Mr. Stalknecht sets up truck models of various lengths for demonstration purposes.)

ASSEMBLYMAN COWAN: Would you identify too, Paul, as you start, who you are representing, so that we have them all indicated here.

MR. STALKNECHT: Mr. Chairman and Members of the Committee: My name is Paul Stalknecht. I am the Managing Director of the New Jersey Motor Truck Association. I have brought my models with me today to give you a basic illustration of what the bill and what our problem is in the trucking industry.

Essentially, the bill does three things. One, it increases the tractor-semitrailer unit from 55 feet to 60 feet. I will address that issue first. Currently in New Jersey, we can legally operate a 48-foot semitrailer with a cab-over-engine tractor unit. We must stay within the 55-foot statutory limitations. The problem the trucking industry has is that this 55-foot statutory requirement does not allow us the ability to interchange equipment. For example, when we switch from a cab-over-engine to what we call a cab-behind-engine or a conventional tractor, we exceed the 55-foot statutory regulation that is now in existence in New Jersey.

What we, as truck operators, are asking for with the 60-foot law, is the ability to have this interchange of equipment. Currently, the trucking industry prefers to operate, in many instances, this type of power unit. You get better fuel economy with this because of the aerodynamics. The drivers prefer that type of unit because it gives them a little more comfort. It takes some of the weight off the steering axle. What it also does is it spreads the weight out a little bit more evenly than the shorter unit.

The next part of the bill is the 65-foot twin trailer units.

ASSEMBLYMAN COWAN: Paul, could we just hold on what you have there so far as the cab-over-engine and the other type tractor, and this is a question I asked right at the beginning of the hearing concerning, do we have people in the Middlesex area -- some people contacted me originally and no one has come forth since. I am going back several months now, concerning just what you are talking about here, with the typical tractor type device, whatever you have referred to it by in its nomenclature. But, are there manufacturers of these types of tractors in this State?

MR. STALKNECHT: Of these?

ASSEMBLYMAN COWAN: Yes.

MR. STALKNECHT: Well, the predominant type of tractor in New Jersey is the R Model Mack. A R Model Mack is this type of unit here. (Mr. Stalknecht

points to model tractor he is referring to.) So the majority of truck operators in this State have this type of power unit. I might add, that even with a 45-foot trailer, they exceed the 55-foot statutory requirement. So even if you shorten up the length of the semitrailer to 45 feet, with this power unit we're probably around 56 feet. So that is our problem -- the interchange of equipment. We don't have that ability to suddenly change from this unit to this unit (indicating different units) if we have that type of configuration in our fleet.

The next one is the 65-foot twins, or double trailers, and this is probably the most controversial part of the bill. This twin trailer combination is already permitted here in the State of New Jersey; however, again we are restricted to a statutory limitation of 55 feet. What we are asking for, is to increase the 55-foot vehicle up to the 65-foot vehicle, which is uniform in most of the states -- some 34 or 35 states -- including our neighbors of New York and Delaware.

Much has been written about these vehicles and, again, there has been much controversy. This vehicle probably has gone through more testing than any other vehicle on the highway today, and in two U.S. Supreme Court decisions it was concluded that this vehicle's accident record is comparable with the semitrailer or, in essence, the safety records of the two vehicles show there is really no difference, and this is the U.S. Supreme Court decision which confirms that (holds up copy).

The opponents of the bill cite that these vehicles are predominantly used in the Western states; there is very little testimony from people on the East Coast respective to the safety of these vehicles. I submit to you copies that I will review, and the first is a deposition that was given by the Superintendent of the Delaware State Police, our neighboring state, in which he concluded that 65-foot twin trailers presented no different or greater risk to safety than any other large commercial vehicle. That is a statement from one of our neighbors, again, in the State of Delaware.

There were many surveys and studies cited here today respective to twin trailers being unsafe. The two most notable were the Michigan study and the Ontario study. Those studies do exist; however, it is not the same type of twin trailer. The Michigan twin trailer is a 65-foot unit with a 140,000 pound gross weight. The Ontario double, again, is 140,000 pound gross weight configuration. The Michigan has 13 axles; the Ontario one has seven axles. It is not the same type of twin trailer. This is synonymous with saying, or comparing the Michigan or Ontario twin trailers with ours -- it's like comparing the defects that you had with the Pinto, the location of the gas tank, and saying that because you had a problem with the Pinto, all compacts' gasoline tanks were located in the wrong spot. You can't compare it -- you're not comparing apples to apples.

With reference to another study which they quoted that the twin trailers have a higher accident rate than the single units -- that was a study by the Federal Highway Administration, conducted by biotechnology. In the hand-outs there you will see sworn depositions by: 1) Ken Pierson, who is the Director of the Bureau of Motor Carrier Safety for the U.S. Department of Transportation. He is the leading safety enforcement officer for truck safety in the United States. In his statement there, his sworn deposition before a Federal court, he stated that the biotech study was flawed and misleading; and 2) Chief Ed Kynaston, the Commander

of the California Highway Patrol, the state in which the biotech study was conducted, also stated that the study was flawed and misleading, and was inconsistent with the experience of the California Highway Patrol.

Ironically, in the Pennsylvania court case that is now in litigation, the State of Pennsylvania refused to use that study in its court defense challenging the safety of twin trailers. Why? Because the study does exist, but it is a flawed and misleading study, and it has been rejected by leading safety experts involved with the trucking industry.

So, you cannot use those three studies because they are invalid and they are not the same type of vehicle. Other than those three studies, no studies exist which indicate that twin trailer units are unsafe. Now, a feature of this twin trailer -- yes, it does increase the length of units by ten feet on our interstate highway system, on those routes designated by the Department of Transportation. But the other feature of it is it reduces the length of vehicles in in-city traffic -- Jersey City, if you will. Instead of making a pickup and delivery with a 55-foot or 60-foot combination, you will be making a pickup and delivery with this unit here (indicates model of unit). So, you are comparing the shorter unit in in-city traffic to the longer unit on the highway system. That is the predominant feature of twin trailers.

We heard comments before by some people that twin trailers cannot back up if they are involved in an emergency situation. They can back up to a limited amount -- within 10 to 20 feet they can back up. The feature of these units is that they can turn around -- make a "U" turn on a regular two-lane highway, which this vehicle (indicating) cannot at 55, nor can a 40-foot bus, but a twin trailer at 65 can because of that articulated point. All they simply have to do is make a "U" turn. Now, respective to the problem of these vehicles in tunnels, if you have a problem with a twin trailer in tunnels, the solution is easy -- do not permit them in tunnels. Restrict the routing. Don't let them in the Holland Tunnel -- don't let them in the Lincoln Tunnel -- restrict the routing. The bill gives the Department of Transportation the authority to do so.

One thing that I might add, is that in all the presentations we heard today in opposition to the bill, I have heard no one mention the fact that the State Department of Transportation is now permitting 61-foot buses for travel on any road here in the State of New Jersey. Ironically, when the Department of Transportation published its proposed ruling to permit 61-foot buses, it invited public comment. Last week I had the opportunity to go down to Trenton to review those people who commented on the bill. Not one person -- not one organization in the State of New Jersey opposed 61-foot buses, not one person or organization. So, those people who have fears about longer truck lengths -- I submit where were they a month ago, or two months ago, when the Department of Transportation announced 61-foot buses. Certainly we must question that.

At this time, I would be most happy to answer any questions any Committee member may have with reference to these types of units, or the bill itself.

ASSEMBLYMAN COWAN: Paul, is the gentleman with you going to testify at all? Who is he, one of your experts involved?

MR. STALKNECTH: His name is Russell Rommele; he is our Director of Publications. He will not be testifying today.

ASSEMBLYMAN COWAN: John, do you have something?

ASSEMBLYMAN MARKERT: Mr. Chairman, yes. I just wanted to know -- Paul, in the double bottom units there, in the disconnect of the units allowing the tractor to pull off, are all units -- do they have self-containing, stabilizing wheels or whatever to be able to disconnect them, or must that be brought in separately?

MR. STALKNECHT: No, it's right here (indicating). They are connected together with a dolly, and a dolly, again, has a fifth wheel very similar to the fifth wheel on a tractor, and the unit just rests on there. All you do, is you put the dolly legs down and slide this one, and you unhook this (again indicating on his model trucks what he is describing). That is done in the terminal area.

ASSEMBLYMAN MARKERT: So basically it is the same as the larger truck as far as that goes?

MR. STALKNECHT: That is correct -- exactly the same.

ASSEMBLYMAN COWAN: Do you have anything, Ed?

ASSEMBLYMAN GILL: Just one question very briefly, Paul. You heard testimony before that the accident rate on double bottom trailers was some two and a half times that of the other. What is your comment on that?

MR. STALKNECHT: Again, Assemblymen, they were referring to, in that one, the biotech study. The biotech study was the one which I handed out to you -- the sworn depositions of Chief Kynaston of the California Highway Patrol, and Ken Pierson. Essentially what they did -- to give you a background on the biotech study -- they went to 18 high-accident areas between the borders of Nevada and California, and from those 18 high-accident areas they extrapolated their information and they concluded that that was synonymous with twin trailer operations throughout the United States. Now, compare that in New Jersey to a research team going to the intersection of Route 4 and Route 17 in Bergen County, our highest accident area, or the Ellis Circle around Pennsauken. Looking at those two areas and concluding that from the accident experience at those two locations -- that is synonymous with all of New Jersey. And, certainly, that cannot be found in that way.

ASSEMBLYMAN GILL: Just one other question, does your association pretty much concur with the overall item in the bill which would restrict -- provided the Department of Transportation regulates it -- the operation of both the double bottoms and the longer trailers to interstate highways and major thoroughfares?

MR. STALKNECHT: We support that.

ASSEMBLYMAN COWAN: Paul, could you identify for our Committee which groups you are representing here now with your testimony, please?

MR. STALKNECHT: Okay. I represent the New Jersey Motor Truck Association, --

ASSEMBLYMAN COWAN: (interrupting) Suppose I just read down what I have here?

MR. STALKNECHT: Okay. I thought you meant --

ASSEMBLYMAN COWAN: -- that might be better -- United Parcel Service?

MR. STALKNECHT: Yes.

ASSEMBLYMAN COWAN: Consolidated Freightway?

MR. STALKNECHT: Yes.

ASSEMBLYMAN COWAN: National Automobile Transporters Association?

MR. STALKNECHT: They have their own testimony -- they are going to present their own testimony.

ASSEMBLYMAN COWAN: I think that has been handed in. M & G Convoy?
MR. STALKNECHT: They are with the National Automobile Transporters.
ASSEMBLYMAN COWAN: Okay -- Anchor Motor Freight?
MR. STALKNECHT: Again, with the Automobile Transporters.
ASSEMBLYMAN COWAN: Paul's Trucking Corporation?
MR. STALKNECHT: They are part of my testimony.
ASSEMBLYMAN COWAN: L. J. Kennedy Trucking?
MR. STALKNECHT: Part of my testimony.
ASSEMBLYMAN COWAN: AAA Trucking Corporation?
MR. STALKNECHT: Part of my testimony.
ASSEMBLYMAN COWAN: New Jersey Motor Truck Association?
MR. STALKNECHT: Yes, I think so (laughter).
ASSEMBLYMAN COWAN: Owens-Illinois?
MR. STALKNECHT: No.

ASSEMBLYMAN COWAN: I would like to ask just one question. As far as I know, the Chamber has offered a demonstration if the Committee so desires. Do you have anything that you would offer as far as the Committee is concerned, other than your models?

MR. STALKNECHT: Yes, I would like to, maybe go back, if I may. In June of last year, before the bill was introduced, we held a demonstration in Trenton -- in Bordentown, and invited the Department of Transportation, Division of Motor Vehicles, State Police, the Attorney General's Office, the Turnpike Authority and the Automobile Association, for a demonstration of 60-foot units and 65-foot twin trailers. We had about 100 people in attendance at that session. We set up a simulated exit ramp -- the Department of Transportation did, according to their specifications. Every vehicle we brought through there completed and made that turn within the specifications, and never knocked over a traffic cone.

The one thing that was funny about the whole incident is -- far off in the corner we had all the units, and the one question everybody was asking was, "Which one is the 60-foot unit and which one is the 55-foot unit?" The people cannot tell the difference between the 55-foot and the 60-foot unit, even safety experts. What we did in the end is, we brought through a 62-foot unit, one of these (indicating model) which we stretched out to 62 feet, which has the extended wheel base and the worst possible conditions that could exist. We brought that vehicle through at about ten miles per hour, and the Department of Transportation said, "Well, that's fine at ten miles per hour, but let's say someone comes through there at 25 miles per hour?" We told that driver to come back with that vehicle at 25 miles per hour, which he did. Myself, I thought he was going to tip over, so I ran. But he made it through those cones, and he never knocked over a cone either -- at two and a half times the suggested speed rate. So the Department of Transportation, I think, was -- it was pretty conclusive that these vehicles really will have no effect whatsoever on the exit ramps or turning radii in New Jersey. But, we would be most willing to put on a demonstration again.

ASSEMBLYMAN MARKERT: Paul, and Mr. Chairman if I may through you -- with reference to testimony earlier by some people from the Teamsters' Union -- they claim that the extension to a 60-foot unrestricted length would cause a problem with the safety of the drivers because of the larger trucks, the incapability of safety and maintenance of the, evidently, trucks themselves, possibly

causing additional accidents, and also the fact that there would be an even larger tendency to overload than there is now, which is, evidently, something that constantly prevails, according to their testimony. Do you have any kind of comment with reference to that phase of that testimony?

MR. STALKNECHT: Yes, I do. I thought their comments were rather interesting, inasmuch as they talked about representing 8,000 members, and yet there are some one million Teamster members throughout the United States -- that is a very small faction of drivers.

In terms of overloaded vehicles, I certainly challenge how they arrived at the figure of 60% of the vehicles out on the highway being overweight. I think that is totally erroneous. We know in the State of New Jersey that there are scale houses put up -- there are four State scale houses. They are putting new scale houses out in the interstate system, which we support. We have no problem with the weighing of trucks. With reference to the out-of-service -- the safety violations which they have found, you must understand the inspection process. They don't just randomly select vehicles for inspection, it is selective. It is likely that they will pull out a vehicle from the traffic stream which is most likely to have a defect. If you have two vehicles coming down the highway, and one is brand spanking new and another one has missing headlights, they are going to pull the one over with the missing headlights, and that inflates your safety and out-of-service statistics, much like the DMV is experiencing now with that 50% rate. They are not just pulling over any vehicles; they are pulling over those vehicles most likely to have a defect. Actually what they are doing is doing their job. So, when you do that, it inflates your safety and out-of-service statistics.

I would never stand here and deny that some truck operators out there may be overloaded. We have a problem in New Jersey with the use of portable scales. For example, a portable scale is what the State Police use out on the highway, and there are many times where there are discrepancies. For example, a truck goes to a certified -- a State-certified platform scale. He gets a weight ticket that says he weighs 78,000 pounds. He goes on the highway, gets stopped by a trooper with the portable scales -- again State-certified -- and now it says he weighs 82,000 pounds. He is classified as an overweight vehicle. Now, which scale do you believe? Do you believe the portable scale certified by the State, or do you believe the platform scale certified by the State? That is the dilemma we have here in the State of New Jersey.

ASSEMBLYMAN MARKERT: Have you addressed that problem with the Department of Transportation?

MR. STALKNECHT: Many times.

ASSEMBLYMAN MARKERT: Thank you.

ASSEMBLYMAN COWAN: Thank you, Paul. Our next witness will be a Mr. Robert Donovan from Owens-Illinois.

MR. STALKNECHT: Mr. Chairman, the National Automobile Transporters Association wishes to make oral comments as well.

ASSEMBLYMAN COWAN: I would appreciate it, Mr. Donovan, if you could keep this as a summary. Okay?

ROBERT DONOVAN: I will be brief, Mr. Chairman. I'm Bob Donovan, Associate Director of Public Affairs with Owens-Illinois. I just want to comment briefly on a couple of aspects of the legislation we are discussing today.

First, we have eight facilities in New Jersey. We employ 3,700 people, and I might point out that just about six years ago we employed 8,500 people in New Jersey. There has been quite a drop-off for many reasons. We have a payroll of about \$76 million. Our in-state facilities purchase about \$160 million worth of goods and services from in-state and out-of-state suppliers. Our taxes, withholding included, in the State in 1981 were \$8.5 million.

The main point I would like to make is -- Mr. Chairman and Members of the Committee, is that we are shippers. We are not trippers; we are shippers, and we have to compete with our own facilities, and with competitive facilities in other states, where manufacturers of similar products are permitted to ship 80,000 pound limits, which we have in New Jersey, but with trailer lengths up to 53 foot in a 60-foot overall configuration. For example, a 53-foot trailer, and that is the largest possible trailer that I know of in a 60-foot configuration -- of the three major products that we produce -- would carry less than 8,000 pounds of plastic beverage containers, less than 20,000 pounds of corrugated paper, or corrugated boxes, or a maximum of 35,000 pounds of glass containers. That means that in no case could a trailerload of Owens-Illinois products exceed 62,000 pounds. So, we are well below the limit. We would never -- in my imagination, I couldn't find any case where we would exceed the limit.

Presently, our New Jersey facilities ship 154 pallets in seven trailerloads, while our facilities in Pennsylvania and the other 32 60-foot states can ship 156 pallets in six trailerloads. So that means we ship one extra trailer for each six that the competitive states produce. We're talking about 18.2% of volume, and the point I would hope to make today is that it would be one additional method, in my opinion, of keeping industry in New Jersey. There are many factors we have to consider in continuing operations in New Jersey or installing new plants, and truck length is a very major consideration today.

I have been asked by Mr. Dick Begler of American Can to make a couple of comments about his situation also. Mr. Begler talks about productivity. Productivity is equally important to his company and mine. For example, we anticipate we could save -- Owens-Illinois could save in New Jersey about \$600,000 per year, if we went to a 60-foot overall trailer. Mr. Begler estimates that his company -- the overall saving for his company and productivity gains, would be almost \$1 million per year. They would also ship, or cause to be shipped, another 6,000 truckloads to or from surrounding states that have no length restriction, such as the one presently in New Jersey. We feel that with no trailer size restriction -- they feel they could reduce this figure by 12% to 25%.

Mr. Chairman, we urge that the Committee amend the bill again to remove the 48-foot restriction, which is of no help at all to the New Jersey container industry, at least to our industry. Thank you very much.

ASSEMBLYMAN COWAN: Thank you very much, Mr. Donovan. Now we'll go back to the National Automobile Transporters Association.

DOUGLAS MCGIVERON: Mr. Chairman, my name is Douglas W. McGiveron, and I am Executive Vice President and General Manager of the National Automobile Transporters Association. With us here today is a group of automobile transporters' executives. On my immediate left, M. J. Petrina, President of M & G Convoy Company, Ryder Division, Mr. Donald Godek of Anchor Motor Freight, Mr. Joe Weber of Weber Transport, and Mr. John Long of New Car Carriers. There are others present; however, in the interest of time, I have submitted a copy of my statement to the Committee.

I will outline it briefly, and if you have any questions I will be happy to answer them. The National Automobile Transporters Association is a non-profit Michigan corporation located in Southfield. We are here in support of Senate Bill 1138, particularly the auto transporter 65-foot provision. We currently operate 65-foot equipment in 35 states. Our members primarily transport new automobiles from production plants, railheads and seaports. Over 95% of all the automobiles transported on our highways are transported by N.A.T.A. members. Basically, on a ton-mile basis, we split the traffic with rail 50-50 and we are intermobile with rail. N.A.T.A. is one of the conferences of the American Trucking Association, and is affiliated with the New Jersey Trucking Association.

We support the legislation because it increases our productivity, as we are a service industry to the automobile industry, and you heard the testimony of the General Motors and Ford people here today. We do not ask this with sacrificing safety. I have submitted information to you from the National Safety Council, indicating our excellent accident involvement ratio -- superior to other segments of the industry. Whether they are 55-foot, 60-foot or 65-foot, or whatever, we have one of the, if not the safest vehicle on the highway. In addition to that, we are the only conference of the American Trucking Association with a full-time Safety Director. We have safety meetings; we have 77 highway patrol people. We conduct a self-policing effort whereby road checks are held at various locations throughout the United States and all auto transporter units passing these check points are inspected for driver compliance and for any equipment defects. This results in hundreds of inspections each year. The inspection conducted is the same as that provided by the Federal Department of Transportation inspectors or state inspectors.

The reports of these findings are sent to the presidents of the various companies.

The National Automobile Transporters Association strongly supports Senate Bill 1138. Our experience has been it increases our loading capacity, without sacrificing safety. In the interest of brevity and time, may those in the company make a brief statement?

M. J. PETRINA: Thank you, Mr. Chairman. I am Mr. M. J. Petrina, President of M & G Convoy, Inc. We operate a facility at Port Newark employing about 100 people. We also plan to expand at Port Doremus in the very near future with an additional 100 employees. We deliver automobiles manufactured by Chrysler in their plant at Newark, Delaware, to many dealers within the State of New Jersey.

We presently operate about 700 tractor-trailer combinations, primarily throughout the Eastern part of the United States, plus the States of Michigan, Ohio and Indiana. About 40% of our equipment is presently 65 foot. One of the problems that we encounter, for instance at Port Newark, we may one day get a call to move 150 loads that just came off the boats. We can't transfer our 65-foot equipment that may be parked, and presently is, in Detroit. We just can't bring it into New Jersey. If we had the opportunity to, we could hire, possibly, New Jersey based drivers to operate that equipment. So, we either do not perform the service for the shipper or have the traffic hauled by some other carrier.

Now for the first time in 40 years, we have waived a rate increase in our costs here to shippers -- we just passed up the increase in an effort to hold down the costs in the production of new automobiles. We desperately need an increase in productivity in New Jersey. New Jersey is a key state for us. We just

recently had legislation approved in the State of New York, and we have legislation pending in the State of Pennsylvania. The 65-foot length, as I testified earlier, would increase our productivity anywhere from 10% to 25%. We physically demonstrated a loaded 55-foot rig and a loaded 65-foot rig to both the legislators in the State of Pennsylvania and in the State of New York, including the State Police and the Departments of Transportation, and we were most successful. We are willing and able to offer the demonstration to your Committee, if you should so desire. Thank you very much.

ASSEMBLYMAN COWAN: Thank you very much.

J O H N W A L S H: Mr. Chairman, I am retired from the State Police, and I took offense this morning to a couple of comments about the working relationship with the State Police. I am the Safety Director for new car carriers, and have been for nine years. I would like to read one part from the Truck Drivers' Manual, the DOT book:

Section 392.7: No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts and accessories are in good working order.

Thank you.

ASSEMBLYMAN COWAN: I guess there are some people who are probably in a better mood to hear that you are retired.

MR. WALSH: I didn't hear you, sir.

ASSEMBLYMAN COWAN: I assume there are probably some people today that might be in a better mood to hear that you are retired. (laughter)

D O N A L D G O D E K: Mr. Chairman, my name is Don Godek, Anchor Motor Freight, Linden, New Jersey. Anchor Motor Freight appears today to support the passage of Senate Bill 1138, which will increase the length of the auto carrier from 60 feet to 65 feet. The significance of the 65-foot length bill would be that the tractor-trailer combination in our fleet, which now operates at 60 feet long, will be able to operate at 65 feet, with a five-foot overhang included.

In addition, we will be able to use stinger-steered equipment, now being used in 35 other states. One may ask, "What advantage does the five feet create for the auto carrier?" The advantages are many. Load capacity will be increased by 15.1% to 18.7%, as the carrier will be able to haul one or more units. Using the statistics of the past two years at Linden, we would realize an annual savings of 1,350,000 miles and 250,000 gallons of fuel. A decrease in damages would result as the space between the vehicles will increase, and the auto carriers may be able to hold the line or reduce the cost of transportation of units to manufacturers.

More productive tractor-trailers result in energy savings. Of course, this is important to everyone, whether it be the transportation industry or the general public. Passage of this bill will allow New Jersey to give the industry the right to run 65-foot auto carriers, as is already allowed in our sister States of New York and Delaware. Thank you.

ASSEMBLYMAN COWAN: Thank you, Donald.

A D A M W. K O I S: My name is Adam Kois, and I am the Manager for Anchor Motor Freight in Linden, New Jersey. We have an operation in Linden consisting of approximately 280 people. We have an operation in Jersey City consisting of approximately 60 to 70 people. In addition to that, we serve 11 other locations for General Motors throughout the East and Southeast, some of them rail operations and some of them plant services.

Our main concern with the passage of this bill is to increase our productivity and decrease our fuel costs by the increased capacity of our loads, which is passed on ultimately to you, the customer. Thank you.

ASSEMBLYMAN COWAN: Thank you.

J O S E P H W E B E R: I'm Joseph Weber of Weber Transport. I believe I am the only New Jersey-based auto transporter at the present time. We have about 100 pieces of equipment. We operate terminals here in New Jersey from the Port of Newark, where we ship the imported automobiles; also, from Baltimore, from Illinois and one out near Columbus, Ohio.

At present, all of our equipment is licensed here in New Jersey. We do have one-third of our equipment that we cannot bring into New Jersey, although they are licensed here. We operate our stinger-steered equipment in Illinois. Illinois has full reciprocity with New Jersey.

Earlier I heard one of the members there ask what happens when a truck comes into New Jersey that is overlength or stinger-steered. Last November, we had a truck come in. When it arrived in New Jersey, they told them to, "send the truck out. We don't want the truck here." We couldn't get a permit at that time because it was late Friday, so I sent two other trucks to pick the load up and deliver it in, and I sent the truck back to Illinois.

I strongly support this legislation for all the little transporters and for the benefit of everyone in the State of New Jersey. Thank you.

ASSEMBLYMAN COWAN: Thank you.

MR. MCGIVERON: That concludes our testimony, Mr. Chairman. If you have any questions, we are available for answers. Thank you very much for your time.

ASSEMBLYMAN COWAN: Thank you very much for your testimony, also.

ASSEMBLYMAN MARKERT: I have no question, but, Mr. McGiveron, you certainly did put your act together, I can tell you that.

MR. MCGIVERON: Thank you.

ASSEMBLYMAN COWAN: Okay, thank you very much. We also have on our list here, Chief Fred Smith from Ramsey -- Bergen County Chiefs of Police.

MR. GURMAN: He has submitted something.

ASSEMBLYMAN COWAN: He has submitted something -- okay. We have ten minutes left. Are there any members of the public now present who wish to address the Committee?

D O N A L D G. M A L T B Y: A little show and tell again. My name is Donald G. Maltby, and I'm substituting for Richard Stokes, at my right here. We are with Nabisco Brands. I have a short statement, and I will get through it quite quickly.

ASSEMBLYMAN COWAN: Okay, very good. Could we have your name again, please?

MR. MALTBY: Pardon me?

ASSEMBLYMAN COWAN: Could we have your name again, please?

MR. MALTBY: Donald G. Maltby -- I have been a resident of Bloomfield, New Jersey for eight years and am employed by Nabisco Brands, U.S.A., as Administrator of Transportation Services.

I am appearing today to offer Nabisco Brands, Inc.'s position on Senate Bill 1138. Nabisco Brands, Inc. opposes Senate Bill 1138 as amended, and seeks the removal of the Senate Transportation and Commerce Committee's recommendation to restrict trailer lengths to a maximum of 48 feet.

Nabisco Brands' corporate offices are located in Parsippany, New Jersey. Nabisco Brands, U.S.A. operates approximately 35 facilities in the State of New Jersey, which consist of production facilities, sales branches, sales offices, distribution centers and headquarters facilities. We employ in excess of 3,500 people in the State, with an annual New Jersey payroll of approximately \$100 million.

We are requesting that the Assembly Committee on Transportation provide for a 60-foot, nonrestricted, combined tractor-trailer length amendment to the bill.

We feel that the 60-foot, unrestricted clause has important benefits to us as a company operating in New Jersey; and, likewise, to the State as a whole:

(1) In a typical year, we at Nabisco Brands ship about 15,000 trailerloads of raw materials and finished goods throughout the State. If we could operate under the 60-foot, nonrestricted clause, we estimate that we could decrease the total trailerloads by approximately 9%, or 1,080 loads. The advantage of decreasing the number of trucks on the road, we feel, outweighs any possible disadvantages caused by the increased size of the trucks. As there will be fewer trucks on the road, there will be a corresponding decrease in the wear and tear of our roadways.

Similarly, we estimate that with those 1,080 fewer trailerloads we will save on fuel costs amounting to approximately 108,000 gallons, or \$135,000 per year.

(2) the most important argument for the support of the 60-foot, non-restricted clause is that our New Jersey facilities will remain competitive with our other facilities in surrounding states. When we are unable to produce our products in New Jersey as competitively as in other states, we naturally are forced to limit production, storage, and transportation of our goods here in New Jersey. The resulting costs, of course, are jobs -- yours and mine. By adopting the clause, we will improve our competitive position relative to surrounding states. Furthermore, with fewer trailers at our plants' loading and receiving facilities, we will alleviate the congestion at our facilities and speed up delivery time, thus increasing warehouse productivity.

(3) Of the 15,000 45-foot trailers we use to ship our goods throughout New Jersey, approximately 12,000 trailers do not achieve maximum weight limitations.

I brought along a few samples of products which we produce (indicates samples exhibited on witness table). As you can tell, the margarine is heavier and smaller, causing us to meet the weight limitations before the trailer is filled to volume capacity. However, we are not able to do that with all the products we produce. This is illustrated by the "Premium" saltine crackers (indicating). We currently load 44 pallets in a 45-foot trailer. This amounts to 1,760 bundles of "Premium" crackers, or a total gross weight of 26,400 pounds. In a trailer exceeding 50 feet, we could load 48 pallets, or a total gross weight of 28,800 pounds. Note that even the larger quantity weighs less than the present allowable practical weight of 40,000 pounds. By lengthening the trailer, we could still ship acceptable weights at lower rates and, hence, lower costs. This would naturally make us more competitive with manufacturing facilities located outside of New Jersey and consequently has the potential of allowing wider distribution from our State. This in turn holds the promise of additional jobs.

A recent article in the American Trucking Association Bulletin dated January, 1982, supports our position. It cites A. T. Kearny & Company's estimation that only about one-half of all trailers operated by general freight motor carriers reaches the maximum weight limitations, even when loaded to full cubic capacity. This stresses the fact that half the time it is impossible to fit the allowable weight (in our case, "Premium" saltines and similar products) into the allowable space of a 45-foot maximum trailer.

(4) The only argument I have heard against increasing the trailer lengths has been the safety factor. Nabisco Brands is as concerned about safety on the highways as anybody else. However, none of the studies we have seen support the assertion that 50-foot or more trailers in other states are any less safe than the shorter trucks operating on New Jersey highways today. We are aware, as you undoubtedly are, of the U.S. Department of Transportation's National Highway Traffic Safety Administration's Study on "The Severity of Large Truck Accidents," and believe its conclusion supports our position that accident severity does not vary significantly with either the size or the weight of the truck involved.

We respectfully request that the 48-foot trailer restriction be removed from Senate Bill 1138, and that a 60-foot, nonrestricted amendment be provided. Thank you.

ASSEMBLYMAN COWAN: All right, thank you, Mr. Maltby. Are there any further witnesses who wish to testify? Yes --

G A R Y G E R S H A W: Mr. Chairman, my name is Gary Gershaw. I'm with Therapedic Sleep Products. We are a small manufacturer here in the State. We manufacture mattresses and box springs. We distribute from the top of the State and down through Washington, DC.

Our product, mattresses, is a very bulky one, but has virtually no weight. When we load a 40-foot trailer, we come up to a total weight of about 10,000 pounds. So, allowing us to go from a 48 to a 53 possibility would give us the flexibility to decide our trailer size and bring us up to weights of around 15,000 pounds. Of course, there are not that many mattress manufacturers -- there are only five in the State, but we feel that there are a lot of other people in the State that manufacture things and ship them on their own trucks, not using some of the fellows here, these outside carriers. We transport all on our own trucks -- we manufacture and then ship on our own trucks. It would allow us to be a lot more competitive to some of the neighboring states -- to ship down there, to some of those areas, because they are right in the area. If we could ship at a lower cost from our distance, we could get more business for our State, and more jobs, of course. Thank you.

ASSEMBLYMAN COWAN: Thank you. Yes sir --

R I C H A R D M U R R A Y: Good afternoon: My name is Richard Murray and I represent Continental Can Company, a Division of Continental Group, which has nine manufacturing plants and numerous offices in the State of New Jersey.

Senate Bill 1138 was originally proposed to increase the overall tractor-trailer length to 60 feet with no trailer size restriction. It also includes provisions for 65 feet overall length for doubles and carriers hauling motor vehicles. On April 23, 1982, at a Senate Transportation Committee hearing, Senator Orechio, through his aide, requested that the bill be amended to restrict the trailer size to 48 foot, but no change on the 65 feet for doubles and the carriers of motor vehicles.

The Committee approved the amendment and the bill now reads -- I won't read it, you read it this morning. I respectfully request that this Committee amend the bill to its original format, that being no trailer size restriction.

Forty-eight-foot trailers are now, and have been, operating in the State of New Jersey for numerous years. Therefore, adding five more feet to the overall length and restricting the trailer size to 48 feet provides no increase in productivity.

Allowing longer trailer lengths will produce significant economic results such as:

1. By being able to deliver the same amount of product with less trips, the productivity of transportation will be improved.
2. Truck travel will be substantially reduced if longer trailer lengths are permitted.
3. Less trucks on the road can mean fewer accidents and less highway damage.
4. The overall length bill with no trailer size restriction will allow shippers to substantially reduce transportation costs.
5. Longer trailer lengths will aid in the nation's fuel conservation efforts.

I have unit load productivity gains on two pallet sizes which I request you to look at (see attachments). Please note that on the 40 x 48 pallet there is no gain by increasing the trailer size from 45 feet to 48 feet, but there is a 9% gain with the use of a 50-foot trailer and an 18% gain with the use of a 53-foot trailer. On the 44 x 56 pallet, which is the standard can pallet, there are the following productivity gains:

1. 45' to 48' = 11%
2. 45' to 50' = 11% (there is no gain from a 48' to a 50')
3. 45' to 53' = 22%

These figures, in addition to the productivity gains, illustrate the importance of amending and passing the bill with no trailer size restriction; the no trailer size restriction will allow each shipper to determine the trailer size best applicable for their loading pattern within the configuration of the overall 60-foot length. Restricting the trailer size obviously limits the productivity.

We support and applaud any efforts that conserve energy, combat inflation and increase productivity. We are opposed to any efforts that are contrary to these goals without sound reasoning.

I will now outline the importance of cubic capacity to Continental Can Company, and the can industry in general. In our industry, as in many other industries, we cube out before we weight out. In other words, a full load of cans is far less than the maximum weight allowed.

I will now give you statistics surrounding the can industry. Based on 78.2 billion cans, moving via motor, the negative impact of a 48-foot trailer size restriction would be:

1. It would require 59,000 more shipments vs. a 53-foot trailer. In other words, the can industry would have the potential to ship the same volume and decrease the number of shipments by 59,000, which is a 9% decrease.

2. Based on an average of 200 miles and a cost of \$290 per truckload, the transportation cost would be \$17,110,000 higher.
3. The fuel consumption will be 2,510,638 gallons greater with a 48-foot trailer vs. a 53-foot trailer.

Please bear in mind that this is but one industry. When you take into consideration other industries, like bakery items and other low density products, the figures for increased productivity could be mind-boggling.

I would also like to point out that at least 30 states now have 60 feet or greater overall length, with no trailer restriction.

Again, I respectfully request that this Committee amend the bill to its original format, that being 60 foot no restriction, and vote for the bill in this manner.

If you do not amend the bill, I request that you vote against the bill. The reason for this request, only if the bill is not amended, is that the bill now contains provisions for operating equipment with overall lengths of 65 feet and it limits single trailers to 48 feet with an overall length of 60 feet. This trailer size restriction is definitely a limit on productivity, and will be a tremendous detriment to shippers of light and bulky commodities. Thank you.

ASSEMBLYMAN COWAN: Thank you very much, Mr. Murray.

MR. MURRAY: Thank you.

ASSEMBLYMAN COWAN: Are there any further citizens who wish to address the Committee? (no response) If not, the Committee will adjourn at this time.

(HEARING CONCLUDED)

MEMORANDUM IN OPPOSITION

TO

SENATE NO. 1138

Description of Bill

S-1138 (2nd OCR) would increase the permissible lengths of trucks as follows:

(1) single tractor and trailer from 55 feet to 60 feet, with a new 48 foot limit on the trailer length;

(2) specifically authorize 65 foot double bottoms or twin-trailers, by a new provision, to be only operated on highways which the D.O.T. may designate:

"The department, within 180 days of the effective date of this 1982 amendatory act, shall promulgate regulations designating on which highways, if any, such vehicles may operate and shall report to the Senate and General Assembly Transportation and Communications Committees as to potential safety hazards created by allowing the operation of such vehicles.";

(3) auto transporters from 55 feet to 60 feet with an "overhang" of 5 feet that now need not be over the height of a passenger car; and to a flat 65 feet, without overhang.

The original bill did not include the 48 foot trailer limit nor the designated highway provision as to twin-trailers. It would have permitted 65 foot auto transporters to "overhang" for a total of 70 feet. The original bill also eliminated the power of the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway to regulate size, but those provisions were deleted by Senate amendment proposed by the sponsor which stated (Exhibit A, emphasis supplied):

"These amendments eliminate the mandates to the Highway, Turnpike and Expressway Authorities to allow certain oversize commercial motor vehicles and omnibusses to use thru roadways. It is expected that these authorities will conform to the provisions of this bill by their own regulations."

Legislative History

In 1968, Governor Richard J. Hughes conditionally vetoed Assembly No. 862, stating in part:

"In reviewing this measure, I now find that an entirely different provision, foreign to the subject of fee increases, was quietly inserted into this legislation. A section has been added that would authorize the operation of tractor-trailer combinations, up to the length of 65 feet, 'on highways of four or more lanes and access highways into and therefrom.'

...

... Without any doubt, the increase in the size of commercial vehicles poses a problem for every motorist on our highways. There are obvious safety questions about the proper operation of such large double trailer truck combinations on a highway network as heavily used as that of New Jersey. Within the limited period that has been available to review this bill, the Division of State Police has concluded that the operations of such large truck trailer combinations would pose an increased hazard on our highways."

In 1974, Senators Horn and McDonough introduced S-1089, which would lengthen tractor and one trailer from 55 feet to 56-1/2 feet and auto transporters to a total of 61-1/2 feet and provide for 65 foot double bottoms. After unfavorable newspaper editorial comment, that bill was never released from Senate Committee.

Until 1977, New Jersey had a specific gross weight limitation, by reference to the Federal maximum; it was 73,280 pounds in 1973 and increased to 80,000 pounds in 1975. S-1356 was introduced by Senator Maressa in April, 1976, and approved on April 1, 1977, removed restrictions on the operation of constructor vehicles, eased registration fees and deleted any specific gross weight. Accordingly, New Jersey has no independent gross weight limitation, but in no event shall the gross weight "exceed the Federal maximum as such may be amended from time to time established for vehicles operated on the National System of Interstate and Defense Highways."

Senator Maressa introduced S-1662 in 1981, to increase overall length from 55 feet to 60 feet, and gross axle weight from 34,000 to

36,000 pounds, but this bill died in the Senate Committee on Law, Public Safety and Defense.

Uniformity with Other States?

The Statement on the original bill states that S-1138 would "bring New Jersey vehicle length laws in uniformity with those of surrounding states and with those in 42 other states in America." This may be true as to the 60 foot length proposed for a single tractor trailer, but the statement is not correct as to the 65 foot twin-trailers authorized by this bill.

According to "Summary of Size and Weight Limits," January, 1982, published by American Trucking Associations, Inc., Washington, D.C., 65 foot twin trailer combinations are not permitted in the following 17 states and the District of Columbia:

- Alabama
- Connecticut
- P Florida
- Georgia
- Maine
- P Massachusetts
- New Hampshire
- New Jersey
- P North Carolina
- P Pennsylvania
- P Rhode Island
- South Carolina
- Tennessee
- Vermont
- Virginia
- West Virginia
- P Wisconsin
- District of Columbia

Note: P. In four of these states, under annual permits, such combination may be operated; in Pennsylvania by permit of the Pennsylvania Turnpike Authority; and in North Carolina permits are authorized for combinations up to 60 feet in length.

Constitutionality

The attached pamphlet cover of the New Jersey Motor Truck Association alleges that "55' MAX makes NEW JERSEY A ROADBLOCK TO INTER-STATE COMMERCE."

Is New Jersey, the most densely populated state in the nation with a density equivalent to that of Japan, required to provide a corridor through it for longer trucks from other states? We think not, even though the U. S. Supreme Court recently struck down Wisconsin and Iowa statutes banning 65 foot double bottoms. In both Raymond Motor Transportation, Inc. v. Rice, 434 U.S. 429 (1978) and Kassel v. Consolidated Freightways Corp., 49 LW 4328, _____, U.S. _____ (1981) there were differences between limits imposed on local trucks and those imposed on interstate vehicles. New Jersey has none and thus does not discriminate against out-of-state vehicles.

In any event, the constitutional question exists whether or not S-1138 is adopted and Consolidated Freightways may of its own volition at any time make New Jersey next on its judicial "hit list" (see dissenting opinion of Justice Rehnquist in Kassel, footnote 14).

Recently American Trucking Associations, Inc. sued the Pennsylvania Secretary of Transportation claiming that the Pennsylvania statute requiring all tractors and trailers operating on its highways to display a currently valid certificate of inspection either by Pennsylvania or from another state imposed an unconstitutional burden on interstate commerce. The U. S. District Court agreed, American Trucking Associations, Inc. v. Larson, 515 F. Supp. 1327 (1981) but on appeal the Third Circuit Court of Appeals reversed, July 20, 1982. Whether this case will be pursued beyond the Circuit Court we do not know.

The evidence showed that many Western States do not require inspection; approximately 231,000 tractors and 700,000 trailers are not inspected in any state and, thus, if operated in Pennsylvania would be subject to the Pennsylvania inspection scheme (515 F.Supp. 1330). The truckers argued that because of (1) the dearth of states west of Pennsylvania that inspect interstate motor carrier vehicles, (2) the paucity of inspection stations in Pennsylvania, their limited hours of nighttime operation and locations distant from major interstate trucking routes, and (3) the costs, delays, diversions from route and disruptions of service that would result from trying to obtain such a certificate either in Pennsylvania or elsewhere, the Act would impose a substantial burden upon interstate commerce; and in the lower court even prevailed on the following theory: "By forcing large and heavy tractor-trailer combinations off the wide, straight and modern interstate highways and onto narrow, hilly and winding back roads" in search of inspection stations, the statute actually threatened to increase accidents involving motor carrier vehicles in Pennsylvania (Petition for Rehearing, page 13).

Now we have the N. J. Motor Truck Association telling us that New Jersey does not have the right to limit the length of and must permit longer and larger and "heavy tractor-trailer combinations off the wide, straight and modern interstate highways and onto narrow" or broad, but congested city streets of Jersey City.

The cover of their brochure indicates we should not bar these trucks which want to enter from the North, West, South and from New England. Is passage of S-1138 going to help local New Jersey truckers; it appears designed to let the giant interstate carriers travel through our State.

Safety Problems

Even in the "Trucking" State of Michigan (which permits 11-axle units with 140,000 lbs. gross weight) 65 foot twin-trailers are limited to designated highways (see the ATA Summary attached).

In 1977, Michigan had some serious accidents involving twin-trailer gasoline tankers. The attached article from the Detroit Sunday News of September 11, 1977 relates to the problems experienced there. As a result, since August 1, 1978, these gasoline tankers have been forbidden to enter Detroit or counties having a high population density except between midnight and 6 A.M. on routes designated by the state police. (Michigan Vehicle Code, Sec. 9.2422 (g), also attached). We understand new equipment has been developed which provides better braking and less tendency to jackknife on these twin-trailers.

Last week, the Chairman of the N. J. Turnpike brought up safety questions concerning acid tankers, see the Star-Ledger article of September 29, 1982, (which probably exists whether or not they are twin-trailers).

Impact on Railroad Industry

Considering trends since World War II, will railroads be needed in New Jersey three decades from now? If we need railroad freight service to continue, the impact of S-1138 upon that industry is a proper subject for your consideration.

The railroad share of intercity freight on a national basis has shrunk from almost 70% in 1944 to less than 30% now. The modal share of the United States production of manufactured and semi-manufactured articles indicated by the U. S. Census of Transportation is as follows:

<u>Year</u>	<u>Rail</u>	<u>Truck</u>	<u>Other</u>
1944	68.6	5.4	26.0
1950	56.2	16.3	27.5
1963	33.0	40.7	26.3
1967	32.8	40.4	26.8
1972	31.7	49.4	18.9
1977	28.4	55.6	16.0

The New Jersey Motor Truck Association says (55' MAX, last page) that it now carries over 75% of intercity shipments of manufactured goods in our state.

These goods are the higher value type of traffic that is generally transported in enclosed trailers, some piggybacking on rail, or in railroad boxcars. The decline of this traffic on Conrail has been a major factor in necessitating its branch line abandonment program. Further increasing the cubic capacity of trucks by S-1138 will make it more difficult for the smaller roads, such as New York Susquehanna and Western Railway Company (Delaware Otsego System), to pick up the pieces and expand freight service in smaller communities.

As shown from the attached Exhibit B, extending our present 55 foot length to 60 feet will increase the capacity of trucks by 20%; moving to 65 foot twin-trailers will increase payload by 30%.

Extending the length of auto transporters by 10 feet will enable carriage of 2 additional subcompact cars, an increase of about 20%.

New Jersey Motor Truck Association says that twin-trailers are 33% more productive. Such an increase will obviously have a severe impact upon rail competition:

(1) Medium to long-haul box car traffic will be dealt the final mortal blow.

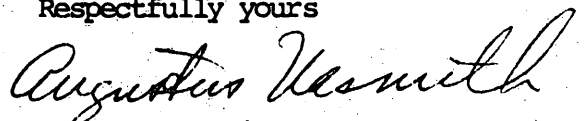
(2) TOFC break-even distances will be pushed out, further shrinking exploitable markets (See Exhibit C, attached).

(3) Complete and costly re-equipment of rail trailer on flatcar service will be essential.

Conclusion

With the Senate Committee which released the bill recognizing at least the possibility of "potential safety hazards" the study should come first, not 180 days after enactment. We hope your committee will not release the bill.

Respectfully yours



Augustus Nasmith
28 West State Street
Trenton, New Jersey 08608
(609) 394-2550

Dated: October 5, 1982

AN/asb
Attachments

Senate Amendments

to

Senate Bill No. 1138 (OCR)

Orechio

Amend:

Page	Sec.	Line	
1	Title	2-3	Omit "; P.L. 1951, c. 264; P.L. 1952, c. 16; and P.L. 1962, c. 10"
4-8	2	1-164	Omit
8-11	3	1-176	Omit
11-12	4	1-43	Omit
12	5	1	Omit "5." insert "2."

STATEMENT

These amendments eliminate the mandates to the Highway, Turnpike and Expressway Authorities to allow certain oversize commercial motor vehicles and omnibusses to use thru roadways. It is expected that these authorities will conform to the provisions of this bill by their own regulations.

EXHIBIT A

C O M P A R I S O N

CUBIC CARRYING CAPACITY

- 1) 55 foot, tractor-semitrailer combination:
Semitrailer dimensions = 39.5'(l) x 7.75'(w) x 8.75'(h)
Cubic carrying capacity = 2,678.6 cubic feet



- 2) 60 foot, tractor-semitrailer combination:
Semitrailer dimensions = 47.5'(l) x 7.75'(w) x 8.75'(h)
Cubic carrying capacity = 3,221.1 cubic feet
% increase over 55 foot = 20%



- 3) 27 foot twin-trailer combination with 65 foot total length limitation:
Trailer dimensions = 26.5'(l) x 7.75'(w) x 8.75'(h)
Cubic carrying capacity = 3594.1 cubic feet
% increase over 55 foot = 30%
% increase over 60 foot = 10%

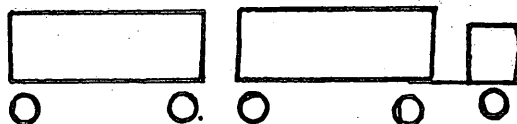


EXHIBIT B

SOURCE: Truck Trailer Manufacturer's Association Van Trailer Size Survey - 1980

TRUCK/RAIL COST COMPETITIVE BREAKEVEN POINTS

<u>RAILROAD TYPE OF EQUIPMENT</u>	<u>TRUCK ADVANTAGE</u>		<u>TWIN 28'</u>
	<u>DISTANCE (IN MILES)</u>		
	<u>1981</u>	<u>1985</u>	<u>1985</u>
Box CAR (40 TONS)	400	550	875
AUTO PARTS CAR	300	375	1000
TOFC (20 TONS)	300	400	925
GONDOLAS	225	250	NA
COVERED HOPPER	100	140	NA
OPEN TOP HOPPER	100	125	NA
TANK CAR	75	75	NA

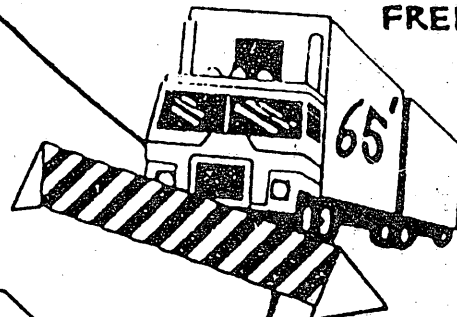
NA - NOT APPLICABLE - SHIPMENTS WEIGHT OUT BEFORE THEY COULD OUT

- o COMPARISONS BY SIMILAR EQUIPMENT TYPES AND COSTS INDICATES THE RELATIVE PRODUCTIVITY IMPROVEMENTS ACHIEVED BY MOTOR CARRIERS USING TWIN TRAILERS COUPLED WITH THE CAPACITY INCREASES THAT REDUCE TRUCK COSTS AND MAKE THEM MORE COMPETITIVE.

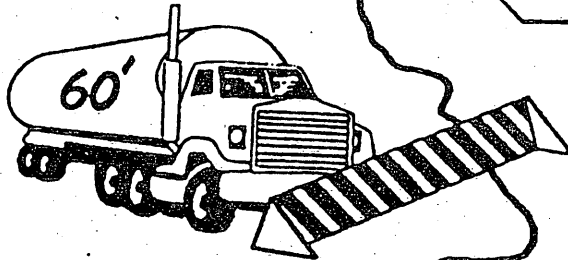
NORTHERN
FREIGHT



NEW ENGLAND
FREIGHT

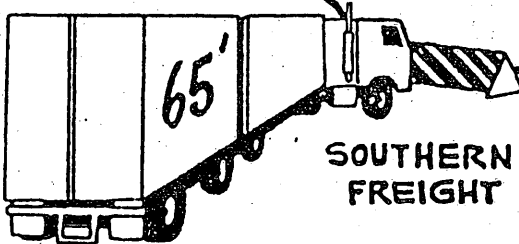


WESTERN
FREIGHT



55' MAX

**NEW JERSEY...
A ROADBLOCK
TO INTERSTATE
COMMERCE**



SOUTHERN
FREIGHT

**NEW JERSEY
MOTOR TRUCK ASSOCIATION**

160 TICES LANE, EAST BRUNSWICK, NEW JERSEY 08816

Textbook reference. See Callaghan's Mich Civ Jur, Automobiles and Motor Vehicles §303.

§ 9.2422 Spacings between axles and axle loads, exception; wheel load; flammable liquids, transporting requirements; exceptions; safety standards; restrictions; effective dates; violations, penalties, civil infraction.] SEC. 722. (1) The maximum axle load shall not exceed the number of pounds designated in the following provisions which prescribe the distance between axles:

(a) When the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(b) When the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.

(c) When ♦ axles are spaced less than 3-1/2 feet apart, the ♦ maximum ♦ [axle load shall not exceed 9,000 pounds per axle].

(d) Subdivisions (a), (b), and (c) shall be known as the normal loading maximum.

(2) When normal loading is in effect, the state ♦ [transportation department] and local authorities with respect to highways under their jurisdiction may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, which designation may be revised as needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly.

(3) Except as provided in subsection (8), on a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds ♦ [per] axle, and no other tandem axle assembly in the combination of vehicles shall exceed a gross weight of 13,000 pounds ♦ [per] axle. When the maximum gross weight of a combination of vehicles with load does not exceed 73,280 pounds, 2 tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds ♦ [per] axle.

(4) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(5) During the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements, or pavements with a concrete base, shall be reduced by 25% from the maximum axle [load] as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months shall be reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect.

(6) The ♦ [state transportation department,] or ♦ [a local authority] with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where, in its discretion, conditions of the highways or the public health, safety, and welfare so warrant, and may impose the restricted loading re-

quirements of this section on designated highways at any other time that the conditions of the highway may require.

(7) For the purpose of enforcement of this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. [In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. Pursuant to subsection (8), the maximum individual axle weight of a group of axles may be determined by computing the gross weight of the group of axles and dividing the gross weight by the number of axles in the group. However, when determining the gross vehicle or combination of vehicles weight in accordance with the provisions of subsection (8), axles spaced 9 feet or more apart shall not be considered in the same group.]

(8) The ♦ [state transportation department], or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles [having a gross vehicle weight of not more than 80,000 pounds] which do not exceed any of the following:

- (a) Twenty thousand pounds on any 1 axle.
- (b) A tandem axle weight of [17,000] pounds [per axle] including all enforcement tolerances.
- (c) An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W = 500 \cdot \left(\frac{LN + 12N + 36}{N-1} \right)$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of [17,000] pounds [per axle] each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart, and the gross vehicle weight does not exceed 80,000 pounds including all enforcement tolerances. [Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection shall be subject to the maximum axle loads of subsections (1), (2), and (3).]

(9) Notwithstanding any other provision of this section, a truck tractor pulling a semitrailer and trailer combination [or a truck tractor pulling 2 semitrailers] shall not transport, except between the hours of midnight to 6 a.m. on routes and at times designated by the department of state police, a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit within a county having a population of 600,000 or more. In addition, truck, a truck pulling a trailer, or a truck tractor pulling a semitrailer shall not transport, except between the hours of midnight to 6 a.m. on routes and at times designated by the department of state police, a flamma-

ble liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit, in a quantity of more than 9,000 gallons within a county having a population of 600,000 or more. The exceptions provided by this subsection for transport on routes designated by the department of state police shall be construed to permit that transport only for the purpose of picking up or delivering a flammable liquid at a supply depot. This subsection shall not take effect until August 1, 1978.

(10) Notwithstanding any other provision of this section, a truck, truck pulling a trailer, truck tractor pulling a semitrailer, ♦ a truck tractor pulling a semitrailer and trailer combination[, or a truck tractor pulling 2 semitrailers] shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit within this state, unless the truck, truck and trailer combination, truck tractor and semitrailer combination, ♦ truck tractor, semitrailer, and trailer combination[, or truck tractor and 2 semitrailer combinations] meet safety standards as determined by the department of state police. This subsection shall not take effect until November 1, 1978.

(11) Notwithstanding any other provision of this section, a truck tractor pulling a semitrailer and trailer combination [or a truck tractor pulling 2 semitrailers] shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit within this state. In addition, a truck, a truck pulling a trailer, or a truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in this state, in a quantity of more than 9,000 gallons. This subsection shall not take effect until November 1, [1983].

(12) Notwithstanding any other provision of this section, a truck, a truck pulling a trailer, or a truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in this state if the truck, truck and trailer combination, or truck tractor and semitrailer combination has a capacity of more than 9,500 gallons. This subsection shall not take effect until November 1, 1983.

(13) The highway safety research institute at the university of Michigan shall study vehicle design and shall recommend to the legislature that vehicle combination which demonstrates the highest possible safety in transporting flammable liquids, which vehicle combination after subsequent legislation may transport flammable liquids.

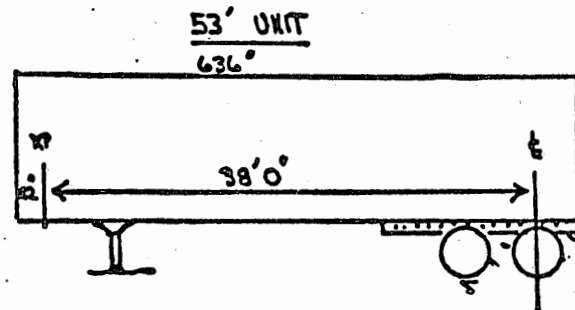
(14) The owner or driver of a vehicle which transports a flammable liquid in violation of subsection (9), (10), (11), or (12) is guilty of a misdemeanor, punishable by a fine of not more than \$3,000.00, or imprisonment for not more than 90 days, or both.

(15) Except as provided in subsection (14), a person who violates this section is responsible for a civil infraction. (MCL §257.722.)

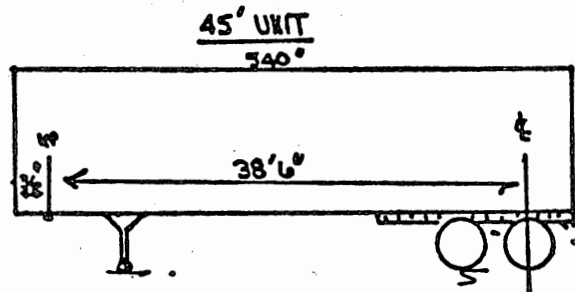
History. As amended by Pub Acts 1965, No. 36, imd eff May 19; 1967, No. 277, eff November 2; 1974, No. 348, imd eff December 21; 1975, No. 270, imd eff November 10; 1978, No. 385, imd eff July 27, which contained a section 2 providing: "This amendatory act shall not take effect unless House Bill No. 5935 [which became Act No. 387 of 1978] of the 1978 regular session of the legislature is enacted into law."

This section was further amended by Pub Acts 1978, No. 510, eff March 30, 1979, which contained sections 3 and 4 providing: "Section 3. Section 4a of chapter 1 of the Revised Statutes of 1846, being section 8.4a of the

TURNING RADIUS OF 53' TRAILER IN 60' LENGTH
AND
TURNING RADIUS OF 45' TRAILER IN 55' LENGTH



53' TRAILER HAD ITS
SLIDER SET AT 38'0".



45' TRAILER HAD ITS
SLIDER 6" SHORT OF
WEST COAST SETTING.

TRACK OF 55' DAL AND 45' TRAILER

- (AA) 2'2" CLOSEST POINT IN OFFTRACK OF 45 FOOT TRAILER.
- (BB) 13'0" TRAILER TRACK 10' DOWN CURB-LINE FROM CLOSEST POINT TO CURB. ANGLE OF TRACK.
- (CC) 1'6" TRACK OF FRONT LEFT TIRE OF TRACTOR.
- (DD) 11'0" CONTINUED TRACK OF FRONT LEFT TIRE.
- (EE) 2'6" TRACTOR FRONT LEFT TIRE AT POINT THAT INTERCEPTS LINE BETWEEN CURBS.

CURBLINE

25' LANE

25' LANE

TRACK OF 60' AOL AND 53' TRAILER

- (A) 2'6" CLOSEST POINT IN OFFTRACK OF 53 FOOT TRAILER.
- (B) 10'8" TRAILER TRACK 10' DOWN CURBLINE FROM CLOSEST POINT TO CURB. ANGLE OF TRACK.
- (C) 1'8" TRACK OF FRONT LEFT TRACTOR TIRE.
- (D) 11'2" TRACTOR FRONT LEFT TIRE TRACK.
- (E) 2'5" TRACTOR FRONT LEFT TIRE OF TRACTOR AT POINT THAT INTERCEPTS LINE BETWEEN CURBS.

17x

AFFIDAVIT

State of Delaware)
) ss.
County of Kent)

I, [REDACTED] after being duly sworn on oath, depose and say that:

1. I am the S [REDACTED] Police. My business address is Delaware State Police Headquarters, P.O. Box 430, Dover, Delaware.

2. I have been a member of the Delaware State Police for 18 years, 11 months. I have been Colonel (Superintendent) of the Delaware State Police since May, 1979. I currently have 430 uniformed officers under my command, who are responsible for both the Criminal and Traffic areas of law enforcement in Delaware.

3. [REDACTED] in the state of Delaware Code § 21-4502.

4. There have been only limited operations of sixty-five foot twin trailers in the state of Delaware due to the fact that only Delaware and Maryland in this geographic area permit the use of sixty-foot doubles, and motor carriers wishing to use the doubles in interstate carriage are severely limited as to their area of operation, and interchange of equipment to go outside the states of Delaware and Maryland.

5. [REDACTED]

[REDACTED] have demonstrated [REDACTED]
[REDACTED]
[REDACTED]
6. [REDACTED] advantages in [REDACTED]
[REDACTED]
[REDACTED] to carry the same amount of light [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. Twin trailers also permit certain flexibility in that the shorter components of the twin trailer may be divided up and used for local pickup and deliveries thus avoiding the use of partially laden forty-foot trailers in pickup and delivery operations.

8. Although Delaware has legalized sixty-five foot twin trailers, these advantages have not been realized because of the impractical nature of interstate operations given the prohibition of sixty-five foot twin trailers in the states surrounding Delaware.

Dated this 19th day of November, 1981.

[Signature]

SWORN TO and SUBSCRIBED

before me this 20th
day of November,
1981.

[Signature]

Notary Public, State of Delaware
My Commission: 1/16/83

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 MIDDLE DISTRICT OF PENNSYLVANIA

4 --oOo--

5 CONSOLIDATED FREIGHTWAYS)
6 CORPORATION OF DELAWARE,)
a Delaware Corporation,)

7 Plaintiff,)

8 vs.)

CIVIL ACTION NO. 81-1230

9 THOMAS D. LARSON, et al.,)

10 Defendants.)

COPY

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12
13 --oOo--

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15 THURSDAY, JANUARY 21, 1982

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17 --oOo--

18
19
20 DEPOSITION OF
21 EDWARD E. KYNASTON

22
23
24 --oOo--

25
26
27
28 Catherine Ransom, CSR, Lisence No. 4693

20x

1 first duly sworn by the Notary Public to tell the truth, the
2 whole truth and nothing but the truth, testified as follows:

3 MR. VARDA: Before we start this deposition, I'd like
4 to put a couple of stipulations on the record. First of all,
5 the parties present stipulate that the court reporter is, in
6 fact, a Notary Public in the State of California.

7 Secondly, we stipulated that all objections except those
8 objections as to the form of the question in this deposition
9 are specifically preserved and reserved so that they may be
10 raised later by any party.

11 And finally, we agreed that the witness will read and
12 sign his deposition before a Notary here in California.

13 Have I stated the stipulations correctly?

14 MR. DENNIS: Yes. I'm agreeable to what you have
15 stated.

16 MR. VARDA: Mr. Hoffman?

17 MR. HOFFMAN: Yes.

18 EXAMINATION

19 By ANTHONY R. VARDA, ESQ., counsel on behalf of the plaintiff:

20 Q Would you state your full name?

21 A Edward E. Kynaston.

22 Q How do you spell that?

23 A K-y-n-a-s-t-o-n.

24 Q What is your business occupation, sir?

25 A

26 Q What is your business address?

27 A It's Sacramento headquarters of California Highway Patrol.

28 Q Chief Kynaston, I notice shortly before I came in here

1 a subpoena was delivered to your office and you appear here
2 pursuant to subpoena here today?

3 A That's correct.

4 Q What, Chief Kynaston, is the jurisdiction of the
5 California Highway Patrol?

6 A We have statewide jurisdiction primarily for traffic
7 law enforcement in the State of California.

8 Q What highway specifically falls under the jurisdiction
9 of the California Highway Patrol?

10 A Literally all highways in the state come under our
11 jurisdiction. However, we have authority over those -- however,
12 we exercise our primary responsibility on those that are not
13 within incorporated cities. That is, to say it differently,
14 all the unincorporated roadways and highways of the state in
15 addition to the freeways that do traverse the incorporated
16 cities.

17 Q Chief, when you take into account all the state and
18 interstate highways involved in your enforcement prerogative,
19 how many miles of highway would that be?

20 A Approximately 97,000 miles.

21 Q And could you tell us how many officers are currently
22 employed by the California Highway Patrol?

23 A I wish I could. I expect it is somewhere around 4200.
24 It ranges up and down depending on the number of people that
25 are leaving us at any given time.

26 Q What specifically are your duties as chief of the
27 California Highway Patrol?

28 A [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q What is the nature of those special programs?

5 A They're varied starting with -- in fact, I'll just go
6 through them if you will; air operations, which is the traffic
7 surveillance and emergency medical evacuation emergency support
8 and air traffic portion of the department of investigative
9 services, which includes vehicle theft investigation, multi-
10 disciplinary action investigation teams, other sundry duties
11 in there relating to vehicle evaluation and inspection.

12 [REDACTED] Probably those duties most pertinent to your discussion
13 here are of the motor carrier operations which has to do with
14 evaluating heavy-vehicle operations, hazardous materials
15 compliance, school bus operation, farm labor operation --
16 vehicles I'm talking about obviously -- and the commercial
17 vehicle program which has to do with what we call the on-highway
18 commercial vehicle or heavy-vehicle inspection and regulation
19 program.

20 In addition to that, making regulations for administrative
21 regulations which have the force and effect of law under the
22 responsibility granted by the Legislature as it relates to
23 the equipment on certain types of vehicles and particularly
24 the heavy-vehicle industry, the loading regulations such as
25 requiring binders for tying down lumber and those types of
26 things, any special vehicle equipment requirement, emergency
27 vehicle operation licensing of ambulances and armored car
28 operations, hazardous material transporters, explosive

23x

1 preventing collisions and is, I presume, costwise for maintenance
2 of the barriers and those kinds of things is why it's been
3 developed.

4 Q Does that barrier come from New Jersey?

5 A It was literally designed in New Jersey.

6 I'm smiling to myself as you are asking about those
7 vehicles being operated in those urban areas. Not if they had
8 any sense, they won't.

9 Q I would assume that goes for all large commercial
10 vehicles?

11 A Yeah, or anybody else for that matter.

12 (Laughter.)

13 MR. VARDA: Q Chief Kynaston, you were asked about a
14 study done by [REDACTED] Do you have a copy
15 of that study so we can read it into the record? I would like
16 to have the proper title in the record. There is apparently
17 more than one Biotechnology study.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 Now, Mr. Hoffman read certain conclusions out of that
22 study to you. And I take it from your prior testimony you do
23 not concur with those conclusions. Is that correct?

24 A That's correct.

25 Q Were you aware of the study before you came here to
26 testify today?

27 A Yes, I was.

28 Q [REDACTED]

24x

[REDACTED]

2 A [REDACTED]

3 MR. DENNIS: When you say your experience, are you
4 referring to this witness's personal experience?

5 MR. VARDA: This witness is here on behalf of the
6 California Highway Patrol. Let me clarify that for the record.

7 Q Chief Kynaston, you are an employee of the California
8 Highway Patrol, are you not?

9 A Yes, I am.

10 Q And are you here as a designated witness on behalf of
11 the California Highway Patrol?

12 A Yes, I am.

13 Q And is -- who is the head of the California Highway
14 Patrol?

15 A Commissioner Glenn Craig.

16 Q And is he aware that you are giving this testimony?

17 A I doubt that he is this minute, but I have been designated
18 his representative in affairs of this type.

19 Q You have testified, Chief Kynaston, that upon receiving
20 the Biotechnology report, you attempted to obtain the further
21 information from the federal government but you were not able
22 to do so. Would you explain how that came about?

23 A I was given a copy, [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 So I asked our analyst, Mr. Robert Bever, again as I

25x

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

----- X
:
CONSOLIDATED FREIGHTWAYS, :
:
PLAINTIFF, :
:
VS. : CIVIL ACTION NO. 81-1230
:
THOMAS D. LARSON, ET AL., :
:
DEFENDANTS. :
:
----- X

WASHINGTON, D. C.

TUESDAY, MARCH 2, 1982

DEPOSITION OF

KENNETH L. PIERSON,

A WITNESS, CALLED FOR EXAMINATION BY COUNSEL FOR PLAINTIFF,
PURSUANT TO NOTICE, AT THE UNITED STATES DEPARTMENT OF
TRANSPORTATION, 400 - 7TH STREET, S.W., ROOM 3401, WASHINGTON,
D.C., BEGINNING AT 10:45 A.M., BEFORE ARLENE F. VAUGHN, A NOTAR
PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA.

FRIEDLI, WOLFF & PASTORE, INC.
1735 EYE STREET, N.W. SUITE #811
WASHINGTON, D.C. 20006

PHONES: 331-1981
331-1982

1 Q WHAT IS YOUR ADDRESS?

2 A MY ADDRESS IS BUREAU OF MOTOR CARRIER SAFETY , FEDERAL
3 HIGHWAY ADMINISTRATION, WASHINGTON, D. C. 20590.

4 Q WHAT IS YOUR OCCUPATION, SIR?

5 A [REDACTED] R

6 [REDACTED]
7 Q WHAT IS THE BUREAU OF MOTOR CARRIER SAFETY?

8 A [REDACTED] IS A REGULATORY

9 [REDACTED]

10 WITH RESPONSIBILITY FOR [REDACTED]

11 [REDACTED]

12 Q HOW LONG HAVE YOU WORKED FOR THE BUREAU OF MOTOR
13 CARRIER SAFETY?

14 A 24 YEARS.

15 Q COULD YOU DESCRIBE BRIEFLY HOW THE BUREAU OF MOTOR
16 CARRIER SAFETY GOES ABOUT CARRYING OUT ITS RESPONSIBILITIES.

17 A FIRST, WE ARE A REGULATORY AGENCY AND WE PROMULGATE
18 RULES AND REGULATIONS PURSUANT TO PUBLIC RULE MAKING. SECONDLY,
19 WE ARE AN INSPECTION AND ENFORCEMENT AGENCY. WE CONDUCT
20 UNANNOUNCED ROADSIDE INSPECTIONS ALONG THE HIGHWAY, AND WE ALSO
21 CONDUCT SAFETY AUDITS AT CARRIERS' PLACES OF BUSINESS TO
22 DETERMINE THEIR COMPLIANCE WITH THE FEDERAL RULES AND REQUIREMENTS.

Q DO YOU KEEP ANY RECORDS OF SAFETY STATISTICS?

A YES, WE DO. [REDACTED]

Q WHAT IS DONE WITH THESE RECORDS THAT THE BUREAU OF MOTOR CARRIER SAFETY COLLECTS?

A THAT INFORMATION IS REDUCED THROUGH AUTOMATIC DATA PROCESSING TO DEVELOP REPORTS AND STATISTICAL TABULATIONS WHICH ARE USED BY THE AGENCY IN MANAGING ITS RESPONSIBILITY.

Q HOW WAS THE BUREAU OF MOTOR CARRIER SAFETY DIVIDED UP WITHIN ITSELF?

A WELL, THE BUREAU AT HEADQUARTERS IS DIVIDED INTO THE OFFICE OF THE DIRECTOR, AND A REGULATIONS DIVISION AND AN OPERATIONS DIVISION. THE DIRECTOR'S OFFICE PROVIDES MANAGEMENT AND OVERSIGHT. THE REGULATIONS DIVISION HANDLES THE RULES AND REGULATIONS AND RESEARCH AND STATISTICAL ANALYSIS. THE OPERATIONS DIVISION PROVIDES FOR THE OPERATIONS MANUALS WHICH GOVERN THE CONDUCT OF THE FIELD STAFF RESPONSIBLE FOR ANALYSIS OF OUR WORK PROGRAM AND RESPONSIBLE FOR SAFETY FITNESS REPORTING TO THE INTERSTATE COMMERCE COMMISSION FOR APPLICANTS FOR OPERATING AUTHORITY.

1 BRIDGE FORMULA.

2 MR. DENNIS: I MOVE TO STRIKE.

3 BY MR. VARDA:

4 Q DO YOU RECALL IN YOUR 1978 TESTIMONY IN THE CASE OF
5 CONSOLIDATED FREIGHTWAYS VERSUS KASSEL MAKING REFERENCE TO A
6 STUDY KNOWN AS THE [REDACTED]

7 A YES, I DO.

8 Q WHAT HAS HAPPENED TO THAT I-U STUDY SINCE THEN?

9 A BASICALLY THE STUDY IS JUST ABOUT COMPLETE. I-U IS
10 A DESIGNATION FOR A PROJECT CONSISTING OF A GREAT NUMBER OF
11 INDIVIDUAL STUDIES. THE GREAT BULK OF THOSE STUDIES ARE NOW
12 COMPLETED.

13 Q WAS THERE ANY ASPECT OF I-U THAT SPECIFICALLY
14 ADDRESSED THE USE OF DOUBLES IN ANY PLACE OR LOCATION?

15 A YES, THERE WAS. [REDACTED]

16 [REDACTED]
17 [REDACTED]

18 Q WHAT PART IF ANY DID YOU PLAY IN THAT PARTICULAR STUDY?

19 A THE BUREAU JOINT FUNDED SOME OF THE STUDIES AND THE
20 BUREAU MONITORED THE STUDIES BECAUSE BASICALLY THE OFFICE OF
21 RESEARCH IS A SERVICE ORGANIZATION FOR THE PROGRAM OFFICES.
22 WE ALSO REVIEWED THE DRAFT REPORT PRIOR TO ITS COMPLETION.

1 Q ARE YOU FAMILIAR WITH THE RESULTS OF THAT STUDY?

2 A YES, I AM.

3 Q [REDACTED]

4 [REDACTED]

5 A [REDACTED]

6 Q TO WHAT DOES THE BUREAU ATTRIBUTE THIS CONFLICT?

7 MR. DENNIS: LET ME OBJECT FOR A SECOND. FIRST OF
8 ALL, I THINK YOU OUGHT TO ESTABLISH THAT THE BUREAU HAS REACHED
9 A CONCLUSION WITH RESPECT TO THE DIFFERENCES AND WHETHER IT HAS
10 ATTRIBUTED IT TO ANY SPECIFIC ITEM.

11 BY MR. VARDA:

12 Q YOU CAN GO AHEAD AND ANSWER THE QUESTION.

13 A [REDACTED] STUDY WERE 130 DEGREES
14 [REDACTED] THE BUREAU AND BY OTHER
15 [REDACTED] IT WAS DETERMINED
16 [REDACTED]
17 THAT THAT STUDY WAS PREDOMINANTLY OVER A SINGLE SEGMENT OF
18 HIGHWAYS BETWEEN NEVADA AND CALIFORNIA WHICH HAD SOME FAIRLY
19 UNIQUE GEOGRAPHY IN THE SENSE THAT IT WAS BASICALLY A LONG,
20 WINDING AND DOWNHILL SECTION OF HIGHWAY.

21 Q DID YOU HAVE AN OPPORTUNITY TO REVIEW THE STUDY PRIOR
22 TO PUBLICATION HERE AT THE BUPEAU?

1 A YES, WE DID.

2 Q WHAT WAS THE BUREAU'S EVALUATION OF THE STUDY?

3 A [REDACTED] THE STUDY WAS ONE, MISLEADING,
4 [REDACTED] THE SENSE THAT IT WAS
5 [REDACTED] CALIFORNIA
6 [REDACTED] TO BELIEVE THAT IT
7 [REDACTED] OPERATIONS

8 WE BELIEVE THAT IT WAS FLAWED BECAUSE IT SIMPLY DID
9 NOT SELECT ENOUGH LOCATIONS AROUND THE COUNTRY WHERE DOUBLES
10 WERE ALLOWED TO MAKE IT REPRESENTATIVE OF WHAT ONE COULD EXPECT
11 TO FIND IF DOUBLES WERE ALLOWED IN A WIDER GEOGRAPHIC AREA.

12 Q DID THE BUREAU MAKE ANY RECOMMENDATIONS AS A RESULT
13 OF ITS EVALUATION OF THE BIOTECHNOLOGY RESULTS?

14 A YES, WE DID. WE RECOMMENDED, FIRST, THAT THE TITLE
15 OF THE STUDY BE CHANGED TO REFLECT ITS NARROW SCOPE. SECONDLY,
16 WE RECOMMENDED THAT IT BE HELD FOR RELEASE ALONG WITH ALL THE
17 OTHER STUDIES THAT WERE GOING ON IN ORDER THAT THE QUESTIONABLE
18 RESULTS NOT BE SEIZED UPON.

19 Q [REDACTED] THESE RESULTS HIGH BE
20 [REDACTED]

21 A [REDACTED] OF THE STUDY BY OTHER
22 [REDACTED] SAMPLES WERE

1 [REDACTED] BUT HIS EXPERIENCE HAS SHOWN
2 [REDACTED]

3 Q WERE THE BUREAU'S RECOMMENDATIONS WITH RESPECT TO
4 THIS REPORT CONSIDERED IN THE EVALUATION PROGRAM?

5 A THEY WERE CONSIDERED, BUT THEY WERE REJECTED BECAUSE
6 THE TITLE WAS NEITHER CHANGED NOR WAS THE RELEASE OF IT HELD
7 UP.

8 Q DO YOU KNOW WHY THEY WERE REJECTED?

9 MR. DENNIS: OBJECTION.

10 MR. HOFFMAN: OBJECTION.

11 MR. DENNIS: ARE YOU ASKING HIM TO TESTIFY TO THE
12 STATE OF MIND OF ANOTHER SPECIFIC PERSON? IF SO, CAN WE HAVE
13 THAT PERSON IDENTIFIED AND STATE THE BASIS FOR THIS WITNESS'
14 TESTIMONY?

15 MR. VARDA: YOU CAN ASK THOSE QUESTIONS ON CROSS-
16 EXAMINATION.

17 MR. DENNIS: I THINK THAT'S A FOUNDATION QUESTION.
18 IT SHOULD BE STATED NOW BEFORE THE WITNESS ANSWERS. I RENEW
19 MY OBJECTION.

20 BY MR. VARDA:

21 Q YOU CAN GO AHEAD AND ANSWER THE QUESTION.

22 A THERE WERE SEVERAL MEETINGS WHICH I ATTENDED WHERE THE

STATEMENT BY ROBERT C. DONOVAN
ASSOCIATE DIRECTOR OF PUBLIC AFFAIRS
OWENS-ILLINOIS, INC.
PARK 80 PLAZA WEST ONE
SADDLE BROOK, NEW JERSEY
BEFORE THE
ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE
IN SUPPORT OF
THE ORIGINAL DRAFT OF S.1138
PERMITTING THE USE OF 60' TRACTOR/TRAILER
COMBINATIONS WITHOUT TRAILER LENGTH RESTRICTIONS

Tuesday, October 5, 1982

Council Chambers

City Hall

Jersey City, New Jersey

Mr. Chairman and members of the New Jersey Assembly Transportation and Communications Committee, my name is Robert C. Donovan. I am Associate Director of Public Affairs for Owens-Illinois, Inc. and we appreciate this opportunity to present our views on S.1138 and to discuss our concerns about the Senate amendments to the original bill which would restrict trailer lengths to 48'.

Owens-Illinois presently operates eight manufacturing facilities in New Jersey located in the following municipalities: Bridgeton, East Brunswick, Edison, Glassboro, Millville, North Bergen, Vineland and Wayne. We also operate six sales offices located in Saddle Brook and Morristown. We presently employ about 3,700 persons with an annual payroll of more than \$76 million. Our facilities purchase goods and services from other suppliers in excess of \$160 million annually. Our 1981 state, county and local taxes including state employee withholding taxes exceeded \$8.5 million.

We urge the committee to amend the present version of S.1138 so as to remove the 48' trailer length restriction while permitting the use of 60' overall tractor/trailer combinations.

The products we manufacture in-state are light and bulky consisting of glass and plastic containers, corrugated boxes, metal and plastic closures, and scientific glassware and ampuls for the pharmaceutical trade. Our shipments seldom if ever approach the weight limitation.

For example -- a 53' trailer, the largest possible in a 60' configuration, would carry less than 8,000 lbs. of plastic beverage containers, 20,000 lbs. of corrugated boxes, or a maximum of 35,000 lbs. of glass containers.

The total weight in any case would be substantially below the allowable limit.

Our New Jersey production facilities are forced to compete with our own and competitive manufacturing plants located in Pennsylvania, and the other 32 states which presently permit the use of 60' tractor/trailer combinations without trailer length restrictions.

Permit me to emphasize a most important point. We are shippers -- not truckers. While our ability to compete with products manufactured in other states depends upon a number of factors -- trailer length is an important one.

Presently our New Jersey facilities ship 154 pallets in seven trailer loads while our facilities in Pennsylvania and the other 32 60' states can ship 156 pallet loads in six trucks.

We have calculated savings exceeding \$600,000 per year in New Jersey if S.1138 were enacted in its original form.

I have attached a diagram which demonstrates our vital interest in this issue. Presently our glass and plastic container plants throughout the nation utilize pallets measuring 48"x40". A 45' trailer holds 22 pallets as does a 48' trailer. However, it is necessary that we bulkhead the 42" void that remains in a 48' trailer. It is unusable. A 50' trailer will hold 24 pallets while a 53' trailer will hold 26 pallets.

Therefore, by permitting the use of 60' combinations without trailer length restrictions, Owens-Illinois and the other New Jersey glass and plastic container manufacturers and corrugated box plants could increase by 18.2% the volume of these products presently shipped

in compliance with state laws. New Jersey truck traffic transporting these materials into and out of the state could be reduced by this percentage -- six trucks for each seven utilized today.

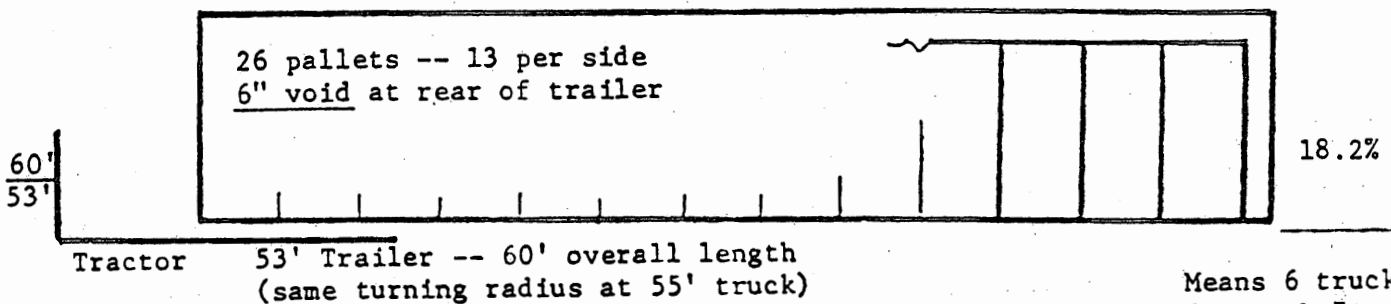
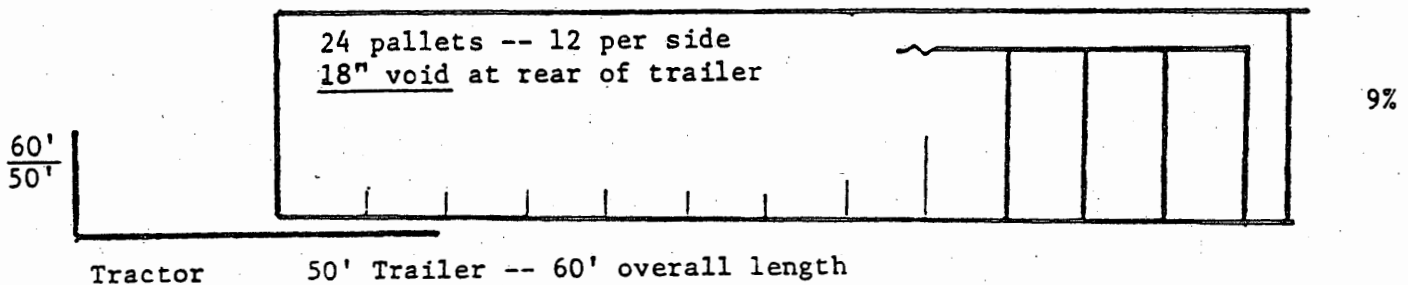
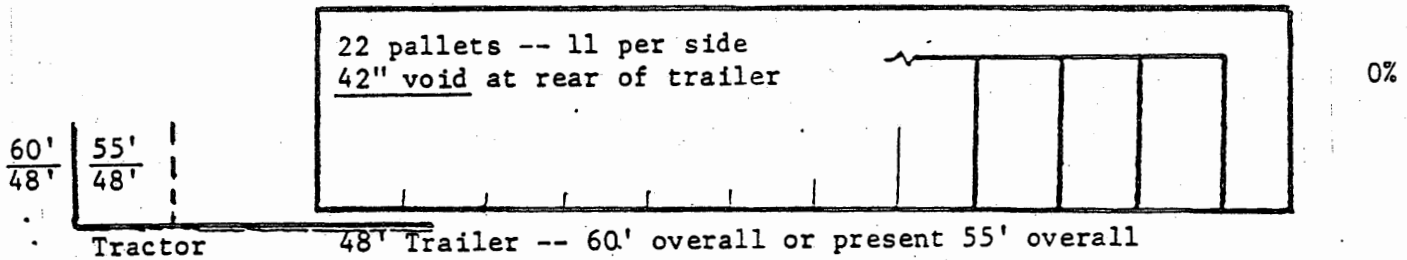
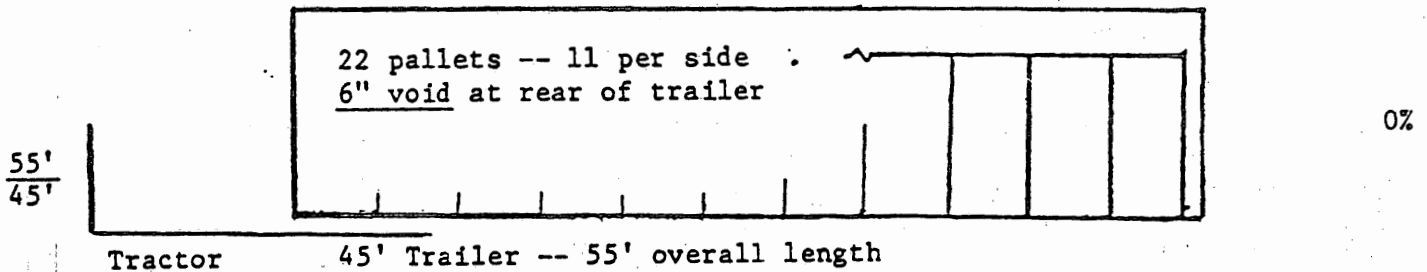
We would hope however that by removing this competitive inequity it would offer these industries the opportunity to increase their production in state and in the process create additional job opportunities.

Finally, our accident reports indicate the longer trailers neither contribute to an increased accident frequency nor to an intensified accident severity.

We respectfully urge the members of the committee to amend S.1138 so as to remove trailer length restrictions and permit the use of 60' overall length tractor/trailer combinations.

CAPACITY
INCREASE

48" x 40" PALLET -- GLASS



Means 6 trucks
for each 7 we
ship.

October 5, 1982 - 10:00 A.M.

City Hall - Jersey City, New Jersey

HEARING ON S.1138 BEFORE NEW JERSEY ASSEMBLY TRANSPORTATION
AND COMMUNICATIONS COMMITTEE

My name is Douglas W. McGiveron and I am the Executive Vice President and General Manager of the National Automobile Transporters Association, a non-profit Michigan corporation, located in Southfield, Michigan. I am here to testify in support of Senate 1138 and particularly the auto transporter sixty-five (65) foot provision.

The automobile transporter industry presently operates sixty-five (65) foot equipment in thirty-five (35) states, with New York being the most recent state. Our members transport primarily new automobiles from production plants, railheads and seaports. Over ninety-five percent (95%) of all automobiles transported on our highways are handled by N.A.T.A. members. On a ton-mile basis we handle fifty percent (50%) of all automobiles moved in the United States with rail handling the balance. This type legislation, when passed in the other thirty-five (35) states, has not disturbed this balance to the best of our knowledge. N.A.T.A. serves as one of the thirteen (13) conferences of the American Trucking Associations, Inc., and therefore is affiliated with ATA and the New Jersey Motor Truck Association.

The sixty-five (65) foot automobile transporter unit provides for a maximum load factor which thus increases productivity while at the same time assists in keeping down costs. Also, the value of this type of equipment definitely relates to considerable fuel savings as less units are required to haul existing traffic. Standard fifty-five (55) foot tractor/semi-trailer units normally carry six or seven (6-7) full size cars and seven to nine (7-9) smaller cars compared to the sixty-five (65) foot unit which can carry up to eleven (11) small cars

and eight (8) full size vehicles. With the use of sixty-five (65) foot automobile transporter units, our productivity can be increased by approximately eighteen percent (18%), depending upon the product being transported, thus assisting us in attempting to hold down the inflationary spiral.

The overall safety record of the automobile transporter companies is better than that of the general freight haulers. I have listed figures taken from the National Safety Council Reports of accident involvement per million miles of both the automobile transporter industry and the general freight industry for your review.

ACCIDENTS PER MILLION MILES

	<u>1981</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>	<u>1975</u>	<u>1974</u>	<u>1973</u>	<u>1972</u>	<u>1971</u>
(1)	4.26	4.57	5.77	6.95	6.43	5.12	5.69	6.59	6.98	6.96	7.08
(2)	5.85	5.91	7.28	7.74	7.23	6.72	7.10	7.41	8.03	8.38	8.53
(1)	---Automobile Transporters						(2)	---Freight Common Carrier			

These figures cover all miles both city and highway.

The National Automobile Transporters Association is the only conference of the American Trucking Associations, Inc., that employs a full time Safety Director. N.A.T.A. stresses safety and provides its member companies with information and material promoting safety on the highways. Seminars and other types of meetings are held periodically where the latest ideas in safety are presented to the members. N.A.T.A. has a road patrol program with seventy-seven (77) observers nationwide. These observers write reports on any auto transporter units sighted and send them to the N.A.T.A. office for recording and forwarding to the proper parties. The industry also provides a self policing effort through N.A.T.A., whereby road checks are held at various locations throughout the United States and all auto transporter

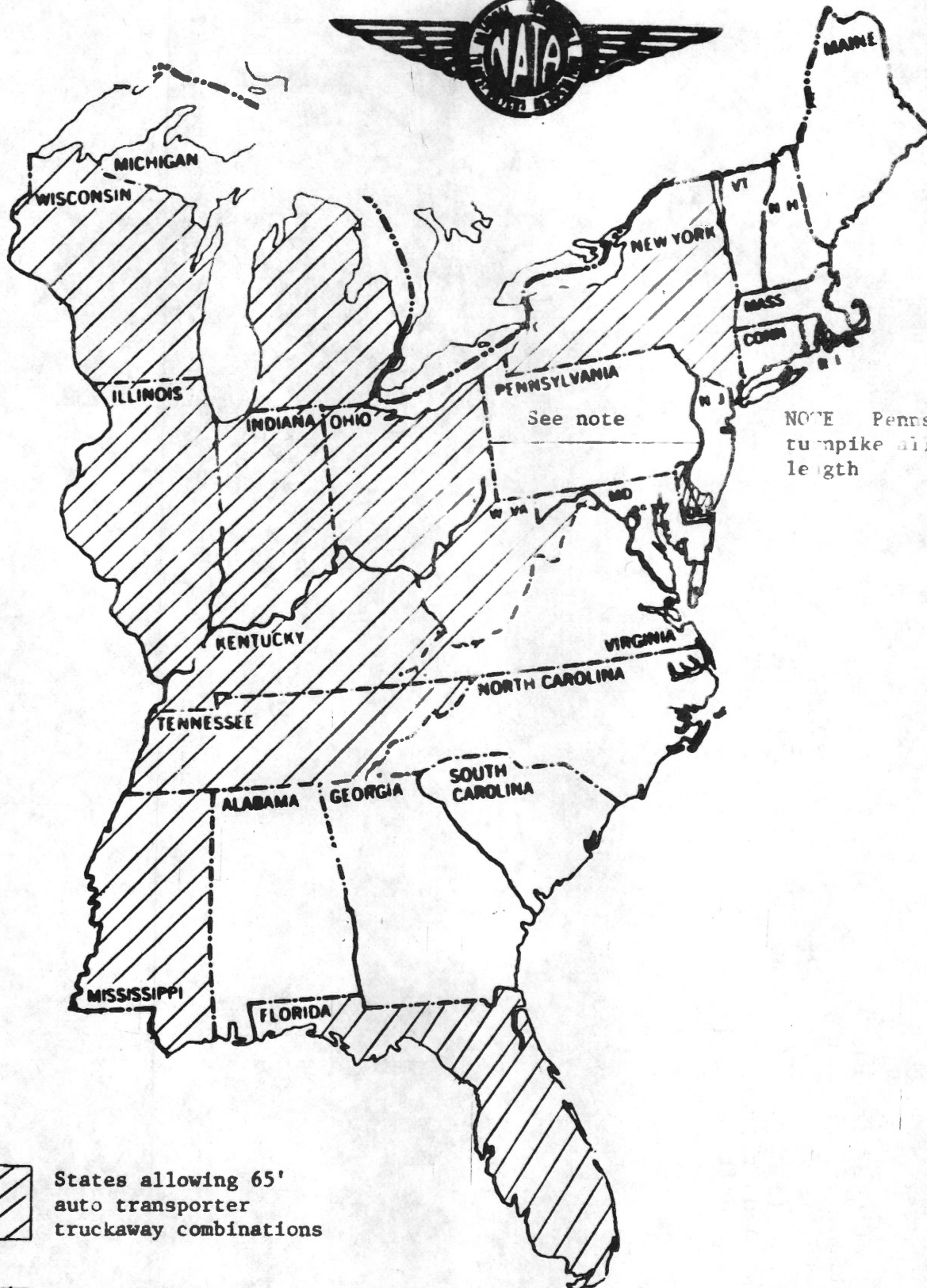
units passing the check site are inspected for driver compliance and for any equipment defects. This program results in eight hundred (800) to fifteen hundred (1,500) units being inspected on the highway yearly. The inspection conducted is the same as would be provided by the Federal Department of Transportation inspectors or state inspectors. Reports on the findings of these inspections are forwarded to the Presidents of the companies whose vehicles were checked for their appropriate follow-up.

The National Automobile Transporters Association strongly supports Senate 1138. Our carriers' experience has shown the sixty-five (65) foot automobile transporter combinations can operate more efficiently by providing additional loading area for its cargo. This increase in productivity assists the carriers in holding down the inflationary spiral while not jeopardizing safe operations.

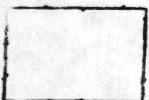
Thank you very much.....

Douglas W. McGiveron
N.A.T.A. Executive Vice President
and General Manager

NATIONAL AUTOMOBILE TRANSPORTERS ASSOCIATION



States allowing 65'
auto transporter
truckaway combinations



States NOT allowing
65' auto transporter
truckaway combinations

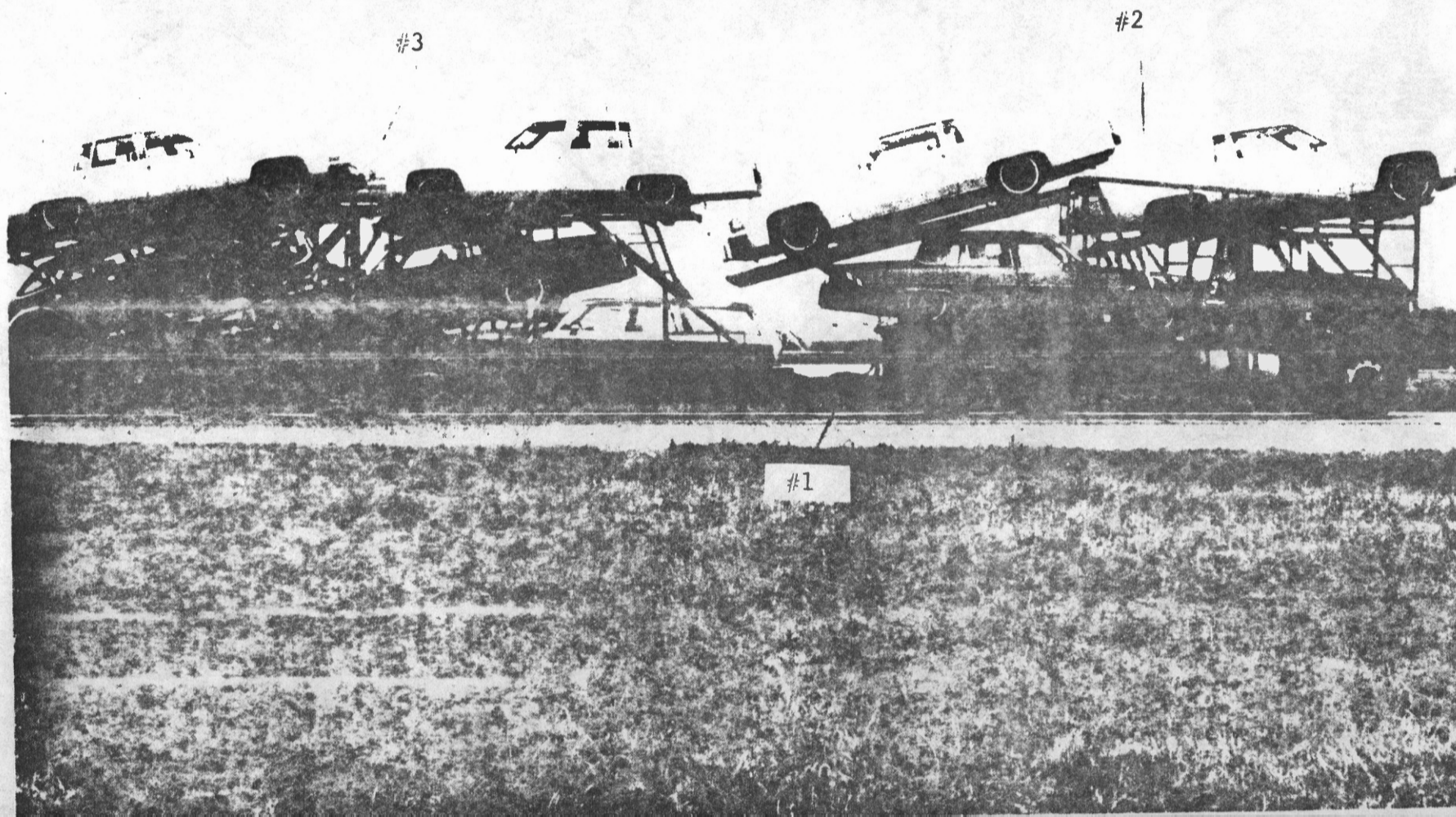
65' foot stinger steered
combination...8 car unit
large cars

#1--5th wheel

#2--3 Cargo unit truck

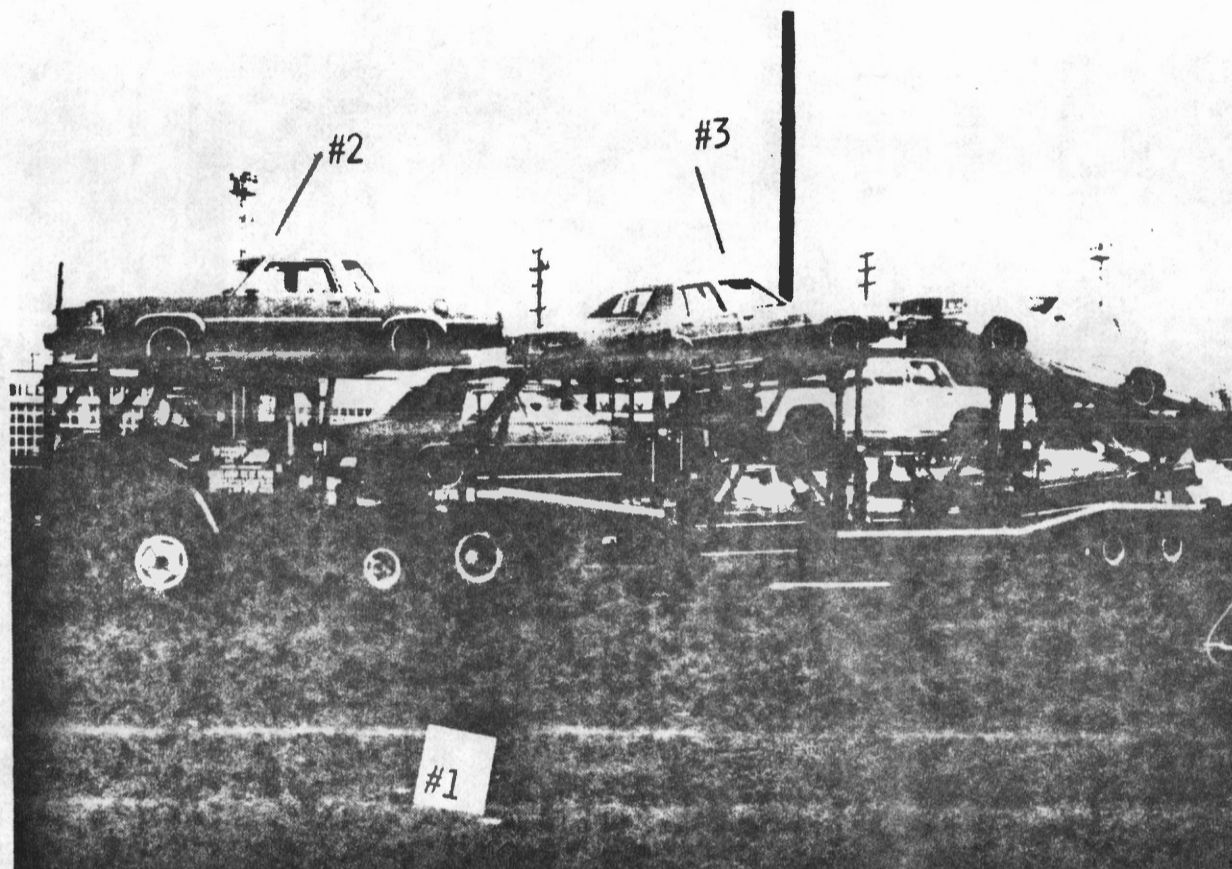
#3--5 Cargo unit semi trlr.

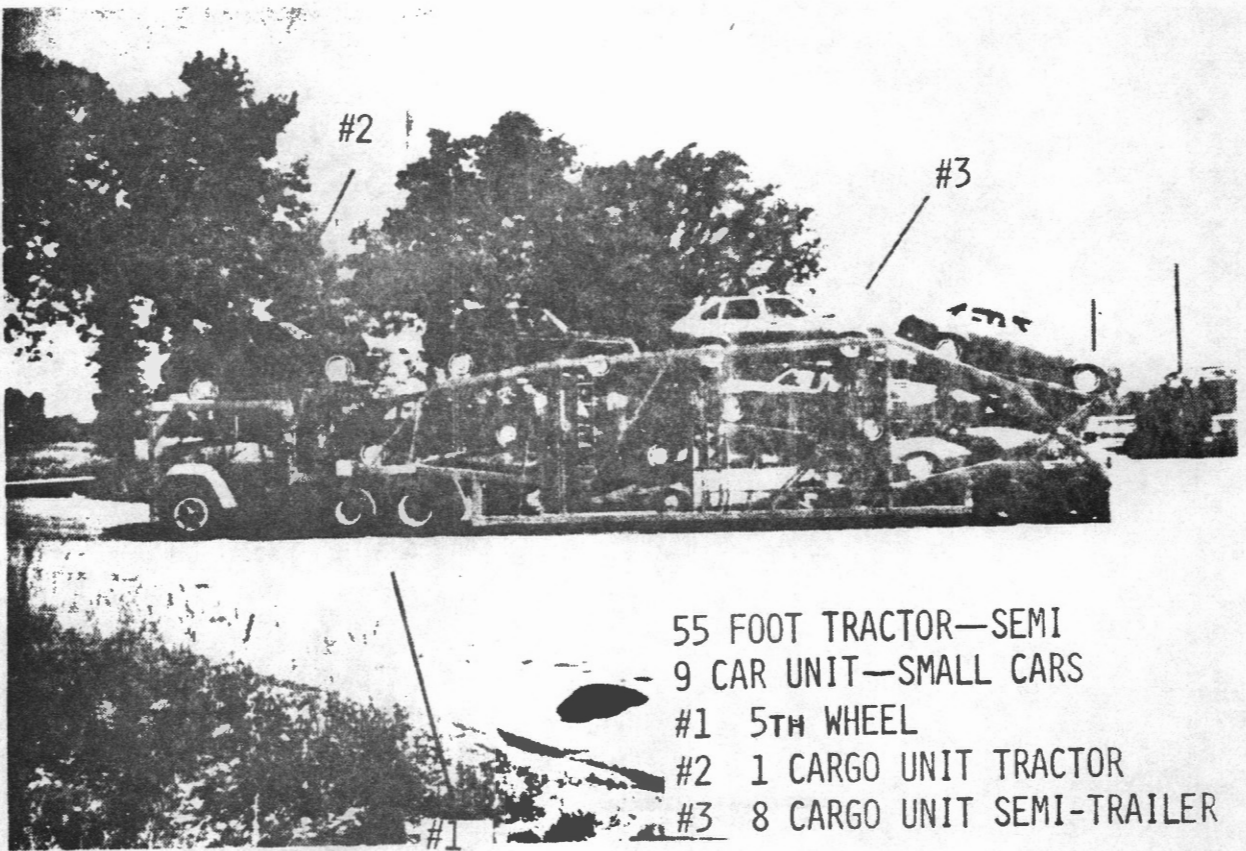
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55 FOOT TRACTOR—SEMI
7 CAR UNIT—LARGE CARS
#1 5TH WHEEL
#2 1 CARGO UNIT TRACTOR
#3 6 CARGO UNIT SEMI-TRACTOR

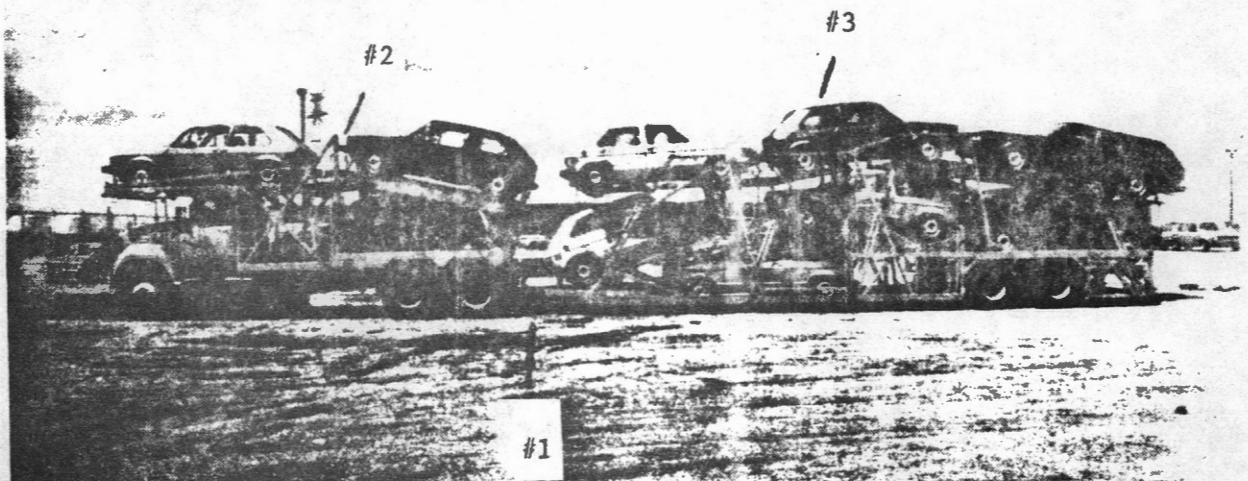
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65' foot Stinger steered
combination...10 car unit
small cars

#1--5th wheel
#2--3 Cargo unit truck
#3--7 Cargo unit trailer



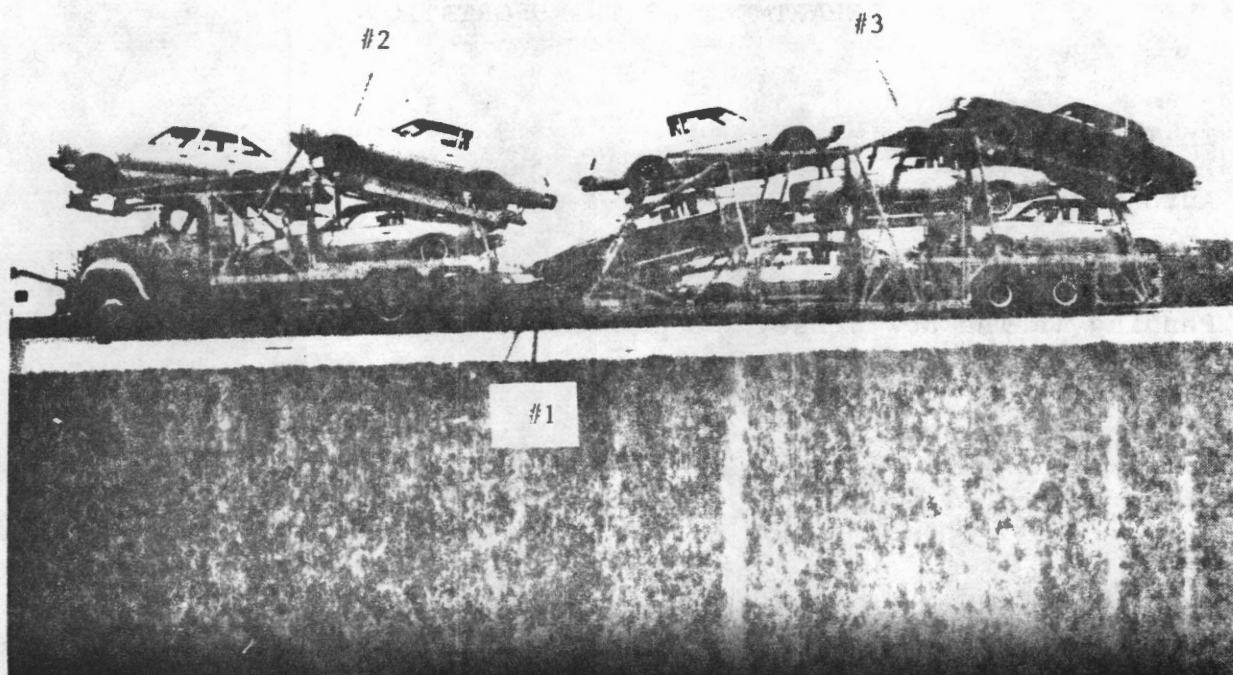
65' foot stinger-steered
combination...11 car unit
small cars

#1--5th wheel
#2--4 Cargo unit truck
#3--7 Cargo unit trailer



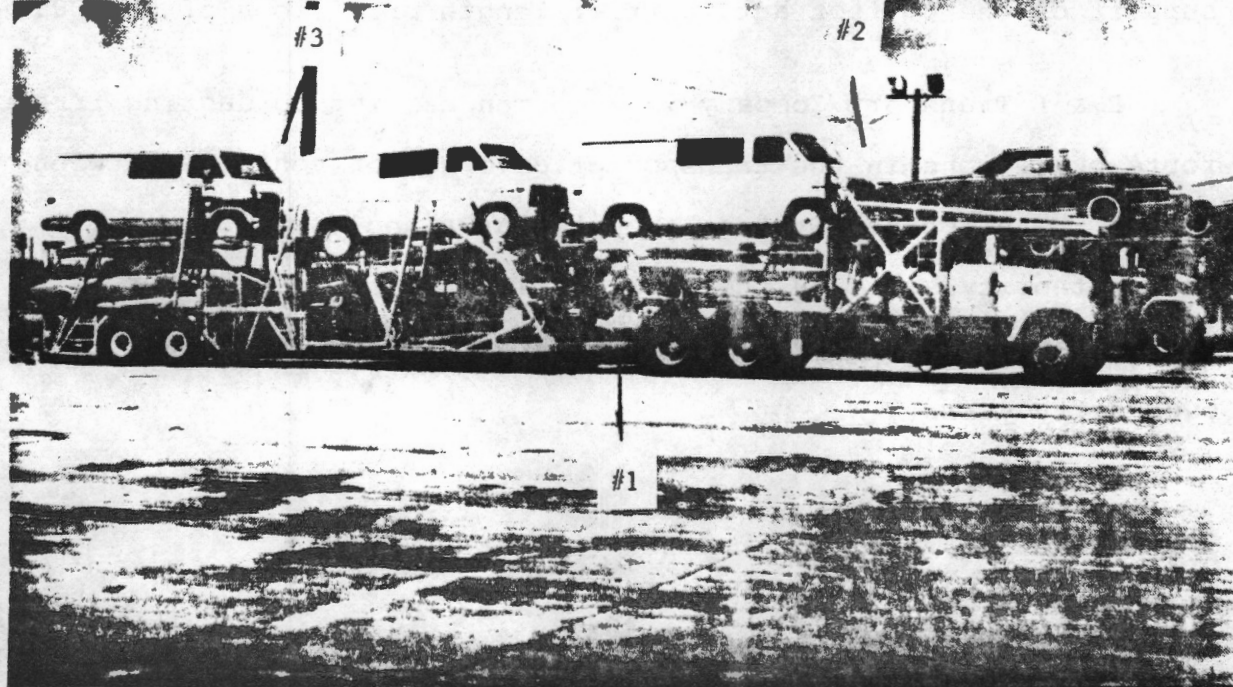
65' foot stinger-steered
combination...9 car unit
mid-size vehicles

#1--5th wheel
#2--3 Cargo unit truck
#3--6 Cargo unit trailer



65' foot stinger steered
combination...7 car unit
Mix-commercial & passenger

#1--5th wheel
#2--3 Cargo unit truck
#3--4 Cargo unit trailer



BEFORE THE
STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION

In The Matter Of:
Auto Carrier Length
Provisions Of S-1138,
Pending In The New Jersey
Legislature

Testimony

Anthony C. LaBue
E & L TRANSPORT COMPANY
21000 Hayden Drive
Woodhaven, Michigan 48183

My name is Anthony C. LaBue, and I am Vice President, Marketing and Planning. I am familiar with the day-to-day operations, and I am authorized by my company to submit this testimony in support of the 65 foot auto carrier length provisions of S-1138.

E & L Transport Company is a common carrier conducting irregular route operations in the transportation of motor vehicles between points in the United States, except Alaska and Hawaii. We also hold authority issued by the Ontario Highway Transport Board. E & L Transport Company has been in the transportation business for over fifty years.

E & L Transport Company has supported the activities of the National Automobile Transporters Association and other organizations to promote uniform nationwide size and weight legislation.

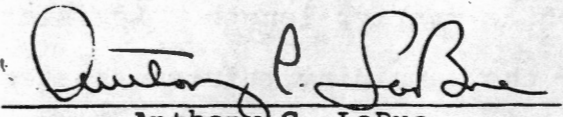
Of the forty-eight Continental States and the District Of Columbia, thirty-five states allow 65 foot stinger-steered automobile carrier length. Legislation is pending in the legislatures of the remaining thirteen states and the District Of Columbia.

In the New Jersey area, Delaware allows 65 foot and New York has recently passed provisions to allow 65 foot auto carriers. Additionally, Pennsylvania allows 65 foot equipment on the Pennsylvania Turnpike. Passage of the auto carrier length provisions of S-1138 would allow E & L Transport Company to operate 65 foot stinger-steered automobile transport equipment to, from or through the state of New Jersey.

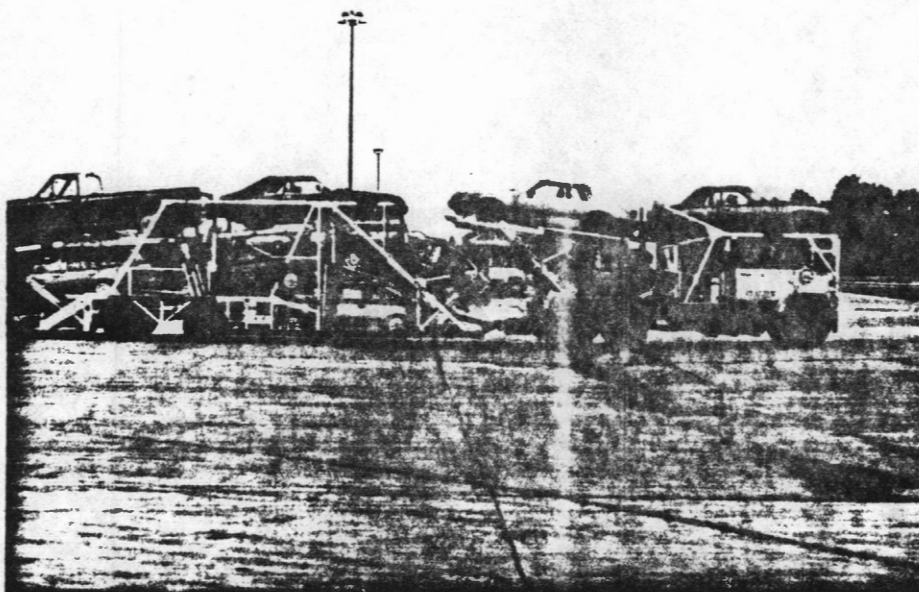
To clarify, a stinger-steered automobile transporter is identified as a vehicle equipped with a fifth wheel located behind the rear axle of the tractor combination. Attached hereto are Exhibits I and II. Exhibit I is a 65 foot stinger-steered combination and Exhibit II is a 55 foot conventional tractor-trailer combination. Because of the center-articulation of the 65 foot unit, this combination increases maneuverability, hence, safety. Our capacity is increased by ten to twenty percent.

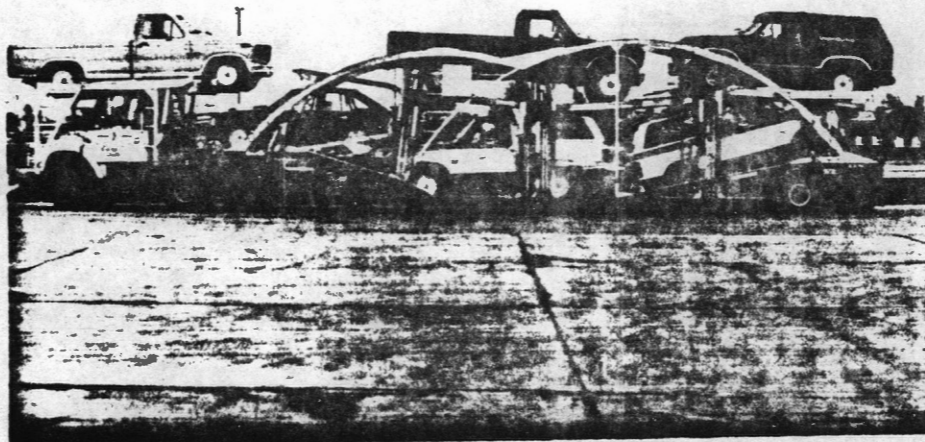
E & L Transport Company respectfully requests a favorable response to allow 65 foot automobile carriers to operate in the state of New Jersey.

Thank you for your consideration.

Signed: 
Anthony C. LaBue

Attachments: Exhibit I
Exhibit II





STATEMENT OF
RICHARD D. ECKBURG
TO THE
ASSEMBLY TRANSPORTATION COMMITTEE

October 5, 1982

Mr. Chairman, and Members of the Committee, my name is Richard D. Eckburg, I am a Vice President of United Parcel Service, headquartered in Greenwich, Connecticut. I have served United Parcel Service for over 28 years in various operating capacities and am currently responsible for government relations at state and federal levels. UPS submits this statement to furnish the Committee with information on the advantages to New Jersey and the Trucking Industry by using twin-trailer combinations of 65 feet in length.

I'm sure the Committee is aware of the fact that we are definitely a New Jersey company. We have over 3200 employees living in the State. Each day we pick up parcels from over 16,000 New Jersey shippers. We have 16 buildings and operate over 2300 vehicles, most of which are the small delivery vans. Our daily delivery volume of packages exceeds 270,000 packages. Annual taxes paid to the State of New Jersey exceed 2.5 million \$.

United Parcel Service has been operating twin trailer combinations, where permitted, for over twenty years. Presently 37 states allow the operation of 65 foot twin trailers. We have found these units to be safe, efficient and much more maneuverable than long single trailers.

Twin trailer combinations increase vehicle productivity by about 30%, which enables costs to be controlled to the advantage of the consuming public.

This legislation does not increase truck weight at all. It does increase truck length but this is a help because it spreads the same weight over more axles, thereby reducing the per axle weight on the highway.

The efficiency and productivity gained through twin trailer combinations reduces the total number of trucks on the highways. Any reduction in total vehicle traffic creates a safer driving atmosphere.

However, the most important thing about twin trailers is that they are safe. You may hear a lot of emotional rhetoric about safe but the facts gathered over the years prove that twin combinations are safe. Even the Supreme Court of the United States ruled, after great study, that twin trailer combinations are as safe as, if not safer than, single trailer units.

We know they are safer because we have operated them for a number of years. We also know the other advantages, including fuel savings.

For over 40 years, UPS has been in the forefront of efforts to achieve fuel conservation. We have used every means available at the time to save fuel. They include efforts such as using lighter weight materials in vehicle construction; improving route efficiency using radial tires; effective preventive maintenance; vehicle design improvements and even electric truck experiments. Good driving techniques and strict adherence to the 55 mph speed limit are also part of the UPS program to save fuel. In a 1977 test, conducted

with UPS vehicles in conjunction with the Federal Department of Transportation under field conditions, the 55 mph speed limit provided a 32% fuel savings over vehicles of the same weight operating at 65 mph.

We are charter members of the National Voluntary Truck and Bus Fuel Economy Program. The Voluntary Program is a cooperative venture involving the motor carrier industry, trade associations, vehicle manufacturers and suppliers, labor organizations and the U. S. Department of Transportation and Department of Energy. The trucking industry, using a number of fuel-saving options, conserved almost five billion gallons of fuel from 1973 to 1979, according to the U.S. DOT. The fuel saved by the voluntary efforts was enough to heat the homes of more than 1.8 million American families for one year. Incidentally, the State of New Jersey Energy Office is a member of the Voluntary Fuel Economy Program.

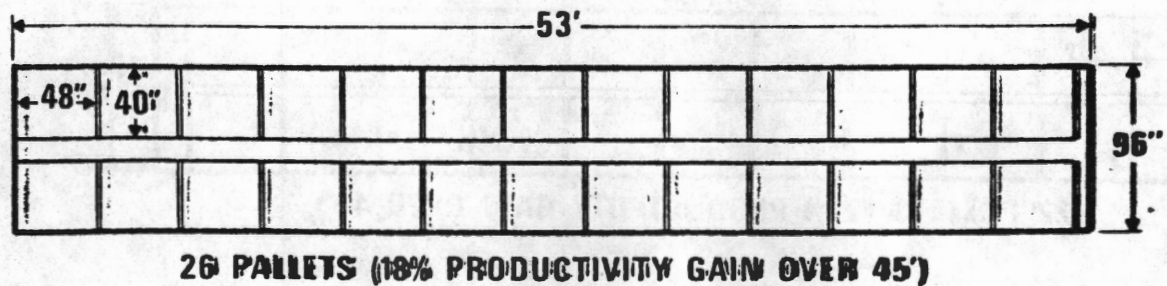
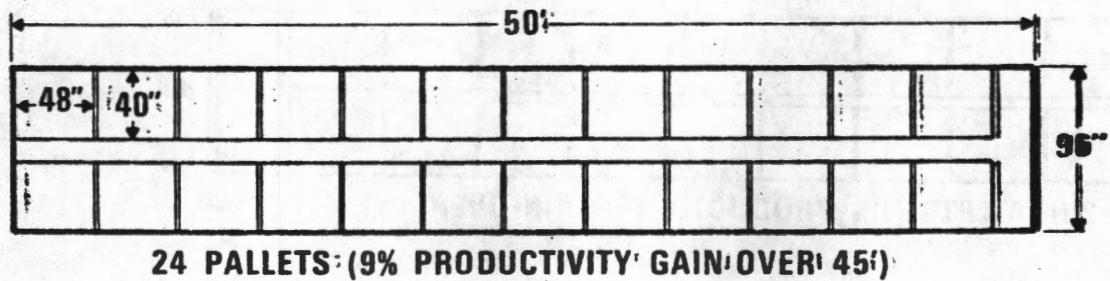
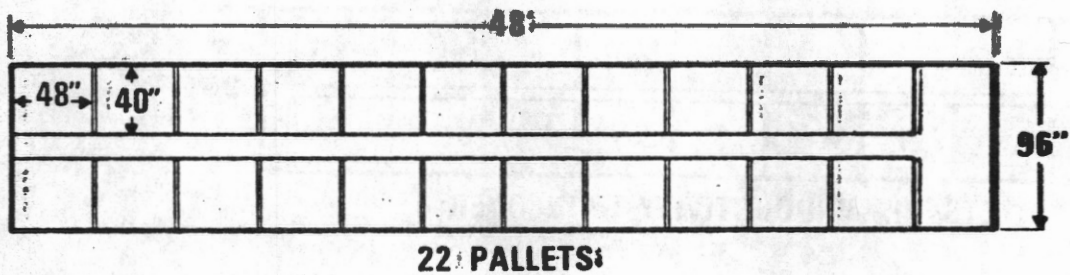
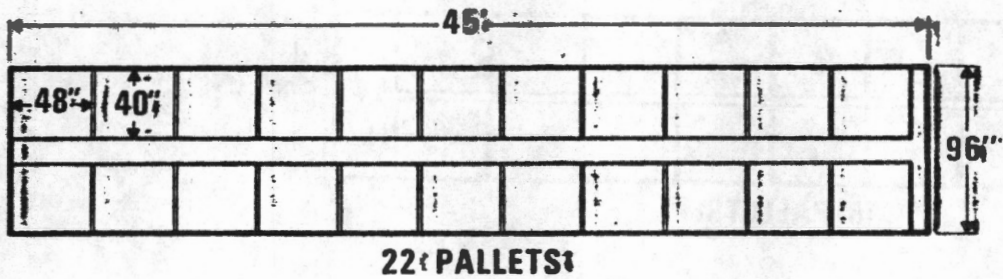
The problem facing the industry today is that we have reduced excessive fuel use to the maximum extent possible with today's technology. Now we must look to the various state legislatures to pass 65' twin-trailer bills and other legislation to further reduce our dependence on imported oil.

We were fortunate in the prior fuel crunches to obtain sufficient fuel to continue serving all points in New Jersey and throughout the United States. We constantly fear another foreign oil embargo might hamper our ability to continue our service to all points. We believe everything possible must be done to insure the movement of goods to preserve our economy.

United Parcel Service operates approximately 444 million miles per year in our tractor-trailer operations. We operate many twin trailer combinations in those states where they are permitted. Our experience is that twin trailer combinations are safer to operate than single unit tractor trailers. We have not computed the amount of fuel we have saved over the years from our twin trailer operations, but our engineers have estimated that if we were permitted to operate twins in those states where they are presently prohibited, we would save approximately 6.2 million gallons of fuel annually. This is a substantial amount of fuel saving for just one company.

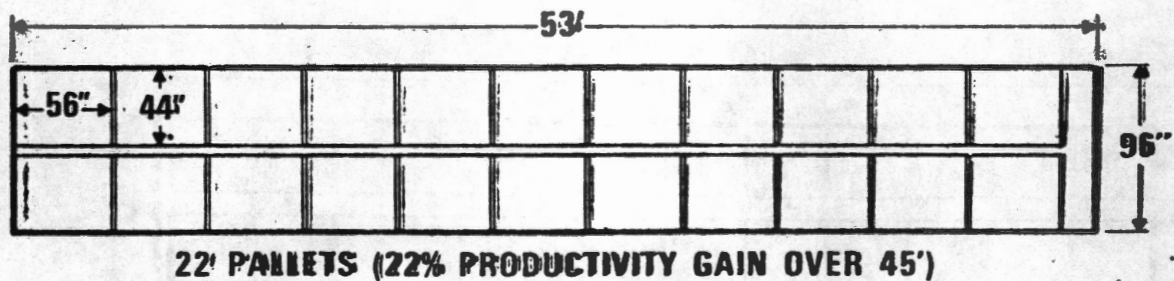
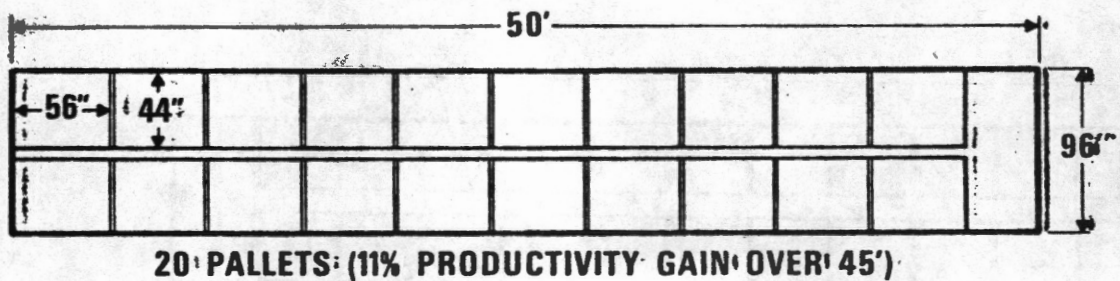
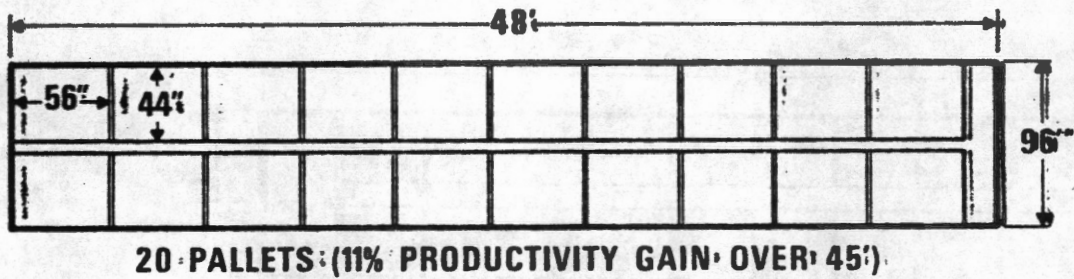
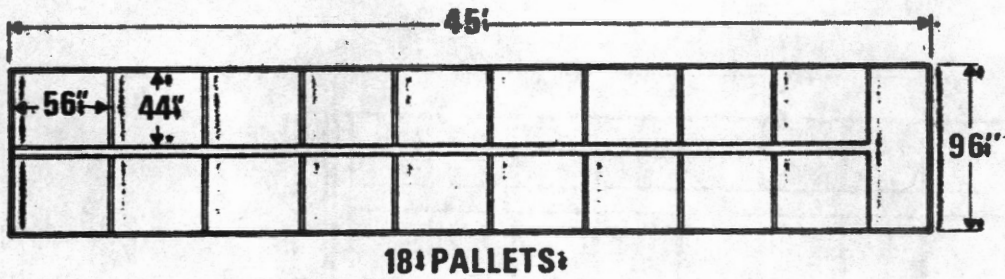
We are grateful to the Chairman and Committee for this chance to present our views and we urge the enactment of S-1138.

UNIT LOAD PRODUCTIVITY GAINS **40" x 48" PALLET**



UNIT LOAD PRODUCTIVITY GAINS

44" x 56" PALLET



THANK YOU FOR GIVING ME THE OPPORTUNITY TO EXPLAIN MY LEGISLATION.

THIS IS A MEASURE WHICH WILL PERMIT THE USE OF ~~BIFURCATED BUSES~~ ~~AND~~ DOUBLE TRAILERS ON NEW JERSEY HIGHWAYS...AND ALLOW THEIR LENGTH TO INCREASE BY FIVE FEET OVER THE EXISTING MAXIMUM LENGTH FOR TRAILER TRUCKS IN NEW JERSEY.

THERE ARE SOME OBJECTIONS TO THIS PROPOSAL. BUT, OVERALL, I AM CONVINCED THAT THE BENEFITS TO NEW JERSEY AND TO OUR ECONOMY WILL OUTWEIGH THOSE OBJECTIONS.

MORE IMPORTANTLY, THE STATE'S ABILITY TO REGULATE AND CONTROL THE USE OF THESE VEHICLES WILL BE ENHANCED...A FACT I BELIEVE WILL LEAD TO GREATER SAFETY ON OUR HIGHWAYS.

FIRST LET ME EXPLAIN AS SIMPLY AS POSSIBLE WHAT MY BILL WILL DO:

--IT WILL INCREASE ~~FROM 50 TO 65 FEET~~ THE PERMISSIBLE MAXIMUM LENGTH OF ~~BIFURCATED BUSES AND~~ DOUBLE-TRAILERS IN NEW JERSEY. ~~ONLY THE LENGTH OF THESE DOUBLE VEHICLES WILL BE INCREASED.~~

--THE MAXIMUM LENGTH OF SINGLE TRAILER TRUCKS WILL ~~REMAIN THE SAME~~ *INCREASE TO* 60 FEET, 48 FEET FOR THE TRAILER AND 12 FEET FOR THE MOTOR CAB.

--BUT, THE MOST IMPORTANT FEATURE OF MY LEGISLATION, AS FAR AS I AM CONCERNED, IS THE INCREASED REGULATORY POWER THE STATE DEPARTMENT OF TRANSPORTATION WILL GAIN OVER THE USE OF THESE DOUBLE TRUCKS ~~AND BUSES~~. THESE VEHICLES WILL NOT BE PERMITTED TO TRAVEL INDISCRIMINATELY OR UNCONTROLLED OVER THE SMALL STREETS AND BACK ROADS OF NEW JERSEY.

(a) THEY WILL BE RESTRICTED TO THE HIGHWAYS THE D.O.T. DEEMS SAFE AND ADEQUATE TO HANDLE THEM...NO DOUBT THE INTERSTATES AND MAJOR THOROUGHFARES IN OUR STATE.

(b) THEIR HOURS OF USE ALSO MAY BE RESTRICTED, LIMITING RUSH-HOUR ACCESS TO OUR HIGHWAYS. I AGREE THAT NEW JERSEY'S ROADWAYS ARE ALREADY CONGESTED AND IT DOESN'T MAKE SENSE TO ADD THESE DOUBLE TRAILERS TO OUR RUSH-HOUR CRUSH.

--THE BILL ALSO PROVIDES LEGISLATIVE OVERSIGHT, REQUIRING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE STATE SENATE AND ASSEMBLY TRANSPORTATION COMMITTEES AS TO POTENTIAL SAFETY HAZARDS CREATED BY ALLOWING THE OPERATION OF THESE DOUBLE VEHICLES ON OUR ROADS. WE WILL

HAVE THE ABILITY TO OVERSEE IMPLEMENTATION OF THIS NEW LAW AND TO ADJUST THIS LEGISLATION SHOULD IT PROVE NECESSARY.

I BELIEVE THERE ALSO ARE ADDITIONAL BENEFITS TO OFFSET THE CRITICISM OF THIS LEGISLATION:

1. IT WILL BRING ^{ONE OF THE} OUR LAWS INTO CONFORMITY WITH THE LAWS OF OTHER STATES. NEW JERSEY IS ~~THE~~ ONLY STATE IN THE CHICAGO-NEW YORK AND FLORIDA-NEW YORK CORRIDORS WHICH PROHIBITS DOUBLE TRAILERS.

2. THE USE OF DOUBLE TRAILERS ~~AND DISPERSED BOSS~~ WILL REDUCE FUEL CONSUMPTION....AND PERHAPS WITH IT THE COSTS OF LONG DISTANCE HAULING.

3. AND, DESPITE THE FEARS OF SOME DRIVERS, I BELIEVE THERE ARE INCREASED SAFETY FACTORS INVOLVED IN PERMITTING THE DOUBLE TRAILERS:

(a) THE DOUBLE TRAILERS ARE SAFER CORNERING BECAUSE THEY HAVE A SHORTER TURNING RADIUS THAN THE SINGLE-TRAILER TRUCKS.

(b) THE DOUBLE TRAILERS HAVE BETTER "TRACKING," (THEY HOLD THE ROAD BETTER) BECAUSE THERE ARE MORE WHEELS ON THE ROADWAY, AND THE WEIGHT IS DISTRIBUTED MORE EFFICIENTLY.

OPPOSITION TO THIS LEGISLATION HAS GENERALLY FALLEN INTO TWO CATERGORIES:

--THE FEARS OF MOTORISTS AND THE DANGERS TO CAR DRIVERS, ESPECIALLY COMPACT CAR DRIVERS, WILL BE INCREASED.

--THE ADDED WEIGHT OF LONGER TRUCKS WILL SPEED THE DETERIORATION OF OUR STATE'S BRIDGES AND HIGHWAYS.

THE FIRST OBJECTION--THE FEAR QUOTIENT--IS MORE DIFFICULT TO ADDRESS, BECAUSE IT IS IMPOSSIBLE TO QUANTIFY.

I CAN UNDERSTAND THE FEARS OF A COMPACT CAR DRIVER AS HE OR SHE ATTEMPTS TO PASS A TRAILER TRUCK OR SEES A TRAILER TRUCK BEAR DOWN UPON THEM ON THE HIGHWAY. BUT, I FAIL TO SEE HOW INCREASING THE LENGTH OF DOUBLE TRAILERS BY 5 FEET...OR REDUCING TRUCK LENGTHS BY 5 FEET FOR THAT MATTER...WILL HAVE ANY SIGNIFICANT IMPACT ON INCREASING OR ALLEVIATING THE FEARS OF THESE SMALL CAR DRIVERS.

THE SECOND OBJECTION--THAT ^{THE LONGER TRUCKS} ~~ADDED WEIGHT~~ WILL HASTEN THE DETERIORATION OF OUR ROADS--IS NOT SUSTAINED BY THE FACTS.

I CANNOT ARGUE AGAINST THE FACT THAT OUR STATE'S ROADS AND BRIDGES ARE IN POOR SHAPER AND ARE DETERIORATING AT A RAPID PACE, BUT DOUBLE-

TRAILERS SHOULD NOT BE VIEWED AS A CONTRIBUTING FACTOR.

FIRST, AS I NOTED BEFORE, THE WEIGHT ON DOUBLE TRAILERS WILL BE DISTRIBUTED MORE EFFICIENTLY. THE PERMISSIBLE POUNDS PER AXLE WILL NOT BE INCREASED.

SECOND, THE DOUBLE TRAILERS TRACK AND CORNER BETTER, REDUCING THE WEAR AND TEAR ON ROADS.

AND, WITH DOUBLE TRAILERS ALLOWED, THERE ARE LIKELY TO BE FEWER COMMERCIAL TRUCKS ON THE ROADWAYS.

AGAIN I ALSO POINT TO THE D.O.T.'S ABILITY TO RESTRICT THE USE OF THESE DOUBLE TRAILERS TO THE ROUTES THE DEPARTMENT DEEMS BEST ABLE TO ACCOMMODATE THEM.

FINALLY, LET ME MAKE THESE TWO POINTS ABOUT MY LEGISLATION:

1. LAST YEAR IN NEW JERSEY, OVER 1,700 TRUCKERS WERE FINED FOR EXCEEDING THE LEGAL TRAILER LENGTH. IT'S CLEAR TO ME FROM THAT FIGURE THAT A LOT OF TRUCKERS HAVE BEEN IGNORING OUR LAWS, ANYWAY.

2. THIS BILL PASSED THE STATE SENATE IN MAY ~~WITHOUT A DISSENTING~~
vote 151 to 3 by a vote of 31 to 3.

WHEN ALL THE EVIDENCE IS WEIGHED....AND ALL THE PROS AND CONS ARE CONSIDERED...I AM CONVINCED THAT GIVING 5 FEET IN LENGTH FOR THESE DOUBLE VEHICLES, WHILE WINNING THE IMPORTANT REGULATORY CAPABILITY BY THE D.O.T. TO DECIDE WHEN AND WHERE THESE TRUCKS WILL ROLL IN NEW JERSEY IS A BENEFICIAL TRADE-OFF FOR OUR STATE...FOR OUR ECONOMY... AND FOR THE EVERYDAY MOTORISTS IN NEW JERSEY.

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