



**Pennsylvania Motor Carrier Safety Advisory Committee
Annual Report 2022**

June 5, 2023

Dear Governor Shapiro, Secretary Carroll, and Members of the Pennsylvania General Assembly,

On behalf of the Pennsylvania Motor Carrier Safety Advisory Committee (MCSAC), we are pleased to present to you our 2022 Annual Report highlighting the key events of the previous year and our recommendations for 2023 in accordance with Act 90 of 2022.

We thank you for your ongoing commitment to MCSAC and support of its work to promote the safe operation of motor carriers in our Commonwealth.

Respectfully submitted,

Ted Leonard

Ted Leonard
Vice Chair, Pennsylvania Motor Carrier Safety Advisory Committee

Introduction

The Motor Carrier Safety Advisory Committee (MCSAC) was established in 2001 by Act 21 of the State Legislature. Updates were made by Act 90 and passed on July 11, 2022. Changes included the following:

- Redefining “motor carrier safety” as the safe movement of an individual or goods on highways that are transported by commercial motor vehicles¹.
- Increasing the number of members and modernizing the powers and duties of MCSAC.
- Requiring PennDOT to establish a system of staggered apportioned registration renewals.
- Requiring PennDOT to obtain driving record information through the Federal Drug and Alcohol Clearinghouse before renewing, upgrading, or transferring a CDL.
- Requiring reasonable efforts to remove snow and ice before operating a motor vehicle or motor carrier vehicle on a roadway.

According to Act 90, MCSAC “shall have the power and duty to assess, evaluate and recommend standards for the safe operation of motor carriers in this Commonwealth, including, but not limited to, the following objectives:

1. Study the feasibility of improving highway safety and freight transportation on highways and develop a policy periodically on the most pressing issues facing motor carrier safety.
2. Examine and recommend motor carrier safety initiatives for strategic plans of the department, the Pennsylvania Public Utility Commission and the Pennsylvania State Police.
3. Advise and comment on all phases of motor carrier safety activities being undertaken or financially assisted by the department and agencies of the Commonwealth.
4. With assistance from the department, provide advice and recommendations to businesses, manufacturers, educational institutions, technology developers, the motor carrier industry, labor communities and local governments related to motor carrier safety.
5. Develop and maintain a forum for the exchange of ideas, needs, objectives, plans and accomplishments related to motor carrier safety.”

Meetings and Activities in 2022

MCSAC Meetings

Meetings were held four times in 2022 – in February, May, August, and November. Highlights of the meetings are included here. The minutes and presentations of those meetings are included in the appendix.

Virtual and hybrid meetings were held in 2022 – in-person at the Pennsylvania Turnpike Authority in Middletown and virtually on Teams. Key topics of discussion are included below.

- February 10 (virtual only) – included a legislative update on motor carrier issues in Pennsylvania, a presentation on Highly Automated Vehicles, a discussion of the MCSAC legislative update, a briefing of the Commercial Vehicle Safety Symposium for 2022, and an update on MCSAC matters related to the annual report, membership, and officer responsibilities.

¹ The definition of *Commercial Motor Vehicle* is included in [Section 1603](#) of the Pennsylvania Code.

- May 11 (hybrid) – included a MCSAC legislative update, a legislative update on other motor carrier issues in Pennsylvania, and the latest planning for the Commercial Vehicle Safety Symposium for 2022.
- August 11 (hybrid) – included a legislative update on motor carrier issues in Pennsylvania, a report on the June 15, 2022 Commercial Vehicle Safety Symposium, and a discussion of CBD use by Commercial Vehicle operators.
- November 9 (hybrid) – included a legislative update on motor carrier issues in Pennsylvania, an update on MCSAC membership, a discussion of the impacts of SB 1094 Act 90 for MCSAC, a presentation on Commercial Truck Towing, and a presentation on PennDOT's Commercial Vehicle Winter Restrictions and website.

MCSAC Activities

Commercial Vehicle Safety Symposium. Periodically the Pennsylvania State Police hosts Commercial Vehicle Safety Symposiums with assistance and support from the MCSAC. In recent years these were held in 2017, 2018, and 2022. The 2022 Symposium was held with assistance from PennDOT, Pennsylvania Motor Truck Association, and other members of the MCSAC on June 15 in State College, Pennsylvania. Several presentations were given; speakers representing the Federal Motor Carrier Safety Administration, PennDOT, Pennsylvania State Police, and the Enforcement Roundtable were featured.

Transportation Advisory Committee. An overview of the MCSAC was presented to the Transportation Advisory Committee (TAC) on October 11, 2022. It was well received, and further invitations are likely. Ms. Rebecca Oyler, President and CEO of the Pennsylvania Motor Truck Association and a member of both the TAC and MCSAC agreed to be a liaison. The presentation is included in the appendix.



SAVE THE DATE

Commercial Vehicle Safety Symposium

Wednesday, June 15, 2022

Toftrees Golf Resort
1 Country Club Lane, State College, PA
8:00 A.M. to 4:00 P.M.

Presented by Pennsylvania State Police, in cooperation with the Pennsylvania Department of Transportation, Pennsylvania Motor Truck Association, and the Pennsylvania Motor Carrier Safety Advisory Committee

REGISTER NOW BY CLICKING [HERE](#) or use the QR code from your mobile device.

Please include your name as you would like it to appear on your name badge, company name, address, and phone number (cell and office).

Registration is free but limited to the first 200 responses received.

*A block of hotel rooms has been reserved at Toftrees for the evening of Tuesday, June 14, 2022, at the rate of \$79.00. Contact Toftrees at 814-234-8000 or click [Here](#) to reserve a room.





Membership

The membership was expanded through Act 90 to include Seats 17 to 23. Identification of people to fill the vacancies are actively being pursued.

Seat	Member
(1) The Secretary of Transportation	Hon. Yassmin Gramian
(2) The Chairman of the Pennsylvania Public Utility Commission	Hon. Gladys Brown Dutrieuille
(3) The Chairman of the Pennsylvania Turnpike Commission	Hon. William Lieberman
(4) The Commissioner of the Pennsylvania State Police	Colonel Robert Evanchick
(5a) Chairman of the Transportation Committee of the Senate	Hon. Wayne Langerholc
(5b) Minority Chairman of the Transportation Committee of the Senate	Hon. Marty Flynn
(6a) Chairman of the Transportation Committee of the House of Representatives	Hon. Tim Hennessey
(6b) Minority Chairman of the Transportation Committee of the House of Representatives	Hon. Mike Carroll
Seat 1 - PA Chamber of Business & Industry	Mr. Gregg Troian, Pres., PGT Trucking
Seat 2 - Chiefs of Police Association	Mr. David Splain, Chief of Police, Nether Providence Twp., Delaware Co.
Seat 3 - Special Court Judges Association of PA	Honorable Judge Rick W. Varner
Seat 4 - Independent Trucker Interests	Mr. Roger A. Lee
Seat 5 - Independent Trucker Interests	Vacant
Seat 6 - PA Motor Truck Association	Ms. Rebecca Oyler, President and CEO
Seat 7 - PA Motor Truck Association	Mr. John Rigney, Director of Safety
Seat 8 - PA Manufactured Housing Association	Ms. Mary T. Gaiski, Secretary/Treasurer
Seat 9 - PA AAA Federation	Mr. Ted (John) Leonard, Vice Chair
Seat 10 - PA Public Transportation Association	Ms. Sheila Gombita, Freedom Transit
Seat 11 - PA Bus Association	Ms. Patricia Cowley, Executive Director
Seat 12 - PA School Bus Association	Mr. Shawn McGlinchey, current PSBA President
Seat 13 - PA Forest Products Association	Mr. Matt Gabler, Executive Director
Seat 14 - Interest of Motor Carrier Drivers	Mr. Gib Martin, Mount Joy Farmers Co-op Assoc.
Seat 15 - Railroad Industry in PA	Mr. Rudy Husband, Norfolk Southern
Seat 16 - Local Government	Mr. Ed Troxell, PA State Association of Boroughs
Seat 17 - Motor Carrier Manufacturing Industry	Vacant
Seat 18 - Transport Industry - Bulk Products	Mr. Robert Smith, Sheetz
Seat 19 - Transport Industry - Moving & Storage	Mr. Bob Dolan
Seat 20 - Transport Industry - Petroleum	Mr. Brian Phelps, Shell
Seat 21 - Transport Industry - Natural Gas	Vacant
Seat 22 - Transport Industry - Coal	Vacant

Seat 23 - Transport Industry - Construction Material Transportation	Vacant
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Website

The MCSAC webpage is located on the PennDOT website at: <https://www.penndot.pa.gov/about-us/Pages/Motor-Carrier-Safety-Advisory-Committee.aspx> and provides the purpose of MCSAC, its duties and required membership.

Administrative Support

Starting in November 2022, meeting and administrative support is being provided by Whitman, Requardt & Associates, LLP.

Upcoming in 2023

Meetings

Quarterly meetings will be held at the Pennsylvania Turnpike Commission in 2023. The option to attend virtually on the Teams platform will be possible as well. MCSAC meetings will be held on the second Wednesday of the designated months, as follows:

- February 9
- May 11
- August 10
- November 9

New MCSAC Appointments

Appointments are currently underway for MCSAC vacancies. Once all vacancies are filled, the MCSAC will fill or update all officer positions in accordance with CWOPA law.

Website

The MCSAC website will be updated in 2023 to include current enabling legislation, 2022 meeting minutes, the 2023 meeting schedule, and other relevant information. The site will be updated on a regular basis moving forward.

Onboarding

Onboarding materials are being developed for new MCSAC members. They will be made available to current members as well.

Appendix

MCSAC Meeting Minutes
February 10, 2022

Meeting opened by Ted Leonard

Roll Call - Mary Gaiski

Quorum fulfilled

Minutes were provided and approved by majority vote

1. Legislative Update submitted by Nolan Ritchie, Executive Director, Senate Transportation Committee

Highly Automated Vehicles

[SB 965](#) (Wayne Langerholc Jr).

- **Overview:** Roadmap For Highly Automated Vehicles (HAV)
- See attached Presentation

MCSAC Co-Sponsorship Memoranda

[SB 724](#) (Chris Gebhard)

- **Overview:** Introduce legislation to modernize the Motor Carrier Safety Advisory Committee
- See attached Memoranda

2. Commercial Vehicle Safety Symposium for 2022

Sargent Pavelko, Pennsylvania State Police

- Volunteers interested in being on the planning committee were asked to email him at mpavelko@pa.gov. Tentative date and location is June in State College, PA.

3. Membership Update

Bob Pento, Pennsylvania Department of Transportation

- Seat #1: Greg Troian, PGT Trucking (August 19, 2021)
- Seat #6: Rebecca Oyler, PMTA (November 2, 2021)
- Seat #13: Ryan Dellinger, PA School Bus Assoc (November 2, 2021)
- Seat 16: Robert Smith, CLI Transport (November 2, 2021)
 - Seat #3 vacant due to retirement of Honorable James A. Lenker in January 2022 – awaiting candidate selection from Governor's office
 - Seat #18 vacant- Mr. Brian Phelps of Shell is in the appointment process.

4. New Business

- John Rigney asked question regarding Annual Permits for Grain and Fuel. Why can they not haul on interstates, but milk can be hauled on an interstate under a similar permit? Bob Pento responded that Federal law does not allow divisible loads to be hauled overweight on interstates, but milk has an exception. Therefore, state issued annual permits for commodities other than milk are limited to non-interstates.
- Matt Gabler said he would send Bob a proposed change to the legislation for hauling of pulp wood chips. The change will add flexibility for haulers to use vehicles with more axles than currently allowed by law.

5. Public Discussion

- Bob Pento will create an online site accessible to members for the purpose of reviewing past meeting minutes and other materials.
- Pat Cowley asked that we distribute the agenda at least a week in advance so members can review and propose topics.
- Next Meeting Date is scheduled for May 11, 2022

Meeting Attendees: Mary Gaiski, Robert Smith, Ted Leonard, Matt Gabler, Ed Troxell, John Rigney, Nick Ninosky, Patricia Cowley, Bob Dolan, Gib Martin, Sheila J. Gombita, Greg Troian, Rebecca Oyler, Torrey Lauerman, James Bowes, Jon Fleming, Tammy Miller, Charles Duncan, Paul Kilbride, Garth Warner, Mike Rimer, Jerry Nemes, Nicholas Miller, Nolan Ritchie, Caleb Sisak, Meredith Biggica, Dan Walston, Edgar Thompson, Michael Pavelko, Ryan Dellinger, Andrew Turriziani, Gavin Grey, William Houpt, Robert Pento, George Harpster, Kimberly Davis

[Home](#) / Senate Co-Sponsorship Memoranda

Senate Co-Sponsorship Memoranda

Senate of Pennsylvania Session of 2021 - 2022 Regular Session

MEMORANDUM

Posted: February 3, 2022 11:24 AM
From: [Senator Chris Gebhard](#)
To: All Senate members
Subject: Modernizing the Motor Carrier Safety Advisory Committee

In the near future, I intend to introduce legislation to modernize the Motor Carrier Safety Advisory Committee (MCSAC) originally established via Act 21 of 2001.

MCSAC is a critical advisory committee under the Pennsylvania Department of Transportation that assesses, evaluates and recommends standards for the safe operation of motor carriers, including heavy trucks, public transit buses, school buses, coach buses, etc. This multi-disciplinary advisory committee has undertaken measures to advance motor carrier safety in this Commonwealth by advocating for more truck parking, coordinating commercial vehicle safety summits and evaluating innovations confronting the industry. MCSAC analyzed Act 21 and recommended updating the membership composition and refining the powers and duties to effectively address the safe movement of people and goods by commercial motor vehicles.

Please join me in co-sponsoring this legislation to ensure proper consultation over motor carrier safety in the Keystone State.



S.B. 965 (LANGERHOLC)

ROADMAP FOR HIGHLY AUTOMATED VEHICLES (HAV)

Nolan R. Ritchie, M.P.A.

Executive Director, Senate Transportation Committee

Office of Senator Wayne Langerholc, Jr. (R-35)

February 10, 2022

OVERVIEW

Previous
Legislation

Sen. Langerholc
DRIVE SMART Act

S.B. 965
Definitions

S.B. 965
Treatment of HAVs
as Motor Vehicles

S.B. 965
Governance of
HAVs

S.B. 965
Discussion

PREVIOUS LEGISLATION

- **Act 101 of 2016** (Sen. Rafferty) allows municipalities to apply for Green Light-Go funding for intelligent transportation system applications, such as autonomous and connected vehicle-related technology.
- **Act 117 of 2018** (Rep. Rothman) authorizes highly automated work zone vehicles and platooning (3 vehicles with drivers), establishes the Highly Automated Vehicle Advisory Committee, and reinforces the lead agency shall be PennDOT.
- **Act 106 of 2020** (Sen. Aument) legalizes personal delivery devices on pedestrian areas (sidewalk/crosswalk) and roadways (shoulder/berm).



DRIVE SMART ACT



Photo by Douglas Gross

S.B. 965

Bipartisan Introduction:

Senators Langerholc, Scavello,
Fontana, Stefano, Pittman, Schwank,
Mensch, DiSanto, Aument, Robinson,
Costa and Vogel

DEFINITIONS

(§ 102, § 8501)

- Automated Driving System (ADS): A Level 3, 4 or 5 driving automation system.
- Highly Automated Vehicle (HAV): A motor vehicle with an ADS and owned by a firm, copartnership, association, corporation or research institution.
- HAV Driver: An individual who performs all or part of the HAV's driving task on board or in a remote location and is an affiliate, employee or contractor of the HAV owner.
- SAE J3016: A global standard from the Society of Automotive Engineers in April 2021.
- Dynamic Driving Task (DDT), DDT Fallback, Minimal Risk Condition, Operation Design Domain (ODD) and Request to Intervene: Technical standards of the ADS and HAV.

TREATMENT OF HAVs AS MOTOR VEHICLE

(§ 1106, §§ 3742-3746, § 4103, § 4702, § 4921)

- Articulates a certificate of title shall provide the option to indicate an HAV.
- In the event of an accident, damage to property, duty to give information, etc., an HAV with an ADS engaged or without an HAV driver on board must (under certain conditions) immediately contact a police officer, stop at the scene of the accident, communicate registration and financial responsibility information, etc.
 - **Note:** § 8508 creates an option, either physically or electronically, to produce a registration card for inspection by a police officer, which shall fulfill the requirements for exhibiting a driver's license and a registration card.
- Establishes safety inspection standards if PA's motor vehicle equipment laws are not applicable to an HAV with an ADS engaged or without an HAV driver on board.
- Clarifies a rear visibility system is considered a mirror and shall be excluded from the measurement of the HAV's width.



GOVERNANCE OF HAVs

(§ 8503, § 8504, § 8505)

- Requires the Highly Automated Vehicle Advisory Committee to study the benefits and implications to the Commonwealth's workforce and improvements to accessibility and mobility for persons with disabilities.
- Authorizes an HAV, operating with an ADS engaged or without an HAV driver on board, under the following conditions:
 - The HAV operates in compliance with Title 75, as applicable.
 - The HAV has been certified under Federal Motor Vehicle Safety Standards, as applicable.
 - The HAV shall achieve a minimal risk condition if the ADS fails.
- Allows an HAV to operate with a properly licensed HAV driver on board or in a remote location.

GOVERNANCE OF HAVs

(§ 8508, § 8509, § 8510, § 8510.1)

- Assigns liability to the owner or registrant of the HAV if a police officer must cite an HAV operating with an ADS engaged or without an HAV driver on board. If the HAV is operating with an HAV driver in a remote location, then the police officer shall cite the HAV driver.
- Requires an HAV operating with an ADS engaged or without an HAV driver on board to be insured in a minimum amount of \$1 million. The owner of the HAV must submit proof of financial responsibility to PennDOT.
- Sets a statewide policy for governing HAVs in this Commonwealth. Our local partners need to maintain their transportation network for motor vehicles, pedestrians, and bicyclists, which may satisfy an HAV. Further, nothing precludes a local authority from enforcing specific powers on locally-owned infrastructure.
- Requires PennDOT - the lead Commonwealth agency - to promulgate regulations, including temporary regulations, or publish guidelines to manage the processes for HAV testing authorization, commercial deployment and emergency service responders.

GOVERNANCE OF HAVs

(§ 3317, § 8506, § 8507)

- Allows 1 non-lead vehicle in a platoon to operate with an ADS engaged or with an HAV driver (on board or in a remote location), and streamlines the plan for platoon operations.
- Permits an HAV that is also a motor carrier vehicle (except a school bus) to operate with an ADS engaged or with an HAV driver (on board or in a remote location), consistent with Federal and State CDL laws.
- Authorizes a transportation network service to operate with an ADS engaged or without an HAV driver on board (occurring in California, Arizona, Nevada, etc.).

Truck Driver Shortage

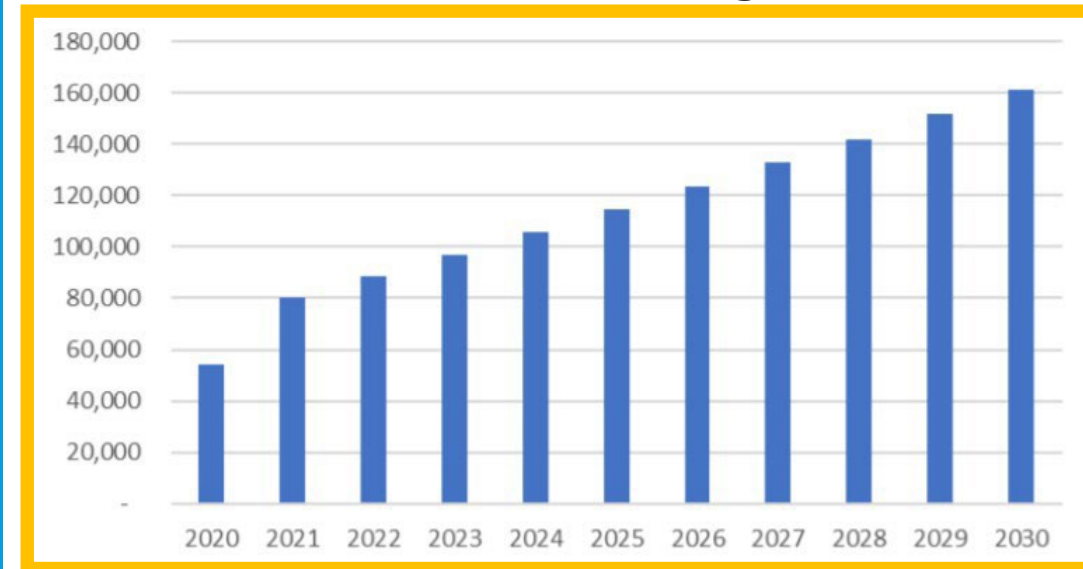


Chart from [American Trucking Association](#) (2021)

DISCUSSION

“We send a message to the nation and to the world that the Commonwealth of Pennsylvania will be a leader in this emerging, billion-dollar industry and that our Commonwealth is open for business.

My bill, Senate Bill 965, is the vehicle, and today we unveil a product that's a collaborative, bipartisan effort that will yield massive dividends for our State.

This product takes away the burdensome regulation, provides uniformity and clarity that Pennsylvania will be the epicenter of this industry and will foster in a new era of productivity and excitement where science, technology, and government merge into something the likes of which has never been seen.”

~ Senator Wayne Langerholc, Jr. ~

S.B. 965 Press Conference | January 5, 2022 | Mill 19, Pittsburgh

CONTACT INFORMATION

Nolan R. Ritchie, M.P.A.

Executive Director, Senate Transportation Committee

Office of Senator Wayne Langerholc, Jr. (R-35)

Phone: 717-787-5400 | **Email:** nritchie@pasen.gov

Committee: Transportation.PASenateGOP.com

DRIVE SMART Act: SenatorLangerholc.com/drive-smart-act

Pennsylvania Motor Carrier Safety Advisory Committee
Meeting Minutes
May 11, 2022

Meeting Attendees: Robert Smith, Ted Leonard, Matt Gabler, Ed Troxell, John Rigney, Nick Ninosky, Patricia Cowley, Bob Dolan, Gib Martin, James Hibbs, Rebecca Oyler, David Splain, James Bowes, Tammy Miller, Greg Hicks, Paul Kilbride, Garth Warner, Mike Rimer, Michel Pavelko, Robert Krol, Dennis McGee, Rudy Husband, Nolan Ryan, Edgar Thompson, Michael Pavelko, Ryan Dellinger, Andrew Turriziani, Brian Phelps, Kevin Wagonseller, Shane Rice, Rick Varner, James Bowes, Robert Pento, Kimberly Davis

Meeting opened by Ted Leonard

Roll Call

Quorum fulfilled

Minutes were provided and approved by majority vote

- Nolan reviewed SB 1094 which updates the advisory committee's structure and bylaws.
 - Requested committee's support at this time so the bill can be advanced.
 - Rebecca Oyler suggested edit to the legislation to remove the requirement that appointees only serve the remainder of the term of the individual they are replacing and instead just start a new 3-year term.
- Matt Gabler reported that SB 1171 was introduced to allow for an extra axle for trucks hauling bulk wood chips.
- Sgt. Pavelko gave update on the planned Commercial Vehicle Safety Summit.
 - Wednesday June 15, 2022 at Toftrees Resort in State College.
 - PSP has a draft agenda but send topic ideas to the Lt. Nemes.
 - Committee member suggested and update on truck volumes and crash statistics
 - Paul K. of BRT suggested truck dash cam recorders as a topic.
 - Another suggestion was to cover the comm. vehicle items from PennDOT's Statewide Safety Plan.
 - Another committee member suggested an update on the recent snow squall related crashed on PA 581 in Cumberland Co. (3/12/22) and Interstate 81 in Schuylkill Co. (3/28/22).
- Bob Pento gave an update on administrative activities.
 - 2021 Annual Report
 - Summarized committee meetings and activities and included all meeting minutes and presentation slides.
 - Signed by Vice Chair and forwarded to PennDOT leg affairs in early April for submission to the Governor and General Assembly in accordance with Title 75 §7804.
 - Committee Membership
 - Mr. Brian Phelps of Shell appointed to Seat 18 – Petroleum Industry on April 13, 2022.
 - All appointed positions are currently filled.
 - Per §7804, 3-year terms and can be reappointed. This will occur for most members in 2023 and 2024. We will be more proactive going forward in tracking this and starting the reappointment process.
 - Per the current law, "Any person appointed to fill a vacancy shall serve only for the unexpired term."
 - Rebecca Oyler suggested edit to the SB 1094 to remove the requirement that appointees only serve the remainder of the term of the individual they are replacing and instead just start a new 3-year term. The committee agreed and Nolan would take this back to the bill sponsors.
 - Officer positions
 - Committee may take nominations and then recommend Chairperson to Gov's Office for consideration.

- Once Gov. Office appoints the Chairperson, committee should elect Vice Chair and Secretary/Treasurer.
 - It was agreed that the committee will hold off on officer nominations until we see if SB 1094 passes into law and when all officers are available.
- New Business
 - Rick Varner mentioned that a National CV Safety Symposium, similar in scope to the committee's planned summit in June, is being planned for the week after Thanksgiving 2022. The symposium will include several topics including new truck safety technology.
 - Ed Thompson, representing the Teamsters, reported the issue of CV drivers testing positive for marijuana after using CBD oil and asked if any other members are seeing this? Education is needed on this.
 - Capt. Krol said that PSP was aware of this and that FMCSA information on their website. The CBD oil industry is unregulated so users with CDLs should be aware of the risk of a positive test.
 - Rebecca Oyler says PMTA advises their members to avoid CBD oil because of this risk.
 - Paul K. said they had to let some drivers go over positive drug test results. He also noted that 67% of drivers that test positive do not return to the industry which hurts the workforce.
 - Dennis McGee said many leave to drive smaller trucks that do not have the more stringent CDL requirements.
 - Matt Gabler thought this may a good 15-minute topic for an upcoming committee meeting.
 - Capt. Krol reports that the PA State Police are working closely with the Dept. of Ag., PEMA, PennDOT, and others on plan to address the Highly Pathogenic Avian Influenza (HPAI) outbreak in PA.
 - 12 outbreaks have occurred in Lancaster and Berks counties. Per governor's order a quarantine is in place.
 - Planning is underway for sanitation services, logbook checks, etc.
 - Information is available on the Dept. of Agriculture's website
 - https://www.agriculture.pa.gov/Animals/AHDServices/diseases/avian_influenza/pages/default.aspx
 - Note that the Spotted Lantern Fly quarantine is still in effect and moving west across PA.
- Public Discussion
 - Rebecca Oyler stated one of PMTA's most pressing problem is truck parking and asked for a status update from PennDOT.
 - Bob Pento reported that a consultant is updating the data that was collected for the 2007 TAC study.
 - <https://www.talkpatransportation.com/assets/TAC/Truck%20Parking%20in%20Pennsylvania%20-%20December%202007%20-%20Final%20Report.pdf>
 - PennDOT will provide a more detailed update at the next committee meeting.
 - Ted Leonard reported the PennSTART Test Track that was planned for the Penn State Univ. campus in State College will now be constructed in western PA. The facility will be used to test platooning for commercial vehicles and other research. <https://www.pennstart.org/>
 - The new location will be the Westmoreland Advance Technology Center in New Stanton.
 - Rick Varner mentioned that the Federal Govt. reports that states and counties often reduce or "mask" penalties for commercial vehicle violations.
 - This violates federal law ([49 CFR § 384.226 - Prohibition on masking convictions](#)).
 - FMCSA is looking into this and states where this is occurring risk federal transportation funds.
- **Next Meeting Date is scheduled for August 11, 2022**

Pennsylvania Motor Carrier Safety Advisory Committee
Meeting Minutes
August 11, 2022

Meeting opened by Ted Leonard

Roll Call

- It was noted that Mr. Ryan Dellinger is no longer with the PA School Bus Association, so a replacement is needed.

Quorum fulfilled

Minutes were provided and approved by majority vote

- Legislative Update – Nolan Ritchie provided update (see attached)
 - Passage of SB 1094/Act 90
- Lt. Jerry Nemes, PSP, reported on the 2022 Commercial Vehicle Safety Symposium
 - Held on June 15, 2022 at Toftrees Resort in State College.
 - The Symposium was well attended, and we received positive feedback on the topics that were covered.
- Thomas Phelan, P.E., BHX Engineering, gave an update on PennDOT's activities regarding Truck Parking
 - Please see attached slide presentation
- CBD oil use by Commercial Vehicle operators was discussed. John Rigney provided a link for a study that had been done concerning the effects on Commercial Drivers:
<https://samandashlaw.com/blog/marijuana-legalization-car-accidents/>
- Public Discussion
- John Rigney provided a link for an article on Distracted Driving for the Committee to review
 - <https://www.thetrucker.com/trucking-news/the-nation/new-research-pushes-states-on-distracted-driving>
- Next Meeting Date is scheduled for **November 9, 2022**

Meeting Attendees:

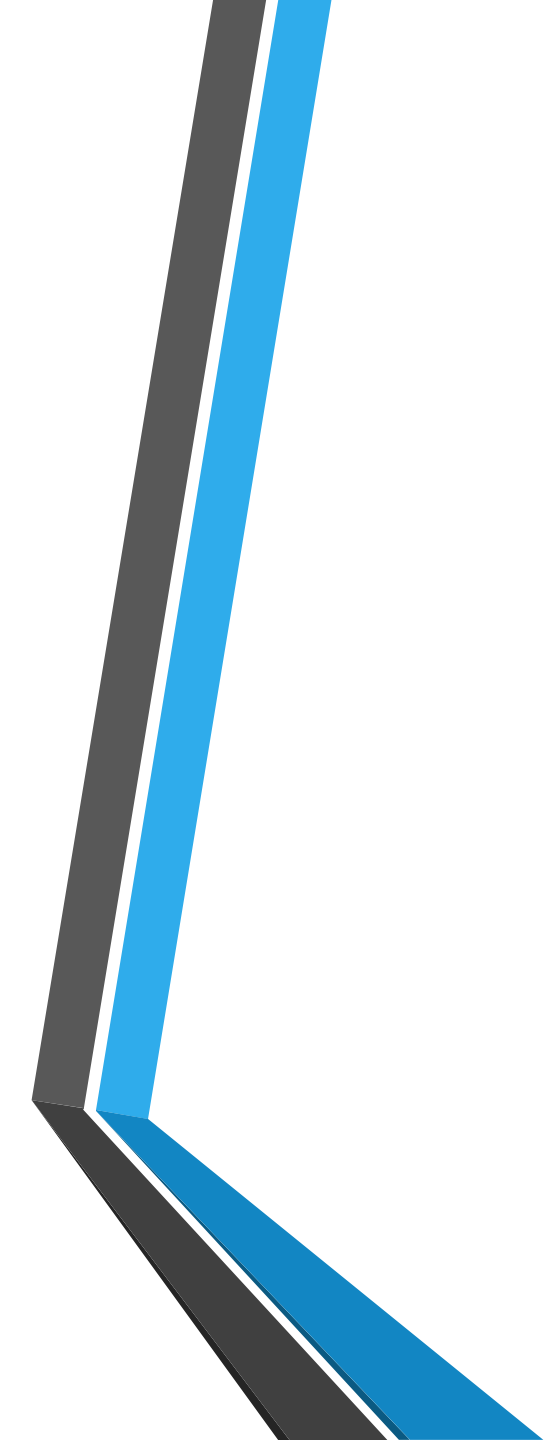
Robert Smith, Ted Leonard, Mary Gaiski, Matt Gabler, Ed Troxell, John Rigney, Nick Ninosky, Patricia Cowley, Bob Dolan, Gib Martin, Rebecca Oyler, David Splain, Tammy Miller, Leah Kacanda, Sheila Gambito, Rick Varner, Garth Warner, Mike Rimer, Michel Pavelko, Jerry Nemes, Dennis McGee, Dan Walston, Greg Troian, Caleb Sisak, Nathan Walker, Daniel Whetzel, Jim Cusick, Nolan Ryan, Edgar Thompson, Michael Pavelko, Andrew Turriziani, Brian Phelps, Shane Rice, James Bowes, Gavin Gray, Robert Pento, George Harpster, Kimberly Davis

PA Motor Carrier Safety Advisory Committee

Truck Parking in Pennsylvania: Challenges and Opportunities



August 11, 2022



Perspective: FEDERAL

Key Milestones (National)

- 2000 – NTSB Highway Rest Areas report
- 2002-05 – FMCSA Hours of Service (HOS) rule changes
- Late 2000s – State DOTs and MPOs evaluate overflowing rest areas and ramp/shoulder parking
- 2012 – Jason's Law (MAP-21 Section 1401)
- 2015 – Jason's Law initial survey completed – National Coalition on Truck Parking (NCTP) established
- 2017 – FMCSA electronic logging device (ELD) mandate
- 2018 – Jason's Law survey update
- 2021 – Infrastructure Bill: New requirements to incorporate truck parking in statewide freight plans

WB I-40 in Jackson, TN: 6/3/99



PA MCSAC – August 2022

“Three-Legged Safety Stool”

1. The risks associated with drowsy drivers operating heavy vehicles (trucks and buses) on the highway system – focus of FMCSA hours of service rules
2. The risk of having trucks parked on highway shoulders and interchange ramps where they are fixed objects within an area designed to be a clear zone – one of the primary PennDOT concerns
3. The safety of the truck driver and the security of the cargo while the truck is parked for extended rest periods – focus of Jason’s Law



Perspective: PENNSYLVANIA

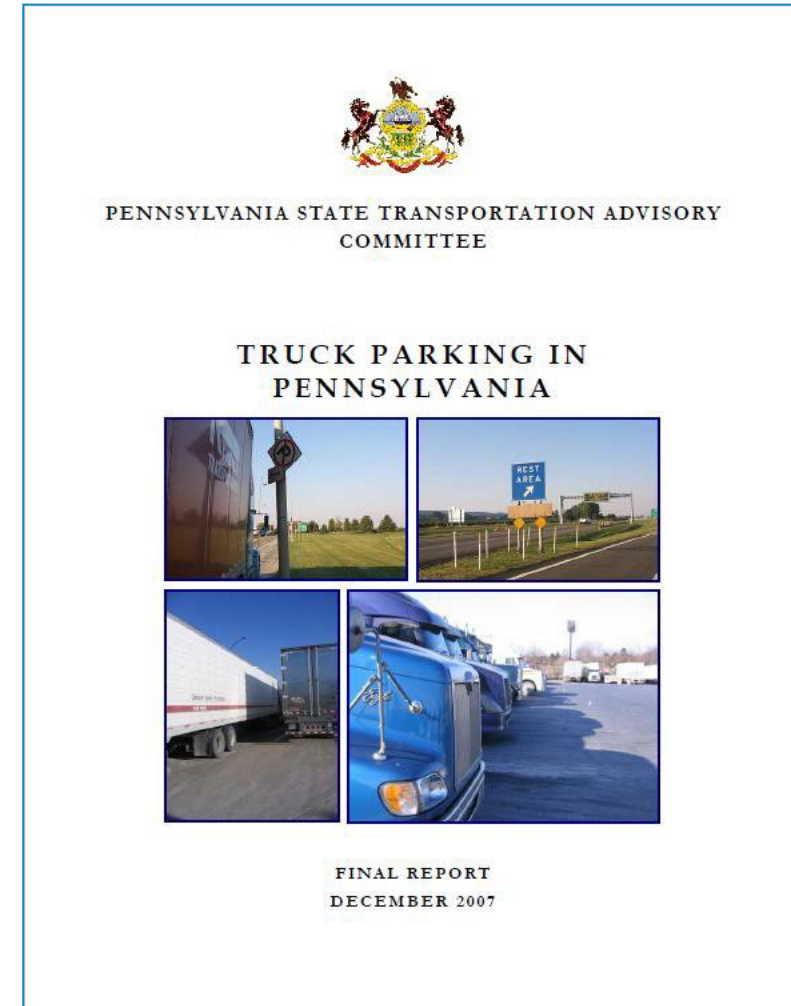
Key Milestones (Pennsylvania)

- 2007 – TAC Truck Parking Study
- 2013 – PA Turnpike Mainline Study
- 2017 – PennDOT Safety Rest Area Transition Report
- 2018 – Eastern Pennsylvania Freight Summit
- 2018 – PennDOT P3 RFI for Truck Parking
- 2019-21 – MPO & DOT Truck Parking Roundtables
(SPC, NEPA, LVPC, HATS + NJDOT)

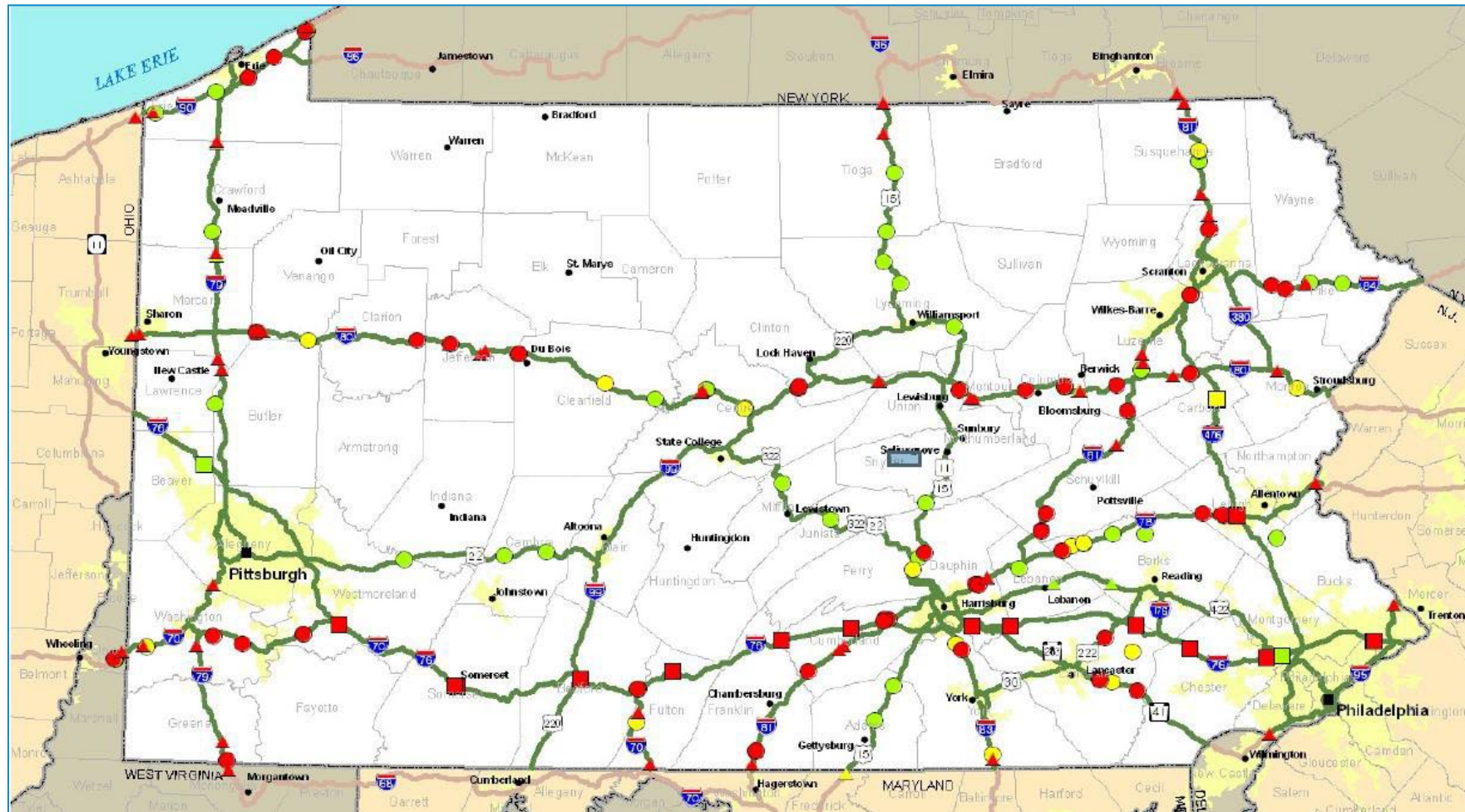


2007 TAC Truck Parking Study

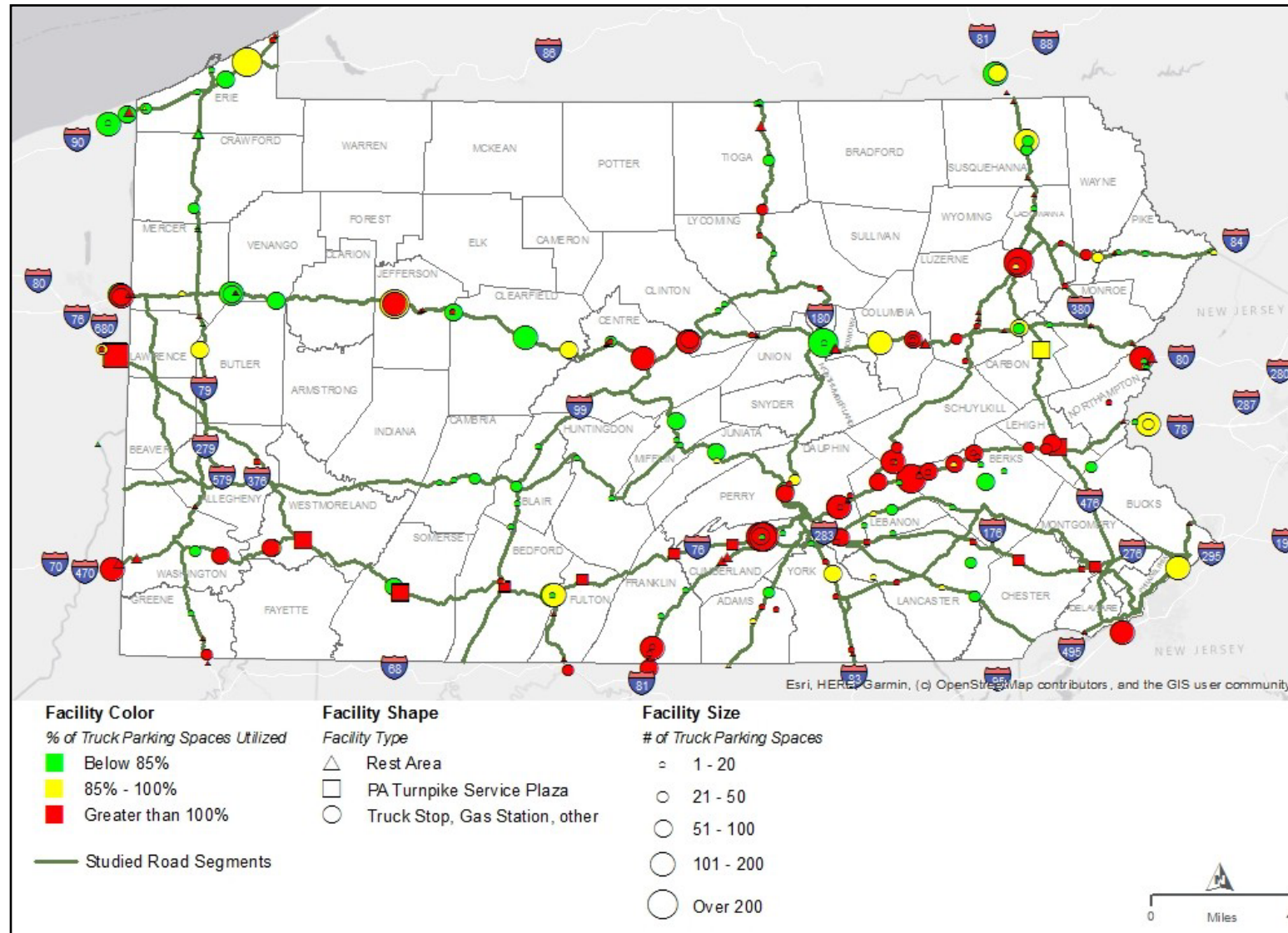
- Truck parking issues and trends
- Locations of highest parking demand
- Options for addressing future needs
- Focus on adequate and safe truck parking
- 2002 FHWA methodology



Facility Utilization (2007)



Facility Utilization (2020)



Shoulder/Ramp Parking (2007)



Shoulder/Ramp Parking (2020)



2020 vs. 2007 Comparisons

- Direct comparisons for statewide measures not totally accurate due to changes in data, different sources used to identify parking facilities, etc.
- **2020 information is more accurate and complete.**

Truck Parking Characteristics	Data Year	
	2007	2020
Total Parking Facilities	203	286
Total Truck Parking Spaces	11,222	11,628
Trucks Parked in Facilities	10,168	12,154
Utilization Pct. (Overall)	91%	105%
Trucks Parked on Ramps/Shoulders	1,080	980

Facility Type vs. Parking Type

Parking Activity	Facility Type		
	<i>Rest Area</i>	<i>Truck Stop</i>	<i>Industrial Park</i>
Long-Term Rest	X	✓	OK*
Short-Term Parking	✓	OK*	OK
Staging	X	OK	✓

Public Sector Role

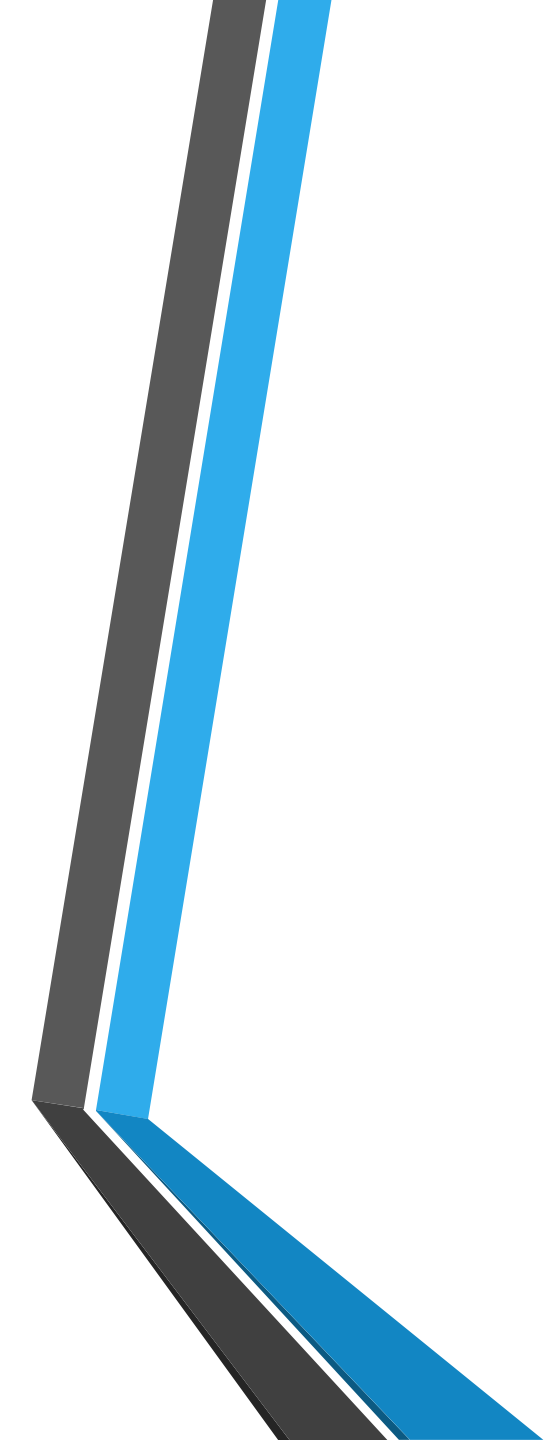
- Historical context re: Interstate Highway System
- PennDOT/DGS is the facility “owner” for roadside rest areas; ideal focus on short-term parking.
- Preference for off-highway facilities for long-term parking; PennDOT can be a facilitator and work with municipal partners and private industry develop new capacity where needed.
- Restrictions on commercialization limit a DOT’s ability to meet driver needs with on-site amenities and services.
- Ongoing reporting of parking metrics (IIJA Section 21104).

PA 2045 Freight Movement Plan

The **2045 Freight Movement Plan** is pending federal guidance associated with the historic passing of the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the "Bipartisan Infrastructure Law"). While federal guidance is pending, PA On Track remains the current Pennsylvania Freight Movement Plan of record.

Goal B (Mobility), Objective B-3 ... *Pursue opportunities with public and private stakeholders to expand truck parking capacity.*

Goal A (Land Use), Objective A-3 ... *Collaborate with other organizations (DCED, PSATS, PSAB, etc.) to assemble recommended industrial site development standards and ordinances.*



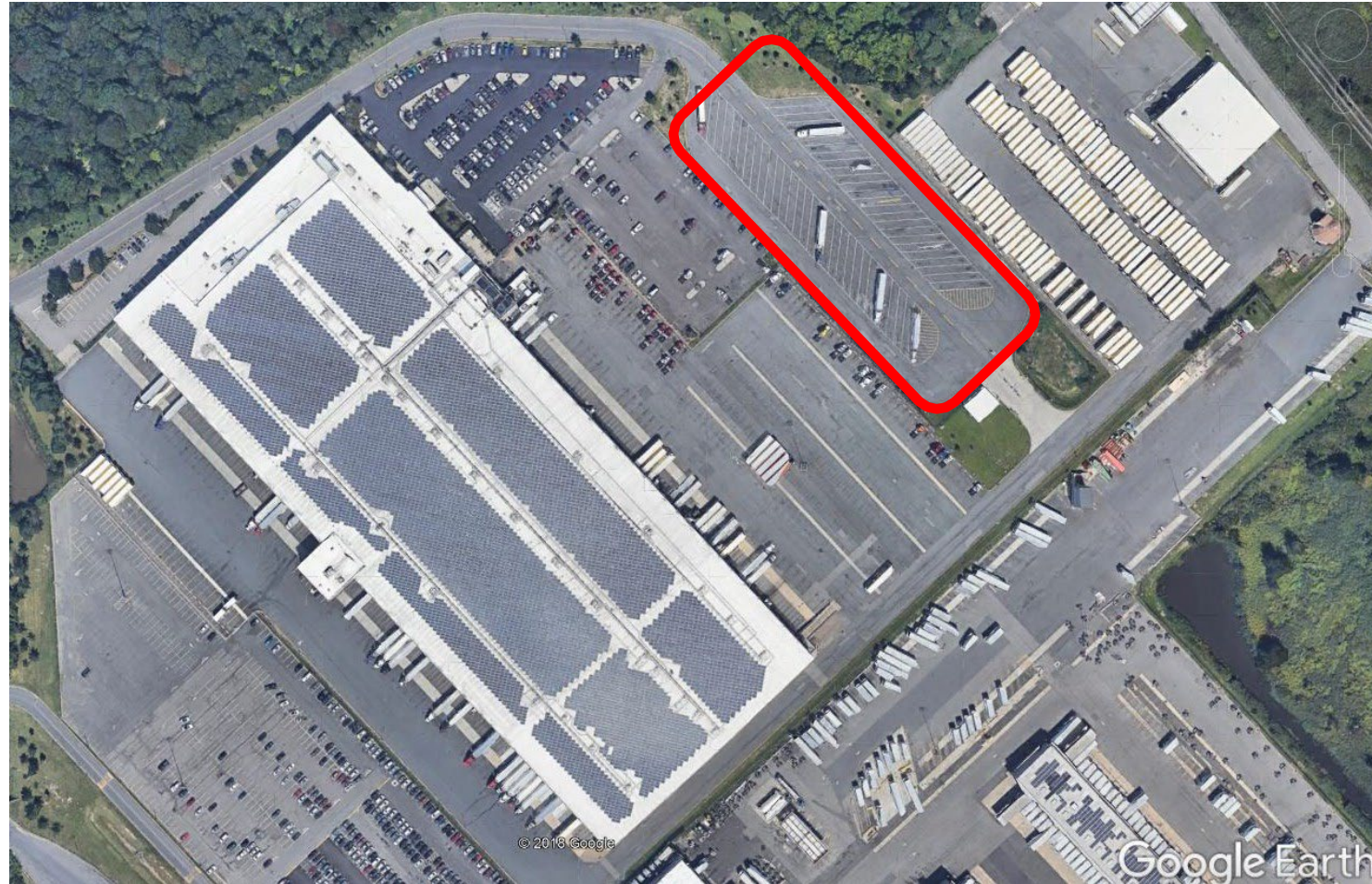
Collaboration Opportunities

2018-19 PennDOT P3 Initiative

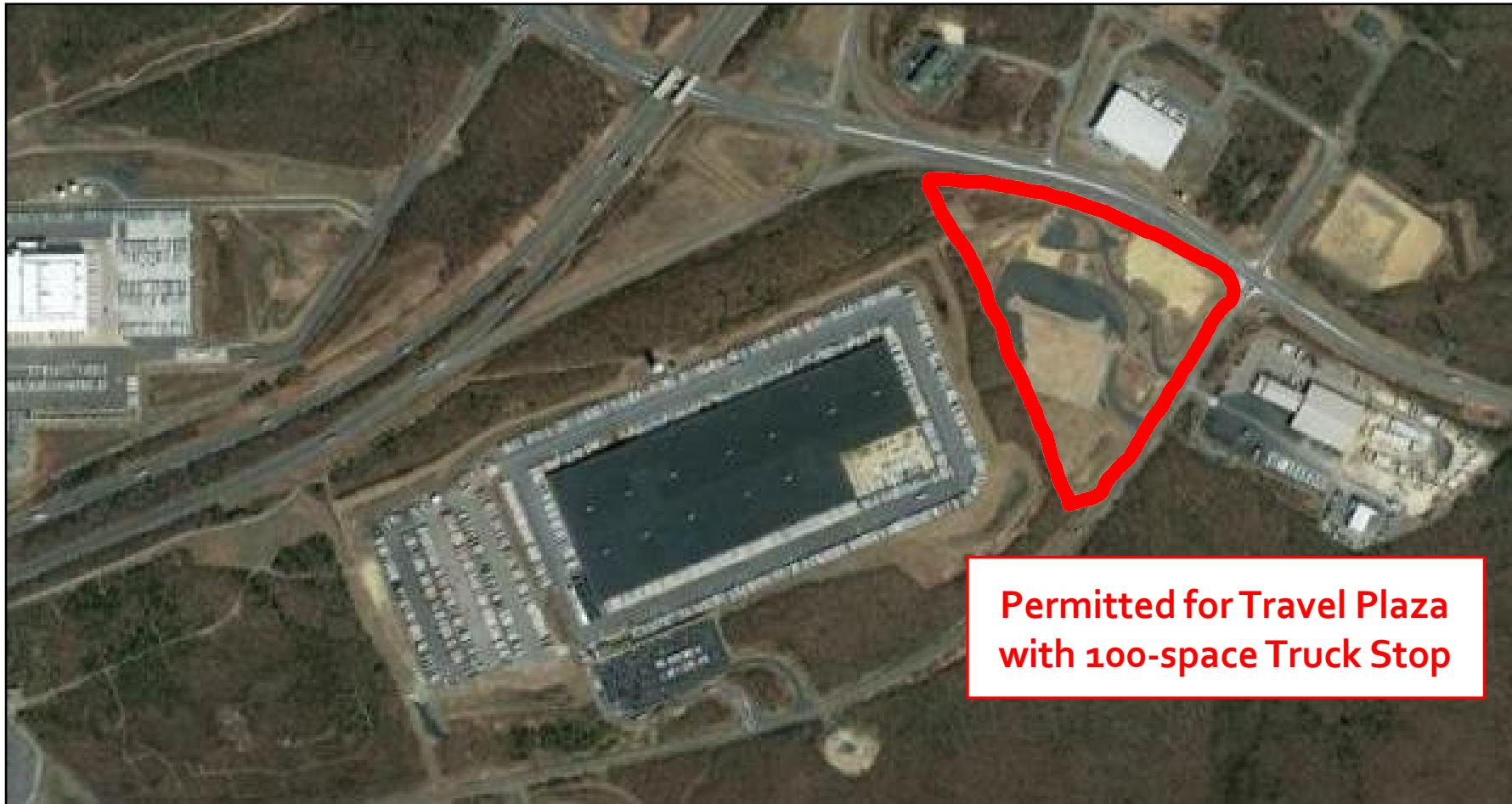
- Truck parking P3 RFI published in 2018
- 19 formal and unsolicited responses
- Five respondent categories:
 - truck stop operators
 - highway DFBOM firms
 - technology developers
 - consultants
 - property owners
- **KEY FINDING: Traditional P3 opportunities are limited.**



Zoning Code Guidance



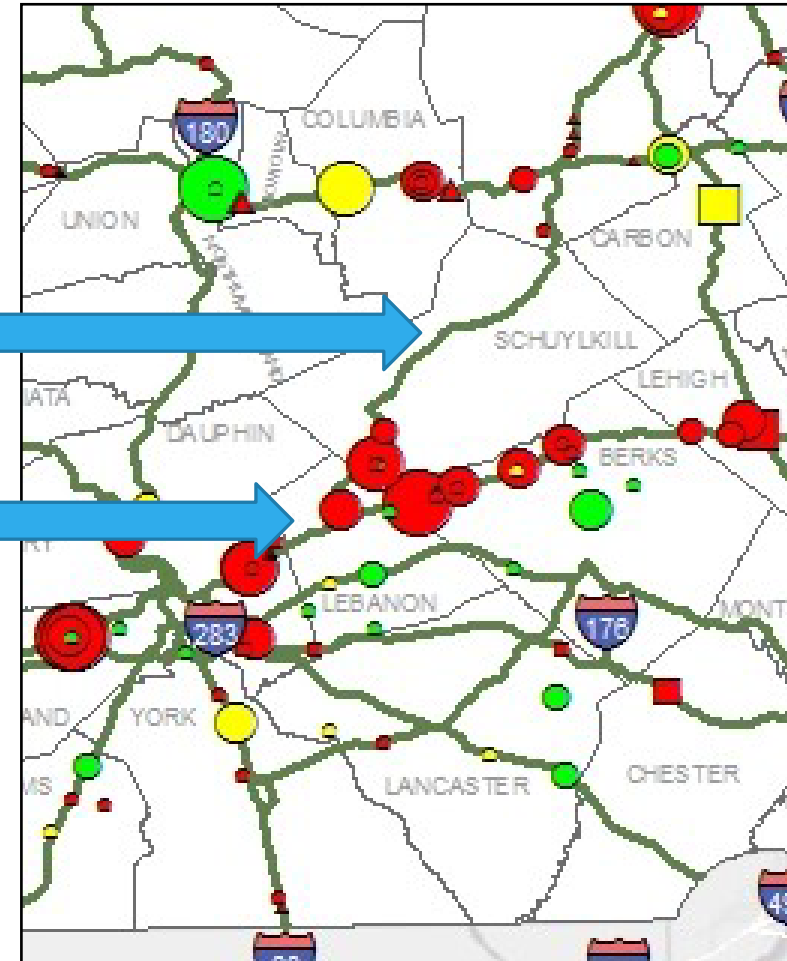
Highridge Business Park (I-81)



Demonstrated Need (1 of 2)

Limited truck parking capacity along this segment of I-81

Nearby facilities along I-81 and I-78 are operating at or over capacity.



Demonstrated Need (2 of 2)

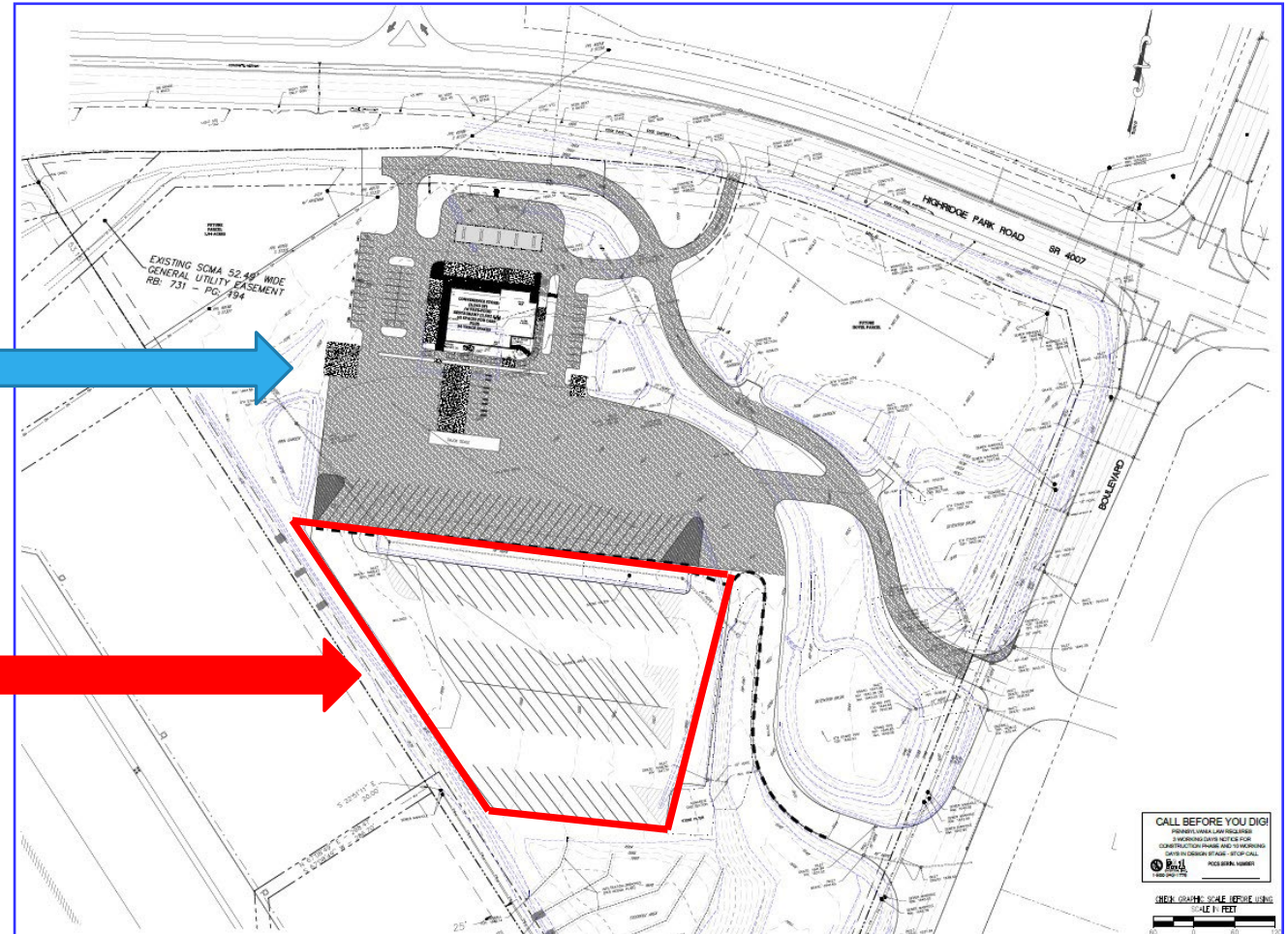
Heavy concentration
of shoulder/ramp
parking activity along
this segment.



Highridge Travel Plaza – Site Plan

Phase 1 Site Plan

Possible P3 Option
for Phase 2?



Questions?

For more information please contact:

Michael D. Rimer, AICP

Center for Program Development and Management

Pennsylvania Department of Transportation

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pennsylvania

DEPARTMENT OF TRANSPORTATION

Pennsylvania Motor Carrier Safety Advisory Committee (MCSAC) Meeting Minutes

November 9, 2022

Pennsylvania Turnpike Commission Main Board Room and Teams



Minutes

1. **Welcome to the meeting** – Nick Ninosky, PennDOT
2. **Call to Order** – Ted Leonard, Vice-Chair
3. **Review/approve previous meeting minutes** from August 11, 2022
 - Previously circulated. No changes.
 - Motion to approve by Major Krol. Seconded by Shawn McGlinchey. Meeting minutes were approved.
4. **Legislative Update** – Nolan Ritchie
 - New governor was elected yesterday, Josh Shapiro.
 - Review of State laws passed in 2021-2022 by Governor Wolf.
 - See attached *2021-22 Bills of Interest to MCSAC*. The red text indicates updates since the last meeting.
 - Appreciation to the Pennsylvania Turnpike Commission for being a great partner.
 - Reforming the PA Turnpike Commission (PTC) Act 112
 - Require Turnpike to notify those avoiding payment and the penalties of scofflaws – in-state and out-of-state. Thresholds for unpaid tolls are now \$500 and violations are down to 4 from 6. Enforcement is currently only possible in the state at this time.
 - From unfinished business
 - A waiver that would not require school bus drivers to take under-the-hood testing would help with recruiting.
 - Trucking industry was hoping to clarify warranty requirements linked to the California Resources Board. Will have to be reintroduced next year.
 - Continued need for truck parking spaces; may need additional budget for spaces.
 - Act 90 Drug and Alcohol clearinghouse needs a time extension.
 - Possible topics for another meeting
 - Diesel shortages and uncertainty of their ramifications.
 - How to pay for bridges that are in dire condition. Can money be reappropriated from another source?

- Questions/Comments
 - Dennis McGee - suspensions for non-payment of tolls depend on reciprocity. Pennsylvania does not have reciprocity with all bordering states.
 - Major B. Kroll – Toll Authority can send notices to out-of-state drivers but they can't take action against their registrations.
 - Matt (Forest association) – Thank you for your efforts.

5. Current Membership Update – Nick Ninosky, PennDOT

- i. This committee has five new seats. Four are open seats for motor carriers/manufacturing.
- ii. Mary Gaiski is talking to Pennsylvania Manufacturer's Association, the energy and natural gas industry, the coal industry, and the construction materials industry for suggestions for names
- iii. If members of MCSAC have suggestions, please contact Nick with them.
- iv. A seat was added for Bulk Carriers.
- v. Names will eventually need to go through the Governor's office.
- vi. See page 5 of attached *2021-22 Bills of Interest to MCSAC* concerning Act 90 – *Modernizing MCSAC*

6. PennDOT Technical Advisory Committee (TAC) Meeting Presentation Update – Ted Leonard

- Mary and Ted met with PennDOT TAC to brief them on MCSAC.
- TAC has high-level membership, including the Secretary of Transportation, Secretary of Revenue, and 4 transportation chairs
- See attached presentation *PA MCSAC Presentation*
- Most of the members attending were not aware of what MCSAC does.
- TAC members asked about issues or how they can assist. We discussed truck parking.
- Rebecca Oyler, a MCSAC member and a sitting member of the TAC, agreed to be our standard carrier of information to the TAC. She requested that TAC fund studies on motor carrier parking.
- Ted suspects MCSAC will be invited back to discuss future issues.

7. Commercial Truck Towing – Regulations, Best Practices, and Costs for Towing Disabled Vehicles - Bob Bressler and Brian Riker, Pennsylvania Towing Association

- Brian Riker
 - See attached presentation from the Pennsylvania Towing Association.
 - Regulatory issues facing towing industry today include size and weight rules, hours of service compliance, and *Move Over Slow Down* non-compliance
 - We have to be ready 24/7/365 in case an incident occurs. Generally, we are using local drivers.
 - *Move over and slow down* compliance – hopefully enforceable. Driver noncompliance puts all of us at risk. If put all responders together – one is struck and killed every 4.5 days. How do we make drivers aware of the importance of compliance?
 - Longer time to split vehicles increases the responders' exposure time and increases the chance to be struck.
 - Tow truck drivers can't create a safe work zone. It is required that police or others close the lane. Towing industry is working towards legislative relief, including proper training and equipment.

- 1 in 5 work zone crashes involve commercial motor vehicles.
- If it takes tow truck drivers more than 30 mins to move the vehicle then they need to deploy assistance, but other agencies are not required to assist.
- Best practices start with collaboration with other agencies. It helps to have advanced notice about special events. Often best for us to respond to an incident with everything we have, but best if we have a picture of the incident so we can respond appropriately.
- Towing industry is not covered under the hold harmless protection. We can be sued in ways that other responders cannot. Need to be included in the hold harmless law or require other responders to stay and assist with the work zone.
- Tow industry appreciates police assistance when you have the resources to stay at a work zone.
- **Bob Bressler – Best Practices**
 - We need to be considered as a profession and placed on the same playing field as other responders.
 - Others leave the scene of the incident and we are left alone to deal with the situation the best we can.
 - Brian – Allow towing professions to decide what is the appropriate response; best to send pictures so proper equipment is sent for an appropriate cost
 - Bob – The costs of being in business in the towing industry today far exceed the past. They include labor, insurance premiums, etc. We are at the mercy of the commercial motor operators are properly insured or not.
 - Limits – We have to be extremely careful concerning weight and height limits on the road. We may have to respond to an incident on a DCNR road or municipal highway where the commercial vehicle is not supposed to be. What happens if we go over a bridge we are not supposed to? There is a gap between Emergency Response and DOT – how are we supposed to respond?
 - Need improved traffic incident management so we can make sound business decisions concerning what equipment to bring and do so in a timely and efficient manner.
 - Towing industry is the only private industry in the crash equation. We are not eligible for grants. We are the ones who have to deal with damaged equipment, insurance, etc.
 - Implore MCSAC to please take into consideration the hazards of the towing industry.
 - Often there are diesel fuel spills at incidents. Need to neutralize the highway, but the spill can run off into the environment.
 - Teslas are a huge problem for the towing industry. We are responsible for the vehicle, the cargo, and the spill, and now Teslas need to be isolated since unclear if/when a battery pack might burst into flame.
 - Questions
 1. Nolan Ritchie – do people pay for the environmental cleanup?
 - a. We bill for both environmental clean-up and towing services but we have limited mechanisms to collect. Personal injury has to be paid first by insurance.
 - b. There are issues concerning whether vehicles are under liability or not, limits on accident clean up, etc. Nationwide almost half of the bills are uncollected or are collected for less than the amount invoiced.

2. What is the industry standard concerning the fleet?
 - a. Hard to determine. Different size companies, different operations, and different geographic locations create different company characteristics and equipment requirements.
 - b. Numbers in the towing industry are dwindling. Fewer younger people want to enter the industry due to the high risk of injury, etc.
3. Denis McGee – Perhaps approach Federal Motor Carrier Safety Administration to seek HOS exemption. If there is an environmental impact due to a CMV then it is not your responsibility to clean up. MCS-90 (Federal requirement) obligates public entities to conduct the environmental cleanup.
 - a. Brian - Towing is expected to clean up the shoulder. They can't collect against the bond on behalf of the motor carrier if clean-up is not complete. Sometimes there is a conflict.
 - b. Bob – In 2018 I asked MCSA to step up their enforcement of insurance requirements. There is an attitude that someone else will pay but too often the towing industry is the one that is left short. Issues like this also need to be addressed in addition to what happens at the incident site.

5. Commercial Vehicle Winter Restrictions – Dan Whetzel, PennDOT

- *511PAConnect* is a public website posting information on commercial vehicle restrictions, including during storm conditions.
- Infographic located at <https://www.511pa.com/TravelConditions/definitions.aspx>.
- Website is located at <https://www.511pa.com/>.
- Commercial Vehicle Exemptions.
 - *Incidents* are defined in the legend. The situations are vetted.
 - Restrictions are included in the map but we need to flex with the storm conditions. We are trying to put restrictions on only the worst periods of the storm and lift them as soon as possible. *511* is the best place to get information. Truckers and other motorists can sign up for alerts.
 - Other tools on the site include zooming, seeing where the plow trucks are (due to GPS), and can show the historic route where plow trucks have traveled to better estimate road conditions.
 - Weather conditions are updated every 5 minutes and include precipitation conditions.
 - In legend, go to *Traffic Conditions > Traffic Cameras* to access traffic cameras. They are showing the traffic so you know what conditions to expect. If there is sensitive information, e.g., traffic fatality, then the cameras are blocked until the incident is over.
 - Public can access the site on their smartphone, computers, and other devices.
 - Questions
 1. Dennis McGee – Can the video from the traffic cam be viewed later? No. It is streamed, not recorded.

6. New business

- Bob Krol, State Police - Variable speed limit signs have been purchased for locations on I-80.
- The variable message signs are only as effective as the drivers are in responding to them. If speed limits drop, there is a good reason for it. Hoping when fog and whiteout conditions exist, the signs will be effective.

- State Police plans on expanding the use of the signs to other highways as well.
- Motorists are ticketed by what is posted on the variable message signs, not what is posted on google.
- Also, Google does not maintain the official heights for truck access. Do not rely on the app to plan appropriately.

7. MCSAC Meeting Dates 2023 – Leah Kacanda

- MCSAC will continue to meet in February, May, August, and November
- MCSAC agrees to meet the second Wednesday of the month
- Leah Kacanda will send out future meeting invitations and will be working with Bob and Nick on developing the agendas.
- Leah will send out the 2023 meeting dates to the MCSAC membership.

8. Adjournment – Nick Ninosky

- Thank you for your attendance.

Attendance

Appointed Committee Members in Attendance

Seat	Organization	Member	Attending
Seat 1	PA Chamber of Business & Industry	Mr. Gregg Troian, President PGT Trucking	
Seat 2	Chiefs of Police Association	Mr. David Splain, Chief of Police, Nether Providence Twp., Delaware County	x*
Seat 3	Special Court Judges Association of PA	Honorable Judge Rick W. Varner	x*
Seat 4	Independent Trucker Interests	Mr. Roger A. Lee	
Seat 5	Independent Trucker Interests	Vacant	
Seat 6	PA Motor Truck Association	Ms. Rebecca Oyler, President and CEO	
Seat 7	PA Motor Truck Association	Mr. John Rigney, Director of Safety	
Seat 8	PA Manufactured Housing Association	Ms. Mary T. Gaiski, Secretary/Treasurer	
Seat 9	PA AAA Federation	Mr. Ted (John) Leonard, Vice Chair	x*
Seat 10	PA Public Transportation Association	Ms. Sheila Gombita, Freedom Transit	x*
Seat 11	PA Bus Association	Ms. Patricia Cowley, Executive Director	
Seat 12	PA School Bus Association	Mr. Shawn McGlinchey, President	x
Seat 13	PA Forest Products Association	Mr. Matt Gabler, Executive Director	x
Seat 14	Interest of Motor Carrier Drivers	Mr. Gib Martin, Mount Joy Farmers Co-op Assoc.	
Seat 15	Railroad Industry in PA	Mr. Rudy Husband, Norfolk Southern	
Seat 16	Local Government	Mr. Ed Troxell, PA State Association of Boroughs	
Seat 17	Motor Carrier Manufacturing Industry	Vacant	
Seat 18	Transport Industry - Bulk Products	Mr. Robert Smith, Sheetz	
Seat 19	Transport Industry - Moving & Storage	Mr. Bob Dolan	
Seat 20	Transport Industry - Petroleum	Mr. Brian Phelps, Shell	
Seat 21	Transport Industry - Natural Gas	Vacant	
Seat 22	Transport Industry - Coal	Vacant	
Seat 23	Transport Industry - Construction Material Transportation	Vacant	

* Attended via videoconference.

Permanent Voting Members in Attendance

Title	Member	Designee	Attending
The Secretary of Transportation	Hon. Yassmin Gramian		
The Chairman of the Pennsylvania Public Utility Commission	Hon. Gladys Brown Dutrieuille		
The Chairman of the Pennsylvania Turnpike Commission	Hon. William Lieberman	James Hibbs	x*
The Commissioner of the Pennsylvania State Police	Colonel Robert Evanchick	Major Bob Krol	x
The Chairman and Minority Chairman of the Transportation Committee of the Senate	Hon. Wayne Langerholc (majority) Hon. Marty Flynn (minority)	Nolan Ritchie	x
The Chairman and Minority Chairman of the Transportation Committee of the House of Representatives	Hon. Tim Hennessey (majority) Hon. Mike Carroll (minority)	Meredith Biggica	x*

* Attended via videoconference.

Other Attendees

Name	Organization	Presenting
Robert Bressler	Pennsylvania Towing Association	x
Larry Cox	McCanch Performance Consulting	
Kim Davis *	PennDOT	
Terry Gordon *		
George Harpster*	PennDOT	
Gerald Hickly*	PGT Trucking	
Paul Kilbride*	BR Transport	
Dennis McGee	Dennis M. McGee and Associates	
Tammy Miller	Pennsylvania Turnpike Commission	
Lt. Jerry Nemes	Pennsylvania State Police	
Nick Ninosky	PennDOT	
Sergeant Michael D. Pavelko	Pennsylvania State Police	
Brian Riker	Pennsylvania Towing Association	x
Mike Rimer*	PennDOT	
Garth Warner	Chief of Police, Derry Township Police Department	
Rick (no last name provided)*		
* Attended via videoconference.		

Support for MCSAC

Name	Organization	Presenting
Leah Kacanda	WRA	
Molly Nur	WRA	

Reforming the Public-Private Transportation Partnership (P3) Statute

Act 84 of 2022 – [SB 382](#) (Langerholc):

- **Overview:** Senator Wayne Langerholc, Jr. (R-35), Chairman of the Senate Transportation Committee, reached a [compromise](#) with Governor Wolf to reform the P3 statute and end PennDOT's P3 bridge tolling initiative for nine major bridges estimated at \$2.9 billion for design and construction. Following extensive negotiations, Act 84 provides the following: 1) Increases transparency by requiring PennDOT to publish a detailed analysis prior to the P3 Board's meeting, 2) Creates a new 30-day public comment period prior to the P3 Board's meeting, 3) Reduces the scope of PennDOT's P3 power by prohibiting mandatory user fees and allowing "optional user fees", such as [managed lanes](#), 4) Rescinds the PennDOT Pathways Major Bridge P3 initiative, and 5) Saves taxpayer dollars by allowing PennDOT to preserve preliminary design plans.
- **History:** Senate Transportation reported the bill as introduced on March 17, 2021. The bill was amended on 3rd Consideration in the Senate on April 20, 2021. Passed the Senate (28-19) on April 27, 2021. House Transportation reported the bill without amendments on November 9, 2021. The bill was amended on 2nd Consideration in the House on November 15, 2021. Passed the House (125-74) on November 16, 2021. Senate Rules amended the bill on July 6, 2022, with the compromise language. Passed the Senate (50-0) on July 7, 2022, and passed the House on concurrence (176-24) on July 7, 2022. Signed by the Governor on July 11, 2022, as Act 84. **Senate Transportation held a public hearing on [August 24, 2022](#), in Pittsburgh regarding PennDOT's next steps to complete the nine bridges without tolling. PennDOT announced their intentions to continue with [Bridging Pennsylvania Partners](#) (BPP) under two package deliveries with the first package (six bridges) costing "\$70 million-\$80 million" annually for 30 years and the second package (three bridges) costing "\$220 million-\$230 million" for the same timeframe. (Source: [Pittsburgh Post-Gazette](#).)**

Modernizing MCSAC (and Omnibus Amendment)

Act 90 of 2022 – [SB 1094](#) (Gebhard):

- **Overview:** Act 90 authorizes the following: 1) Refreshes MCSAC by redefining "motor carrier safety", increasing the number of members, modernizing the powers and duties, etc. (**see Appendix 1 for a complete summary**); 2) Requires PennDOT to establish a system of staggered apportioned registration renewals ([HB 1871](#)-Zimmerman), 3) Obtains driving record information through the Federal Drug and Alcohol Clearinghouse before renewing, upgrading or transferring a CDL, and 4) Requires reasonable efforts to remove snow and ice before operating a motor vehicle or motor carrier vehicle on a roadway ([SB 114](#)-Boscola).
- **History:** Senate Transportation reported the bill as introduced on April 6, 2022. The bill was amended on 3rd Consideration in the Senate to add a representative from the transport industry for construction materials and provide technical corrections on June 7, 2022. Passed the Senate (49-0) on June 13, 2022. House Transportation amended the

bill with an omnibus amendment on June 22, 2022. Passed the House (200-0) on June 29, 2022, and passed the Senate on concurrence (50-0) on July 6, 2022. Signed by the Governor on July 11, 2022, as Act 90.

Improving Timber Hauling (and Omnibus Amendment)

Act 91 of 2022 – [SB 1171](#) (Hutchinson and Boscola):

- **Overview:** Act 91 authorizes the following: 1) Expands the number of allowable axels (to a *minimum* of five axles) for hauling pulpwood or wood chips, 2) Exempts vehicles owned by governmental entities and PennDOT's contractors from bonding requirements on PennDOT's highways (not bridges) ([SB 145](#)-Brooks), 3) Extends the Letters of Local Determination for the at-risk timber industry through December 31, 2028 ([SB 145](#)-Brooks), 4) Allows baled garbage to be placed within woven bags for transport, 5) Exempts certain motor vehicles transporting property to or from an amateur competitive event from obtaining a USDOT Number ([HB 54](#)-Keefer), and 6) Authorizes certain commercial implements of husbandry to operate on certain freeways with restrictions.
- **History:** Senate Transportation reported the bill as introduced on May 25, 2022. Passed the Senate (49-0) on June 20, 2022. House Transportation amended the bill with an omnibus amendment on June 28, 2022. The bill was amended on 2nd Consideration in the House on July 6, 2022. Passed the House (114-86) on July 7, 2022, and passed the Senate on concurrence (32-18) on July 8, 2022. Signed by the Governor on July 11, 2022, as Act 91.

Establishing a Weigh Station Preclearance Program

Act 63 of 2022 – [HB 1410](#) (Fee):

- **Overview:** Requires the State Police to create an electronic weigh station bypass program for commercial vehicles.
- **History:** House Transportation reported the bill as amended on June 22, 2021. Passed the House (199-0) on September 28, 2021. Senate Transportation reported the bill as amended on January 19, 2022. Passed the Senate (49-1) on July 7, 2022, and passed the House on concurrence (199-1) on the same day. Signed by the Governor on July 11, 2022, as Act 63.

E-Powered Commercial Trucks

Act 145 of 2022 – [SB 153](#) (Langerholc):

- **Overview:** Authorizes trucks powered by a heavy electric battery or battery pack to operate at 82,000 pounds, in alignment with [Federal law](#). (Similar to Act 31 of 2017-Langerholc, which provided the same authorization for natural gas-powered trucks.)

- **History:** Senate Transportation reported the bill as introduced on June 22, 2021. Passed the Senate (48-1) on September 27, 2021. House Transportation reported the bill on January 25, 2022. **Passed the House (172-27) on October 26, 2022. Signed by the Governor on November 3, 2022, as Act 145.**

Creating a Roadmap for Highly Automated Vehicles (HAV)

Act 130 of 2022 – [HB 2398](#) (Oberlander):

- **Overview:** Authorizes a wide range of HAVs (except school buses, school vehicles and vehicles transporting hazardous materials unless PennDOT promulgates regulations) to be operated by an HAV company or educational or research institution on roadways with or without a human driver. **(See Appendix 2 for a complete summary.)**
- **History:** House Transportation reported the bill as amended on June 8, 2022. Passed the House (123-77) on June 20, 2022. **Following extensive negotiations, Senator Langerholc offered a comprehensive amendment and the bill, as amended, was reported out of Senate Transportation on October 18, 2022. Passed the Senate (29-20) on October 26, 2022, followed by House concurrence (119-79) the same day. Signed by the Governor on November 3, 2022, as Act 130.**

Addressing the School Bus Driver Shortage

[SR 172](#) (Langerholc and Yudichak):

- **Overview:** Urges Congress and the U.S. Department of Transportation to take action on the nationwide school bus driver shortage.
- **History:** Adopted and transmitted as directed on October 6, 2021.

[HR 152](#) (R. Brown and Hennessey):

- **Overview:** Urges Congress and the U.S. Department of Transportation to take action on the nationwide school bus driver shortage.
- **History:** Adopted (152-48) and transmitted as directed on November 17, 2021.

Reforming the PA Turnpike Commission (PTC)

Act 112 of 2022 – [HB 1486](#) (O’Neal), as amended with [HB 2139](#) (Warner), etc.:

- **Overview (PTC reforms only):** Requires a notice for v-toll violations, an annual report on toll revenue, a study on third-party toll collection and strengthening penalties for scofflaws.

- **History (HB 1486 only):** House Transportation reported the bill as amended on June 8, 2021. Passed the House (203-0) on May 24, 2022. Senate Transportation reported the bill as amended on June 28, 2022. **Senator Robinson offered an omnibus amendment on October 25, 2022, on 3rd Consideration. Then, the bill, as amended, passed the full Senate (50-0) on October 26, 2022, followed by a unanimous House concurrence the same day. Signed by the Governor on November 3, 2022, as Act 112.**

Heavy Truck Issues

SB 58 (Martin):

- **Overview:** Increases the weight limit up to 95,000 pounds for municipally-hauled solid waste.
- **History:** Referred to Senate Transportation on January 20, 2021.

HB 1232 (Silvis):

- **Overview:** Increases the weight limit up to 95,000 pounds for agricultural liming material, agricultural seed or fertilizer.
- **History:** House Transportation amended the bill on June 8, 2021. Passed the House (122-79) on June 24, 2021. Referred to Senate Transportation on June 25, 2021.

HB 1261 (Oberlander):

- **Overview:** Increases the weight limit up to 95,000 pounds for commercial implement of husbandry and farm equipment, and authorizes certified escorts in lieu of State Police.
- **History:** Referred to House Transportation on April 21, 2021.

Note: The following organizations expressed opposition with bills that increase truck weights:

- PA State Association of Boroughs
- PA State Association of Township Supervisors
- PA Chiefs of Police Association
- PA State Troopers Association
- PA Sheriffs' Association

Unfinished Business

- Warranty requirements linked to the California Air Resources Board
- Budgeting for and building more truck parking spaces
- From Act 90, the Drug and Alcohol Clearinghouse provision needs a time extension to "beginning no later than November 18, 2024".
- CDL shortages for PennDOT winter maintenance, commercial trucking, school buses, etc.
- Reforms and investments (as well as monitoring implementation of the Infrastructure Investment and Jobs Act or Bipartisan Infrastructure Law)

Appendix 1: Act 90 – Modernizing MCSAC

The following provisions only represent new additions to [Title 75, Chapter 78](#) (relating to Motor Carrier Safety) that are effective September 9, 2022. Please review Chapter 78 for a complete understanding of the roles and responsibilities of MCSAC (in addition to Act 90).

Section 7802 (relating to findings and declaration of policy):

Removes the findings and declaration of policy from the original enactment, Act 21 of 2001.

Section 7803 (relating to definitions):

Defines “motor carrier safety” as the safe movement of an individual or goods on highways that are transported by commercial motor vehicles as defined in Section 1603 (relating to definitions).

Section 7804 (relating to Motor Carrier Safety Advisory Committee):

Increases the number of members from 28 to 31 and changes the membership as follows:

1. Reduces the representatives of the Pennsylvania Manufactured Housing Association from two to one;
2. Adds a person from the motor carrier manufacturing industry, the transport industry for natural gas, the transport industry for coal, and the transport industry for construction materials; and
3. Allows a representative from the railroad industry (instead of only a Class I Railroad).

Authorizes the President Pro Tempore of the Senate to fill a position or vacancy if not filled by the appointing authority within 120 days of the vacancy.

Permits the entire membership to annually elect a chairperson (instead of the Governor). Limits a designee only for the Ex-Officio members. Also, the treasurer position was removed.

Empowers a majority of the members to remove an appointed member for missing four consecutive committee meetings. The MCSAC secretary shall provide written notice to appointed members who miss three consecutive meetings.

Modernizes the powers and duties of MCSAC as follows:

1. Study the feasibility of improving highway safety and freight transportation on highways and develop a policy periodically on the most pressing issues facing motor carrier safety;
2. Examine and recommend motor carrier safety initiatives for strategic plans at PennDOT, the Public Utility Commission, and the State Police;
3. Advise and comment on all phases of motor carrier safety activities being undertaken or financially assisted by PennDOT and agencies of the Commonwealth;
4. With PennDOT’s assistance, provide advice and recommendations to businesses, manufacturers, educational institutions, technology developers, the motor carrier industry, labor communities, and local governments related to motor carrier safety; and
5. Develop and maintain a forum for the exchange of ideas, needs, objectives, plans, and accomplishments related to motor carrier safety.

Requires the annual report to include recommendations. The report must also be distributed to the Secretary of Transportation.

Appendix 2: Act 130 – Creating a Roadmap for HAVs

PennDOT:

- PennDOT has sole regulatory authority over the operation of HAVs and platoons consistent with Title 75 (Vehicles) to ensure the safety of motorists and the general public. PennDOT shall also defer to the National Highway Traffic Safety Administration (NHTSA) for Federal motor vehicle safety compliance.
- PennDOT will manage a self-certification process for the certificate holder, which is limited to a firm, copartnership, association, corporation or educational or research institution.
 - PennDOT is required to collect vehicle and driver information, contact information for accidents, a safety management plan, nonproprietary information submitted to the National Highway Traffic Safety Administration, consent to operating in compliance with the Vehicle Code, agree to the jurisdiction of courts of this Commonwealth, etc. Confidential information collected by PennDOT shall not be subject to the Right to Know Law.
- On a periodic basis, PennDOT is required to collect safety information, such as emergency service responder procedures, a description of the service or function of the HAV and a listing of municipalities. The Secretary may also order a certificate holder to provide records if there is a specific safety concern.
- Creates a process to exempt certain HAV equipment from the safety inspection, while ensuring the HAV remains subject to the Commonwealth's annual safety requirement.
- PennDOT is empowered to: 1) Suspend, limit or revoke a certificate of compliance, 2) Prohibit an HAV if the operation would constitute a hazard, 3) Revoke a certificate of compliance under certain conditions, etc. PennDOT shall also establish an appeals process.
- PennDOT shall promulgate regulations or publish guidelines consistent with Title 75. PennDOT shall consult with the Highly Automated Vehicle Advisory Committee (HAVAC) in a public meeting and hold a public comment period prior to establishing any rules through regulations or guidelines.
- Permits PennDOT to suspend or limit a certificate of compliance if the HAV or Automated Driving System (ADS), limited to a Level 3, 4 or 5, does not meet applicable requirements. PennDOT may also revoke the certificate of compliance if the certificate holder knowingly operated an HAV in a manner that violated rules.
- Requires PennDOT's website to contain: 1) List of certificate holders, 2) Location information where the HAV is expected to operate, 3) Name and contact information for accident claims and registered agent for service of process, 4) Orders issued by the Secretary, and 5) Regulations, temporary regulations and guidelines.
- Allows PennDOT to enter into one or more interstate agreements with regulatory agencies in other States to advance HAVs and platoons. An interstate agreement shall ensure every HAV is insured in the minimum amount of this Act.
- The following changes were made to HAVAC: 1) Adds the PUC Chairperson, a person representing Pennsylvanians with disabilities and a highly automated motor carrier representative, 2) Creates new powers, including evaluating accidents and workforce impacts, and 3) Requires an annual report detailing workforce impacts, economic impacts and improvements to mobility and the Vehicle Code.

HAVs and Certificate Holders:

- Permits a certificate holder to operate a range of HAVs, from a low-speed goods delivery vehicle to 2 trucks in a platoon with a driverless non-lead vehicle. The only HAVs prohibited are highly automated school buses, school vehicles and trucks transporting hazardous materials, unless PennDOT promulgates rules for the latter.
- Authorizes an HAV to operate without an HAV driver, subject to the following: 1) The ADS must be engaged, 2) The HAV must be capable of operating in compliance with the Vehicle Code, unless an exemption has been granted, and 3) If a failure of an ADS occurs, which renders the ADS unable to perform the entire Dynamic Driving Task (DDT) within the intended Operational Design Domain (ODD), the HAV must achieve a minimal risk condition.
 - The defined terms of ADS, DDT, ODD, minimal risk condition, etc. match industry standards.
- Requires an HAV to contain: 1) Federally-required labels indicating the HAV complies with applicable safety standards, and 2) External visual identifier with contact information in the event of an accident.
- When necessary, the HAV driver, on board or in a remote location within the United States, shall be properly licensed to operate the appropriate type and class of motor vehicle. The HAV driver shall also be an authorized employee or contractor of the certificate holder.
- Requires an HAV to be titled in accordance with the Vehicle Code or under the laws or regulations of another jurisdiction of the United States.
- A certificate holder may also obtain an authorization, license or approval from the Public Utility Commission for the operation of an HAV consistent with the Public Utilities Code, including an HAV providing a transportation network service.
- Creates the following penalties: 1) A summary offense with a fine of not less than \$25 and not more than \$1,000 for a violation of this subchapter, 2) A summary offense with a fine of not less than \$500 for a violation of Section 8504 (relating to certificate of compliance required), 3) A summary offense with a fine of not less than \$1,000 for a person that knowingly violates Section 8504 and whose certificate of compliance was suspended or revoked, and 4) A certificate holder that violates a provision of this title in which the penalty is a misdemeanor or felony shall be subject to 18 Pa.C.S. § 307 (relating to liability of organization and certain related persons).

Local Authorities:

- Preempts and supersedes all ordinances, policies and rules relating to HAVs.
- Nothing shall be construed to prohibit local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers as specified in Section 6109 (relating to specific powers of department and local authorities), provided that the police powers do not burden or discriminate an HAV.
- It shall not be a violation if an ordinance, policy or rule that affects the operation of the HAV as a member of a type or class of vehicle, motor vehicle or traffic.
- Permits PennDOT to provide accident information or information from the self-certification form to any requesting municipality where an HAV is operating.
- Orders a certificate holder to notify a municipality in writing of the intent to operate an HAV within their boundaries at least 10 days in advance.

Accident Procedures:

- An HAV operating with an ADS engaged or without an HAV driver on board must stop at the scene of an accident or as close thereto as is safely possible.
- The certificate holder for the HAV, an individual on behalf of the certificate holder or the HAV must immediately contact a police department to report the accident.
- The HAV shall remain at the scene of the accident or as close thereto as is safely possible until all requirements are fulfilled.
- The certificate holder is considered a driver of an HAV for the purpose of assessing compliance under the Vehicle Code relating to a driver of a vehicle or motor vehicle. If a police officer must charge for a violation, the police officer shall charge the certificate holder (and may charge the HAV driver).
- If there is no HAV driver on board, the requirements of Title 75 relating to exhibiting a driver's license and registration card are satisfied if a vehicle registration card is in the HAV and physically or electronically available for inspection by a police officer.

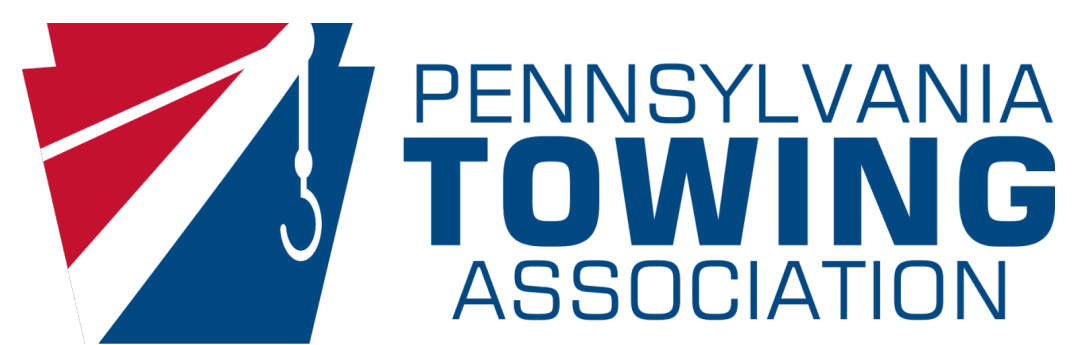
Insurance and Liability:

- Directs a certificate holder of an HAV to maintain the ability to respond in damages for liability on account of accidents arising out of the maintenance or use of an HAV and in the minimum amount of \$1 million per accident for death, bodily injury and property damage to a third party.
- The financial responsibility shall be evidenced by insurance with either an insurer that has obtained a certificate of authority under the Insurance Department Act of 1921, a surplus lines insurer eligible under the Insurance Company Law of 1921 or through any other form, including self-insurance, acceptable to and approved by PennDOT in consultation with the Insurance Department.
- Financial responsibility shall be deemed to satisfy Chapter 17 (relating to financial responsibility). The financial responsibility shall also be in addition to any financial responsibility requirements if an HAV provides a transportation network service under 66 Pa.C.S. Chapter 26 (relating to transportation network service) or 53 Pa.C.S. Ch. 57A (relating to transportation network companies).

Other:

- To address an issue involving commercial trucks, a rear visibility system (comprised of a set of devices or components that produce a rearview image) is excluded from the measurement of the HAV's width, consistent with applicable Federal and State laws.
- Provides for the grading of offenses related to the theft of catalytic converters as follows: 1) A misdemeanor of the 3rd degree if the value is less than \$50, 2) A misdemeanor of the 2nd degree if the value is between \$50 and less than \$200, 3) A misdemeanor of the 1st degree if the value is between \$200 less than \$1,000, and 4) A felony of the 3rd degree if the value is \$1,000 or more.

Effective Dates: The majority of the Act is effective in 240 days, however, PennDOT can start the rulemaking process immediately. Other effective dates apply.



Bob Bressler, Vice President

Brian J. Riker, Executive Director

Regulatory Issues Facing Towing Today

- Size and Weight Rules
 - Often called upon to remove vehicles immediately, special hauling permits ineffective
 - Specialty combinations are difficult or dangerous to split – tankers, auto haulers
 - Legislation introduced to provide relief is stalled in Committee HB 2443 SB 214
- Hours of Service Compliance
 - Staffing shortages, 24/7/365 response, towers are not typical “motor carriers”
 - Some limited Federal relief but not workable in the real world
 - Current 14/10 fixed windows create fatigued CMV drivers, risky to all responders
- Move Over Slow Down Non-Compliance
 - First responder (fire, ems, police, tow, DOT) struck and killed every 4.65 days
 - Makes longer prep times to tow/recover dangerous
 - Towing does not have legal authority to close a lane for safety



Bob Bressler, Vice President

Brian J. Riker, Executive Director

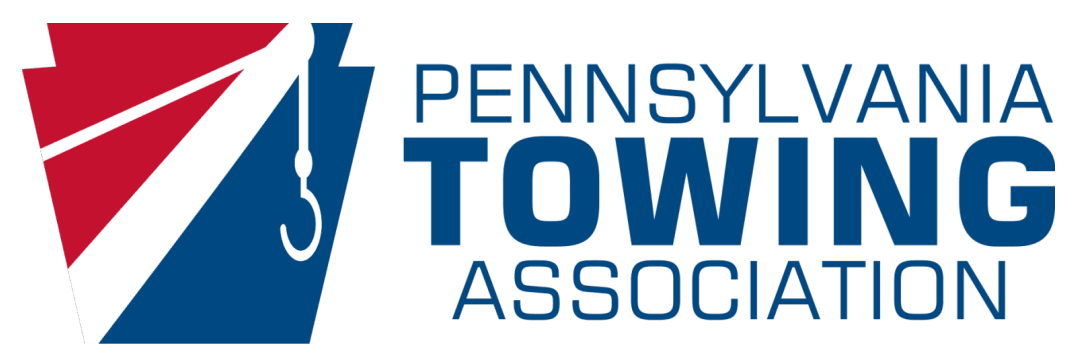
Jim P. Corl of State College, PA LODD Nov. 6, 2021

- Very experienced and safety minded
- Struck and killed while separating a TT combo
- Was complying with current State laws

Why was this allowed to happen?

Jim had already completed hookup but was separating the combination on an off-ramp to comply with PA Vehicle Code restrictions on towing. He would still be here had the laws allowed him to exercise professional judgement and tow the disabled vehicle in combination to a local repair or storage place.





Bob Bressler, Vice President

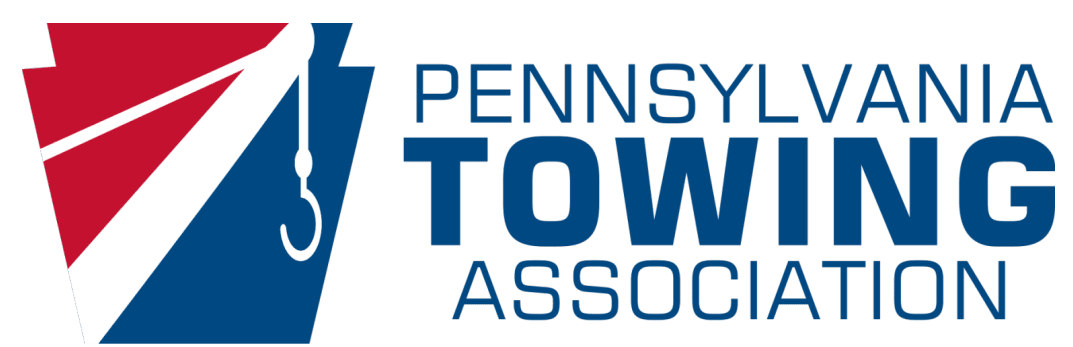
Brian J. Riker, Executive Director

Which would you rather be? The construction worker or the tow truck operator? In most cases this is the legal limits of work zone protection a tower is authorized to use.



1 in 5 Work Zone Crashes Involve CMVs

Trimble and Purdue University Joint Study 2018



Bob Bressler, Vice President

Brian J. Riker, Executive Director

Towing Industry Best Practices

- Fully Understand the Nature of the Request for Service
 - Quality information from communications center or dispatch
 - Advance notice of planned special events
 - For unknown events respond with extra equipment early to prevent delays
- Allow towing professionals to decide what is appropriate response
 - Often incident command requests incorrect equipment causing delays
 - Towers should exercise professional judgement regarding proper methods
 - Less is More – Keep as few operators and equipment on scene as possible for safety
- Protection of Life and Property
 - Allow towers to make decisions on best methods to employ
 - Towers are not covered under hold harmless laws, responsible for negligent damages
 - Law enforcement should provide traffic support to protect pedestrian worker life

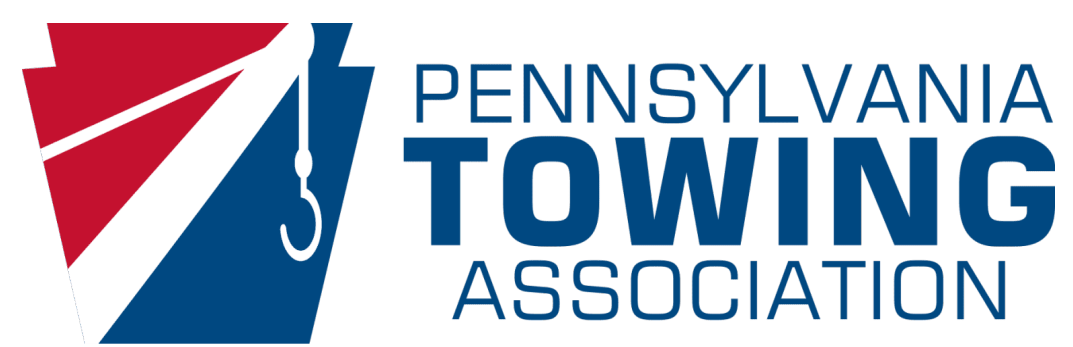


Bob Bressler, Vice President

Brian J. Riker, Executive Director

Both vehicles were dispatched to my towing company as heavy duty truck wrecks, please respond with the biggest truck you have. Can you see the problem with that request?





Bob Bressler, Vice President

Brian J. Riker, Executive Director

Costs Associated With a Professional Towing Service

- Labor
 - 24/7/365 staffing with trained, qualified, competent personnel
- Insurance
 - Year over year increases on all lines of insurance
- Strategic Property Locations
 - Zoning, security, response time, room for growth
- Equipment
 - Costs up 35% since 2019
 - Mandates requiring newer, more complex and specialized pieces
- Fuel
 - Costs up 50% or more, lower fuel economy with newer equipment
- Special Concerns
 - Environmental contamination, electric vehicle fires, workplace injuries