

PENNSYLVANIA STATE POLICE  
TESTIMONY BEFORE THE  
SENATE VETERAN'S AFFAIRS AND EMERGENCY PREPAREDNESS  
COMMITTEE

JUNE 29, 2010



PRESENTED BY  
MAJOR HARVEY COLE  
PENNSYLVANIA STATE POLICE

GOOD MORNING CHAIRMEN BAKER, ROBBINS, FARNESE, AND MEMBERS OF SENATE VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE. MY NAME IS MAJOR HARVEY COLE AND I SERVE AS THE DIRECTOR OF THE STATE POLICE BUREAU OF PATROL. WITH ME TODAY IS CAPTAIN MICHAEL PATRICK, DIRECTOR OF THE SAFETY PROGRAM DIVISION WITHIN THE BUREAU OF PATROL AND LIEUTANT TIMOTHY SHANNON, EMERGENCY PLANNING AND PREPAREDNESS OFFICER IN OUR DOMENSTIC SECURITY DIVISION.

WE ARE HERE TODAY TO TALK ABOUT THE ACTIVITY ASSOCIATED WITH THE MARCELLUS SHALE PROJECT. THE PENNSYLVANIA STATE POLICE HAVE BEEN WORKING IN CLOSE COOPERATION WITH THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA), THE DEPARTMENT OF ENVIRONMENT PROTECTION (DEP), THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT), THE PUBLIC UTILITY COMMISSION (PUC), AND COUNTY EMERGENCY MANAGEMENT AGENCIES IN ADDRESSING EMERGENCY

RESPONSE AND PLANNING ISSUES ASSOCIATED WITH MARCELLUS SHALE DRILLING AND GAS RECOVERY ACTIVITIES. WHILE COUNTY GOVERNMENTS ASSUME THE LEAD IN FIRST-LINE RESPONSE TO, AND PLANNING FOR INCIDENTS AT DRILLING SITES, STATE GOVERNMENT ALSO PLAYS AN IMPORTANT ROLE IN ENSURING THAT THE PUBLIC IS PROTECTED AND FIRST RESPONDERS ARE PREPARED FOR EVENTS AT MARCELLUS SHALE WELLS.

THERE HAVE BEEN CONSIDERABLE SPIKES IN TRAFFIC- AND CRIMINAL-RELATED INCIDENTS IN OTHER AREAS OF THE COUNTRY WHERE GAS EXPLORATION AND DRILLING HAVE TAKEN PLACE PRIOR TO THE COMMENCEMENT OF THOSE ACTIVITIES HERE. IN THE COMMONWEALTH, WE ARE CURRENTLY EXPERIENCING A SIGNIFICANT INCREASE IN COMMERCIAL VEHICLE TRAFFIC AND PATROL ENFORCEMENT IN THE MARCELLUS SHALE REGIONS. WHILE THE PENNSYLVANIA STATE POLICE HAVE NOT SEEN A LARGE ESCALATION IN CRIME RATES IN THOSE AREAS, WE ARE EXPERIENCING A GROWING NUMBER OF THE TYPES OF CRIMES

THAT CAN BE ATTRIBUTED TO A TRANSIENT WORKFORCE. PSP WILL CONTINUE TO MONITOR AND EVALUATE TRENDS OF INCREASED CRIMINAL ACTIVITY IN THESE AREAS.

THE STATE POLICE HAVE REPRESENTATIVES ASSIGNED TO THE NORTHERN TIER'S MARCELLUS SHALE TASK FORCE, A GROUP THAT INCLUDES PERSONNEL FROM LOCAL, STATE, FEDERAL AND PRIVATE ENTITIES. THE TASK FORCE IS GEARED TOWARD FOSTERING COOPERATION AND INFORMATION SHARING AMONG STAKEHOLDERS IN AN EFFORT TO IDENTIFY AND ADDRESS TRAINING, EQUIPMENT NEEDS, AND ON-GOING PROBLEMS AND SOLUTIONS ASSOCIATED WITH THE MARCELLUS SHALE REGION.

LARGE GAS DRILLING OPERATIONS INVOLVE MOVING A LARGE AMOUNT OF EQUIPMENT, VEHICLES, AND SUPPLIES INTO REMOTE AREAS. INDUSTRY ESTIMATES INDICATE THAT THE OPERATION OF JUST ONE (1) GAS WELL (START TO FINISH) RESULTS IN BETWEEN 900 TO 1,350 COMMERCIAL MOTOR VEHICLE TRIPS INTO AND OUT OF THE DRILLING SITE. MANY OF

THESE VEHICLES WEIGH AT OR ABOVE THE STATE LEGAL LIMIT OF 80,000 POUNDS.

THE INFLUX OF COMMERCIAL TRUCKS AND SUPPORTING PERSONNEL INTO RURAL REGIONS OF PENNSYLVANIA HAS ALREADY CREATED A NUMBER OF SAFETY ISSUES AND CONCERNS FOR STATE AND LOCAL LAW ENFORCEMENT. ALREADY, PENNSYLVANIA STATE POLICE PERSONNEL IN BRADFORD, CLEARFIELD, FAYETTE, GREENE, WASHINGTON, WESTMORELAND, SUSQUEHANNA, AND TIOGA COUNTIES HAVE WITNESSED A SIGNIFICANT INCREASE IN TRUCK TRAFFIC AS THE RESULT OF MARCELLUS SHALE GAS DRILLING OPERATIONS.

AS A DIRECT RESULT OF THIS INCREASE IN TRUCK TRAFFIC, LOCAL TRANSPORTATION INFRASTRUCTURE HAS BEGUN TO CRUMBLE UNDER THE WEIGHT AND VOLUME OF THESE TRUCKS. THE CONDITION OF LOCAL INFRASTRUCTURE POSES AN IMMEDIATE SAFETY CONCERN AS HEAVY TRUCKS, AND PARTICULARLY THOSE WITH UNSECURED LOADS, ARE MORE

PRONE TO ROLLOVER AND CRASH WHEN DRIVEN ON AN UNSTABLE ROAD SURFACE. MOREOVER, THE CONDITION OF THESE ROADS MAKE IT EXTREMELY DIFFICULT FOR EMERGENCY SERVICES VEHICLES SUCH AS AMBULANCES, FIRE AND POLICE VEHICLES TO RESPOND IN A TIMELY MANNER TO EMERGENCIES IN THESE COUNTIES.

FROM APRIL 1 – JUNE 7, 2010, STATE POLICE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP) PERSONNEL CONDUCTED 416 ROADSIDE INSPECTIONS OF COMMERCIAL MOTOR VEHICLES USED IN SUPPORT OF MARCELLUS SHALE GAS DRILLING OPERATIONS. 51% OF THE LEVEL 1 INSPECTIONS (WHICH ARE DETAILED INSPECTIONS OF THE DRIVER AND VEHICLE) CONDUCTED DURING THIS PERIOD RESULTED IN EITHER THE VEHICLE OR DRIVER BEING PLACED OUT OF SERVICE FOR SERIOUS SAFETY VIOLATIONS. THIS PRELIMINARY FINDING IS ALARMING IN THAT, ACCORDING TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA), A LEVEL 1 INSPECTION OUT OF SERVICE RATE OF 24-30% IS EXPECTED NATIONWIDE. ALSO CONCERNING IS THAT OF

THE LEVEL 1 INSPECTIONS CONDUCTED ON VEHICLES TRANSPORTING HAZARDOUS MATERIALS, 66% WERE PLACED OUT OF SERVICE.

\*\*\*NOTE - LEVEL 2 IS DRIVER AND WALK AROUND OF THE VEHICLE. LEVEL 3 IS DRIVER ONLY.

MOST RECENTLY, ON JUNE 14-16, 2010, TROOPS B, C, F, P AND R EACH PARTICIPATED IN A COORDINATED 72 HOUR MCSAP OPERATION THAT CONCENTRATED EFFORTS ON THE TRUCKS USED TO HAUL WATER TO AND FROM MARCELLUS SHALE DRILLING OPERATIONS IN THEIR RESPECTIVE AREAS OF RESPONSIBILITY. OUR EFFORTS WERE SUPPORTED BY THOSE OF THE PUC, THE DEP, AND THE FMCSA. THE RESULTS OF THE DETAIL ARE AS FOLLOWS:

- 1,137 INSPECTIONS WERE CONDUCTED. 670 OF THESE INSPECTIONS WERE CONDUCTED ON WASTE WATER HAULERS.
- 1,937 TRUCKS WERE WEIGHED DURING THE DETAIL.
- 1,074 TRAFFIC CITATIONS & 1,442 WRITTEN WARNINGS WERE ISSUED.

- 250 VEHICLES AND 45 DRIVERS WERE PLACED OUT OF SERVICE.
- 63% OF ALL WASTE WATER HAULER INSPECTIONS WERE FOUND TO HAVE AT LEAST 1 SAFETY VIOLATION.

39% OF ALL WASTE HAULERS INSPECTED IN TROOP P WERE PLACED OUT OF SERVICE. NATIONALLY, A 21% OUT OF SERVICE RATE IS CUSTOMARY.

ONE OF THE MORE COMMON INFRACTIONS REPORTED OBSERVED BY OUR INSPECTION PERSONNEL INVOLVE VIOLATIONS OF SPECIAL HAULING PERMITS ISSUED BY PENNDOT. SPECIAL HAULING PERMITS ARE REQUIRED FOR OVERSIZE AND OVERWEIGHT LOADS USING INTERSTATE HIGHWAYS AND STATE ROADWAYS. FOR EXAMPLE, DURING A FEBRUARY 2010 ENFORCEMENT DETAIL, MOTOR CARRIER ENFORCEMENT PERSONNEL IN TROOP R, DUNMORE CONFISCATED ELEVEN (11) SPECIAL HAULING PERMITS DUE TO OPERATIONS CONDUCTED IN VIOLATION OF PERMIT RESTRICTIONS. THERE WAS NOTED ABUSE IN THAT SINGLE TRIP PERMITS WERE BEING USED MULTIPLE TIMES IN ORDER

TO FACILITATE LOAD MOVEMENTS. SOME INSPECTIONS OF PERMITTED LOADS FOUND THEM TO BE OPERATING IN EXCESS OF THEIR LEGALLY PERMITTED WEIGHT, OPERATING AFTER SUNSET OR OFF THEIR PERMITTED ROUTE OF TRAVEL. IN ADDITION TO VIOLATIONS BY PERMITTED LOADS, OUR INSPECTION PERSONNEL HAVE FOUND MANY OVERSIZE AND OVERWEIGHT LOADS OPERATED WITHOUT HAVING OBTAINED REQUIRED PERMITS.

OTHER COMMON SAFETY VIOLATIONS HAVE INVOLVED DEFECTIVE BRAKES, LOG BOOKS OR RECORDS OF DUTY STATUS, IMPROPER LOAD SECUREMENT, AND EXPIRED STATE INSPECTIONS. SOME OF OUR ROADSIDE INSPECTIONS HAVE EVEN RESULTED IN FRAUD INVESTIGATIONS BY TROOP VEHICLE FRAUD INVESTIGATORS. FOLLOWING A RECENT ROADSIDE INSPECTION IN WHICH SEVERAL SAFETY DEFICIENCIES WERE DISCOVERED, INSPECTORS DETERMINED THE VEHICLE HAD RECENTLY PASSED A STATE INSPECTION AT A NEARBY LICENSED INSPECTION STATION. THE TROOP'S VEHICLE FRAUD INVESTIGATION UNIT FOUND IMPROPRIETIES

BY THE INSPECTION STATION AND ISSUED CITATIONS AGAINST THEM FOR CONDUCTING A FAULTY INSPECTION AND FRAUDULENT REPORTING.

IN RESPONSE TO THESE COMMERCIAL VEHICLE SAFETY ISSUES, THE PENNSYLVANIA STATE POLICE HAS PARTNERED WITH THE PUC AND THE DEP TO CONTINUE THE CONDUCT OF PROACTIVE ROADSIDE INSPECTIONS IN THOSE AREAS MOST IMPACTED BY THE TRUCK TRAFFIC SUPPORTING GAS DRILLING OPERATIONS. TO BOLSTER OUR ENFORCEMENT EFFORTS WE ARE FILLING SOME VACANT POSITIONS WE HAD WITH OUR CIVILIAN MCSAP INSPECTORS IN THE REGION, 1 POSITION IS BEING FILLED AT THE MANSFIELD STATION AND 2 POSITIONS ARE BEING FILLED AT THE TOWANDA STATION. ADDITIONALLY, WE HAVE TRAINED OVER 100 NON-MOTOR CARRIER ENFORCEMENT PERSONNEL IN BASIC TRUCK ENFORCEMENT SKILLS; THIS IS IN ADDITION TO OUR FULL TIME AND PART-TIME MCSAP PERSONNEL. THIS TYPE OF TRAINING WILL CONTINUE AS DRILLING OPERATIONS FURTHER EXPAND IN PENNSYLVANIA. TO HELP PROTECT OUR INFRASTRUCTURE, ADDITIONAL

PORTABLE WEIGHT SCALES ARE BEING PURCHASED AND WILL BE DEPLOYED, ALONG WITH APPROPRIATE TRAINING, TO MAKE CERTAIN THESE TRUCKS ARE OPERATING WITHIN LEGAL WEIGHT LIMITATIONS.

ENFORCEMENT OPERATIONS ARE JUST ONE MEANS BY WHICH WE HOPE TO ENSURE COMPLIANCE WITH MOTOR CARRIER SAFETY REGULATIONS. THROUGH OUTREACH AND EDUCATIONAL EFFORTS, WE HOPE TO SOLICIT VOLUNTARY COMPLIANCE BY ALL THOSE OPERATING TRUCKS IN SUPPORT OF THIS GROWING INDUSTRY.

IN JANUARY 2010, A MARCELLUS SHALE CONFERENCE WAS HELD IN STATE COLLEGE DURING WHICH ENFORCEMENT PERSONNEL FROM MULTIPLE AGENCIES EDUCATED MORE THAN 600 INDUSTRY ATTENDEES ON ISSUES SURROUNDING THE SAFE TRANSPORTATION OF THEIR HIGHWAY EQUIPMENT.

US TO ENSURE THE SAFETY OF ALL THOSE WHO TRAVEL THE  
ROADS AND HIGHWAYS OF OUR COMMONWEALTH.

THIS CONCLUDES OUR TESTIMONY TODAY. WE WILL NOW  
ANSWER ANY QUESTIONS YOU MAY HAVE