



Testimony of

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Before the Committee on Transportation in Opposition to LD 522 – An Act to Require That Motor Vehicles Be Clear of Snow When Operated on Public Ways

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Senator Chipman, Representative Williams and members of the Committee on Transportation, my name is Dana Doran, and I am the Executive Director of the Professional Logging Contractors of Maine. The Professional Logging Contractors of Maine (PLC) is the voice of Maine's logging and trucking industry. The PLC was formed in 1995 to represent independent contractors in a rapidly changing forest industry.

As of 2017, logging and trucking contractors in Maine employed over 3,900 people directly and were indirectly responsible for the creation of an additional 5,400 jobs. This employment and the investments that contractors make contributed \$620 million to the state's economy. Our membership, which includes 200 contractor members and an additional 120 associate members, employs over half of the individuals who work in this industry and is also responsible for 80% of Maine's annual timber harvest.

Thank you for providing me the opportunity to testify on behalf of our membership regarding LD 522 – An Act to Require That Motor Vehicles Be Clear of Snow When Operated on Public Ways. While the PLC appreciates the work and good intention of Representative White to propose an alternative solution to what he proposed in 2021 with LD 1623, we still cannot support this bill. This was also our position in the 128th Legislature with LD 137 and LD 1133 in the 127th Legislature, of which this committee heard and voted ought not to pass. LD 522 is still not a bill that will increase safety, reduce risk, or provide an advantage for Maine businesses.

The PLC of Maine and our membership takes motor vehicle safety very seriously and we certainly understand why this issue gets presented every two years. Before discussing the merits of this bill and our primary reasons for opposition, I thought it would be helpful to share with the committee our viewpoint on safety.

In 2000, the PLC created a partnership with Acadia Insurance to create a culture of safety within our membership. In 2010, we began offering safety trainings to our membership during mud season. This year, we will offer three days of commercial vehicle safety training to more than half of our members and over 250 of their employees. Topics for these trainings include: legal liability, ergonomics for drivers, and roadside relationships with Troop K of the Maine State Police. Training on these topics will assist our membership in understanding how critical these areas are to individual safety and to the general public.

With respect to the bill that is before you today, our membership certainly understands this issue and makes every attempt to mitigate problems that may stem from snow and ice accumulation. Snow and ice accumulation on log trucks is one of the primary prohibitions of progress during the big push for production in the logging industry during a typical Maine winter.

From our perspective, snow and ice are a blessing and a curse. Logging contractors long for cold weather when the ground freezes to limit environmental impact, but it often creates havoc with the transportation network that is involved in moving fiber to the market.

The PLC of Maine is opposed to this legislation for three primary reasons: 1) snow accumulation has not been identified as a primary risk area; 2) it would create unmanageable risk for operators during pre-trip inspection; and 3) defining what “snow that has naturally accumulated on the top of a vehicle, snow that is part of an actual load” is very ambiguous and there is no cost effective way to deal with it.

First, as I mentioned previously, the PLC and our insurance partners, are acutely aware of the high-risk areas in our industry today. However, the issue of snow accumulation on log trucks and other commercial vehicles has not been identified as a major loss/risk area either by our insurance partners or Troop K. If it was, we would probably include this topic area in our spring training series either this year or in the near future.

Second, what is more of a risk for log truck drivers are slips, trips and falls related to clearing snow and ice as well as securing loads. Clearing snow and ice from a loaded log truck can be a very precarious and often dangerous proposition. To do this effectively, it would not only be a potential violation of OSHA regulations to require a driver to climb on top of loaded log truck to clear snow a without proper safeguards, but it would also put many log truck drivers at risk for injury to life and limb.

Lastly, it is not clear how we should interpret, “snow that has naturally accumulated on the top of a vehicle, snow that is part of an actual load,” nor how law enforcement would be expected to interpret it either. Does this mean snow that was attached to a tree that was loaded on the back of a log trailer, meets this definition, even if it didn’t accumulate from a storm in the last 48 hours? If snow was previously frozen to a tree, but it didn’t occur as a result of a recent storm, would it need to be removed prior to moving the load? Does this apply to every tree on a load? Does this also apply to every part of a log trailer that might have operated during a prior storm, but has been sitting for days at a time before it was moved and the snow is frozen solid? This not only adds significant expense but quite possibly defies common sense.

In reviewing legislation, I always like to compare it to existing law to see where it would fit. I would like to point out that the current statute, Section 2396 of Title 29-A, already includes language which pertains to this subject. As currently written, the statute promotes public safety by aiming to keep highways clear of injurious materials and imposes two duties to ensure compliance: 1) a duty not to impede travel or create hazards by placing foreign objects in the road, and 2) a duty to secure loads of materials such as wood to prevent transported materials from falling from traveling vehicles. These duties accord with reasonable standards of conduct applied to setting up a load for transportation. In loading a vehicle, part of the job of an operator is securing that load. The operator is also responsible for ensuring that snow and ice do not impede travel or create hazards. Failure to remove snow accumulating on a truck trailer prior to beginning a haul may be actionable negligence, especially if it results in an accident. So, defeating this bill does not shield an imprudent operator from possible liability.

From our perspective, this bill is well intended, but it pits the driver against uncontrollable conditions, and it also creates a burden which could cause more risk than was intended as well as significant cost. We can all agree that operators should take the time at the start of a trip to clean off a vehicle within reason, but they can’t put themselves at risk nor can they impede progress because of costly regulation.

Thank you for providing me with the opportunity to appear before you today to testify in opposition to this bill and I urge you to vote ought not to pass. I would be happy to answer any questions you may have.