

Testimony of Sheriff John Gruzinskas, Marshall County, West Virginia

U.S. Senate Committee on Commerce, Science and Transportation

“Shale Gas Development: Meeting the Transportation, Pipeline and Rail Needs to Renew American Manufacturing”

Fairmont, West Virginia – April 11, 2012

Testimony relating to the roads, traffic and safety challenges associated with the shale gas development.

TRAFFIC ISSUES I have most times likened the Marcellus shale discovery and its subsequent development as an invasion. It was almost overnight that the major companies like Chesapeake, Caiman energy, Chief oil and gas, CNG and others began moving their equipment into the county. I was either on the phone with or meeting with representatives of the industry that were telling me how safe they were, and what good neighbors they wanted to be on a daily basis.

Since Marshall County is already an industrial county, we thought we have seen these surges in industry come and go. We were never prepared for the onslaught of heavy trucks that would monopolize our roads, damage our property, and destroy our roads. These trucks travel our roads all hours of the day and night. The drivers are not from here so they do not care what happens as a result of their reckless operation. Our roads are destroyed from these overloaded vehicles. And our state is a willing participant in this destruction. If there are trucks that are over the legal road weight of 45,000 pounds, they simply apply to Charleston at the Division of Highways permit office, and get a permit to travel with an 80,000 pound load.

There may be up 60 or 70 trucks that are travelling our roads with these overweight loads going to one site.

The majority of our complaints of traffic crashes are hit and run crashes, and large trucks running off the road. What we have experienced is that most of the companies sub-contracted by the gas drillers are from southern and western states. The drivers are not familiar with our winding narrow roads. This makes for a bad combination for our local oncoming traffic. Many of our residents are run off the road by the large trucks. Although we try and educate our residents to get as much information as possible about the offender, so we can take enforcement action, it is difficult for them to do that as they try to keep from going over the hill.

For the most part the large companies work towards cooperating with the Sheriff's Office, other law enforcement agencies, the Department of Transportation, and the school board. It is the aforementioned sub-contractors that we have problems with. They freely admit that they would much rather run illegally and get caught and pay the fine than have to hire extra men to do the job right, because it's cheaper.

In their defense, some of the large companies realize that their sub-contractors are somewhat less than model drivers. They offer that if we can provide information about an offending driver or company, they will discharge that company from their employ. They have been good to their word. I can say that when I have been able to articulate an offense and the sub-contractor involved, the parent company has discharged them.

I have had success in cooperating with the company liaison representatives. There are several of these companies that deal very quickly with citizen complaints. If I get a complaint in an area of the county that these companies are operating in, the company liaisons will contact the citizens directly to attempt to solve their complaints.

Normally when our residents call us to complain of being run off the road, the only description may be "a large red/blue dump truck". The Sheriff's Office responds to all complaints, but in many cases with the sub-contractors, the suspect vehicle has already fled the scene. In cases of property damage, I can reference a most recent case where a truck damaged property by driving through a resident's yard. A good description was supplied by the victims of the destruction of

property. The vehicle was tracked down to a company in North Carolina. The problem was resolved, but took several days and man hours to reach a solution. If the offender had stopped it could have been resolved more quickly.

I have limited manpower. This issue with the traffic problems caused by trucks is just one of the hundreds of complaints answered by Marshall County deputies. Although I would much rather have the deputies devoting their time to victims of felony crimes in the county, they are constantly distracted by the never-ending complaints of truck traffic. I cannot effectively devote manpower to the truck complaint if deputies are working on more serious matters.

On a regular basis I assign off duty deputies to patrol our problem areas. By that I mean areas where we have the most complaints. We instruct our personnel to be visible and take whatever enforcement action is appropriate. As county law enforcement officers, our deputies do not have the authority to stop these trucks for safety inspections, log book inspections or weight law violations. That is the bailiwick of the public Service Commission.

The Public Service Commission also maintains a presence in Marshall County, and cooperates with the Sheriff's Office when they can. I do know that the Public Service Commission writes many many citations for violations of the federal motor carrier regulations.

To distill the truck problem down to one of its basic components, what I see is the disrespectful attitude and disregard for the residents of this county by some of these sub-contractors.

The distrust and animosity still remains between the sub-contractors and the citizens. It is up to Law enforcement to find new ways to deal with the complaints.

One of the best ways we have of dealing with this is regular meetings between the industry, law enforcement, emergency management, school officials, and the Division of Transportation. These meetings continue to be an open and civil communication between state and county government and the gas drilling companies. We have a long way to go, but we make progress however little at a time.