Bill as Introduced

SB 371-FN - AS INTRODUCED

2000 SESSION

00-2263
09/01

SENATE BILL ***371-FN***

AN ACT relative to staffing of state police vehicles patrolling highways at night.

SPONSORS: Sen. Trombly, Dist 7

COMMITTEE: Transportation

ANALYSIS

This bill requires that 2 police officers staff each state police vehicle patrolling toll roads, turnpikes, and interstate highways between the hours of 9:00 p.m. and 6:00 a.m.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2263
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to staffing of state police vehicles patrolling highways at night.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Minimum Staffing of State Police Vehicles Patrolling Highways at Night. Amend RSA 106-B by inserting after section 18-a the following new section:

106-B:18-b Staffing of Police Vehicles Patrolling Highways at Night. A minimum of 2 police employees shall staff each state police vehicle patrolling turnpikes, toll roads, and interstate highways between the hours of 9:00 p.m. and 6:00 a.m..

2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
00-2263
11/22/99

SB 371-FN - FISCAL NOTE

AN ACT relative to staffing of state police vehicles patrolling highways at night.

FISCAL IMPACT:

The Department of Safety determined this bill will increase state highway and turnpike expenditures by $1,298,732 in FY 2000, $1,401,895 in FY 2001, $1,503,263 in FY 2002, by $2,043,742 in FY 2003 and by $1,586,527 in FY 2004. There will be no fiscal impact on county and local expenditures or state, county and local revenue.

METHODOLOGY:

The Department stated the Division of State Police has approximately twenty vehicles patrolling turnpikes, toll roads, and interstate highway between the hours of 9:00 p.m. and 6:00 a.m. The Department has assumed an additional trooper for each of those vehicles, and includes an additional vehicle for use by the new trooper between the hours of 6:00 a.m. and 9:00 p.m.

	2/1/00-6/30/00	FY 2001	FY 2002	FY 2003	FY 2004
Salaries	$ 243,360	$ 627,340	$ 699,720	$ 728,620	$ 759,080
Overtime & Holiday	130,500	314,000	319,000	321,000	323,200
Witness Fee	22,500	54,000	54,000	54,000	54,000
Benefits	122,872	308,555	332,543	342,122	352,247
Vehicles	500,000	-	-	500,000	-
Uniforms, Cleaning & Medical Exp.	149,500	18,000	18,000	18,000	18,000
Vehicle Expense	30,000	70,000	70,000	70,000	70,000
Training & Materials	100,000	10,000	10,000	10,000	10,000
Total	$1,298,732	$1,401,895	$1,503,263	$2,043,742	$1,586,527

Committee Minutes

Date: February 8, 2000
Time: 3:37
Room: 104-LOB

The Senate Committee on Transportation held a hearing on the following:

SB 371-FN relative to staffing of state police vehicles patrolling highways at night.

Members of Committee present: Senator Roberge
Senator Below
Senator Trombly

The Chair, Senator Sheila Roberge, opened the hearing.

Senator Sheila Roberge, D. 9: We'll open the hearing on SB 371 and call upon the Prime Sponsor, Senator Trombly.

Senator Rick A. Trombly, D. 7: Thank you Madam Chairman. Madam Chairman before we begin I would like to ask that the content of the bill be amended to include a five appropriation. To the purposes of filling in vacancies and low staffing levels. What I would offer to the committee at a later date is an amendment that would strike to bill requiring two employees in a cruiser, instead just ask for a flat appropriation for one million dollars for the purposes which you will hear today Madam Chairman.

I will be brief because I think there are people behind me who can speak much more eloquently to the purposes for this bill. But I do think its very important to have on the record that if there is one thing that I think the people of this state expect from their government it is to be protected. To be protected from people who break the law and also to receive protection and assistance when they break down on the side of the highways and the roads where there is not a residence where you knock at the door late at night. With the encouragement of tourism in our state and I think also with our work force being a 24 hour a day work force people are on the roads constantly. What is happening is that because of situations, of which you will

hear from members of the state police after me, there is not that protection afforded the citizens of the state.

Speaking with some troopers about this legislation it is a very stark problem that there is a very real risk to people in the state. They can be on the roads in evenings and because of illness or other problems they can be broken down, and no receive the assistance from the state police that they need. In particularly single mothers who work the second shift and are driving home at 11:00 and if they have to have a child in evening daycare. If they are on the highways and there is an illness and there is no state trooper to cover a certain stretch of road, or their jurisdiction is doubled because of an illness or a call in, if they break down they may not be able to receive the assistance they need. That is something that we need to avoid.

I know we have a budget shortfall, I know we need to save every dollar. But as I said Madam Chairman I think the people not only require, but demand that we protect them. And that we appropriate enough money to see that that is done so that when they take to the highways in particularly during the evening they know that they can receive the help from the state police that they deserve. And with that I would yield to any questions.

Senator Sheila Roberge, D. 9: You are not really referring to the text of the bill?

Senator Rick A. Trombly, D. 7: Right, the text of the bill requires two employees. And that is really no the crust of the problem, the problem is, and I don't want to get too much into it because there are others who will testify to this, but the real problem is coverage as opposed to two people in the cruiser. Requiring one trooper to cover a humungous stretch of highway because another trooper may have called in sick. So what I would be looking for is an appropriation for the purposes of providing additional coverage, and not go through the double coverage process.

Senator Sheila Roberge, D. 9: Thank you.

Senator Rick A. Trombly, D. 7: Thank you.

Senator Sheila Roberge, D. 9: Clark Corson signed in but did not wish to speak. Is that correct?

Clark T. Corson: I am in support of the bill but I will defer to the next speaker.

Senator Sheila Roberge, D. 9: Sergeant Dale St. Laurent?

Dale St. Laurent: Good afternoon Madam Chairman and Senators. My name is Dale St. Laurent I'm the Sargent of the State Police. I'm currently a shift supervisor out of troop D which is the troop that covers Merrimack County, a good section of 93 from the Hooksett toll up to exit 24, and all of interstate 89 from the Bow junction all the way up to the Vermont border. As a shift supervisor typically we have 9 patrols in our troop assigned to each shift with the exception of our midnight shift to cover that large area.

Presently speaking we have 10 patrols that go uncovered as a result of not having man power to fill those positions. That's if we have 100% staffing. Presently we have 5 probationary troopers or new troopers who are transferred throughout the state filling up 5 of those vacancies still leaving 5 vacancies left on a daily basis. In addition to those vacancies on a recurring basis we have people that are in training or people that are assigned special detail or tasks to do, people who call in sick or people who simply want to take a vacation or a day off for whatever reason.

To give you an example of how inadequate staffing can be at times, two weekends ago on a Saturday on the day shift during a relatively busy ski commuting weekend I had 2 troopers plus myself covering that entire jurisdiction. For those of you who are familiar with interstate 89 for instance its well over 60 miles one way from the junction to the Vermont border. Routinely we have 1 trooper covering that area even though there are 2 patrols assigned to that. On some of the shifts presently we are able to staff that with 2 people because of the new troopers that we have on the job to fill that on a temporary basis. As a result travel times to disabled vehicles or calls whether they be accidents, criminal investigations can sometimes be horrendous. On interstate 89 I found myself at times having to respond virtually from the Vermont border to Concord and beyond. And even at high rates of speed well in excess of 100 miles per hour it still takes 40 minutes to travel that distance.

As a result what we're looking for as Senator Trombly was eluding to is a methodology of filling vacancies as they occur. Because of these short staffings, particularly the unplanned events of training, sickness and annual leave days that occur. In a perfect world we would have 100% staffing to fill these patrols, but it is my understanding that if the state police were at 100% staffing there would still be patrols throughout the state including troop D that would go unfilled. There would result in a shortage of people and in all honesty it is a lot less expensive to pay an individual overtime, than it is to hire an individual. That would be our first methodology if we could fill all of them, and hire people to fill all of these positions would be fantastic. But even if we had 100% filling you're still going to have people call in sick, you're

going to still have people who are not be in those positions for whatever reasons.

To give you an idea of what has occurred and what can occur in the future if you have two people covering a patrol area such as we may have or even 4 or 5 people covering that patrol area. If an individual calls for help in Danbury and the closest unit is in Pittsfeild your talking a 35 or 40 minute jaunt. If the situation was a loved one has had a serious accident or a situation where somebody is involved in a serious domestic situation or if there is an armed robbery of types than that 40 minutes is just way too long. So much could happen in that period of time that could be avoided by having a person out there.

The minimum manning that we're looking for is similar to for instance the city of Concord has. Concord went through a period of time when they had a high turnover rate but in no time did they allow the patrol coverage to go uncovered. What they did was financed it through over time of the other individuals to cover those shifts, so that the service to the community and the public, the safety to the community and the public, the safety to its officers was pairing off and it was covered through this extra overtime that was paid out. Presently the State Police Budget doesn't allow us to fill those positions. We don't have the overtime budget for it. In our overtime budget currently a large percentage, as I believe will be spoken to later, is used up on just one or two events for the year.

Senator Sheila Roberge, D. 9: How much leave time do you have?

Dale St. Laurent: As much as any state employee.

Senator Sheila Roberge, D. 9: Which is what?

Dale St. Laurent: It varies with the length of service that you have, but is essence anywhere between 2 to 3 weeks per year, maybe a little bit more if you have more time on.

Senator Sheila Roberge, D. 9: Ok. That includes sick days?

Dale St. Laurent: No. That's just annual leave time.

Senator Sheila Roberge, D. 9: Can you accumulate?

Dale St. Laurent: Yes you can accumulate sick leave.

Senator Sheila Roberge, D. 9: Can you accumulate leave time?

Dale St. Laurent: Yes.

Senator Sheila Roberge, D. 9: So when you first start out you get 2 or 3 weeks. Then how much can go up to how much, in how many years?

Dale St. Laurent: Well I can tell you I have approximately 14 years on the job. My maximum annual leave is 352 hours and I believe my maximum on sick leave I believe is in the 900 hour range. I can't tell you exactly I haven't looked at the contract, I don't use much sick leave. But the annual leave can accumulate and the sick leave can accumulate up to that point. And granted that's with someone with 14 years on the job. A new person coming on isn't really given any time off until after the first year is over with.

Senator Clifton Below, D. 5: You mentioned that troop D coverage area, 10 patrols go uncovered each day, each shift?

Dale St. Laurent: In total. There are 9 patrols and each patrol has 3 individuals in it in addition you have a midnight shift which consists of I believe presently it is 4 people plus a supervisor, that covers the mid-nights. Their days off will make it so that there are never 4 people on plus a supervisor, it will be like 3 plus a supervisor, or 4 without a supervisor. But there is 9 patrols with 3 individuals in them and that covers your day shifts and your night shifts and the third patrol is your cover shift. So when the day shift is off they will work 3 days and when the night shift is off they will work 3 nights.

Then in addition to that you will have 3 supervisors that will coincide 1 with each one of those shifts. For instance I'm the daytime supervisor there is a nigh time supervisor and there is a cover supervisor. Currently because we've put an emphasis on having units on the interstates for the winter season because of the real possibility of freezing to death out there, if you get stranded. We have in essence eliminated a rural patrol of the small towns that we cover. We looked at the ones that we could sneak by and have somebody go cover if we needed to off interstate. We eliminated an entire patrol for the winter. And then we also absented ourselves from a couple of other patrols just because we don't have the manpower to fill them. What that does...

There is a little bit of a misunderstanding about what the State Police does in New Hampshire. In some states you have a state highway patrol the only thing they do is interstate work or highway work. We are a state police agency so we also do criminal investigations, we go to domestics, we back up local agencies in their towns and thing like that plus we do interstates and

highways. There is a very real need for that because there are a lot of smaller towns that will have one person on if they're lucky, maybe nobody. We need to be able to fill in those spots or back them up if necessary. So when we rob from anybody, 'rob Peter to pay Paul' so to speak, somebody's not going to get service something is not getting discovered that probably should get discovered. The troopers out there stop a lot of cars and of course we don't stop people that are obeying the laws, they are all violating the laws. We get a number of people who road races or something we need to attack very aggressively, DWIs and things like that. And if we don't have the manpower in the area to go after them there's no detecting them until possibly someone dies, consequences happen.

Senator Clifton Below, D. 5: Further question; you said that some of our rural and some of the small towns that either don't have full time coverage or some of our very small towns there's nobody, like Orange. You are probably, you have to cover those areas, I mean there is no one else to call in the middle of the night if there is a problem.

Dale St. Laurent: In a lot of cases no. In fact if you listen to the County frequencies at all there are a number of occasions where there are police departments that are going to say "Ok, we're going to be off duty for the day, you'll put state police on our calls, any emergency calls." They don't come to us and say do you have people to cover it. We go, and we always will, we're not going to turn anything away. Its just that response times sometimes could be a great deal. Or sometimes you might have to pull people away from other necessities also to handle the more dire emergencies. We're very cognizant, the troopers, the troopers association, command staff etc. We want to serve the public to the best of our ability. And we are just asking for the funds to be able to do that.

Senator Sheila Roberge, D. 9: Any further questions?

Senator Clifton Below, D. 5: What you're asking for in particular in the short term is perhaps more funding to provide the overtime pay to help get the coverage. Is that what you're saying? But even with full staffing you're saying you still aren't going to have enough staff to cover all of the patrols. All the sort of design coverage that would be, sort of the design, what's appropriate.

Dale St. Laurent: It is my understanding-Commissioner Flynn is here he may be able to speak better or maybe someone from the hierarchy of the command staff-it is my understanding that if the state police was 100% staffed-and we're very close to that minus some retiring and some things like that-if it was 100% staffed there would still be patrols that wouldn't be filled

simply because the funding for the personnel necessary to fill those isn't there. The advantage to going with this type of a bill at this time would be a good start at measure, if nothing else. If we could get additional personnel to fill those positions then the amount of money for over time to fill those positions could be decreased over a period of time. At that point in time there would be more permanent staffing there which would be better for all those involved obviously. If you were to do that that would be absolutely fantastic that would be that absolute goal for all of us is to have sufficient staffing to fill those positions 100% of the time. But by having also an additional amount of money in the over time budget even with 100% staffing if somebody were to call in sick or take a vacation we could fill those people in. Probably at that stage in the game it wouldn't cost any where near a million dollars.

Senator Rick A. Trombly, D. 7: Can I just say something? I know its my own bill but in my other life I do practice law. Just perhaps an observation seems to me that as we in the legislation pass more of a punishment, it costs more trooper time. Isn't that true?

Dale St. Laurent: I think to a certain extent that is true. There have been a lot of changes in law enforcement over the last decade, two decades. Our reporting is becoming a lot more stringent, we have to spend a lot of time doing administrative tasks in order to meet the requirements that are imposed upon us. As a result yes we get a lot fewer pleadings, that is something that we face. We also have additional time where people are off the road more because of the additional reporting time it takes.

I'll give you a for instance every trooper talks about that has been around for any length of time, like the DWI arrest. When I came on to the State Police the DWI arrest you could make 3 or 4 in the evening 5 in the evening was not totally unheard of, that was rare. The 3 or 4 was not necessarily uncommon. All you did is you arrested the person, you wrote down your notes on the back of the little slip, you went and processed them and whether they went to jail, to a friend or you released them if they were a low BAC, whatever happened happened.

Today you make an arrest for a DWI and you have to take them into custody, you have to read them all their rights and you have to do a three to five page report you have ALS hearings you have court. The stigma that goes along with DWIs today is a lot greater. So an arrest typically from soup to nuts, from the beginning to the end is taking 3 to 4 hours and there is no possible way an individual can do 3 or 4 of those in an evening. Occasionally you get lucky or unlucky enough to have 2 of those in an evening and it just buries

you for that evening, and maybe possibly even part of the next shift. So those things are becoming more complicated, but its not jus that.

But its not just that you go to domestics, domestics are becoming more complicated. We now have to cease firearms, we now have to do... And those are all well-intentioned good legislation and for the safety of the public. But as they tax us more to do that it takes more manpower to meet the demands that are out there for us.

Senator Sheila Roberge, D. 9: Was it LNES hearing?

Dale St. Laurent: ALS, Administrative License Suspension hearing.

Senator Sheila Roberge, D. 9: Oh, ok, I didn't get that. Louis Copponi? Is that Trooper?

Louis Copponi: Yes Ma'am. Good afternoon Madam Chairman and members of the committee. My name is Louis Copponi, I'm currently a New Hampshire State Trooper I've been so for over 16 years. Additionally I am the past president of the New Hampshire Troopers Association, which are here today in testimony. From I think all parties concerned is that there is no disagreement that additional State Police Troopers would be a benefit to all. If the government doesn't exist to protect its citizens, then there really isn't a need for government. Additional other requirements not withstanding that the provision to be safe in ones own home or on the roads is significant in most peoples minds I would imagine.

In this particular matter in front of the committee we're talking about an appropriation to provide for a uniformed police presence on the state highways. That particular police presence would be dedicated to patrol no withstanding all the other demands on our time whether it be training, administrative assignments, or investigative assignments patrol is the backbone of the State Police. And the patrol is the backbone of any police agency. But in reality if the patrol positions aren't there the second parts of those positions won't be able to be filled either. You'll need different types of methodology to accomplish that whether its an appropriation of over time or appropriation for additional positions. Neither of those are bad ideas.

In our estimation the dollars spent for patrol coverage is a much more effective use of that dollar specificaly for these instances. The fact that every dollar spent then becomes a dollar on the road as opposed to a dollar spent for training or a dollar spent for a new police car or any other piece of equipment as necessary. But that dollar spent also is an investment. There is a complete unknown as to how many crashes are avoided how many crimes are

avoided, how many instances are prevented by our presence out there. Whether it be a state trooper of a local police officer. The only thing you can point to is that additional police officers in any entity always reduce crime rates, and other DWI crashes or just any other motor vehicle offence.

Not withstanding anyone else's ideals we agree that yes, additional personnel would be a plus. This way puts the most patrol positions out there, the most time spent for the dollar, most time gathered for the dollar spent. In reality there is a return for that money. Whether it is in the unknown in what is prevented the deaths, injuries or property damage or in the reality in the return on a trooper issues a citation or arrests a person for DWI. There obviously there are fines involved, that get returned to the state. We can all look at the annual report published by the Department of Safety or just in the court returned. We know that every hour spent out there a trooper will bring something back to the state. Whether it's a known or unknown factor. As a result we feel that this appropriation here is a more effective use of that dollar that the state is obviously trying to squeeze the most out of.

Senator Sheila Roberge, D. 9: How many more people and personnel is that million dollars going to fund?

Louis Copponi: If it was used strictly for patrol overtime than we can estimate about 40,000 hours of patrol using a figure of $25 an hour given the fact that obviously a junior trooper makes less per hour overtime than a senior trooper does. Again how many hours, how much distance he travels for use of gasoline but estimating at $25 an hour 40,000 hours of additional patrol.

Senator Sheila Roberge, D. 9: Is this going to require more support staff as well as troopers?

Louis Copponi: To the extent that no new positions would be created I can't say that there would not be an additional need for support staff. There may be an additional burden, obviously if a Trooper writes more tickets or arrests more people because he's out for more hours he's on the road for more hours, yes there will be a certain amount of increase, and increase in demands on the administrative personnel. I can't speak to what the workload is of the civilian personnel, other that they do work their 40 hours worth from what I've seen in their offices.

Senator Sheila Roberge, D. 9: Are you suggesting that there is more overtime for the existing troopers or putting on more troopers?

Louis Copponi: If it was me personally, I mean the way we put it forth in the Troopers Association we would those hours put forth in an overtime fund. Simply because it avoids the additional expenditure for another police car, for another set of uniforms, for another set of uniforms, for another set of benefits it simply keeps the existing troopers out on the road for more hours.

Senator Sheila Roberge, D. 9: Don't you think that would require more vehicles to that?

Louis Copponi: In a long term situation it would probably mean an increase in the use of the fleet obviously. There would be more gasoline purchased, be more miles put on the cruisers. In reality would it equal the cost of 20 new cruisers? I don't believe that based on my experience that we would need that much more of a demand on those kinds of services and resources.

Senator Sheila Roberge, D. 9: How many hours a week are you working now in a work week?

Louis Copponi: The troopers are scheduled for 160 hours in a twenty eight day period. Roughly a 40 hour work week.

Senator Sheila Roberge, D. 9: Would you be able to increase your work week much more than that and still...?

Louis Copponi: Well depending on the circumstances whether there are several different schedules in use with the state police. There is a 6 days on 3 days off schedule, there is a 5 days on 2 days off schedule. It is not unusual now for troopers to work their days off for overtime funding, overtime moneys, or to work additional hours whether it is in court, off duty hours or because they're just extended due to whether conditions or an incident that occurs. Most troopers probably work some over time during a...**(recorder malfunction)**

Senator Sheila Roberge, D. 9: Senator Trombly?

Senator Rick A. Trombly, D. 7: Yeah I just want to be clear that the amendment would be to fill vacancies because of sick leave or annual leave.

Louis Copponi: That's our intent, whether it's a 5 or 10 man patrols, 5 or 10 different patrols based on which hours and what other demands are being put forth to additionally have troopers work additional hours. Whether its to extend from the evening shift into the midnight shift or from the day shift

into the evening shift. Whether it's a 12 hour shift or whatever in excess of the 8 or 10 hour shift as scheduled now.

Senator Rick A. Trombly, D. 7: Just a follow up on that, if you have the overtime and the ability to put another trooper on the road, wouldn't that be there if that were not approved? Not only would you have the safety coverage but if that troop was writing ticket doesn't that money go into the general fund? So that if you arrested me driving up 106 if I'm late for my class tonight, which I might be, I'm going to pay a fine that might not be known to be there if that trooper is not there. Correct?

Louis Copponi: Clearly more patrol hours means more tickets written.

Senator Rick A. Trombly, D. 7: Which means more money to the state.

Louis Copponi: Yes.

Senator Rick A. Trombly, D. 7: That does go into the general fund doesn't it?

Louis Copponi: Yes it does. That's my understanding, absent the 20% penalty assessment for funding police standards in that.

(Tape Change)

Bruce Twyon: Madam Chairman and members of the committee my name is Bruce Twyon, I am the President of the New Hampshire Troopers Association. I've been president for the last 4 years and regardless of all of the problems that are facing the state today regarding financial crisis and etc. I have learned that it is never a good time to ask for money. But this is a situation of grave concern to all of our members. There are approximately 285 members in the New Hampshire Troopers Association. The board members meet monthly to discuss issues of legislation and events that are important to these troopers. The issue that we hear time and time again is about staffing. It is about why is it when my patrol partner calls in sick, or is on vacation, or is on training, or is on special duty, or taken away for a temporary assignment for 3 to 4 weeks why is it that I get stuck having to cover 15 to 20 towns instead of my usual 7 to 10? I will try to be very brief and not repeat anything that was said before.

The reason that we feel that say one million dollars in this money designated specifically for increased patrol coverage. Approximately 40,000 hours could be spread out across the state wherever it was needed. That would be more effective than say adding X number of troopers, is because that adding that X

number of troopers as we found out before when we had a 20 new troopers that got widdled down to 7 and 7. 7 the first year and 7 the second. And it really didn't address an immediate need that we had. This would be money that would be readily available upon its passage or within 60 days and we could put that right into use to increase patrol coverage.

Senator Trombly brought up an excellent point, which basically says that in order to make money you have to spend it. And although it is not our job to go out and raise money for profits of the state, it is obviously just something that occurs as a result of us doing our duties and enforcing laws. Theres no doubt in my mind that based on the average fine of just say $80 per ticket that within 3 tickets it would more than pay for the additional 8 hours that we're talking about for that trooper to be out there. I also should mention that the fiscal impact on this particular bill obviously is out the window at this point because this is based on I believe the 2 people in a cruiser. And that will probably have to be addressed or looked at again from scratch.

But troopers take their cruisers home now as it is, so rather than hiring new people and issuing new weapons, new uniforms, new cars, new insurance plans and things like that. You're talking about the same trooper working an extra 4 hours or even an extra 8 hours maybe one a week, I'm sure its going to rotate through. It shouldn't be too taxing on the trooper. In effect of what Corporal Copponi said the troopers are working overtime as it is on construction details. I think what you would see is troopers would work less construction details, because they wouldn't have to. I know they would much rather do police work than stand beside a loader or direct traffic on 93. I believe Sergeant St. Laurent and Corporal Copponi, Trooper Copponi covered a great deal of what I think is necessary for this.

We have been working with the Commissioner, Commissioner Flynn, we really are on the same page when it comes to manning. The big issue is money and how do we get it and how does the state get the most bang for its buck with the members that we have. The million dollars in staffing is the way to go. Although we agree that if we did get 20 new positions out of this that were permanent and go back for more the next year and more the next year and more the next year then in a few short years we would find ourselves where we need to be. But we definitely need your help to do that and we would appreciate your passage of this bill.

Senator Clifton Below, D. 5: Trooper you mentioned a quick calculation of 3 tickets on a shift might pay for the position in effect. Do you have any idea what the average number of speeding tickets is?

Bruce Twyon: 3 or 4 tickets a shift maybe 5.. If I may it could vary from trooper to trooper and what's going on. If typically a trooper is going to make a minimum, absolute minimum of 1 stop per patrol hour and if you look at an annual report I think you'll find that on average 1 out of 3 stops is a ticket. That's not hard facts theres nothing that says that's going to happen, but that seems to be the ratio that I have observed over my 10 years with the state police.

Senator Clifton Below, D. 5: My observation is it may be worth doing the calculation because it may well be that this is relatively neutral. That this is not really a significant cost or it certainly isn't the whole million dollars that the appropriation might cost.

Bruce Twyon: I agree, I think it is something that's put in place that any of these overtime shifts were designated, if some form was keep to track of what happened during that shift, how many drunks were arrested, how many accidents were covered that may not have otherwise been, how many disabled vehicles, that would be a way to track this. I think we have the software to do that, and show within a year this was something that didn't cost the state a dime and the state may make more in the process while providing more coverage for the lands and the troopers. I think you're right.

Senator Clifton Below, D. 5: Thank you.

Senator Sheila Roberge, D. 9: Any questions? Are there any other troopers in the room who wish to speak? If not, I will call on Richard Flynn.

Richard Flynn: Thank you Madam Chairman and members of the committee. My name is Richard Flynn, I am the Commissioner of Safety. I am here somewhat supporting the bill, the intent of the bill.

I've been looking for more troopers for many many years for many reasons. Safety, we have troopers out here that have no coverage and there is sometimes 100 miles between troopers, which is certainly not a safety factor. When we talk about coverage, we don't like to advertise it but there are many times when north of Concord to the Canadian border there isn't a single soul out there. So when we look at being thin, we are thin. And I've been before not only this committee, but many committees over the years that I've been here, in safety and said that we need more manpower. Manpower is very thin we've had a contract here recently a good contract that reduced their hours, put them on 40 weeks like everybody else. When that happened it reduced our coverage out here by about 35,000 hours. That means that we've got nobody out here working for those 35,000 hours, and then the demands on them are much greater which means that we're still shorter.

My recommendation to this committee is that we put on a minimum of 20 more troopers, at the same it runs about 1.2 million dollars to put on about 20 troopers. We need them. How many more, what do we need? I said here recently that we could use 100 new troopers to give us the coverage. You can imagine 2 or 3 counties without a single soul during the late hours and the calls come in and we say we'll get someone there, and we get somebody out of bed to go cover those. We certainly need those people out on the field. I don't want to keep repeating what everybody else has said, and I again am pleading with you people to give us some additional troopers out here. I'd be glad to answer any questions that you might have.

Senator Sheila Roberge, D. 9: Does the 1.2 million cover everything?

Richard Flynn: Yes. It would cover the cars, cover the operation. We need these on the road. There are many things I need that we've been talking about more coverage for narcotics, we need more coverage for our major crime units. When they look at the deaths on the highway last year and that was increased by 10% last year it went up to 140. Already this year and we've only just started it we've doubled our death of last year on the highways. When we put more troopers out there, perception is it will slow traffic down. We think its needed and we along with the Troopers Association and Department of Safety ask you, beg of you, to give us additional coverage.

Senator Sheila Roberge, D. 9: Thank you. Do you really need a State Trooper out on construction detail? It seems like such a waste.

Richard Flynn: The Commissioner is here from Transportation, he and I have discussed this over the years. Of course that trooper and that vehicle are attempting to slow the traffic down. The lives of those people working, those cites are important.

Senator Sheila Roberge, D. 9: I didn't say not have anybody there but does it have to be a trooper? Can't it just be somebody with the vest.

Richard Flynn: Ask yourself would you slow down with somebody there with lets say a jacket and a hat, or a trooper?

Senator Sheila Roberge, D. 9: I would slow sown anyway. Every time I see a trooper there and I realize how much its costing the state I cringe.

Richard Flynn: I wish you could get that message out because I don't know if the people will listen. I think that you will find that somebody will stand with the sign in civilian clothes the public will not slow down.

Senator Sheila Roberge, D. 9: Could you have some group of people that maybe isn't fully qualified to be a trooper that could do that job and wear a uniform?

Richard Flynn: I suppose that you could a lot of different things like that Senator, by having somebody else there. I think that cruiser its almost like saying, if we could put a cruiser with some civilian, we're certainly not going to turn the cruisers over to civilians to stand near a construction cite. That car is important to us, if a crime is committed that officer is right there he can be called off that cite when he's needed, an accident any type of crime that takes place. It gives us that extra coverage.

Senator Sheila Roberge, D. 9: With 20 more troopers, won't that be more cars.

Richard Flynn: 20 more troopers, costs us 20 more cars.

Senator Sheila Roberge, D. 9: So does that 1.2 cover the vehicles?

Richard Flynn: It covers everything.

Senator Sheila Roberge, D. 9: Senator Below?

Senator Clifton Below, D. 5: Commissioner are you aware of any data that would show what our staffing ratio is in New Hampshire compared to other states like people in the North East?

Richard Flynn: We haven't done it recently Senator but we're short about 100 troopers right now compared to other states.

Senator Clifton Below, D. 5: I think it would be helpful to us if we had some analysis like this to try to justify this and move forward. I suspect the committee is quite sympathetic but we have obviously quite a challenge in terms of our budget.

Richard Flynn: Try to understand these fines are coming out of the highway fund, under the highway fund bill and the troopers salary is 81% is out of the highway fund and 19% ...so nothing comes out of general fund here.

Senator Clifton Below, D. 5: Thank you.

Senator Rick A. Trombly, D. 7: We most certainly do appreciate you coming forward and reporting. Would you agree with me that, I think its significant that the Commissioner is coming to testify about this. You have an immediate problem.

Richard Flynn: Theres no question. I think that the overtime money takes care of the problem today, the 20 people take care of it tomorrow.

Senator Rick A. Trombly, D. 7: Commissioner we obviously have to sell this to a Senate. Would I be correct if I said on the Senate floor that this is a statewide problem from Rockingham County to Coos County and is simply no a nighttime North County problem?

Richard Flynn: No question. It's all over the state because if we go to the western part of the state on the same problem we aren't enough.

Senator Rick A. Trombly, D. 7: Just one final, could your department generate for us some sort of a fee. Do you have that ability, or would that have to be done by long hand? I'm going to do it and its going to come out neutral I can guarantee it.

Richard Flynn: We always hate to come back and say by putting the trooper on you're going to make money. It sounds like they're out here just arresting people to make money. That's not why we're there. Do I think it'll be revenue neutral? Yes.

Senator Rick A. Trombly, D. 7: Thank you.

Senator Sheila Roberge, D. 9: When you're arresting people, has road rage picked up possibly, while DWG calmed down? Do you know?

Richard Flynn: Its not calmed down any, it's a case of having enough people out there to make the arrests.

Senator Sheila Roberge, D. 9: Is road rage picking up?

Richard Flynn: Road rage of course I think, and I've discussed it with the Commissioner Keeston, we talked about this recently because of our concern. The Governor has put together a committee to look at our fatal accidents, and we're looking at reasons for fatal accidents. We do see road rage people and impatient things and trying to get around people. And we're saying why are these accidents happening out here and why are these lives being lost? And we look at road rage people who just can't get to where they're going fast enough.

Senator Sheila Roberge, D. 9: Do you think for instance the turning lane is a problem, if somebody doesn't know enough ahead of time to be in the proper lane, and then they're in the wrong lane and forced possibly to go straight, and if they don't go straight the person who's in the proper lane won't let them in?

Richard Flynn: Well if we have a lane in which we've had a lot of accidents, we look at the elements, speed, that's a lot of it. We think that we look at the hours and we on the city will talk about that. We're talking about all different narrowing lanes, we're talking about putting the rumble strips along the side. We're concerned about the motorcycles and the action...we lost a lot more I think 30 or 31 more killed this year, motorcyclists, just the motorcycles we're looking at. Lately the perception is getting the vehicles out there, getting the people out there, getting our troopers out there will save lives. We think its going to save a lot of lives if we have those extra 20 people. Could we save more having 40? No question.. But we need 20, that's why I'm here testifying. I support the troopers and if you didn't give us the 20, give us the overtime.

Senator Sheila Roberge, D. 9: Are there more vehicles now than 40 years ago.

Richard Flynn: Yes. Every year an increase, the state increases there are 2 vehicles to a family, then 3 vehicles to a family, then there are more people moving in in New Hampshire. We are increasing, registration fees are, our registration has increased over the years.

Senator Sheila Roberge, D. 9: That would be nice to know. Could you get those figures?

Richard Flynn: Yes we have those right on file.

Senator Clifton Below, D. 5: To follow on that. I think it's a graph the greater increase of vehicle miles traveled versus staffing for the state police might be very telling.

Richard Flynn: We do that every year, I would be happy to give you that.

Senator Sheila Roberge, D. 9: An increase in the amount of vehicles?

Senator Clifton Below, D. 5: Right.

Senator Sheila Roberge, D. 9: Because it does seem like the traffic is increasing.

Senator Clifton Below, D. 5: Well the number of vehicles is going up thus the miles driven per vehicles seem to go up too I believe.

Richard Flynn: We feel that the money is available. But we feel that the money is there, it is in a separate account so you wouldn't have to look for it.

Senator Sheila Roberge, D. 9: So no money is coming out of general fund.

Richard Flynn: No, none.

Senator Sheila Roberge, D. 9: Is there any questions?

Richard Flynn: Thank you very much.

Senator Sheila Roberge, D. 9: Senator Trombly?

Senator Rick A. Trombly, D. 7: I think, just for my information is the number of deaths up because of multiple death accidents, or the number of accidents resulting in death up?

Richard Flynn: The number has not increased tremendously, but it then becomes the type of accidents. Whether it's doubles or triples.

Senator Rick A. Trombly, D. 7: Don't you think with off road vehicles, I mean some people get in those things and think they don't slip on ice or something. I see them going by me on the and I just can't believe, even though they have 4 wheel drive and are 15 feet up off the ground, there is sort of this sense of invulnerability.

Richard Flynn: People are impatient. We're seeing more of it. Thank you.

Senator Sheila Roberge, D. 9: Thank you. That ends the list of everybody who signed up, is there anybody here who hasn't spoken and wants to speak? Hearing none we will close the hearing on SB 371.

Hearing closed at 4:23 PM

Respectfully submitted,
Jillian Nina Mason, Secretary

Transportation Committee

SB 371Hearing Report

TO: Members of the Senate

FROM: Susan Duncan
Legislative Assistant

RE: Hearing report on **SB 371 – An Act relative to staffing of state police vehicles patrolling highways at night.**

HEARING DATE: February 8, 2000

Sponsor: Senator Rick Trombly, Dist.7

What the bill does: This bill requires that two police officers staff each state police vehicle patrolling toll roads, turnpikes, and interstate highways between the hours of 9:00 p.m. and 6:00 a.m.

Who supports the bill:
Senator Trombly
Commissioner Richard Flynn,
Dept. of Safety
Sgt. Dale St. Laurent, NH Troopers Assoc.
Tfc. Louis Copponi, NH Troopers Assoc.
Tr. Bruce Twyon, NH Troopers Assoc.
Clark T. Corson, NH Troopers Assoc.

Who opposes the bill: No one testified in opposition.

Summary of testimony received:

- This legislation was filed in order to provide the people of this State with adequate state police coverage and protection.
- With the emphasis on tourism, people are on our roads constantly.
- Citizens of our state not only require but demand safety.
- Currently, there are 9 patrols each shift except for the midnight shift.
- There are currently 5 vacancies in the Department.
- It takes a trooper 60 minutes to travel one way from Bow Junction to the Vermont border on I-89.

- The State Police need to fill vacancies.
- State Police receive the same benefits (vacation, sick time) as all other State employees.
- Currently, the State Police have eliminated the rural patrols in order to cover I-93 for the winter (due to the danger of freezing).
- The State Police provide back up to local police in the rural areas.
- If the State Police could hire additional staff, they could reduce the number of overtime hours paid.
- Because of the paper work required, an office needs 3 to 4 hours in order to process a DWI from beginning to end. An officer used to be able to make 3 to 4 DWI arrests in an evening. That is no longer possible.
- If existing troopers are kept and additional overtime hours were budgeted, there would be a savings on vehicles and uniforms. However, there would be more miles put on each car and more dollars spent on fuel.
- The more time troopers can spend patrolling, the more tickets (and revenue) can be generated.
- Based on a state average of $80.00 per ticket, additional money for overtime could pay for itself.
- Typically a trooper makes one stop per patrol hour and tends to issue one ticket for every three stops.
- When the troopers went to a 40 hour per week contract, available hours by the Department of Safety were reduced by 35,000.
- Commissioner Flynn recommends 20 additional troopers (at a cost of $1.2 million – including benefits).
- The Commissioner was asked how New Hampshire's staffing ratio compares to other states. (No response was given.)
- Commissioner Flynn testified that these funds would be out of the highway funds – 81% from the Trooper Fund and 19% from the Road Tolls.
- If additional troopers cannot be provided, then increase the overtime allotment.
- Fatalities are up this year.

Funding: The fiscal note indicates that expenditures will increase by $1,298,732 in FY 2000, $1,401,895 in FY 2001, $1,503,263 in FY 2002, $2,043,742 in FY 2003, and by $ 1,586,527 in FY 2004.

Future Action: Senator Trombly will come back with an amendment which would include a flat appropriation of one million dollars.

sfd
[file: SB 371]

Speakers

SENATE TRANSPORTATION COMMITTEE

Date 2-8-2000 Time 3:05PM Public Hearing on SB 371-FN

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☑	CLARK T. COLSON	120 PERKINS MADBURY	NHTA
☑	SGT. DALE ST. LAURENT	C/O	NH TROOPERS ASSOC
☑	TFC LOUIS COPPONI	C/O	"
☑	TR. BRUCE TWYON	C/O	"
☐			
☐			
☐			
☐			
☐			

Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

☑	Richard Flynn	DEPT. SAFETY	ONLY AS WRITTEN WOULD LIKE TO AMEND
☐			
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Committee Report

Date: February 8, 2000 Time: 3:05 PM

The Senate Committee on Transportation held its hearing in Room 104-LOB, Concord, New Hampshire.

BILL NO.: SB 371-FN TITLE: relative to staffing of state police vehicles patrolling highways at night.

Members of the Committee present: Senator Roberge
Senator Below
Senator Trombly

Those appearing in favor:

Name and Address Representing

See Attached.

Those appearing in opposition:

Name and Address Representing

See Attached.

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☒ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Transportation

to which was referred Senate Bill 371-FN

AN ACT relative to staffing of state police vehicles patrolling highways at night.

VOTE: **3-2**

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator **Sheila Roberge**
For the Committee

|SB371 Docket

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Bill Title: relative to staffing of state police vehicles patrolling highways at night.

Date	Body	Description
1/5/2000	**S**	Introduced and Ref. to Transportation; SJ Convening Day, Pg. 10
1/6/2000	**S**	Hearing, Feb. 8, Room 104, LOB, 3:15 p.m.;SC1, Pg.8
1/28/2000	**S**	==TIME CHANGE== Hearing, Feb. 8, Room 104, LOB 3:05 p.m. SC6, Pg.4
3/6/2000	**S**	Committee Report Inexpedient to Legislate; SC15, Pg.5
3/9/2000	**S**	Inexpedient to Legislate, MA, VV; =KILLED=; SJ 5, Pg.151

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Docket Abbreviations