



The State of New Hampshire  
**Department of Environmental Services**

**Thomas S. Burack, Commissioner**

*Celebrating 25 Years of Protecting  
New Hampshire's Environment*



April 10, 2012

The Honorable Carol McGuire, Chair  
House Executive Departments and Administration Committee  
Room 306  
Legislative Office Building  
Concord, New Hampshire 03301

RE: SB 314, relative to state-owned vehicle fleet management.

Dear Chairman McGuire:

Thank you for the opportunity to testify on SB 314 relative to state-owned vehicle fleet management. The Department of Environmental Services (DES) has concerns about this bill, because, as written, it does not exempt DES on-call staff who are directed to take specialized response vehicles home in order to be in a higher state of readiness for response to a hazardous materials spill or a dam emergency. DES requests an amendment of the bill to exempt staff that perform these life safety functions from being required to reimburse the state for such mileage. We respectfully request that Committee members consider the following information and the attached amendment, which would address DES's concerns.

A rapid response is essential when addressing a spill of hazardous materials or a dam emergency. A few minutes can make the difference in preventing or effectively containing a disaster. DES requires staff who are on call for hazardous materials response or dam safety response to take specially-equipped vehicles home in order to respond directly to the emergency scene from their home during nights and weekends. Since these responders are being directed to take a specially-equipped vehicle home as part of their work duties, DES believes that they should be specifically exempted from the requirements of this legislation.

DES responds to approximately 350 hazardous material spills a year, many of which occur during DES's non-business hours. A rollover of a tanker that contains gasoline or other hazardous materials may require evacuation of residents from their homes, off-loading of the hazardous material, removal of the vehicle from the roadway, cleanup of contaminated equipment or soil, and a host of other services and expertise. Local fire and public safety officials rely on a timely response to the scene by DES responders to ensure that these services are provided as soon as they are needed. Every minute of delay impedes our ability to provide these vital services. DES response trucks are equipped with red emergency lights to ensure a safe, prompt, and unhindered response to the scene. They are outfitted with air quality monitors and other specialized testing equipment, spill control materials, and a variety of tools and supplies that are needed to safely and effectively respond to hazardous materials emergencies. Delays in the DES response to these incidents can pose serious risks to public safety and delay the reopening of public highways.

DES Web Site: [www.des.nh.gov](http://www.des.nh.gov)

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Similarly, another of DES's vital functions involves response to dam safety concerns. Of the 218 dams that DES operates on a daily basis, 29 are classified as High Hazard Dams, the failure or misoperation of which could cause loss of life downstream; and 53 are Significant Hazard Dams, the failure of which could cause significant property damage downstream. Collectively, up to 4,000 homes, 130 state road crossings, and 800 town road crossings would be in danger of damage or destruction if these state-owned dams were to fail. The failure of even a single dam would be catastrophic and would likely result in many millions of dollars in damages as well as the potential loss of life. DES staff have specially-equipped vehicles and tools to perform emergency repairs and adjustments that can avoid deadly disasters. Delaying the response to a dam emergency or flood event would result in significant threats to life safety and increased risk of public and private property damage.

For all of these important reasons, significant state investment has been made in both human resources and equipment to provide our citizens with prompt and professional services during times of emergency and natural disaster. We rely on our responders to arrive at the scene quickly, with the right equipment to do the job. In order to accomplish this, it is necessary for DES to direct its response staff to take their specially-equipped vehicles home when they are on call. To require them to reimburse the State for mileage that they are being required to drive as part of their duty would be both unfair and counterproductive. Attached to this letter is a proposed amendment to the bill that would exempt vehicles used for these purposes. This amendment would address DES's concerns and we respectfully request your consideration.

In summary, we believe that SB 314 should be amended to exempt the vital functions of responding to hazardous material spills and dam emergencies. Exempting these functions will allow the Department of Environmental Services to maintain its ability to mount a timely response to these life-threatening emergencies. Thank you for your careful consideration of this important bill. If you have any questions or require additional information please contact Michael J. Wimsatt, P.G., Director, Waste Management Division at (603) 271-2905 [michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov).

Sincerely,



Thomas S. Burack, Commissioner  
Department of Environmental Services

Attachment – Proposed Amendment

cc: Bill Sponsors  
Committee Members

Rep. [NAME], [DISTRICT. #]  
April 10, 2012  
2012-####  
###/###

### Proposed Amendment to SB 314-FN

1 Amend the bill to read as follows:

2 1 New Section; State-Owned Vehicle Fleet Management; Mileage Reimbursement. Amend RSA  
3 21-I by inserting after section 19-i the following new section:

4

5 21-I:19-j State-Owned Vehicle Fleet Management; Mileage Reimbursement.

6

7 I. Any person who drives any state-owned vehicle for personal or non-business use, including, but  
8 not limited to commuting between an employee's home and regular place of business, shall  
9 reimburse the state for mileage. Reimbursement shall be made by payroll deduction. The amount of  
10 reimbursement shall approximate the benefit derived from the use of the vehicle as prescribed by the  
11 Internal Revenue Service reimbursement rate. This section shall not apply to vehicles used for  
12 purposes of law enforcement, *hazardous materials spill response, or dam emergency response.*

13

14 II. Funds received under this section shall be transferred by the agency to the highway fund.

15

16 III. Exemptions under this section may be submitted to and granted by the governor and executive  
17 council.

18

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

