

Testimony of Frank and Matthew Lambert Removal of Snow & Ice from all Vehicles

I appreciate the time you are taking today for my son (Matthew) and myself to speak. This past Christmas Day (December 25th) was the 10th anniversary of Christine's Death. It is a day that neither our family nor us will ever forget. This past May we would have been married 40 years.

At the time of her sudden passing we asked in lieu of flowers to donate to an endowment fund. We started the endowment fund at St. Luke's Hospital in Bethlehem, to help further the education of anyone in the cancer center of the hospital. This is where she worked for almost 20 years treating her extended family as she called them. We built our own house after the basic framing was done. Chris and I did the rest ourselves, after working our full time jobs all day (Chris as an x-ray tech and myself as a Truck Driver Heavy equipment operator for our Public Works Dept) we went to work on our house. Around Thanksgiving of 1980 we moved in and in 1985 we were blessed with the most wonderful gift of all, our son.

In the early part of 1988 Chris went back to school fulltime to become a Radiation Therapy Technologist. She received an award for outstanding studies and performance for her study habits. After graduation she became employed at St. Luke's. She had so many hobbies. She had her own little workshop in the basement. She would make dry flower arrangements for her co-worker and gifts for others, plus stained glass. Oh let me not forget all the wonderful flowerbeds that were all around our house.

I would like to take a few moments and try to explain the day our lives changed. We were going to Chris's parents house for Christmas dinner after we had our wonderful morning at home. She spoke with her sister who lives in Maryland and was informed that her sister just found out that she has cancer and will be operated on in the latter part of January 2006. Of course Chris's first thought was, I need to be there for her and that she would take time from work and go down.

Then our travel started, it was a cold rainy day so we put the gifts in the SUV and headed out. I usually drive but for some reason she wanted to, so off we went. On the trip we talked and laughed and sang a couple of songs for the holiday season. The roads by now were drying up from the rain in the morning. As we were traveling up 209 North outside of Jim Thorpe our son said he was going to slide over behind me in the backseat to grab a little nap. He was sitting behind his mother at the time. As we traveled up 209 I was looking down at the railroad tracks and I heard a louder than normal truck coming around the bend, on the road. As I looked up I saw this LARGE chunk of ice coming off the tarp flying toward us about 15 feet away. The police findings figure the driver of the truck was doing the speed limit of 45 or there about as we were doing a little around the same. I could tell he left off the throttle because of the engine brake from the sounds of the exhaust from the truck. We had nowhere to go, guide rail on our right and the truck to our left. It hit

her side of the windshield and door area. The force of the hit stopped us and slammed us into the guide rail and back out into traffic. I reached down and grabbed the emergency break to stop us and looked over and my wife was not moving. I was able to open my door at which time I heard Matthew say what the heck happened. Hearing him and seeing him moving was a good sign to start, but when I got around to the other side and first saw the door popped opening and the glass all broken I knew it wasn't good. I reached into the car to hold my wife what was left her. I knew there were no signs of life. To see her from the right side, which I was on, she looked like nothing happened. We were all going to walk away, but when I got to the other side I knew it wasn't happening, $\frac{3}{4}$'s of my wife face and head were gone.

I have been involved for over 30+ years of my life with our local EMS & Fire Department and I will say I never in all those years seen anyone's head blown apart like that. That was the last time we ever saw her alive or dead. The coroner said to us at the hospital this is the time when I let family members say their last good-byes. He said just remember her as she was before the accident. I won't let you back there.

After they covered the car and we were being loaded in the squad my son said to me you know what's all over us, it's mom's brain and skull. Our ride home that night was with hospital blankets around us. We had to remove our pants and shirts because her body mass was on us.

I hold a CDL A license and was Director of Transportation for two different school districts over 26 years. The men in the shop starting working on, and within a week had made a snow removal machine to remove the snow from our buses; Parkland Area School District did the same. Also, North Penn School District was looking at and had on demo the machine with all the blowers on it to blow a foot of snow off the buses.

After I retired I went to work part-time for a small construction company. Located next to the time clock there was a sign "Don't forget to clean the trailer off of all stones and dirt, etc" its part of your load also.

All of our surrounding states have laws or are putting laws into effect (list attached) for the removal of snow and Ice.

Where I live in Palmer Township (Easton area) they have been building warehouses and every one of them have installed a snow and ice scraper machine that every trailer must to through if they have anything on them.

A childhood friend and his wife were hit last year and broke their windshield. They were able to get the company's name and trailer number, but after his call to the company he was told they didn't have a truck in that area and even the State Police got the same answer when they called the company.

This truck & trailer that cause my wife's death could have been prevented if he would have taken a couple of minutes to just check the tarp that was on his trailer. It is now my understanding that any truck that has been sitting for a period of the time (as this trailer was) has to be checked before it enters the highway or the driver will be dismissed from the company if something comes off.

I have a great uncle that drove tractor-trailer all his life and even back in the late sixty and seventy they had to make sure their truck were cleaned of any snow or ice before they left on their trip.

I would ask you to look around the room not only at yourselves but also the people from the Motor Truck Association, State Police, or The Department of Transportation, how would you be handling this if it happened to your family, husband, wife, son, daughter or your family if you were the one that happened to.

I ask that as our legislators that you would adopt a new stiffer law in my wife's name Christine Lambert for the removal of all snow and ice to be removed not only from trucks but any vehicles that are on our highway; it must be enforced before someone else has to go through what we live with everyday of our lives.

Thank you for your time.



Snow Removal Laws

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State	Law	Citations
Alabama	No specific laws.	Citations may be issued if snow or ice accumulation obscures vision.
Alaska	<p>Special regulations applies to all vehicles.: Public Safety Part 1 Division of Alaska State Troopers Chapter 04 Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection Article 4 Brakes and Other Equipment 13 AAC 04.225. Windshields and wipers</p> <p>(b) No person may drive a motor vehicle with a sign, poster or other nontransparent material on the front windshield or window of the vehicle which obstructs, obscures, or impairs the driver's view; nor may a person drive a motor vehicle when there is an accumulation of snow, ice or frost on the windshield or windows which obstructs, obscures or impairs the driver's view.</p> <p>(c) The windshield on a motor vehicle must be equipped with devices for cleaning rain, snow and other moisture from both sides of the windshield; the device must be constructed to be controlled or operated by the driver of the vehicle, and must be maintained in good working order.</p> <p>(d) A motor vehicle required to have a windshield, except vehicles which do not have enclosed passenger compartments, must be equipped with a defrosting device to remove snow, ice, frost, or internal moisture from the windshield; this defrosting device must be maintained in good working order.</p>	If cited \$50.00/0 Points
Arizona	None	None
Arkansas	No specific laws	No additional tolerance or allowance for snow/ice when weighing trucks.
California	None	None
Colorado	No specific laws. Excess snow may produce a high alert, which would preclude a truck entering Eisenhower Tunnel.	None reported.
Connecticut	Section 1. (a) The operator of any motor vehicle, as defined in section 14-1 of the general statutes, shall remove any accumulated ice or snow from such motor vehicle, including the hood, trunk and roof of such motor	Any operator who fails to remove accumulated ice or snow that poses such a threat shall be fined

State	Law	Citations
	<p>vehicle, so that any ice or snow accumulated on such vehicle does not pose a threat to persons or property while the vehicle is being operated on any street or highway of this state.</p> <p>(b) If the operator of a noncommercial motor vehicle violates the provisions of this section and snow or ice is dislodged from such vehicle and causes personal injury or property damage, the operator shall be fined not less than two hundred dollars but not more than one thousand dollars for each offense. If the operator of a commercial motor vehicle violates the provisions of this section and snow or ice is dislodged from such vehicle and causes personal injury or property damage, the operator shall be fined not less than five hundred dollars but not more than twelve hundred fifty dollars for each offense.</p> <p>(c) This section shall not apply to (1) any operator of a motor vehicle during a period of snow, sleet or freezing rain if such period began and continued during the period of the motor vehicle's operation, or (2) any operator of a motor vehicle during the time such vehicle is parked.</p>	seventy-five dollars.
Delaware	No Specific Laws	None
District of Columbia	Will stop tucks that have large amounts of snow/ice accumulation	No citations issued
Georgia	No specific laws. However if the snow/ice accumulation on any vehicle presents a "danger" to other drivers, then the CVM driver could be cited under Georgia Code 40-8-7.	It is believed that 392.9 could be used to deal with loose or falling snow/ice. This could result in out-of-service. A traffic citation would be at the officer's discretion. If a vehicle has snow/ice acclamation that weight would be included, with the vehicle's owner potentially cited for overweight.
Hawaii	None	None
Idaho	None	None
Illinois	None	None
Indiana	No specific laws. Indiana Turnpike will deny use unless snow is removed.	None
Iowa	None	Snow that would put a vehicle over height generally would be overlooked. Ice coming off a roof could be cited by an officer's discretion and

State	Law	Citations
		cited under a general regulation.
Kansas	No specific laws.	Kansas has a general tolerance allowance for 1,000 pounds for fixed facilities and 1,500 for mobile scale operations. This policy does allow for discretion of extenuating circumstances, which snow and ice would qualify.
Kentucky	No specific laws.	None
Louisiana	None	None
Maine	None	None
Maryland	None	No additional tolerance or allowance for snow/ice when weighing trucks.
Massachusetts	Pending state legislation. https://malegislature.gov/Bills/188/House/H3162	Failure to remove snow from the top of a vehicle could result in a \$35 citation from an officer, and in some cases, if shards of hardened snow and debris lead to an accident, or damage another vehicle, criminal charges could apply. Trucks have been stopped for snow and ice fall off causing property damage to another vehicle, but stop is for tort hazard.
Michigan	Michigan has no law that addresses snow/ice in particular. It falls under the general operations requirement.	Snow/ice accumulation could result in an overweight situation if near limits. There could be a citation if excessive amounts of falling snow/ice interfered with traffic, which would be applicable to all motor vehicles.
Minnesota	None	None
Mississippi	None	None. Leniency is given in the events of overweight due to ice and snow.
Missouri	None	None
Montana	None	None
Nebraska	None	Warning ticket is issued for a truck that is 5% or less over gross weight. Minimum ticket is \$25 plus court costs of \$45. In active storm, enforcement officers will allow driver to clear snow/ice buildup

State	Law	Citations
		prior to reweighing.
Nevada	None	None
New Hampshire	<p>Under New Hampshire State law, a driver can be cited for driving a vehicle in a manner that “endangers” or “is likely to endanger any person or property.” Large amounts of snow accumulating on a vehicle or trailer often melts and refreezes over time causing build-up of ice that can often damage vehicles when falling from a vehicle. Early removal of the snow after a snowstorm is the best way to prevent such ice from accumulating.</p> <p>It is also very important for drivers of all vehicles to leave sufficient space when following large trucks to give themselves enough time to react and be able to avoid any snow/ice in the event that it does fall from a large truck or trailer.</p> <p><u>265:79-b Negligent Driving</u>. – Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is likely to endanger any person or property</p>	Guilty of a violation and shall be fined not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense
New Jersey	<p>New Jersey has the following law that applies to all motor vehicles: Title 39:4-77.1 states that when snow or ice is dislodged from a moving vehicle and strikes another vehicle or pedestrian causing injury or property damage.</p> <p>Any vehicle with a “dangerous accumulation” of snow must have it removed before entering a public road.</p>	<p>The operator of a non-commercial motor vehicle shall be subject to a fine of not less than \$200 or more than \$1,000 for each offense.</p> <p>The operator, owner, lessee, bailee or any one of the aforesaid of a commercial motor vehicle shall be subject to a fine of not less than \$500 or more than \$1,500 for each offense.</p> <p>No motor vehicle points or automobile insurance eligibility points shall be assessed for this offense, however, any violation of this law requires an appearance in Court.</p> <p>Fines for not removing “dangerous accumulations” of snow will be from \$25 to \$75.</p>
New Mexico	None	None

State	Law	Citations
New York	State legislation pending http://open.nysenate.gov/legislation/bill/A3687-2013	None
North Carolina	No specific law	Snow/ice falling would be accident if there is property damage.
North Dakota	No specific laws.	There is requirement that snow/ice accumulation that causes the vehicle to be overweight must be removed immediately.
Ohio	No specific laws. Law enforcement would use state laws applicable to all motor vehicles. Ohio Turnpike will deny use until snow is removed.	No additional tolerance or allowance for snow/ice when weighing trucks. Ice falling producing an accident would be charged as insecure load.
Oklahoma	None	None
Oregon	No specific laws, "Rules of the Road" would apply if there is an accident.	Driver given an opportunity to remove snow/ice accumulation if overweight.
Pennsylvania	3720 (motor vehicle code Title 75): When snow or ice is dislodged or falls from a moving vehicle and strikes another vehicle or pedestrian causing death or serious bodily injury as defined in section 3742 (relating to accidents involving death or serious bodily injury), the operator of the vehicle from which the snow or ice is dislodged or falls shall be subject to a fine of not less than \$ 200.00 and not more than \$1,000.00 for each offense.	Fines of \$200-\$1,000 per offense.
Rhode Island	None	None
South Carolina	None, however, if ice or snow falls off a driver's unit and cause damage to another vehicle then we could be sited for improper load securement.	Load securement possible.
South Dakota	None	None
Tennessee	None, however, leniency is given in the events of over weights due to ice and snow.	None
Texas	None	None
Utah	None	None
Virginia	None	None
Vermont	None	None
Washington	None	None
West Virginia	W.VA. has no laws regarding the removal of accumulated snow on commercial vehicles or any other motor vehicle. A motorist striking another vehicle with falling snow/ice is considered a road hazard in 99% of cases. In the remaining 1% of cases that reach the court level, they have	None

State	Law	Citations
	been ruled as unsecured equipment.	
Wisconsin	No specific laws. However, if snow and/or ice were to fall from the vehicle and create a hazard, it could be cited under s. 348.10(2). More specifically, the statute reads: (2) No person shall operate a vehicle on a highway unless such vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.	Citation for a violation of this nature is rare but, can be fined at \$181.
Wyoming	None	None