

**Testimony of Mark Sincavage  
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My name is Mark Sincavage and I want to thank the committee for permitting me the time to speak here today.

My family has operated a small business in Monroe County since 1950. Being the third generation to operate the business we are facing an unprecedented amount of regulation on our business. Federal, state and local government add layer-upon-layer of regulations to our business. This impact to small business is an overwhelming burden to not only to try and keep up with all the new regulations but also to comply with more and more rules from government. And often these regulations do not take in to account the economic impact to small businesses, who are the entrepreneurs and job creators in this country.

For example, PennDOT has recently issued a memorandum enforcing a section of the Uniform Construction Code that requires any entity seeking a construction permit be required to update their Highway Occupancy Permit. So if a small business wants to expand their building or even add a shed to the property a new HOP can be required by the building codes enforcement officer. No longer are sites grandfathered. Given the current perception that PennDOT is underfund, this agency is forcing business to perform and maintain in perpetuity highway upgrades that it has failed to due through out the years. The expense and costs of these improves can be overwhelming for a small business.

Another example of this can be demonstrated in two projects that were proposed in my township. As chairman of our township planning commission we had these projects proposed to create commercial projects in our township by small business owners. The applicants went through the process of developing their land development plans, spending thousand of dollars on application fees and engineering. When applying for the HOP for their proposed project the cost for the HOP improvements were in the hundreds of thousands of dollars. This work was on routes that PennDOT has rated as in a failed state of service and have had that rating for years. Yet PennDOT expects these job creators to upgrade entire sections of the routes to address issues that PennDOT should be addressing. Now as a property owner I believe I should pay my fair share of impact of a proposed project but not to address issues that have existed for years on state highways. These projects have since been put on hold since the HOP costs can not justify the project moving forward thus losing tax ratable

income to the school district and municipality not to mention jobs that are much needed.

Finally staying with the DOT, as an operator of equipment on state highways our trucks are subject to being stopped at anytime for safety inspections by the state police. The problem with these safety inspections are they can hold up an operator for over an hour. As a small business owner this is a huge impact to our business. I can have a crew at a job site waiting for a load of stone or blacktop, yet the truck is held up for this inspection. So not only do I have to have yearly inspections and registration costs that I have to pay for but I lose money waiting for a truck to make a delivery to a job site for an additional safety inspection. I understand the need to ensure our vehicles are in safe operating condition which mine always are, but some system needs to be in place to expedite this process.

I want to speak just briefly about the Chapter 102 regulations that were enacted in November 2010 as others will be speaking on that issue. My concern I want to express is the IRRC Regulatory Analysis Form does not mention the impact to small business at all. A much better job needs to be done analyzing what economic impact these regulations have on small business. Numbers seem to have been pulled out of the air with no means to check the calculations performed in the report. For example the loss of land value due to the 150 foot buffer on each side of a stream creating a 300 foot corridor is not mentioned. This is viewed by small businesses as a taking of property without compensation. The commonwealth is investing money in developing properties for creating family sustaining jobs yet these regulations devalue those projects by taking away vast areas of valuable land. The Commonwealth needs to take a look at what our neighboring states are doing in regard to land development issues. For example New Jersey and Rhode Island have enacted programs that help to streamline the land development process. The Rhode Island Economic Development Corporation created the Office of Regulatory Reform to improve the state business climate by making it easier for small businesses to deal with state and municipal permitting and regulatory affairs. The New Jersey governor in an executive order directed all state agencies to adopt "common sense" principles to remove unreasonable impedances to economic growth and to cut red tape. I know the current administration has started on some of this review and small business needs to be a part of this process.

I want to conclude by saying small businesses are not looking to government for help but asking for less government. Entrepreneurs perform much better with less regulation than with more government. Today the pendulum has swung too far in favor of over-regulation and a balance needs to be struck. Small businesses need to be included when considering draft regulations and regulatory reform. We all need to work together to create more economic development within our state.

Thank you for your time.