

# Regulatory Analysis Form

This space for use by IRRC

2000 JUL 18 AMID: 04

REVIEW COMMISSION



IRRC Number: 2102

(1) Agency

State System of Higher Education

(2) I.D. Number (Use of Office of the Governor)

71-7

(3) Short Title

Operation of Motor Vehicles

(4) PA Code Cite

22 Pa. Code §507.11

(5) Agency Contacts & Telephone Numbers

Primary Contact: Robert A. Mulle, Esquire, 720-4030

Secondary Contact: Edward J. Nolan, 720-4020

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and non-technical language.

This is a revision of a current regulation providing rules for the operation and parking of a motor vehicle on State System of Higher Education facilities. The revision would implement recent legislative action granting the State System the authority to increase the amount of fines for the violation of the regulations for operation of a motor vehicle on State System facilities. The Chancellor shall submit requests from the presidents to the board on an annual basis. The board will vote in public session to approve or deny the recommended adjustment.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

24 Pa. C.S.A. §20-2006-A (13.1) which authorizes the Board of Governors to set the amount fines which may be established to exceed the amounts under 75 PA C.S.A. (relating to vehicles).

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

24 Pa. C.S.A. §20-2006-A(13.1)

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Set a realistic level for fines which will serve as a credible deterrent to violations of campus traffic rules. Prior to the recent legislation, the amount of fines was restricted by the Traffic Code, 85 Pa. C.S.A. (relating to vehicles) to \$10.00 per offense. This was considered an unrealistic deterrent to violations of campus traffic rules, and thus the need for the legislative and regulatory changes.

(12) State the public health, safety, and environmental or general welfare risks associated with non-regulation.

Crowding, congestion, speeding and improper use of motor vehicles on State System facilities.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

95,000 students, 11,000 employees and vendors, business invitees, and other visitors to State System facilities.

## Regulatory Analysis Form

**(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)**

No adverse effects are foreseen

**(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)**

Students	95,000
Employees	11,000
Vendors	1,000
Other Visitors	300,000

**(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.**

The regulation implements the legislative authority contained in the amendments to Act 188 of 1982. A committee of university presidents and the members of the Board of Governors, which includes three student members, reviewed the regulations prior to enactment by the Board.

**(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.**

No costs or savings per se.

## Regulatory Analysis Form

**(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.**

No costs per se.

**(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.**

No costs beyond diminimus cost for revised entries in university publications.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The final form regulation would have no adverse fiscal impact. Costs would be recovered through fines and fees.

### Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

No adverse effects.

(22) Describe the non-regulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The change in the law required that existing regulations be amended to reflect the amendment.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

None available.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

A need to protect the health and safety of people visiting and residing on State System facilities.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

No direct comparison. Will not put the Commonwealth at a disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No

## Regulatory Analysis Form

**(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.**

No change to existing requirements.

**(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.**

No relevant provisions are necessary.

**(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?**

Date of final approval through the regulatory process.

**(31) Provide the schedule for continual review of the regulation.**

The regulation will be reviewed by the Office of the Chief Legal Counsel and advice rendered to the Board and university presidents on a two-year cycle.



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

2102

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

State System of Higher Education  
\_\_\_\_\_  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 71-7

DATE OF ADOPTION: April 8, 1999

BY: James H. McCannick

TITLE: Chancellor  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

BY: Meggy E. Dunlop

7/6/00  
DATE OF APPROVAL

(Deputy General Counsel)  
(Chief Counsel, Independent Agency)  
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

Notice of  
Final Form Rulemaking  
State System of Higher Education  
Title 22 - Education  
Chapter 507 - Finance and Administration  
Operation of Motor Vehicles on State System  
of Higher Education Facilities

**BOARD OF GOVERNORS  
STATE SYSTEM OF HIGHER EDUCATION  
PREAMBLE FOR FINAL FORM  
OPERATION OF MOTOR VEHICLE ON STATE SYSTEM  
OF HIGHER EDUCATION FACILITIES REGULATION**

Notice is hereby given that the Board of Governors of the State System of Higher Education proposes a revision to its regulations relating to the operation of motor vehicles on State System facilities, found at 22 Pa. Code §§507.11-507.16.

The revision would amend 22 Pa. Code §507.13(c), by authorizing the Board of Governors to set the amounts of fines for each campus or facility upon the recommendation of the chancellor or the respective university president. The change followed legislative action in amending Act 188 of 1982, 24 Pa. C.S.A. §20-2006 (13.1) to permit the Board to set the amounts for fines for violations of the rules respecting the use, parking and operation of motor vehicles on State System facilities, which may exceed the amounts which municipalities are authorized to assess for such offenses under 75 Pa. C.S.A. (relating to vehicles). The final form regulation would enhance the ability of the State System to regulate and deter the violation of parking and operational rules, thus alleviating congestion, speeding, reckless driving and other activities which may threaten the health, welfare and safety of individuals residing on and/or using State System facilities.

The following comments were received from the Independent Regulatory Review Commission:

1. **IRRC requested that the System include in Item Number 20 on the Regulatory Analysis Form the fiscal impact of the regulation. A sentence was added to that item number indicating that the amendments would have no adverse fiscal impact and that costs would be recovered through fines and fees.**
2. **IRRC noted that in the Preamble under "Sunset Review" 24 Pa. C.S.A. §20-2206A(13.1) should be cited instead of the Pennsylvania Crimes Code, 18 Pa. C.S.A. §7705. This change was made.**
3. **IRRC recommended that we include the process that the Board of Governors will use for fine adjustments in Section 507.13(c). Two sentences were added to the regulations in Subsection 507.13(c) indicating that the chancellor shall submit requests from the presidents to the board on an annual basis and that the board will vote in public session to approve or deny the recommended adjustments.**

4. IRRC recommended that we also include in Section 507.13(c) a notification provision similar to Subsection 507.14(c) relating to fines. **A sentence was added indicating that notice of the amounts of the fines shall be contained in the published parking rules for each campus or facility.**

No comments were received from the Education Committees nor the public.

### **FISCAL IMPACT**

The final form regulation would have no adverse fiscal impact. Costs would be recovered through fines and fees.

### **PAPERWORK REQUIREMENTS**

The statutory authority for the final form rule making is Section 2006-1 of the Act of November 10, 1982, P.L. 660 No. 188, §§6, as amended, 24 P.S. §§20-2006(a)(6).

Under Section 5(a) of the Regulatory Review Act, the Act of June 25, 1997 (P.L. 242, No. 24, (71 P.S. §§745.1 – 745.15), as amended by Act 24 of 1997 (P.L. \_\_\_\_, No. \_\_\_\_), the agency submitted a copy of the Notice of Proposed Rulemaking, published at 30 Pa.B. 1378, on February 24, 2000, to IRRC and the Chairmen of the House Education Committee and the Senate Education Committee for review and comment. In compliance with Section 5(b,a), the agency also provided the Commission and the committees with copies of all comments received, as well as other documentation.

In preparing this final form regulation the agency has considered all comments received from the Commission, the Committees and the public.


This final regulation was (deemed) approved by the House Committee on \_\_\_\_\_ and (deemed) approved by the Senate Committee on \_\_\_\_\_. The Commission met on \_\_\_\_\_ and (deemed) approved the regulation in accordance with Section 5(c) of the Act.

### **SUNSET REVIEW**

This is an ongoing regulation made necessary by section of the Pennsylvania Crimes Code, 24 Pa. C.S.A. §20-2006-a(13.1), to facilitate enforcement of traffic laws at State System facilities. It is periodically reviewed by the Office of the Chancellor.

## CONTACT PERSON

Persons with questions or desirous of further information about the final form revision may contact Robert A. Mulle, Chief Legal Counsel, State System of Higher Education, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110, (717) 720-4030.

  
\_\_\_\_\_  
James H. McCormick  
Chancellor  
State System of Higher Education

Date: 6/26/2000

## **Operation of Motor Vehicles on University Campuses**

### **§ 507.11. Scope.**

This chapter is applicable to a person operating a motor vehicle on facilities under the exclusive control of the State System of Higher Education.

### **§ 507.12. Definitions.**

The following words and terms, when used in this policy, have the following meanings, unless the context clearly indicates otherwise:

*Facility*—Any site at which the State System maintains administrative headquarters, universities, branch campuses, extension centers, and other System-owned, or operated sites.

*Highway*—Any drive, lane, road, street, or trail located on a facility.

*Motor Vehicle*—A self-propelled vehicle other than a bicycle.

### **§ 507.13. Crimes and offenses relating to the operation and parking of a motor vehicle.**

- (a) *Operation.* Each of the following activities constitutes a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) when committed on a System facility.
- (1) Operation of a motor vehicle on a highway at a speed in excess of the maximum posted limit.
  - (2) Operation of a motor vehicle on a highway posted as closed to motor vehicles.
  - (3) Operation of a motor vehicle without snow tires or chains on a designated snow emergency route during a declared snow emergency.
  - (4) Operation of a motor vehicle causing noise which is unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
  - (5) Operation of a motor vehicle being used for business or commerce without specific written approval from the facility's chief executive officer.
  - (6) Operation of a motor vehicle in areas not designated for operation of motor vehicles.
- (b) *Parking.* Each of the following activities constitutes a summary offense under 18 Pa.C.S. § 7505 when conducted on a System facility.

- (1) Parking a motor vehicle other than in a designated or posted parking area.
  - (2) Parking a motor vehicle which obstructs a gate, road, bicycle path, access way, drinking fountain, entrance, exit, or road turnaround.
  - (3) Parking a motor vehicle in an area which is posted or closed, without written approval of the facility's chief executive officer or a designee.
- (c) *Fines.* The Board of Governors will set the amounts of the fines for each campus or facility upon the recommendation of the chancellor or the respective university president. [The following fines apply to violators of restrictions in subsection (a) and (b):]
- (1) The chancellor shall submit requests from the presidents to the Board on an annual basis. The board will vote in public session to approve or deny the recommended adjustments. [A person convicted of a summary offense under subsection (a) will be sentenced to pay a fine not exceeding \$15.]
  - (2) Notice of the amounts of the fines shall be contained in the published parking rules for each campus or facility. [A person convicted of a summary offense under subsection (b) will be sentenced to pay a fine not exceeding \$5.]

**§ 507.14. Enforcement.**

- (a) *Towing.* A vehicle parked on a highway, parking area, or any other area in violation of parking rules may be towed at the owner's expense, upon authorization of the facility's chief executive officer or a designee.
- (b) *Booting.* An immobilizing device may be placed on any vehicle with three or more delinquent tickets to compel payment of fines. A service charge, not to exceed \$50 [\$25] may be assessed for the removal of immobilizers.
- (c) *Notice of towing and booting.* Notice of towing and booting shall be contained in the published parking rules of facilities engaging in either practice.
- (d) *Tow-away areas.* Tow-away areas shall be posted with tow-away signs.

**§ 507.15. Application of the Vehicle Code**

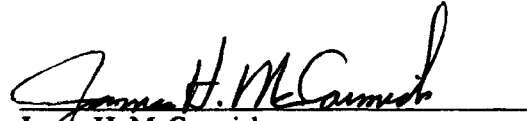
The provisions of 75 Pa.C.S. §§ 101--9910 (relating to the Vehicle Code) are applicable to the facilities of the State System of Higher Education.

**§ 507.16. Trespass.**

- (a) A person who violates this chapter, disregards instructions or warnings given by, or interferes with a System police officer or university employee or official may

be ordered to leave the facility by the facility's chief executive officer or a designee.

- (b) Refusal to leave a facility after receiving an order to leave from the chief executive officer or a designee constitutes an act of criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass).



James H. McCormick  
Chancellor  
State System of Higher Education

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT

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REVIEW COMMISSION

I.D. NUMBER: 71-007  
SUBJECT: Operation of Motor Vehicles on State System of Higher Education Facilities  
AGENCY: STATE SYSTEM OF HIGHER EDUCATION

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
7/18/00	<i>M. Lamprey</i>	HOUSE COMMITTEE ON EDUCATION
7/18/00	<i>Becky Gross</i>	SENATE COMMITTEE ON EDUCATION
7/18/00	<i>Janice Villanueva</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

July 10, 2000