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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 11, 2000

James H. McCormick, Chancellor
State System of Higher Education
Dixon University Center
2986 North Second Street
Harrisburg, PA 17110

Re: IRRC Regulation #71-7 (#2102)
State System of Higher Education
Operation of Motor Vehicles on State System Facilities

Dear Chancellor McCormick:

Enclosed are our Comments on the subject regulation. They are also available on our website at <http://www.irrc.state.pa.us>.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Nyce".

Robert E. Nyce
Executive Director

wbg

Enclosure

cc: Robert A. Mulle, Esq.
Edward J. Nolan
Office of General Counsel
Office of Attorney General
Lee Ann Labecki

Comments of the Independent Regulatory Review Commission

on

State System of Higher Education Regulation No. 71-7

Operation of Motor Vehicles on State System Facilities

May 11, 2000

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which has not been met. The State System of Higher Education (SSHE) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 10, 2002, the regulation will be deemed withdrawn.

1. Regulatory Analysis Form. - Economic and fiscal impact.

Item number 20 on the Regulatory Analysis Form (RAF) requires estimates of fiscal savings and costs associated with the proposed rulemaking to the regulated community, local government and state government. This information was not included in the RAF of this proposed regulation. The SSHE should include the fiscal impact of the regulation in the final-form RAF.

2. Preamble. - Consistency with statute; Clarity.

There is an incorrect citation in the Preamble under "Sunset Review." Instead of citing the Pennsylvania Crimes Code, "18 Pa. C.S.A. § 7705," the SSHE should cite 24 Pa. C.S.A. § 20-2006-a(13.1).

3. Section 507.13. Crimes and offenses relating to the operation and parking of a motor vehicle. - Economic and fiscal impact; Reasonableness; Clarity.

Subsection (c) Fines

Subsection (c) allows the Board of Governors of the SSHE, upon the recommendation of the chancellor or the respective university president, to set the amounts for vehicular violations. The proposed regulation does not contain the process by which the Board of Governors can adjust fines. It would be reasonable to include the process that will be used for fine adjustments in the final-form regulation.

Subsection 507.14(c) contains language that requires facilities to publish notification of the towing and booting provisions in facilities' parking rules. It is also reasonable for facilities to notify drivers on SSHE campuses of fines. For this reason, the SSHE should add a parallel notification provision, similar to Subsection 507.14(c), relating to all fines in Section 507.13.

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INDEPENDENT REGULATORY REVIEW COMMISSION

To: Robert A. Mulle, Esq.
Agency: State System of Higher Education
Phone: 720-4030
Fax: 720-4011

From: Kristine M. Shomper
Deputy Director for Administration
Company: Independent Regulatory Review
Commission
Phone: 783-5419 or 783-5417
Fax: 783-2664

Date: May 11, 2000
of Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State System of Higher Education's regulation #71-7 (#2102). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Bevaca H. Annals Date: 5/11/00
Legal Office Administrator