



RECEIVED 11/15/89

<b>Regulation Analysis Form</b>		<b>This space for use by IRRC</b>	
(1) Agency Transportation		IRRC Number: 2249	
(2) I.D. Number (Governor's Office Use) #18-370 (IRRC-_____)			
(3) Short Title Service and Acceptance of Legal Process			
(4) Pa Code Cite 67 Pa. Code, Chapter 493		(5) Agency Contacts & Telephone Numbers Primary Contact: Robert J. Shea, Assistant Chief Counsel (717) 787-5299 Secondary Contact: Audrey F. Miner, Assistant Counsel (717) 787-5299	
(6) Type of Rulemaking (Check One) <input type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input checked="" type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and non-technical language. The purpose of this regulation is to amend 67 Pa Code 493, Service, Acceptance, and Use of Legal Process and Legal Proceedings. Chapter 493 is in need of amendment to correct the addresses of the Department Office of Chief Counsel where service of legal process or other papers will be accepted.			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The statutory authority for these regulations is found in sections 506 and 2001 of the Administrative Code of 1929 (71 P.S. §§ 186 and 511). Authority for promulgation of this amendment in final form with proposed rulemaking omitted is contained in section 204(1) of the Commonwealth Documents Law, Act of July 31, 1968 (P.L. 769, No 240, 45 P.S. § 1204(1)).			



(10) Is the regulation mandated by any federal or state law or court, or federal regulation?

If yes, cite the specific law, case or regulation, and any deadlines for action.

No, these regulations are not mandated by federal or state law or court order.

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

The public interest that justifies these regulations is that two (2) of the addresses listed in the current regulations are no longer correct. Effective service of legal papers upon the Department, as well as timely notice to the Department of litigation or other legal matters of importance, are hampered by the outdated information. The resulting confusion and inefficiency will be remedied by these regulatory changes.

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

The public health, safety, and general welfare risks associated with non-regulation relate to the need to provide for the orderly service and acceptance of legal documents upon the Department. The public has a need to know where effective legal service upon the Department can be accomplished so that prompt attention and appropriate legal response to legal papers filed can be ensured.

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

These regulations will benefit the public, members of the legal bar, as well as the Department, through the timely and effective service and acceptance of legal papers in matters involving the Secretary and/or the Department.

(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.)

There will be no adverse effects to any member of the public or to the Department by these regulations.

(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.)

The approximately 54,000 attorneys admitted to practice in Pennsylvania, as well as members of the public acting *pro se*, will be required to comply with this regulation.



(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.

Communication from members of the Pennsylvania Bar and the public generally has drawn attention to the erroneous addresses in the current regulation.

(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.

These regulations will result in marginal savings to the general public through the avoidance of returned mail directed to the erroneous addresses in the current regulation.

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

These regulations will not occasion any costs or savings to local government.

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

These regulations will not occasion any costs to state government. The Department of Transportation may realize some marginal savings through increased efficiency in the elimination of misdirected legal papers.

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

There are only immeasurable marginal savings and no costs for the general public, local governments or state government associated with implementation of these regulations.



	Current FY Year	FY + 1 Year	FY + 2 Year	FY + 3 Year	FY + 4 Year	FY + 5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	Not Readily Measurable					
Local Government	None					
State Government	Not Readily Measurable					
Total Savings						
<b>COSTS:</b>						
Regulated Community	None					
Local Government	None					
State Government	None					
Total Costs						
<b>REVENUE LOSSES:</b>						
Regulated Community	None					
Local Government	None					
State Government	None					
Total Revenue Losses						

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

There are no cost estimates derived because these regulations result in no cost to the regulated community, local governments or state government.

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

There is no expenditure history since no programs are affected by these regulations.

Program	FY-3	FY-2	FY-1	CurrentFY
Not Applicable				



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

The benefits of these regulations outweigh costs since these regulations impose no costs.

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

There were no nonregulatory alternatives considered since the amendment is simply to provide correct addresses for the Department Office of Chief Counsel and clarify where service of process can be effected.

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

There were no alternative regulatory schemes considered.

(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.

No, these regulations are not more stringent than Federal Standards since there are no Federal Standards.

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

These regulations will not put Pennsylvania at a competitive disadvantage with other states.

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

These regulations will not affect existing or proposed regulations of the promulgating agency or other state agencies.

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

No public hearings or informational meetings will be scheduled. These regulations, however, will be forwarded to the House and Senate Transportation Committees and will be considered at a public meeting of the Independent Regulatory Review Commission.

(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.

These regulations will not change any existing reporting, record keeping or other paperwork 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 business, and farmers.

Neither these regulations, nor this chapter at the time of initial promulgation, were developed to alleviate the needs of any minorities or special interest groups

(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?

These regulations will become effective immediately upon publication of the Final Adoption Order in the Pennsylvania Bulletin.

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

The regulation will be reviewed at such time as the location or address of any Office of the Office of Chief Counsel changes in the future.

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE  
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

# 2249

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

**Department  
of  
Transportation  
(Agency)**

DOCUMENT/FISCAL NOTE NO. 18-370

DATE OF ADOPTION \_\_\_\_\_

BY [Signature]  
Secretary of Transportation

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

BY [Signature]

**DEC 14 2001**

\_\_\_\_\_  
(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.

**DEPARTMENT OF TRANSPORTATION  
OFFICE OF CHIEF COUNSEL**

**Final Regulation with Notice of Proposed Rulemaking Omitted**

Title 67 Transportation  
Part I. Department of Transportation  
Subpart B. Nonvehicle Code Provisions  
Article V. General Procedures  
Chapter 493

Service, Acceptance, and Use of Legal Process and Legal Proceedings

67 Pa. Code, Chapter 493  
Service, Acceptance, and Use of Legal Process  
and Legal Proceedings

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**SUBPART B. NONVEHICLE CODE PROVISIONS**

**ARTICLE V. GENERAL PROCEDURES**

**CHAPTER 493**

**SERVICE, ACCEPTANCE, AND USE OF LEGAL PROCESS AND LEGAL PROCEEDINGS**

**Preamble and Order**

The Department of Transportation (Department), Office of Chief Counsel, by this order adopts an amendment to § 493.3 (relating to service of legal process and legal proceedings).

The Department plans to make this amendment effective upon publication without notice of proposed rulemaking. Notice of proposed rulemaking has been omitted under the authority contained in Section 204(1) of the act of July 31, 1968 (P.L. 769, No 240)(45 P.S. § 1204(1)(CDL). The administrative change herein relates to agency practice and procedure and, therefore, the procedures specified in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202), are, in the circumstances, impracticable, unnecessary and contrary to the public interest.

*Purpose of this Chapter*

The purpose of this chapter is to provide for the service, acceptance and use of legal process and legal proceedings in matters involving the Department in order to make information available to the public in keeping with the law and the protection of private rights and the efficient conduct of public business. Section 493.3 specifically lists the addresses of the



Department's Office of Chief Counsel at which service and acceptance of legal process in matters involving the Secretary of Transportation of the Department can be effected.

*Purpose of this Amendment*

The purpose of this amendment is to update the listing of the addresses in the regulation for the Harrisburg and Philadelphia area locations of the Office of Chief Counsel. The addresses presently listed in the regulation are no longer current. Effective service of legal papers upon the Department, as well as timely notice to the Department of litigation or other legal matters of importance are hampered by the outdated information.

*Persons and Entities Affected*

The amendment will affect the Department, its attorneys, officials and employees and other attorneys and members of the public serving or attempting to serve legal papers upon the Secretary and/or the Department.

*Fiscal Impact*

The Department anticipates that it will achieve some marginal savings through increased efficiency with the elimination of time lost in the forwarding of legal papers directed to the incorrect addresses. Attorneys and the public will also achieve some marginal savings with the elimination of returned mail directed to the incorrect addresses. It is not possible to calculate these cost savings with any precision.

*Regulatory Review*

Pursuant to section 5(f) of the Regulatory Review Act (71 P.S. § 745.5(f)), the Department submitted a copy of this amendment with proposed rulemaking omitted on January 30, 2002, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. On the same date, this amendment was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). In accordance with section 5 (c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on \_\_\_\_\_, 2002 and was approved by IRRC on \_\_\_\_\_, 2002.

In addition to the final amendment, the Committees were provided with a copy of a detailed regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, “Improving Government Regulations.” A copy of this material is available to the public upon request.

In preparing this final-form amendment, the Department has considered the comments received from IRRC, the committees and the public.

*Sunset Provisions*

The Department is not establishing a sunset date for this regulation since the regulation is needed for the efficient response of the Department to the service of legal papers upon the Department and the Secretary.

*Contact Person*

The contact person is Robert J. Shea, Assistant Chief Counsel, Office of Chief Counsel Pennsylvania Department of Transportation, Commonwealth Keystone Building, 400 North Street, 9<sup>th</sup> Floor, Harrisburg, PA 17120-0096, (717) 787-5299.

*Authority*

The amendment is adopted under the authority contained in sections 506 and 2001 of the Administrative Code of 1929 (71 P.S. §§ 186 and 511). These provisions, respectively, authorize the heads of administrative agencies to prescribe rules and regulations for the government of their respective agencies and the performance of their business, and authorize the Secretary of Transportation to exercise such power and duties vested in the Secretary and Department.

*Order*

The Department, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 67 Pa. Code Chapter 493, are amended by amending § 493.3 to read as set forth in Annex A.
- (b) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality, as required by law.
- (c) The Secretary of the Department shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BRADLEY L. MALLORY,  
Secretary

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**SUBPART B. NONVEHICLE CODE PROVISIONS**

**ARTICLE V. GENERAL PROCEDURES**

**CHAPTER 493**

**SERVICE, ACCEPTANCE, AND USE OF LEGAL PROCESS AND LEGAL  
PROCEEDINGS**

\* \* \* \* \*

**§ 493.3. Service of legal process and legal pleadings.**

(a) Legal process in a matter involving the Secretary of Transportation or the Department of Transportation shall be served only upon, and accepted only by, a staff attorney at one of the following Department Legal Offices:

- (1) Office of [the] Chief Counsel  
Pennsylvania Department of Transportation  
[521 Transportation and Safety Building]  
Commonwealth Keystone Building  
400 North Street, 9<sup>th</sup> Floor  
Harrisburg, [Pa.] PA 17120-0096  
Phone: (717) 787-2330  
[Network: 447 2330

521 Transportation and Safety Building]

Annex A

67 Pa. Code, Chapter 493

Service, Acceptance, and Use of Legal Process  
and Legal Proceedings

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- (2) [Pittsburgh Office]  
Office of [the] Chief Counsel  
Pennsylvania Department of Transportation  
1209 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, [Pa.] PA 15222  
Phone: (412) 565-7555  
[Network: 645-7750]
- (3) [Scranton Office]  
Office of [the] Chief Counsel  
Pennsylvania Department of Transportation  
B-2 State Office Building  
100 Lackawanna Avenue  
Scranton, [Pa.] PA 18503-1923  
Phone: (570) 963-4745  
[Network: 459-4745]
- (4) [Philadelphia Office]  
Office of [the] Chief Counsel  
Pennsylvania Department of Transportation  
[1203 Philadelphia State Office Building  
1400 Spring Garden Street

Philadelphia, Pa. 19130]

7000 Geerdes Blvd, 4<sup>th</sup> Floor

King of Prussia, PA 19406

Phone: [(215) 238-6650] (610) 205-6600

[Network: 335-6650]

(b) Legal pleadings in a matter involving the Secretary or the Department shall be served only upon and accepted only by the attorney who has entered his formal appearance for the Department; or, if no formal appearance has been entered, in the manner set forth in subsection (a), for service of legal process.

(c) Legal process and legal pleadings delivered to any Department office other than as specified in subsections (a) and (b), will not be accepted but will be received for forwarding to the Chief Counsel at Harrisburg. The employee who receives the legal process or legal pleading shall be deemed to be acting as agent of the process server in receiving and forwarding the document, and shall so inform him in the case of hand-delivered legal process or legal pleading.

(1) Whether hand-delivered or received in the mail, the receiving employee shall note on the document the information listed below, and forward it—without delay and without District Staff review—to the Office of Chief Counsel, [Legal Bureau, 521 Transportation and Safety Building,] Commonwealth Keystone Building, 400 North Street, 9<sup>th</sup> Floor, Harrisburg, Pennsylvania 17120.

(i) An annotated copy of any document received in Districts 1, 10, 11, and 12 or in Clearfield (2-2), Cameron (2-4), McKean (2-5), Elk (2-8), Cambria (9-3), and Somerset (9-7) Counties, shall also be promptly forwarded to the Department's Pittsburgh Legal Office.

(ii) An annotated copy of any document received in District 4 or in Monroe (5-4), Carbon (5-2), and Schuylkill (5-6) Counties, shall also be promptly forwarded to the Department's Scranton Legal Office.

(iii) An annotated copy of any document received in District 6 shall also be promptly forwarded to the Department's [Philadelphia] King of Prussia Legal Office.

(2) The following information shall be noted on the forwarded document:

(i) Name of receiving employee.

(ii) Departmental unit at which document was received.

(iii) Date and time of receipt.

(iv) Manner of delivery, that is, whether hand-delivered, first class mail, certified mail, or the like.



(v) A copy of the document may be made and retained for District Staff review, if desired.

(d) Upon receipt of the legal process or legal pleadings by the Chief Counsel or Staff Attorney, whether service was made directly under subsection (a) or (b) or indirectly under subsection (c), service will be accepted on behalf of the Secretary of Transportation and will be acknowledged in writing.

\* \* \* \* \*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
www.dot.state.pa.us



Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, Pennsylvania 17105-8212  
(717) 787-6485

January 30, 2002

Robert E. Nyce  
Executive Director  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

**Re: Regulation #18-370: 67 Pa. Code, Chapter 493 —  
Service, Acceptance, and Use of Legal Process and Legal Proceedings**

Dear Director Nyce:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapter 493, Service, Acceptance, and Use of Legal Process and Legal Proceedings, which the Department of Transportation intends to adopt with proposed rulemaking omitted, in accordance with the provisions of Section 204 of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1204.

In accordance with Section 745.5a of the Regulatory Review Act, 71 P.S. § 745.5a, the Commission has 30 days to review the regulatory package and approve or disapprove the regulation.

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department of Transportation will provide you with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen F. J. Martin". The signature is fluid and cursive, with a long horizontal line extending to the right.

Stephen F. J. Martin  
Regulatory Counsel

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 18-370

SUBJECT: Service, Acceptance, and Use of Legal Process and Legal Proceedings, 67 Pa. Code Chapter 493

AGENCY: Department of Transportation

**TYPE OF REGULATION**

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Proposed Regulation

Final Regulation

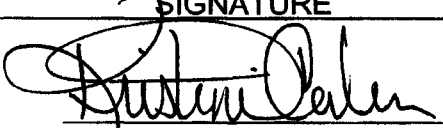
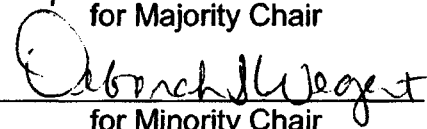

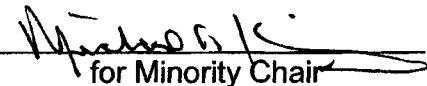

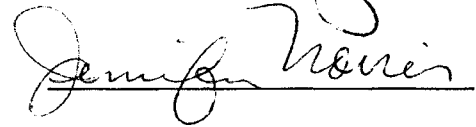
X Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

**FILING OF REGULATION**

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<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>1-30-02</u>	<u></u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
<u>1-30-02</u>	<u></u> for Minority Chair	
<u>1-30-02</u>	<u></u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
<u>01-30-02</u>	<u></u> for Minority Chair	
<u>1-30-02</u>	<u></u>	INDEPENDENT REGULATORY REVIEW COMMISSION
<u>1-30-02</u>	<u></u>	ATTORNEY GENERAL
<u>        </u>	<u>        </u>	LEGISLATIVE REFERENCE BUREAU

Date: January 30, 2002