

Regulatory Analysis Form

This space for use by IRRC

(1) Agency

The Pennsylvania State Police

(2) I.D. Number (Governor's Office Use)

17-66

IRRC Number:

2373

(3) Short Title

Designation of Emergency Vehicles

(4) PA Code Cite

TITLE 37. LAW
PART I. STATE POLICE
CHAPTER 41. DESIGNATION OF
EMERGENCY VEHICLES

(5) Agency Contacts & Telephone Numbers

Primary Contact: Syndi L. Guido, Policy Director
717-772-0905

Secondary Contact: Major Jeffrey R. Davis
717-787-6938

(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 nontechnical language.

Pursuant to Section 6106 of the Vehicle Code, 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), the State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions. Under existing regulations, the only vehicles eligible for emergency designation are those belonging to the Pennsylvania Emergency Management Agency, a local emergency management agency, or a bona fide rescue organization. This final-form rulemaking would amend 37 Pa. Code § 41.5 to allow the Pennsylvania Department of Corrections to apply for emergency vehicle designation of Department vehicles used by its Hostage Rescue Teams, Corrections Rifle Specialist Teams, and Central Office Special Teams Coordinator.

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

Section 6106 of the Vehicle Code, 75 Pa.C.S. § 6106, allows the State Police to designate vehicles as emergency vehicles. There are no relevant court decisions.

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.

Section 6106 of the Vehicle Code, 75 Pa.C.S. § 6106, authorizes the State Police to designate emergency vehicles, but the law does not mandate promulgation of regulations.

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

The Department of Corrections' Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams, and Central Office Special Teams Coordinator (referred to collectively as special response teams) must be able to quickly respond to emergency situations, such as a prison riot, at State Correctional Institutions spread throughout the Commonwealth. Pursuant to § 3105 of the Vehicle Code, 75 Pa.C.S. § 3105, the driver of an emergency vehicle responding to an emergency call has certain privileges (such as exceeding the speed limit and going through red lights and stop signs) when the vehicle's audible and visual warning systems are in use. Section § 4571 of the Vehicle Code, 75 Pa.C.S. § 4571, requires emergency vehicles to be equipped with an audible warning system and revolving or flashing red lights. In order for members of the Department of Corrections' special response teams to be empowered with the privileges of 75 Pa.C.S. § 3105, the Department's vehicles must be eligible for designation as emergency vehicles in accordance with State Police regulations.

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

Without designated emergency vehicles, the Department of Corrections' special response teams cannot respond as quickly to significant events, such as a state prison riot, that endanger the safety and welfare of the public.

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

The public will benefit from allowing the State Police to authorize members of the Department of Corrections' special response teams to operate emergency vehicles.

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.)

The State Police do not believe anyone will be adversely affected by the final-form rulemaking.

(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 regulation will only impact the Department of Corrections' special response teams.

(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 State Police drafted these regulations in consultation with the Department of Corrections.

(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.

It is impossible to specify the costs and savings associated with the final-form regulations. However, the 1989 riot at the State Correctional Institution at Camp Hill resulted in 17 million dollars actual damages and 144 injuries to staff and inmates. The State Police and the Department of Corrections are hopeful that quicker response time will minimize damage in future situations.

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.

N/A

(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.

N/A

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
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

N/A

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.

N/A

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

N/A

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

No other regulatory scheme can accomplish designation of Department of Corrections' vehicles as emergency vehicles within the meaning of the state Vehicle Code.

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.

N/A

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

Pennsylvania will not be placed at a competitive 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.

N/A

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.

The regulation will not change 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 businesses, and farmers.

N/A

(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?

Unknown

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

The final-form regulations will be continuously reviewed for clarity, effectiveness and whether they are serving the greater interests of citizens of the Commonwealth.

FACE SHEETS
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

23 73

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>By: _____ (Deputy Attorney General)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p>Pennsylvania State Police _____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>17-66</u></p> <p>DATE OF ADOPTION _____</p> <p>By: <u>Col. Jeffrey B. Miller</u> Colonel Jeffrey B. Miller TITLE <u>Commissioner</u> EXECUTIVE OFFICER CHAIRMAN OR SECRETARY</p>	<p>Copy below is hereby approved as to form and legality Executive or Independent Agencies</p> <p>By: <u>[Signature]</u> _____ 5/12/04 DATE OF APPROVAL</p> <p>Deputy General Counsel Chief Counsel - Independent Agency Strike inapplicable title</p> <p><input checked="" type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
---	---	--

FINAL-FORM RULEMAKING

TITLE 37. LAW

PART I. STATE POLICE

CHAPTER 41. DESIGNATION OF EMERGENCY VEHICLES

RULES AND REGULATIONS

[37 PA. CODE CH. 41]

Designation of Emergency Vehicles

[33 Pa.B. 6228]

The Pennsylvania State Police publishes this final-form rulemaking amending 37 Pa. Code, Chapter 41 to authorize the Commissioner of the State Police to designate certain vehicles used by the Pennsylvania Department of Corrections as emergency vehicles. Pursuant to 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), the State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions. This final-form rulemaking amends § 41.5 (relating to eligibility) to allow the Department of Corrections (Department) to apply for emergency vehicle designation of vehicles used by its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

Statutory Authority

The final-form rulemaking is authorized by 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by the Pennsylvania State Police).

Effect

The final-form rulemaking will affect the Department.

Fiscal Impact

The final-form rulemaking will have a minimal fiscal impact.

Paperwork Requirements

The proposed rulemaking will not require the completion of additional forms, reports or other paperwork.

Effective Date/Sunset Date

The final-form rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*. No sunset date has been assigned; however, every facet of this final-form rulemaking will be continuously reviewed for effectiveness, clarity and whether it is serving the greater interests of citizens of this Commonwealth.

Regulatory Review

On December 8, 2003, copies of the proposed rulemaking were delivered to the Independent Regulatory Review Commission and the Majority and Minority Chairs of the House Judiciary Committee and the Senate Committee on Law and Justice. Notice of the proposed rulemaking was published at 33 Pa. B. 6228 (December 20, 2003) and provided for a 30-day public comment period. The State Police received no comments from the public, the Independent Regulatory Review Commission, the House Judiciary Committee, or the Senate Committee on Law and Justice.

Under section 5.1(j.2) of the Regulatory Review Act, these final form regulations were deemed approved by the House and Senate Committees. Under section 5.1(g) of the Regulatory Review Act, the final-form regulations were deemed approved by the Independent Regulatory Review commission on _____.

Contact Person

The contact person is Syndi L. Guido, Policy Director, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. Individuals with a disability who require an alternative format of this document (such as, large print, audio tape or Braille), should contact Syndi Guido to make the necessary arrangements.

Findings

The State Police finds that:

- (1) Public notice of intention to adopt these amendments has been given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.2003.
- (2) A public comment period was provided and no comments were received.
- (3) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statute.

Order

The State Police, acting under the authorizing statute, orders that:

- (a) The regulations of the State Police, 37 Pa. Code, Chapter 41, Designation of Emergency Vehicles, § 41.5, are amended as set forth in Annex A.
- (b) The State Police will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law for approval as to form and legality.

(c) The State Police 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 immediately upon publication in the *Pennsylvania Bulletin*.

COL. JEFFREY B. MILLER,
Commissioner

Annex A

TITLE 37. LAW

PART I. STATE POLICE

CHAPTER 41. DESIGNATION OF
EMERGENCY VEHICLES

§ 41.5. Eligibility.

(a) *Considerations.* The following vehicles may qualify for an emergency vehicle designation:

* * * * *

(3) Department of Corrections vehicles used by members of the Department's Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

(b) *Exclusions.* Private vehicles of the following persons will not be considered for an emergency vehicle designation:

* * * * *

(6) Department of Corrections, its personnel, and members of its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

Syndi L. Guido
Director
Policy Office

E-Mail: sguido@state.pa.us
Telephone: (717) 772-0905
FAX: (717) 705-1750

June 24, 2004

The Honorable Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking, Identification Number 17-66
Title 37. Law, Part I. State Police
Chapter 41. Designation of Emergency Vehicles

Dear Mr. Nyce:

Pursuant to the Regulatory Review Act, enclosed is a copy of a final-form rulemaking amending 37 Pa. Code, Chapter 41, relating to the designation of emergency vehicles. The proposed rulemaking was delivered to your committee on December 8, 2003, and published at 33 Pa. B. 6228 (December 20, 2003). The State Police did not receive any comments concerning the proposed rulemaking. If I can be of further assistance, please let me know.

Sincerely,

Syndi L. Guido
Policy Director

Enclosure

cc: Colonel Jeffrey B. Miller, Commissioner
Major John Duignan, Director, Bureau of Patrol
Barbara Christie, Chief Counsel

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

I.D. NUMBER: 17-66
 SUBJECT: Designation of emergency vehicles
 AGENCY: PA STATE POLICE

TYPE OF REGULATION

- Proposed Regulation
- 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
6-24-04	<i>Margaret Pelletier</i>	HOUSE COMMITTEE ON JUDICIARY
6-24-04	<i>Sue Thomas</i>	
6-24-04	<i>Monica M. Kiddy</i>	SENATE COMMITTEE ON LAW AND JUSTICE
6/24/04	<i>Kathryn Hoar</i>	
6/24/04	<i>St. Helmut</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)