

# Regulatory Analysis Form

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(1) Agency

The Pennsylvania State Police

PA DEPARTMENT OF REVENUE  
REVIEW COMMISSION

(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 proposed 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 proposed 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 proposed 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
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
<b>Total Savings</b>						
<b>COSTS:</b>						
Regulated Community						
Local Government						
State Government						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
<b>Total Revenue Losses</b>						

(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 proposed 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)

# 2373

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DO NOT WRITE IN THIS SPACE

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

*Amy M. Elliott*

By: \_\_\_\_\_  
(Deputy Attorney General)

NOV 05 2003

DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

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

Pennsylvania State Police  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 17-66

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

By: *Col. Jeffrey B. Miller*  
Colonel Jeffrey B. Miller  
TITLE Commissioner  
EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

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

By: *[Signature]*  
10/20/03

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.

PROPOSED RULEMAKING

TITLE 37. LAW

PART I. STATE POLICE

CHAPTER 41. DESIGNATION OF EMERGENCY VEHICLES

# PROPOSED RULEMAKING

## STATE POLICE

[37 PA. CODE CH. 41]

### Designation of Emergency Vehicles

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 proposed 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, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams, and Central Office Special Teams Coordinator.

#### *Effect*

The proposed regulations will affect the Pennsylvania Department of Corrections.

#### *Fiscal Impact*

The proposed regulations will have a minimal fiscal impact.

#### *Paperwork Requirements*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the State Police submitted a copy of these proposed regulations on December 8, 2003, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. In addition to submitting the proposed regulations, the State Police has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of the material is also available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the State Police within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed regulations, by the State Police, the General Assembly and the Governor of objections raised.

*Sunset Date*

No sunset date has been assigned; however, every facet of these proposed regulations will be continuously reviewed for effectiveness, clarity and whether they are serving the greater interests of citizens of this Commonwealth.

*Public Comment*

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to Syndi L. Guido, Policy Director, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110.

*Contact Person*

The contact person is Syndi L. Guido, Policy Director, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. If you are a person with a disability and require an alternative format of this document (i.e. large print, audio tape, Braille), please contact Ms. Guido so that she may make the necessary arrangements.

COLONEL 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:

(1) Pennsylvania Emergency Management Agency and local emergency management organization vehicle.

(2) Bona fide rescue organization vehicle.

(3) Pennsylvania 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:

(1) Volunteer firemen, fire commissioners, fire inspectors, fire police, fire engineers, other fire department or fire company personnel and members of rescue organizations.

(2) Police, special police, auxiliary police, part-time police, constables, security police and campus police.

(3) Pennsylvania Emergency Management Agency, local emergency management organization or disaster control personnel.

(4) Red Cross personnel.

(5) Military personnel.

(6) Pennsylvania 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

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Telephone: (717) 772-0905  
FAX: (717) 705-1750

December 8, 2003

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:

The Pennsylvania State Police proposes amending 37 Pa. Code, Chapter 41 to authorize the Commissioner of the State Police to designate certain Department of Corrections' vehicles as emergency vehicles. Pursuant to the Regulatory Review Act, I am providing you with the enclosed copy of the proposed rulemaking. Should the Commission require any assistance with its review of the proposed regulations, please let me know.

Sincerely,

Syndi L. Guido  
Policy Director

Enclosure

cc: Colonel Jeffrey B. Miller  
Commissioner

Major Jeffrey Davis, Director  
Office of Domestic Security

Barbara Christie  
Chief Counsel

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

I.D. NUMBER: 17-64  
 SUBJECT: Administration of Bureau of Liquor Control Age Compliance Check Program  
 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

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**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
12/8/03	<i>Ray Garrison</i>	HOUSE COMMITTEE ON JUDICIARY
12/8/03	<i>Susan Thomas</i>	
12/8/03	<i>Julia B.</i>	SENATE COMMITTEE ON LAW AND JUSTICE
12/8/03	<i>M. Wagner</i>	
12/8/03	<i>E. Page</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
1/8/03	<i>Colin P. Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)