



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

December 8, 2005

Mr. John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

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INDEPENDENT REGULATORY REVIEW COMMISSION
2005 DEC 9 AM 11:15

Dear Mr. McGinley:

The Department of Transportation provided us with a copy of the revised **final** regulation #18-392, amendments to 67 Pa. Code, Chapter 212—Official Traffic Control Devices. We have reviewed this final regulation to determine whether the comments we submitted concerning the proposed regulation in September 2004 were addressed. We have concluded that the majority of our concerns were addressed and that we support many of the changes made to the final version.

However, there is one issue that we do not believe was addressed. We take exception to the department's response to the issues raised by our association and others concerning Section 212.5(b)(1)(v). The department's response is that municipalities already have the responsibility to place these signs "on local road approaches to State highways and traffic signals on State highways." While we agree with the Department's assertion, the regulations **do not include** the term "*local road approaches*." Without this clarification, we believe that this subsection would give municipalities the responsibility for the signs on the local road approach *and* the state road approach. Further, the Department states that the Vehicle Code (*75 Pa. C.S. 6122 and 6124*) already places the primary responsibility for signage on local roadway approaches at intersections with State highways. But the clear reading of these two sections shows that nothing in these sections gives municipalities the responsibility for signage on state road approaches to such intersections.

Section 6122 reads as follows: "The department on a State-designated highway and local authorities on an highway within their boundaries may erect official traffic-control devices." The section reads further in subsection (a)(1) that "local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a state designated highway." The section clearly states, and court cases have confirmed, that local authorities "may" erect official traffic-control devices on state highways, and if they erect them on state highways they need departmental approval.

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The same conclusion is reached when reading Section 6124. The section states "that local authorities on intersections of highways under their jurisdiction may erect and maintain stop signs." There is no language in this section stating that local authorities are responsible for signage on state highways.

Without further clarification that Section 212 (b)(1)(v) only relates to highways under the jurisdiction of the local authority, we must ask that the **regulations be denied**.

We appreciate your concern and understanding as it relates to this issue. Should you desire additional information, please contact us.

Sincerely,



Elam M. Herr

Assistant Executive Director

EMH:tmh

Copy: Mr. Arthur H. Breneman
The Honorable Richard A. Geist
The Honorable Keith R. McCall