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ERIE COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS

AMITY

CONCORD

CONNEAUT September 24, 2004

ELK CREEK

FAIRVIEW Arthur H. Breneman, P.E. Chief,
Traffic Engineering and Operations Division
Commonwealth Keystone Building - 6th Floor
FRANKLIN 400 North Street
Harrisburg, PA 17120-3620

GIRARD

GREENE Dear Mr. Breneman,

GREENFIELD At the regular meeting of the Erie County Association of Township Officials, held
on September 23, 2004, the supervisors of Erie County voted unanimously to oppose and
HARBORCREEK express to you our disapproval of the proposed rules change in PaDOT regulations that
would require municipalities to be responsible for signs, signals and markings on State
roads at municipal intersections. The proposed rules change places the municipality at a
LAWRENCE PARK disadvantage in that we would be responsible for the installation, maintenance and
liability associated with the changes. Additionally, the proposal does not call for any
LEBOEUF funding to be extended to the municipalities for carrying out the changes in the rules.

MCKEAN We respectfully request that you take our concerns under consideration when
considering this issue.

MILLCREEK

NORTH EAST

SPRINGFIELD

Sincerely,
ERIE COUNTY ASSOCIATION OF
TOWNSHIP OFFICIALS

SUMMIT

UNION

Martha Sherman
Secretary

VENANGO

WASHINGTON

WATERFORD

WAYNE



9

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

September 24, 2004

Arthur H. Breneman, P.E., Chief
Traffic Engineering and Operations Division
Commonwealth Keystone Building, 6th Floor
400 North Street
Harrisburg, PA 17120-0064

Dear Mr. Breneman:

We are writing to you on behalf of the 1,456 townships represented by the Association to comment on the Proposed Rulemaking on Official Traffic Control Devices #18-392 (#2418) that was published in the August 28, 2004 issue of the Pennsylvania Bulletin.

Both township roads and state highways comprise a vital transportation network for Commonwealth motorists. Accordingly, the Association believes that the Department of Transportation should be financially responsible for the maintenance of all state highways and rights of way, including costs for the placement and maintenance of signals, signage, pavement markings, and drainage facilities, as well as stormwater management, on a state road or right of way.

We must oppose any efforts by the Department to transfer any of its responsibilities for traffic control signage on state roads to municipalities as an unfunded mandate. We cannot find any authority or justification for such action in the Vehicle Code, particularly in Sections 6122 or 6124. Local governments do not have the resources to install and maintain traffic control devices on state roads or to cover the liability costs that would be imposed by such action.

Following are comments on specific sections of the proposed regulations.

- Section 212.1. Why were state agencies, boards, and commissions added to the definition of "local authorities"? This does not make any sense since state agencies are different than local authorities.
- Section 212.4 (a). This section outlines the requirements for installing a traffic control device or sign. It also states that preexisting signs may remain in place if they were installed according to the laws in place at the time.

Mr. Arthur H. Breneman, P.E. Chief

September 24, 2004

Page 2

However, what if there is no record of a study? A stop sign may have been installed 30 years ago and the study may no longer be in the township's possession. Also, what happens if a developer installs stop signs on private roads, which are then dedicated to the township? Does the township have to go through the expense of a study to justify these stop signs? Or can they remain in place? These changes could impose a very significant cost burden on townships that would be required to conduct studies for signs that have been in place for years or that were in place when a township accepted dedication of a road.

- Section 212.4 (b). Currently it is our understanding that roadmasters are authorized to conduct certain types of traffic studies. Will this authority continue or will it be eliminated by the changes in these regulations?
- Section 212.5. We support the provisions in this section that relieve municipalities of the regulatory responsibility of installing and maintaining railroad grade crossing markings on state-designated highways. We believe this is a responsibility of either the railroad or the Department. We applaud the Department for making this change.
- Section 212.5 (b) (1) (iv). Again, we can find nothing in the Vehicle Code which mandates that local governments are responsible for the costs of maintaining traffic control signs on state roads. Under the existing regulations, Section 211.6, local authorities are given the authority, but not the responsibility, to install signs similar to the list in Section 212.5 (b) (1) (iv) on state roads. The new language would specifically give local authorities the responsibility for the installation, revision, maintenance, and removal of these signs on state roads, including street name signs, no stopping, standing or parking signs, crosswalk marking, curb markings, parking stall markings, and parking meters. We do not believe the Department ever has had the authority to give local governments this responsibility.

Section 212.5 (b) (1) (v). This section mandates that local authorities are responsible for installing, maintaining, and operating certain traffic-control devices, subject to Department approval.

Mr. Arthur H. Brenneman, P.E. Chief
September 24, 2004
Page 3

While some of this language is similar to the existing regulations, we do not see where the Department has the statutory authority to require local authorities to maintain these devices. In fact, we believe that these proposed regulations expand requirements for local expenses by including traffic signals and all associated signs and markings. We do not see why this should be the municipality's responsibility when these signs and devices are on state roads. We believe it is the state's responsibility to install and maintain these signs and devices on state roads, as well as to undertake the necessary traffic studies.

- Section 212.5 (b) (2). Does this section mean that local authorities are responsible for installing, revising, or removing traffic-control devices on expressways or freeways? If so, we must oppose this provision.
- Section 212.5 (d). We must oppose any requirement to mandate that local authorities take responsibility for installing and maintaining traffic control devices at new intersections with state roads. This should be the responsibility of the developer or the Department, not the municipality. While municipalities have planning and zoning authority, they do not have the ability to stop or eliminate development, which will continually increase the number of local highways that intersect with state highways.
- Section 212.10. Why is "local authority" changed to "municipality or other agency?" These terms are not consistent throughout the document. Either "local authority" or "municipality or other agency" should be used in the document, but these terms should not be interchangeable.

Thank you for the opportunity to comment on these documents. We would like to work with the Department on these issues and to resolve the concerns of our members. If you would like to discuss this issue further, please contact me at the Association's office.

Sincerely,

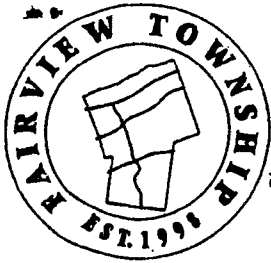


Elam M. Herr
Assistant Executive Director

EMH: tlm

cc: Robert Nyce

Original: 2418



Fairview Township

Supervisors of Fairview Township

7471 McCray Road • Fairview, PA 16415
Tel: 814-474-5942 • Fax: 814-474-1199

September 8, 2004

Arthur H. Breneman, PE, Chief
Traffic Engineering and Operations Division
Commonwealth Keystone Building, 6th Floor
400 North Street
Harrisburg, PA 17120-3620

RE: 34 Pa.B. 4712
Official Traffic Control Devices

Dear Mr. Breneman:

The Supervisors of Fairview Township want to express **total opposition** to the proposals outlined in the August 28, 2004 PA Bulletin, Vol. 34, No. 35, pages 4712-4713 that shifts responsibilities from PennDOT to local municipalities for signals, signs and markings on state roads.

We recently voiced displeasure to State Representative John Evans about PennDOT not fulfilling their maintenance obligations on state roads presently in our area and now this! Where does local government go to finance all these new responsibilities handed down to us by the state, but to our residents with higher taxes? We feel the maintenance of state roads should remain with PennDOT and paid out of state tax dollars.

Please reconsider this proposal.

Sincerely,
Supervisors of Fairview Township

David C. Carner

Bradley J. Bierer

Peter D. Kraus

DCC/BJB/PDK:bap

Cc: The Honorable John Evans, State Representative
The Honorable Jane Earl, State Senator

2004 SEP 14 PM 2:09
RECEIVED
TRAFFIC ENGINEERING DIVISION

PA DOT
SEP 14 2004
TRAFFIC ENGINEERING DIVISION

Original: 2418

McKEAN TOWNSHIP SUPERVISORS

9231 Edinboro Road • P.O. Box 62
McKean, Pennsylvania 16426

(814) 476-7414
FAX (814) 476-1257

7

September 24, 2004

Mr. Arthur H. Breneman, P.E., Chief
Traffic Engineering and Operations Division
Commonwealth Keystone Building, 6th Floor
400 North Street
Harrisburg, PA 17120-3620

Re: Official Traffic Control Devices

Dear Mr. Breneman:

Please be advised that McKean Township Board of Supervisors oppose Chapter 212 which would establish new rules regarding guidelines for the design, location and operation of all official traffic signs, signals, markings and other traffic-control devices. This would place the burden on municipalities to be responsible for the maintenance of Stop Signs and Yield Signs on local road approaches to State-designated highways.

Thank you for you consideration in this matter. We remain,

Very truly yours,

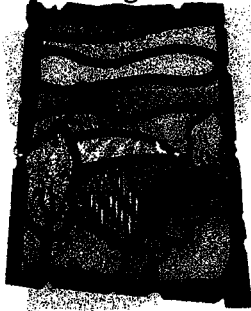
McKEAN TOWNSHIP SUPERVISORS



James Guckes
Vice Chairman

Cc: Senator Jane Earl

RECEIVED
SEP 29 11 21 AM '04



Amity Township

15030 Casler Road Union City PA 16438-8118
(814)438-2296 (814)438-7996 fax

September 21, 2004

Arthur H Breneman P E Chief
Traffic Engineering and Operations Division
Commonwealth Keystone Building 6th Floor
400 North Street
Harrisburg PA 17120-3620

Dear Mr. Breneman:

We are writing with our public comment regarding the proposed rulemaking for traffic control devices owned by the Pennsylvania Department of Transportation and the shift of responsibility being put on local government for these traffic control devices (specifically Section 212.5).

We have a small, rural township with a very limited tax base and only two full time workers. We rely heavily on any funds supplied by the State to help us with our responsibilities to our residents. We have many gravel/dirt roads which require a lot of maintenance throughout the summer as well as snow removal in the winter since we are located right in the heart of the snowbelt. We do not want to increase taxes because the State doesn't wish to fulfill obligations for State roads.

Please consider this our opposition to the proposed changes suggested in PA Bulletin dated August 28, 2004, pages 4712-4714.

Sincerely,

Amity Township Supervisors

BK/CDM

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5

LeBoeuf Township
14270 Flatts Road
Waterford, PA 16441
Phone/Fax# (814) 796-4095
E-Mail: leboeufwp@hotmail.com

Arthur H. Breneman, P.E., Chief,
Traffic Engineering and Operations Division
Commonwealth Keystone Building, 6th Floor
400 North Street
Harrisburg, PA 17120-3620

RECEIVED
SEP 23 2004
TRAFFIC ENGINEERING AND OPERATIONS DIVISION

September 23, 2004

Dear Sir,

The Supervisors of LeBoeuf Township, Erie County oppose the proposed regulations listed in the Pa Bulletin Volume 34, Number 35, Dated August 28, 2004 (pages 4712-4713), Official Traffic Control Devices [67 PA. CODE CHS. 201, 201, 204, 211, 212, AND 217]. Section 212.5. states that local authorities are responsible to maintain Stop Signs and Yield Signs on local road approaches to State-designated highways. The municipality does not want the responsibility, cost or liability incurred by this proposed legislation.

Sincerely,

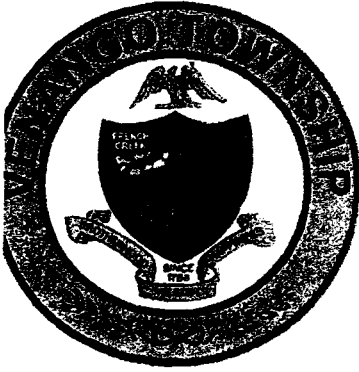


Catherine Wise

Secretary/Treasurer

CC: Senator Jane Earl
Representative John Evans
Representative Tom Scrimenti

RECEIVED
SEP 23 2004
TRAFFIC ENGINEERING AND OPERATIONS DIVISION



Original: 2418

VENANGO TOWNSHIP

9141 TOWNHALL ROAD
WATTSBURG, PA 16442
PHONE (814)739-2668 FAX (814)739-9443

BOARD OF SUPERVISORS
PAUL VOGEL
JOHN F. PFADT
RICHARD BESSETTI

September 10, 2004

Arthur H. Breneman, P.E., Chief
Traffic Engineering and Operations Division
Commonwealth Keystone Building, 6th Floor
400 North Street
Harrisburg, PA 17120-3620

Dear Mr. Breneman:

It has come to our attention that PaDOT is considering changing the regulation that would place the responsibility on the municipalities to be responsible for the signs, signals and markings on the state roads within our municipality. This matter was discussed at the Venango Township Supervisors' Meeting on September 7, 2004. The supervisors of Venango Township strongly object to yet another expense for municipalities to bare that is placed on us by the state.

We are a small rural municipality, which is made up of farms, homeowners, and a few businesses. We do not have the funds or the equipment necessary to full fill this requirement. This extra expense would be passed on to the farmers and homeowners within this rural area. It is our belief that the local farmers and residents cannot afford another tax increase.

We request that you reconsider this new regulation. It will place an extra burden on municipalities within Pennsylvania. Thank you in advance for your attention to this matter.

Sincerely,

VENANGO TOWNSHIP

Richard Bessetti
Supervisor

cc: Senator Jane Earll
Representative John Evans
Representative Thomas Scrimenti
Senator Mary Jo White

REC'D FROM MAIL ROOM
2004 SEP 15 PM 1:37

PA DOT

SEP 8 2004

TRAFFIC ENGINEERING
AND OPERATIONS DIVISION

Original: 2418

6

Franklin Township

10411 Rt. 98, Edinboro, PA 16412
814-734-3521 Fax: 814-734-3361

John J. Sachar, Chairman
C. Jarrett Miller, Vice Chairman

Bonnie J. Bernhardt, Secretary/Treasurer
David G. Henderson, Supervisor/Roadmaster

September 22, 2004

The Honorable Senator Jane Earl
Member, Pennsylvania Senate
200 West 11th
Erie, PA 16501

Re: proposed rule making by PennDOT, 35 Pa.B. 4712, Aug 28, 2004.

Dear Senator Earl:

PennDOT proposes to transfer stop sign and yield sign installation and maintenance responsibilities to local municipalities at local road intersections with state highways. In the proposed rule making, see Paragraph 2 of the narrative and see the proposed Code addition 67 Pa.Code Section 212.5.

According to 75 P.S. Section 6124, and years of past practice, the responsibilities for stop and yield signs at intersections with state highways has been vested in PennDOT. They have on-call personnel and trucks equipped with tools, replacement signs and parts to respond quickly to stop sign problems. As you can imagine, a missing or downed stop sign requires immediate attention to avert an accident at an uncontrolled intersection.

The issues are these:

1. This is an unfunded mandate of significant proportions for local municipalities. The proposed rule making "Fiscal Impact" assessment makes no mention of the significant costs and liability being transferred to local governments by this shift of responsibility from state to local government.
2. Small local governments, like Franklin Township, do not have the resources to maintain stops signs on short notice, let alone to absorb the actual cost of the labor, materials and liability insurance costs. This PennDOT action will more than double the number of stop signs under the jurisdiction of this Township.
3. This violates state statute, 75 P.S. 6124. This statute requires that PennDOT install and maintain these signs.
4. General liability insurance costs and potential liability assessments as a result of court awards or settlements could bankrupt small municipalities and significantly affect the financial stability of larger local governments.

I urge you to vigorously oppose this unfunded mandate proposed by PennDOT and ask that you intercede with those in authority at PennDOT to stop this proposed rulemaking.

Thank you.

Sincerely,

DAVID G. HENDERSON
Supervisor/Roadmaster

PA. DOT

SEP 24 2004

TRANSPORTATION
AND OPERATIONS DIVISION

4

Original: 2418



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

September 24, 2004

Arthur H. Breneman, P.E., Chief
Traffic Engineering and Operations Division
Commonwealth Keystone Building, 6th Floor
400 North Street
Harrisburg, PA 17120-0064

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4855 Woodland Drive ■ Enola, PA 17025-1291 ■ Internet: www.psats.org

PSATS ■ Pennsylvania Township News ■ Telephone: (717) 763-0930 ■ Fax: (717) 763-9732

Trustees Insurance Fund ■ Unemployment Compensation Group Trust ■ Telephone: (800) 382-1268 ■ Fax: (717) 730-0209

However, what if there is no record of a study? A stop sign may have been installed 30 years ago and the study may no longer be in the township's possession. Also, what happens if a developer installs stop signs on private roads, which are then dedicated to the township? Does the township have to go through the expense of a study to justify these stop signs? Or can they remain in place? These changes could impose a very significant cost burden on townships that would be required to conduct studies for signs that have been in place for years or that were in place when a township accepted dedication of a road.

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Mr. Arthur H. Brenneman, P.E. Chief
September 24, 2004
Page 3

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Thank you for the opportunity to comment on these documents. We would like to work with the Department on these issues and to resolve the concerns of our members. If you would like to discuss this issue further, please contact me at the Association's office.

Sincerely,



Elam M. Herr
Assistant Executive Director

EMH: tlm

cc: Robert Nyce