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PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

2007 MAY 21 PM 1:45
INDEPENDENT REGULATORY
COMMISSION
May 18, 2007

RECEIVED

Mr. Lawrence Allen
Equipment Division
17th and Arsenal Boulevard
Harrisburg, PA 17120

Dear Mr. Allen:

We have reviewed the Final-form Regulation #18-404 (#2510) pertaining to Flashing or Revolving Lights on Emergency and Authorized Vehicles. Although we did not have any concerns with the proposed regulations, an issue has been brought to our attention pertaining to Section 173.3 (c) as it was written in the proposed regulations. Since the section has not been amended in the final-form regulation, we felt that this issue should be conveyed to you.

Section 173.3 (c) Visibility for Unmarked Police Vehicles provides that "lights mounted on an unmarked police vehicle shall be mounted to provide visibility to vehicles approaching from the front and rear of the unmarked vehicle." This may be adequate when the unmarked police vehicle is stationary, but what about an unmarked police vehicle that is responding to an incident and has its lights on indicating that the unmarked police vehicle is responding to an incident and may be traveling in excess of the posted speed limit and disregarding traffic signage or signals. Vehicles approaching or following the unmarked police vehicle will be able to see the lights, but what about those vehicles approaching perpendicular to the unmarked police vehicle. Is this regulation potentially exposing the state or a municipality to more liability if the perpendicular vehicle is not able to see the emergency lighting?

We appreciate your cooperation and understanding.

Sincerely,

Elam M. Herr
Assistant Executive Director

EMH:mar

cc: Arthur Coccodrilli, IRRC