

Regulatory Analysis Form		This space for use by IRRC	
(1) Agency Transportation		RECEIVED 2016 NOV 13 PM 3:30 INDEPENDENT REGULATORY REVIEW COMMISSION IRRC Number: 2584	
(2) I.D. Number (Governor's Office Use) No. 18-408			
(3) Short Title ROADSIDE REST AREAS			
(4) PA Code Cite 67 Pa. Code, Chapter 443		(5) Agency Contacts & Telephone Numbers Primary Contact: Jack Christensen (717) 787-0466 Secondary Contact: Robert Kleimenhagen (717) 787-7002	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. The purpose of this regulation is ensure that Roadside Rest Area and Welcome Centers provide comfortable, convenient, clean, attractive and safe places for the general motoring public and to set forth rules to insure the maximum comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities. This regulation delineates the activities or actions which are inconsistent with the purpose of Roadside Rest Area and Welcome Centers. The purpose of this amendment is to provide greater detail in the delineation of the impermissible activities.			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.			

These regulations are promulgated pursuant to the authority contained in Sections 8 of the Act of June 7, 1961, (P.L. 257, No 151) *as amended* (36 P.S. § 478.18).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulations? If yes, cite the specific law, case or regulation, and any deadlines for action.

These amendments to the regulation are not mandated by any federal or state law or court order or federal regulations.

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

Amendments to the existing regulation are required to further delineate the activities or actions permissible and impermissible at Roadside Rest Areas or Welcome Centers for the protection and convenience of the motoring public.

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

Failure to amend these regulations will result in continued ambiguity in what is considered appropriate use and activity of Roadside Rest Areas and Welcome Centers the potential for the activity that negatively affects the comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities.

(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 general motoring public will benefit from this regulation because it will better ensure the maximum comfort, convenience, cleanliness, health and safety of those members using the facilities.

(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.)

There should be no adverse impact on anyone from these amendments to the regulation.

(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.)

Any member of the general public wishing to use or engage in activity at a Roadside Rest Area or Welcome Center will be required to comply with this regulation.

(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.

In addition to internal Department discussions among Welcome Center Program Office and other Department District and Central Office professionals, public input was obtained from complaints received and from on-site conversations with travelers utilizing Roadside Rest Areas and Welcome Centers.

(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.

The costs and/or savings to the regulated community resulting from these amendments are marginal and cannot be calculated with any precision.

(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.

There should be no costs and/or savings to local governments resulting from these amendments to the regulation.

(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.

There should be no costs and/or savings to state government resulting from these amendments to the regulation.

(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 + 1 Year	FY + 3 Year	FY + 4 Year	FY + 5 Year
SAVINGS:	\$ N/A	\$	\$	\$	\$	\$
Regulated Community:	N/A					
Local Government:	N/A					
State Government:	N/A					
Total Savings	N/A					

COSTS:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Costs	N/A					
REVENUE LOSSES:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Revenue Losses	N/A					

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

(20b) Provide the three year expenditure history for programs affected by the regulation.

Program	FY-3 2003-04	FY-2 2004-05	FY-1 2005-06	Current FY 2006-07
Appropriation 187	\$ 651,000,000	\$ 602,000,000	\$ 652,500,000	\$ 770,500,000

(21) Using 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.

There were no nonregulatory alternatives considered. The changes to the Roadside Rest Areas could not be effected without amendment of the regulation.

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

No alternative regulatory schemes were considered.

(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.

There are no applicable federal standards governing the use of Roadside Rest Areas or Welcome Centers.

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

This regulation will not put Pennsylvania at a competitive disadvantage vis a vis other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These amendments will not affect other Department regulations or the regulations of any other Commonwealth agency.

(27) Will any public hearings or informal meetings be scheduled? Please provide the dates, times and locations, if available.

No public hearings on these amendments are scheduled at this time. Should public comment on these proposed amendments warrant, public hearings may be held.

(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 does not involve or require any reporting, record keeping or other paperwork.

(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.

There are no special provisions in these regulations designed to meet the particular needs of

affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

(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?

These amendments will become effective upon publication in final form in the *Pennsylvania Bulletin*.

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

These provisions will be reviewed periodically as appropriate.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED
2006 NOV 13 PM 3:30
INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

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

Angela M. Elliott
By: _____

(Deputy Attorney General)

NOV 08 2006

Date of Approval

Check if applicable
Copy not approved. Objections attached.

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

Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-408

DATE OF ADOPTION _____

BY *Allen O. Bialler*
Secretary of Transportation

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

Andrew C. Clark
By: _____

Andrew C. Clark

OCT 19 2006

(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.

**TITLE 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
CHAPTER 443. ROADSIDE REST AREAS**

Proposed Rulemaking

TITLE 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
CHAPTER 443. ROADSIDE REST AREAS

Notice of Proposed Rulemaking

Preamble

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 8 of the Act of June 7, 1961, (P.L. 257, No 151) *as amended* (36 P.S. § 478.18), proposes to amend Chapter 443 of the Department of Transportation Regulations, Pa. Code, Title 67, as set forth in Annex A to this Notice.

Purpose of Chapter

This purpose of this Chapter is to set forth rules to ensure the comfort, convenience, cleanliness, health and safety of those members of the traveling public utilizing roadside rest areas and facilities.

Purpose of the Proposed Amendments

The purpose of these amendments to Chapter 443 is to provide greater detail in the description of conditions and activities not permitted at roadside rest areas and facilities.

Summary of Significant Amendments

Section 443.1 (Purpose and policy) and 443.2 have been amended to include more specific definitions of activities or actions which are prohibited at Roadside Rest Areas and Welcome Centers.

Persons and Entities Affected

These regulations affect all members of the general motoring public who stop at Roadside Rest Areas and Welcome Centers.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. § 745.5(a), the agency submitted a copy of these proposed regulations, on November 13, 2006 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting the regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments recommendation, or objections.

Sunset Provisions

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions

or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. 1.01, et seq.). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Jack Christensen, Chief, Facilities Management Division, Bureau of Office Services, 400 North Street – 5th Floor, Harrisburg, Pennsylvania 17120 within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Robert Kleimenhagen, Jr., Central Region Facilities Administrator, Facilities Management Division, Bureau of Office Services, 400 North Street – 5th Floor, Harrisburg, Pennsylvania 17120 telephone number: (717) 787-7002.

Allen D. Biehler, P.E.

Secretary of Transportation

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

CHAPTER 443. ROADSIDE REST AREAS

§ 443.1. Purpose and policy.

(a) This chapter is promulgated for the purpose of providing comfortable, convenience, clean, attractive and safe places for the general motoring public and to set forth rules to insure the maximum comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities.

(b) This chapter applies to all rest areas administered by the Department, including those containing information centers for the traveling public, i.e. Welcome Centers.

(c) This chapter is intended to limit activities and actions in roadside rest areas to those that are consistent with the purpose of the facilities.

§ 443.2. Prohibited activities or actions.

The following specified activities or actions shall be prohibited in roadside rest areas:

(1) Driving or parking of a vehicle in areas other than those provided. Drivers shall obey all posted traffic signs and markings.

(2) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit. Vehicles unattended for more than 24 hours will be considered abandoned and subject to removal and storage at the sole cost and expense of the owner.

(3) Defacing or damaging buildings or other facilities[.], skateboarding, rollerblading, skating, biking or sledding; riding of all-terrain vehicles, or smoking in areas designated as "No Smoking".

(4) Igniting or maintaining fires for heating or cooking equipment, except in areas or facilities designed for the purpose [.], camping overnight or setting up a tent, sleeping anywhere but in a legally parked vehicle, or remaining anywhere but in a legally parked vehicle for more than two hours.

(5) Depositing or disposing of refuse or waste, except picnic waste and contents of vehicle litter bags, which shall be deposited only in areas or containers provided [therefore] for that purpose. Disposing of camping, sewage, or household refuse in [this area] these areas is prohibited.

(6) Consumption of alcoholic beverages[.], or the use, possession or delivery of controlled substances.

(7) Discharging or shooting of firearms or bows and arrows[, and], hunting or fishing [.], or parking of vehicles for the purpose of hunting or fishing outside of the rest area.

(8) Maintenance or repairing of vehicles or attachments to vehicles — oil changes, filter replacements, draining of coolants, washing vehicles [,] or attachments to vehicles, motor disassembly or assembly and the like — except in emergencies.

(9) Release of pets or unloading of livestock. Animals on leashes shall be permitted only in areas designated as pet area, except for Seeing-Eye or Service Dogs which are permitted anywhere.

(10) Picking, breaking, damaging or abuse of plants or vegetation or parts thereof.

(11) Use of the area or facilities for bathing or washing of garments or clothing.

(12) Sale of a product or conduct of other commercial activity, except [in emergencies] when the Department authorizes, by written agreement, vending and communication facilities in areas within limited access right of way, or vending, communication facilities, and other commercial activities serving the needs of the traveling public in areas outside limited access right of way.

(13) Driving a motor vehicle in excess of 25 miles per hour, except on entrance or exit ramps.

(14) Use of the area or facilities when closed for the season or for any other reason.

(15) Engaging in loud, boisterous or abusive conduct or engaging in or soliciting lewd or lascivious conduct, including, but not limited to, sexual intercourse, indecent exposure, open lewdness or prostitution.

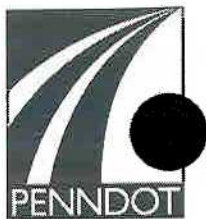
(16) Use of the area or facilities for special events, except for free "Coffee Break" events and similar non-profit activities for the traveling public when approved by the Department and on such terms and conditions as it shall deem appropriate.

(17) Any other activity that interferes with the proper functioning of the rest area for the purposes set forth in § 443.1 (relating to purpose and policy), including soliciting, harassing, intimidating, or coercing travelers; impeding the movement of persons or interrupting traffic flow; picketing, demonstrating, or performing oration or similar expressive activities; and distributing written materials without the written agreement of the Department.

§ 443.3. Additional prohibited activities or actions on noninterstate highways.

In addition to the activities prohibited in § 443.2 (relating to prohibited activities or actions), parking of commercial vehicles or the parking of a vehicle between dusk and dawn is prohibited

in roadside rest areas along noninterstate highways [.] unless otherwise posted by the Department.



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

**OFFICE OF CHIEF COUNSEL
GENERAL LAW DIVISION**
POST OFFICE BOX 8212
HARRISBURG, PA 17105-8212
TELEPHONE: (717) 787-5299
FACSIMILE: (717) 772-2741



**GOVERNOR'S OFFICE OF
GENERAL COUNSEL**

November 13, 2006

Kim Kaufman, Executive Director
Independent Regulatory Review Commission
14th Floor Harrisstown 2
333 Market Street
Harrisburg, PA 17101

**Re: Proposed Rulemaking
Regulation # 18-408, 67 Pa. Code Chapter 443 —
Roadside Rest Areas**

Dear Mr. Kaufman:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for the amendment of Chapter 443 of Title 67 (Transportation) of the Pennsylvania Code, which the Department of Transportation intends to adopt in accordance with the provisions of Section 204 of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1204.

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees. The proposed rulemaking was also provided to the Legislative Reference Bureau for publication in the November 25, 2006 issue of the *Pennsylvania Bulletin*.

The Department of Transportation will provide you with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

Stephen F. J. Martin
Regulatory Counsel

cc: Lois Hein, Governor's Office of the Budget w/o attachments
Judith Bailets, Staff Assistant, Governor's Policy Office w/o attachments
Glenda Davidson, OGC Regulatory Coordinator w/o attachments
Eric Madden, Director, Department of Transportation Policy Office
w/o attachments

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

I.D. NUMBER: #18-408
 SUBJECT: Roadside Rest Areas
 67 Pa. Code, Chapter 443
 AGENCY: Department of Transportation

RECEIVED
 2006 NOV 13 PM 3:31
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

TYPE OF REGULATION

- X 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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
11/13/06	<u>Patricia E. Gilroy</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
11/13/06	<u>Mary E. Flaherty</u> for Minority Chair	
11/13/06	<u>Kimberly J. Harless</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
11/13/06	<u>Kate McMillen</u> for Minority Chair	
11/13/06	<u>Kathy Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
11/13/06	<u>C. Lee Brown</u>	LEGISLATIVE REFERENCE BUREAU

Date: November 13, 2006