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INDEPENDENT REGULATORY REVIEW COMMISSION

August 27, 2008 333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

Honorable Allen D. Biehler, P.E., Secretary
Department of Transportation
Keystone Building, 8th Floor
400 North Street
Harrisburg, PA 17120-0041

Re: Regulation #18-410 (IRRC #2705)
Department of Transportation
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of
Drivers

Dear Secretary Biehler:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Roger A. Madigan, Chairman, Senate Transportation Committee
Honorable J. Barry Stout, Minority Chairman, Senate Transportation Committee
Honorable Joseph F. Markosek, Majority Chairman, House Transportation Committee
Honorable Richard A. Geist, Minority Chairman, House Transportation Committee

Comments of the Independent Regulatory Review Commission



Department of Transportation #18-410 (IRRC #2705)

Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers

August 27, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the June 28, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

1. Section 83.2. Definitions. - Implementation procedures; Clarity.

Chiropractor

This definition includes a cross-reference to the definition of chiropractor in § 1508.1 (b) (relating to Physical examinations) of the Vehicle Code. (75 Pa.C.S. § 1508.1 (b).) The final-form regulation should include a cross-reference to §1518 (relating to Reports on mental or physical disabilities or disorders) of the Vehicle Code, which also defines this term. (75 Pa.C.S. § 1518.)

Provider

The term “provider” is used in several places in the chapter. Who is included in this term? The final-form regulation should include a definition for this term.

2. Section 83.5. Other physical and medical standards. - Implementation procedures; Clarity.

Subsection (a)(1)

Subsection (a)(1) states that individuals shall submit results of a HbA1C and vision screening as outlined in the table in subparagraph (i). However, the table does not include information regarding results of the HbA1C or vision

screening. The Department should explain why this information is not included in the table.

Subsection (a)(1)(i)

Subparagraph (i) contains eligibility requirements for drivers with diabetes mellitus, which are arranged in a table. However, the regulation does not include an explanation for how to read the table or how it is to be used. For example, what are “profile levels”? How are they determined? What is “stabilized diabetes mellitus”? How is it determined? In addition, how much will these eligibility requirements cost an individual? The final-form regulation should address these issues and provide the information contained in the table in a manner that is easily understandable to readers.

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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Stephen Martin
Agency: Department of Transportation
Phone: 7-5079
Fax: 2-2741
Date: August 27, 2008
Pages: 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Department of Transportation's regulation #18-410 (IRRC #2705). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Stephen F. Martin Date: August 27, 2008

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