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Governor's Office

Certification of Need for Emergency Regulation
October 28, 2011

WHEREAS, the Commonwealth Department of Transportation and local political subdivisions engage in snow removal activities on state and local highways; and

WHEREAS, the Turnpike Commission engages in snow removal activity on the Pennsylvania Turnpike; and

WHEREAS, snow removal is fundamental to the safety of the travelling public as well as the safe and efficient flow of commerce throughout Pennsylvania; and

WHEREAS, there is a shortage of drivers with commercial driver licenses who are available to provide snow removal services for or on behalf of state and local governments; and

WHEREAS, existing Department of Transportation regulations restrict the amount of time that a state or local government driver may operate a snow plow to 11 hours; and

WHEREAS, state and local governments also contract with motor carriers to supplement the snow removal activities but those drivers are also restricted to 11 hours of driving time under existing Department of Transportation regulations; and

WHEREAS, state and local governments have expressed concerns that the existing Department of Transportation regulations adversely affect their ability to provide adequate snow removal services; and

WHEREAS, existing Department of Transportation regulations do not provide state and local governments adequate flexibility to allow drivers to engage in snow removal activities for periods in excess of the amount permitted by regulation; and

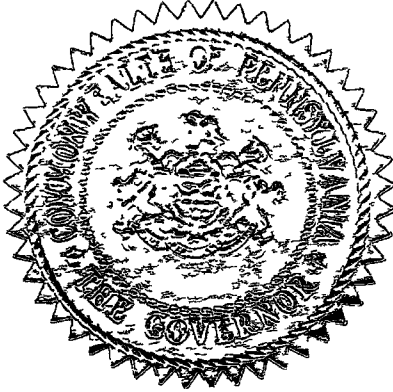
WHEREAS, without immediate amendment of the regulations, snow removal activities by and on behalf of state and local governments will be severely hampered to the detriment of the safety of the travelling public and the safe and efficient flow of commerce; and

WHEREAS, without immediate amendment of the regulations the Department of Transportation, the Turnpike Commission and local governments will continue to be without a mechanism to address this problem during the period of time required to propose and promulgate a rulemaking.

NOW THEREFORE, I do hereby certify that the regulatory amendments to 67 Pa. Code, Chapter 231, attached hereto as ANNEX A are required to meet the emergency conditions enumerated in the recitals above and to safeguard the public

health, safety and welfare as described therein.

FURTHER, I hereby authorize the Secretary of Transportation to publish these amendments in the Pennsylvania Bulletin as a Final Rulemaking consistent with the provisions of Section 4 of the Regulatory Review Act, as amended, 71 P.S. §745.6(d).



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-eighth day of October in the year of our Lord two thousand and eleven, and of the Commonwealth the two hundred and thirty fifth.

Tom Corbett
TOM CORBETT
Governor

ANNEX A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 231. INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS

Subchapter A. GENERAL

§ 231.8 Additions or modifications to 49 CFR.

As stated in §231.7 (relating to adoption of portions of 49 CFR by reference), this chapter generally incorporates 49 CFR Parts 382, 385, 390, 391, 392, 393, 395 and 396. The following modification, additions and deletions to those parts apply:

(15) Section 395.1 (relating to scope of the rules in this part) is modified by adding a new paragraph as follows:

(q.1) This Part does not apply to transportation relating to snow removal, roadway maintenance and traffic control support activities performed by a state or any political subdivision of the state.

(q.2) A driver performing highway snow removal operations on behalf of the state or any political subdivision of the state who is not eligible to be exempted under

Subsection (q.1) may operate a commercial motor vehicle for up to 12 hours provided

that:

(1) the driver does not drive a commercial motor vehicle after having
been on duty for more than 16 hours; and

(2) the driver has not been on duty 70 hours in 7 consecutive days or 80
hours in 8 consecutive days.