

Comments of the Independent Regulatory Review Commission



Department of Transportation Regulation #18-431 (IRRC #2960)

Roadside Rest Areas

September 26, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the July 28, 2012 *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 443.2. Prohibited activities or actions. – Clarity.

Section 443.2 is a list of prohibited activities and actions. Subparagraphs (i), (ii) and (iii) under Paragraph (10) are essentially exceptions to the prohibition of releasing pets or unloading livestock. To make this clearer, we suggest that the Department consider including a transition to Subparagraphs (i), (ii) and (iii), such as “release of pets or unloading livestock **with the following exceptions:** . . . ,” or similar language.

2. Section 443.4. Limitation on parking or standing of vehicles – Duplication of existing regulation; Clarity.

The provisions and topics being added as Section 443.4 also appear in Section 443.2 or could be included in Section 443.2. We have three observations.

First, Subsection (a), relating to parking or standing of a vehicle for more than two hours, would be added to the Department’s regulation in this section; however, it is identical to the existing prohibition at Paragraph 443.2(2). For this reason, we recommend deleting Subsection (a) from Section 443.4.

Second, Subsection (c), relating to the two-hour limit to repair a vehicle, further explains the provision in Paragraph 443.2(9). It may be clearer to include both of these provisions in Paragraph 443.2(9) to clarify that if a vehicle cannot be repaired in two hours it must be towed.

Finally, given the possibility that Subsections (a) and (c) may be deleted from Section 443.4, Subsection (b), relating to unattended vehicles, could be phrased as a prohibition under Section 443.2.