

# 3063

**PUBLIC COMMENTS TO ADVANCED NOTICE OF FINAL  
RULEMAKING AND DRAFT FINAL-FORM RULEMAKING**

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**Maiorana, Lisa**

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**From:** Elam M. Herr <eherr@psats.org>  
**Sent:** Wednesday, July 22, 2015 9:52 AM  
**To:** Maiorana, Lisa  
**Subject:** RE: Advanced Notice of Final Rulemaking and Draft Final-Form Rulemaking - Industrial Housing and Components - 4-95

Lisa: I appreciated receiving a copy of the Department's Final-Form Rulemaking Changes to the "Industrial Housing and Components" [12 PA. Code CH. 145]. After reviewing the changes we still contend that they will not impose any additional requirements or cost to our members. Again, thank you. Elam

Elam M. Herr  
Asst. Executive Director  
PSATS  
4855 Woodland Drive  
Enola, PA 17025-1291  
717-763-0930 ext. 122  
[eherr@psats.org](mailto:eherr@psats.org)

---

**From:** Maiorana, Lisa [<mailto:hmaiorana@pa.gov>]  
**Sent:** Monday, June 29, 2015 1:28 PM  
**To:** [John.Lieffrig@modspace.com](mailto:John.Lieffrig@modspace.com); [adammyers1@yahoo.com](mailto:adammyers1@yahoo.com); [bbieganski@vanguardmodular.com](mailto:bbieganski@vanguardmodular.com); [tom@modular.org](mailto:tom@modular.org); Elam M. Herr; [KBowser@pahouse.net](mailto:KBowser@pahouse.net); [cbrown@vanguardmodular.com](mailto:cbrown@vanguardmodular.com); [denise.beer@as.willscot.com](mailto:denise.beer@as.willscot.com); [cbennett@vanguardmodular.com](mailto:cbennett@vanguardmodular.com)  
**Cc:** Busch, Jill; Conte, Mark  
**Subject:** Advanced Notice of Final Rulemaking and Draft Final-Form Rulemaking - Industrial Housing and Components - 4-95

As you commented on the Industrial Housing and Components proposed regulations (4-95), attached please find a copy of the Advanced Notice of Final Rulemaking and Draft Final-Form Rulemaking for said Industrial Housing and Components regulations published in the Pa Bulletin on June 27, 2015.

**Lisa Maiorana** | Assistant Counsel  
Governor's Office of General Counsel  
PA Department of Community & Economic Development  
Office of Chief Counsel  
Commonwealth Keystone Building  
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**Maiorana, Lisa**

---

**From:** Daniel Arevalo <Daniel.Arevalo@mmmc-rents.com>  
**Sent:** Friday, July 24, 2015 2:34 PM  
**To:** Conte, Mark  
**Cc:** aharris@pahousegop.com; kward@pasen.gov; Maiorana, Lisa; dsumner@irrc.state.pa.us; ljohnson@irrc.state.pa.us; fwilmarth@irrc.state.pa.us; cyohn@irrc.state.pa.us; kcooper@irrc.state.pa.us; cbrandt@irrc.state.pa.us; melliott@irrc.state.pa.us; schalles@irrc.state.pa.us; jsmith@irrc.state.pa.us; shoffman@irrc.state.pa.us; tom@modular.org; Barbara Bieganski; Daniel Arevalo; 'donengle@nrbusa.com'; Christine Kline; dabeer@Willscot.com; 'Walsh, Kevin'; Robinson, Douglas O.  
**Subject:** Public Comments to Chapter 145 Industrial Housing and Components Rulemaking Process  
**Attachments:** 20150724111739511.pdf

Mr. Conte,

Please find the attached comments in regards to the public comment period for Chapter 145 rule-making process.

Thank you in advance for your consideration,

**Daniel G. Arevalo**

Director of Engineering and Legislative Affairs  
951.360.5145 office  
951.360.6622 fax

951.790.7431 cell

11450 Mission Blvd.  
Mira Loma, CA 91752

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Mr. Mark Conte, Chief Housing Standards Division  
Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4<sup>th</sup> Floor  
Harrisburg, PA 17120-0225  
[mconte@state.pa.us](mailto:mconte@state.pa.us)

Re: Comments on Draft Final-Form Rulemaking, Annex A, Title 12, Part V, Subpart C, Chapter 145.  
Industrial Housing and Components

Dear Mr. Conte,

As Mobile Modular / McGrath RentCorp is a company licensed in PA, and as Director of Engineering and Legislative Affairs, please consider the following comments:

1. The revisions and updates to Chapter 145 are inconsistent with relocatable building / modular building programs in surrounding states.
  - a. The inconsistencies include apparent limits to the use and relocation of existing units built prior to this program effective dates, as allowed in surrounding states
  - b. Certification of units to be labeled which were built prior to this program's effective date, as allowed in surrounding states

2. Ability to move labeled units within the State

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Celebration, FL 34747  
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a. 145.2 (3) allows the movement of units within the State, but does not address the existing units, legally built and installed prior to this programs effective date.

3. Certification / use of units labeled by valid out of state manufacturer

a. 145.104 Reciprocal Agreements appears to address this topic for new buildings, and needs to be inclusive of existing units presently installed with the State

4. Permanent Foundation requirements

a. Remove prescriptive requirements to allow any foundation system designed by a Professional Engineers, properly licensed in the State of PA.

Your consideration of these comments, vital to those operating in the industry within the State of PA, is appreciated.

Regards,

Daniel G. Arevalo

Director of Engineering and Legislative Affairs  
Mobile Modular / McGrath RentCorp

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MANAGEMENT CORPORATION**

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## Maiorana, Lisa

---

**From:** Tom Hardiman <tom@modular.org>  
**Sent:** Friday, July 24, 2015 2:38 PM  
**To:** Conte, Mark  
**Cc:** aharris@pahousegop.com; kward@pasen.gov; Maiorana, Lisa; dsumner@irrc.state.pa.us; ljohnson@irrc.state.pa.us; fwilmarth@irrc.state.pa.us; cyohn@irrc.state.pa.us; kcooper@irrc.state.pa.us; cbrandt@irrc.state.pa.us; melliott@irrc.state.pa.us; sschalles@irrc.state.pa.us; jsmith@irrc.state.pa.us; shoffman@irrc.state.pa.us  
**Subject:** Advance Notice of Final Rulemaking Pa.B. 3342 – Industrialized Housing Components  
**Attachments:** Industry comments 7.23.15 final.pdf

Please find the attached comments regarding public comment period for Chapter 145 rule-making process.

Tom Hardiman, CAE  
Executive Director  
Modular Building Institute  
944 Glenwood Station lane  
Suite 204  
Charlottesville, VA 22901  
[www.modular.org](http://www.modular.org)  
888-811-3288



July 23, 2015

Mark A. Conte, Chief  
Commercial Buildings Division  
Department of Community and Economic Development  
400 North St. 4th Floor  
Harrisburg, Pennsylvania 17120-0225.

Re: Advance Notice of Final Rulemaking Pa.B. 3342 – Industrialized Housing Components

Mr. Conte,

We are once again submitting comments to express our continued concerns with this proposed rule as well as the rulemaking process. We have several concerns, most of which we expressed last August in comments to the IRRC. It is unfortunate that your agency chose to ignore the recommendations by the IRRC to work with the industry to develop consensus, as evidenced by the fact that the Industry Advisory Council has not met since that IRRC hearing. Instead, we are presented with draft rules that look no better than the rules you submitted last year and a notice that the Advisory Council would meet in late August, presumably after these regulations were finalized.

As you know, our industry has been working since 2007 to get this program established PRIMARILY FOR THE PURPOSE OF RELOCATING INDUSTRIALIZED BUILDINGS. Again, you have chosen to ignore our input as well as the intent and purpose of the legislation. In fact, because of your agency's objections and interpretation of the first bill we worked to get passed, we actually worked to get a second bill passed. Eight years later, your proposed rules make it abundantly clear that you either do not understand the industry you have been legislated to regulate or you simply choose to ignore the legislation.

As far as the draft rules themselves, we have the same concerns as last year. Section 145.2 (3) states that the purpose of these regulations (in part) is to "establish procedures which facilitate the movement of industrialized housing, buildings between the Commonwealth and other states..." What are these procedures?

We have other concerns, both practical and legal – all of which add costs to our members and ultimately Pennsylvania consumers. You added a new sections providing a specific and prescriptive set of requirements for foundations, yet failed to include several code-compliant and acceptable solutions currently being utilized. This section needs to be more general and allow for approval of foundation systems that have been reviewed and approved by a licensed Pennsylvania engineer.

The installations process seems to indicate that the manufacturer is responsible (liable) for the install of the industrialized unit by controlling the process. More often than not, an independent set crew or contractor is hired for this task. When does this manufacturer liability end? Who determines the criteria for the set crews? Does each manufacturer adopt its own "installer certification process?" Currently, Pennsylvania is home to more modular manufacturers than nearly any other state. That may not be true in the near future if manufacturers feel their exposure has increased as a result of these regulations.

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There are concerns about the transfer of title, the need for a local code official to be on site to inspect the unit when it arrives, and additional forms and checklists to be completed, none of which are practical or necessary. Further, these requirements are in conflict with neighboring (and modular-friendly) states such as New Jersey and Virginia.

In short, we cannot support these rules as you have submitted and are disappointed that you have chosen to ignore industry input time and time again. We will have no other choice than to pursue legal and/or legislative relief if these rules go into effect as you have submitted them. That is truly a sad commentary about the state of regulatory affairs given that it was our industry that approached the Pennsylvania Assembly nearly a decade ago requesting consistent and fair regulations.

Perhaps these rules can be delayed (again) and you can use the upcoming scheduled meeting with the Industry Advisory Council on August 26<sup>th</sup> to revisit and rework these rules one final time in a manner that will allow our member companies to continue doing business in the Commonwealth.

Sincerely,

A handwritten signature in cursive script that reads "Tom Hardiman".

Tom Hardiman  
Executive Director  
Modular Building Institute  
944 Glenwood Station Lane, Suite 204  
Charlottesville, VA 22901



## Maiorana, Lisa

---

**From:** Chris D. Brown <CBrown@vanguardmodular.com>  
**Sent:** Friday, July 24, 2015 3:37 PM  
**To:** Conte, Mark  
**Cc:** Maiorana, Lisa  
**Subject:** FW: Advanced Notice of Final Rulemaking and Draft Final-Form Rulemaking - Industrial Housing and Components - 4-95  
**Attachments:** PADCED Letter - Vanguard - 12 PA. CODE CH. 145.pdf

Hello,

Please find and accept the attached comment letter into the public record.

Thank you,

**Chris Brown**  
Area Sales Manager



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Marietta, PA 17547

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---

**From:** Maiorana, Lisa [<mailto:Imaiorana@pa.gov>]  
**Sent:** Monday, June 29, 2015 1:28 PM  
**To:** [John.Lieffrig@modspace.com](mailto:John.Lieffrig@modspace.com); [adammyers1@yahoo.com](mailto:adammyers1@yahoo.com); Barbara Bieganski; [tom@modular.org](mailto:tom@modular.org); [eherr@psats.org](mailto:eherr@psats.org); [KBowser@pahouse.net](mailto:KBowser@pahouse.net); Chris D. Brown; [denise.beer@as.willscot.com](mailto:denise.beer@as.willscot.com); Carl Bennett  
**Cc:** Busch, Jill; Conte, Mark  
**Subject:** Advanced Notice of Final Rulemaking and Draft Final-Form Rulemaking - Industrial Housing and Components - 4-95

As you commented on the Industrial Housing and Components proposed regulations (4-95), attached please find a copy of the Advanced Notice of Final Rulemaking and Draft Final-Form Rulemaking for said Industrial Housing and Components regulations published in the Pa Bulletin on June 27, 2015.

**Lisa Maiorana** | Assistant Counsel  
Governor's Office of General Counsel  
PA Department of Community & Economic Development  
Office of Chief Counsel  
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July 24, 2015

Mark Conte, Director  
PA Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
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[mconte@state.pa.us](mailto:mconte@state.pa.us)

Re: (12 PA. CODE CH. 145) Industrial Housing and Components

Dear Mr. Conte,

I am writing to publicly comment on the "Advanced Notice of Final Rulemaking" (12 PA. CODE CH. 145) Industrial Housing and Components. If this regulation were to pass as written, organizations throughout the Commonwealth from small 501(c)(3) non-profits on up to and including the largest publically traded for profit companies would be negatively affected financially going forward due to significantly increased cost for the foundation system as laid out within Chapter 145, and also by the anticipated difficulty to relocate existing commercial modular structures.

- Restricting engineer designed foundation construction which utilizes earth anchors and tension steel strapping in lieu of what is considered industry standard and IBC Code compliant does nothing but add cost to the end user. These engineered systems are allowed in every other industrialized program in the nation.
- There is also no language within Chapter 145, as it is currently written, to address an existing and previously manufactured commercial modular building that is being relocated to another customer, either in the same or different jurisdiction. This same statement also will apply to existing "PA Labeled" commercial modular buildings once the label program is inacted. There is also nothing to address how code officials are to handle this very common circumstance, during a building permit application review process after the effective date of these rules and regulations takes place.

There is not a single private or public entity within the Commonwealth of Pennsylvania that does not rely on "permanent" and/or "re-locatable" commercial modular buildings (whether for permanent or temporary applications) as their organizations expand or contract over time.

The following is a partial market segment list of "Re-locatable" commercial modular building users within the Commonwealth of Pennsylvania. Vanguard Modular has current operating leases with commercial modular buildings to each and every one of these business segments. In all cases, the



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modular leases will end and the previously manufactured modular buildings will ultimately be relocated to another customer.

- State / County Corrections
- Primary Education (Public & Private)
- Higher Education (University, Community College, Trade Schools, etc.)
- Public Transportation
- Commercial Aviation
- Municipal Authority (State, County, City, Township, etc.)
- Government (Federal, State)
- Emergency Response
- Industrial / Energy / Utility
- Mining / Gas Extraction
- Healthcare (Hospitals, Veterans Administration, Outpatient Clinics, Veterinary, etc.)
- Manufacturing
- Child Care / Day Care
- Commercial / Retail (Auto Dealers, Waste Management, Farming)

Once again, there are two main points here that are not addressed within this regulation, with the first being relocating commercial modular buildings that are PA labeled under this program. The second is relocating existing buildings that have had previous PA occupancy but manufactured prior to a state label program being enacted.

By hindering the ability to service the space needs of the above listed industry segments with “previously manufactured and relocated” buildings has far reaching negative effects for Pennsylvania modular users, the modular manufacturers and finally the modular dealers/installers.

Sincerely,

**Chris Brown**



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## Maiorana, Lisa

---

**From:** Beer, Denise <Denise.Beer@as.willscot.com>  
**Sent:** Friday, July 24, 2015 6:56 PM  
**To:** Conte, Mark  
**Cc:** aharris@pahousegop.com; kward@pasen.gov; Maiorana, Lisa; dsumner@irrc.state.pa.us; ljohnson@irrc.state.pa.us; fwilmarth@irrc.state.pa.us; cyohn@irrc.state.pa.us; kcooper@irrc.state.pa.us; cbrandt@irrc.state.pa.us; mellott@irrc.state.pa.us; schalles@irrc.state.pa.us; jsmith@irrc.state.pa.us; shoffman@irrc.state.pa.us  
**Subject:** Advanced Notice of Final Rulemaking, 12PA CODE Chapter 145, Industrial Housing and Components  
**Attachments:** PA Letter 072415.pdf

Dear Mr. Conte,

Please refer to the attached communication regarding the above referenced subject matter, for consideration.

Regards,

Denise Beer

**Williams Scotsman Field Support Center**

NA Fleet Manager | Williams Scotsman - An Algeco Scotsman Company

901 S. Bond Street, Suite 600 | Baltimore, MD 21231-3357

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July 24, 2015

Pennsylvania Department of Community and Economic Development  
400 North Street, 4<sup>th</sup> floor  
Harrisburg, PA 17120-0225

Att: Mark A. Conte, Chief

RE: Advanced Notice of Final Rulemaking, 12 PA CODE Chapter 145, Industrial Housing and Components

Dear Mr. Conte,

As previously communicated in August of 2014, we routinely communicate with state and local code officials regarding modular unit construction and the associated approval processes throughout the countries we transact business in. We operate one of the largest leased fleets of industrialized commercial buildings in the United States today.

We are requesting the final form regulations are withheld, until consideration is given to all final rulemaking comments or the opportunity to meet with the fleet stakeholders specifically regarding commercial (non-residential) structures is considered.

The regulations as written do not address a number of issues related to commercial industrialized buildings/structures in the state today. Unlike residential housing for which these regulations were originally generated, commercial industrialized buildings are relocated often, for leased clients throughout the state. Our maximum average lease term as indicated prior in Pennsylvania today is less than 23 months. The final rulemaking revisions are currently inconsistent on how to address commercial industrial buildings that are relocated.

These units may be a single small mobile office or larger projects relocated to support infrastructure and construction projects throughout the state.

The regulations as written do not address the approval method or ability to relocate commercial industrial buildings in the state following application of the "new" unit approval/insignia for the initial installation location.

Our units are leased, returned to the branch, and re-leased to another client. The entire purpose of the fleet is temporary/noni-permanent space for generally 24 months or less.

Additionally, clear direction to the local official on approval for industrial units produced prior to the issuance of this final regulation has not been addressed. The vast majority of commercial lease fleet units are multi-coded with state approvals in place from other program states. (There are approximately 37 industrial/modular building program states in the US today). Reciprocity for existing fleet should be considered and addressed.

As written, the regulation specifically excludes methods used routinely today on leased fleet commercial, non-permanent structures. Excluding these methods will incur substantial increases on installation fees on the leased fleet structures to business owners in the State of Pennsylvania, who routinely lease industrial/commercial buildings.

Requirements for any foundation system should be designed, specified under a state licensed professional engineer, including any method the engineer certifies and deems appropriate for the building installation.

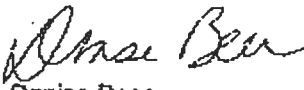
Several states in the vicinity (Virginia, New Jersey) have provisions to provide insignias on existing fleet units as well as re-certify units within their programs. Not only would this approach provide additional revenue to the State of Pennsylvania, it allows a means to provide re-assurances to the local officials through the third party inspection network and insignias provided.

Other state programs, (LA for example) has separate insignias to differentiate between an existing unit approved versus the newly manufactured unit approved.

Williams Scotsman locations currently in the State of Pennsylvania, have operational expense in excess of five million dollars. We annually pay near one million dollars in real property, sales and use taxes.

We would kindly request consideration of our concerns and would appreciate a written response.

Sincerely,



Denise Beer

NA Fleet Manager  
Williams Scotsman- An Algeco Scotsman Company  
901 S. Bond Street, Suite 600  
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Williams Scotsman, an Algeco Scotsman company is headquartered in historic Fell's Point, with over 200 employees currently employed in the State of Maryland. Williams Scotsman offers space solutions for the construction, education, energy, industrial, commercial/retail, healthcare, and government markets, with operations in the United States, Mexico, and Canada. Williams Scotsman has been solving space needs since 1955 with a fleet of approximately 100,000 units.

Algeco Scotsman is the leading global business services provider focused on modular space and secure portable storage solutions. Operating as Williams Scotsman in North America, Algeco in Continental Europe, Elliott in the United Kingdom, Eurobras in Brazil, Ausco in Australia, and Portacom in New Zealand, the company manages a fleet of more than 340,000 units, with operations in 38 countries including Australia, Austria, Belgium, Brazil, Canada, China, Czech Republic, Finland, France, Germany, Hungary, Italy, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Arab Emirates, United Kingdom, and United States.

## Maiorana, Lisa

---

**From:** Don Engle <donengle@nrbusa.com>  
**Sent:** Sunday, July 26, 2015 3:18 PM  
**To:** Conte, Mark  
**Cc:** aharris@pahousegop.com; kward@pasen.gov; Maiorana, Lisa; dsumner@irrc.state.pa.us; ljohnson@irrc.state.pa.us; fwilmarth@irrc.state.pa.us; cyohn@irrc.state.pa.us; kcooper@irrc.state.pa.us; cbrandt@irrc.state.pa.us; melliott@irrc.state.pa.us; schalles@irrc.state.pa.us; jsmith@irrc.state.pa.us; shoffman@irrc.state.pa.us; tom@modular.org; Barbara Bieganski; Christine Kline; dabeer@Willscot.com; 'Walsh, Kevin'; Robinson, Douglas O.; Daniel Arevalo  
**Subject:** RE: Public Comments to Chapter 145 Industrial Housing and Components Rulemaking Process  
**Attachments:** Chapter 145 - Revision Concerns 07.26.2015.pdf

Mr. Conte,

Please find the attached comments in regards to the public comment period for Chapter 145 rule-making process.

Thank you in advance for your consideration,

Donald F. Engle, Jr.  
General Manager

**NRB(USA), Inc.**  
Off-Site Construction

**NEW ADDRESS, PHONE AND FAX as of May 1, 2015**

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Email: [donengle@nrbusa.com](mailto:donengle@nrbusa.com)

Website: [www.nrb-inc.com](http://www.nrb-inc.com)

<http://www.nrb-inc.com/modular-construction-blog/>





July 26, 2015

Mr. Mark Conte  
Department of Community and Economic Development  
Commonwealth Keystone Building  
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Harrisburg, PA 17120-0225  
[mconte@state.pa.us](mailto:mconte@state.pa.us)

**Re: Comments on the Draft Final-Form Rulemaking, Annex A, Title 21, Part V, Subpart C, Chapter 145, Industrialized Housing and Components**

Dear Mr. Conte,

**NRB(USA), Inc.** is a Pennsylvania modular building manufacturer located in Lancaster County. We specialize in permanent off-site construction used for schools, prisons, hospitals, government buildings and many other types of structures. All of our buildings use not only our own labor workforce, but use local Pennsylvania licensed sub-contractors in the Lancaster area as well to construct our product.

In review of the draft as set forth, NRB has concerns with certain portions of the revisions and updates to Chapter 145 as they are inconsistent with modular building programs established in other surrounding states and imposes hardships on modular manufacturers, their Dealers, and ultimately the consumer.

The program addresses only new modular structures or units when there is a dire requirement for the program to accept:

- a) the use of previously manufactured and labeled (by other states) units in the Commonwealth,
- b) the seal (from another state which has a modular compliance programs) by local jurisdictions through an approved PA licensed third party for issuance of a PA label for the relocation of these previously approved and certified units,
- c) a foundation or foundation system in conformance with the UCC buildings codes which can be reviewed, stamped and approved by the licensed PA engineer versus the current language in the regulations which have requirements for a permanent foundation that seems far reaching and costly.

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As a member of the Modular Building Institute, the National Institute for Building Sciences –Off-Site Construction Council, the Pennsylvania Industrialized Housing/Building Advisory Committee, and the Industrialized Building Commission Rules and Regulations Committee, I request that the dialogue be re-opened to resolve these important and outstanding issues.

Sincerely,  
NRB (USA), Inc.

A handwritten signature in black ink, appearing to read "D. Engle", with a horizontal line extending to the right.

Donald F. Engle, Jr.  
General Manager

Cc:

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## Maiorana, Lisa

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**From:** Barbara Bieganski <BBieganski@vanguardmodular.com>  
**Sent:** Sunday, July 26, 2015 5:53 PM  
**To:** Conte, Mark  
**Cc:** Busch, Jill; Maiorana, Lisa; John.Lieffrig@modspace.com; adammyers1@yahoo.com; tom@modular.org; eherr@psats.org; KBowser@pahouse.net; Chris D. Brown; denise.beer@as.willscot.com; Carl Bennett; Daniel Arevalo Mobile Modular Management Corp.; Jody Werner; Don Engle (donengle@nrbusa.com)  
**Subject:** Draft Final-Form Rulemaking - Industrial Housing and Components - 4-95  
**Attachments:** Barbara Bieganski.vcf; 2015 Chapter 145 Comments Bieganski.pdf

Mr. Mark Conte,

Please find my comments attached for the Draft Final-Form Rulemaking – Industrial Housing and Components -4-95.

Thank you,

Barbara Bieganski

**Barbara Bieganski**  
Director, Modular Engineering  
(717) 471-3164 Mobile  
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1449 River Road  
Marietta, PA 17547



## Maiorana, Lisa

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July 24, 2015

Mark Conte  
Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225  
[mconte@pa.gov](mailto:mconte@pa.gov)

Re: Advanced Notice of Final Rulemaking 12PA.CODE CH.145 Industrialized Housing Components  
Comments on Draft Chapter 145

Dear Mr. Conte,

The proposed regulations are inconsistent with requirements in the UCC:

Currently, commercial foundations designed by a Pennsylvania licensed professional engineer are accepted using the calculations, components and devices necessary to anchor and stabilize the installation of a building. Therefore, language limiting the design to secure a building in place within these draft regulations should be deleted. The design should be left to a licensed individual.

The section in the Draft Rules and Regulations from 145.33 through 145.36 is new but not necessary. There is no reason the design of foundations would need to follow any method other than those already acknowledged by the UCC and approved for use up to this point in time.

Chapter 145 has not been published in its entirety with the changes noted in this draft. The document supplied jumps from section to section leaving out various subsections. How can this be accurately reviewed when sections are out of context? The IRRC must see how sections referenced on these pages are intertwined into the complete chapter before final review.

Section 145.31 still prohibits the sale, lease or installation of a commercial modular building that does not bear an insignia. There are countless buildings in the Commonwealth today without a Pennsylvania insignia because there was no program. These buildings have been built to the UCC, and are occupied as commercial buildings. Since they are modular, the designs are developed and stamped by a registered professional and third party agency. Many have been built by Pennsylvania manufacturing plants. Buildings of various sizes and occupancy types are provided to any number of consumers at their location. Relocating these buildings site to site is a competitive industry that fulfills a need in the Commonwealth. Why would a building built in Ephrata yesterday no longer be marketable after the insignia program takes effect? The existing third party reviewed the prints and performed the factory inspections. The building is manufactured using materials and methods that attain approval under the UCC today. In fact, it meets all of 145.2 (1) of the Purpose subsection without the insignia because the "uniform standards", already exist in the UCC are being met; regardless of applying an Industrial Housing label or not.

As an industry we approached Pennsylvania about a label program for new and existing commercial modular buildings. Never, could we have predicted, that millions of dollars of buildings built to meet the UCC, would be in jeopardy of discontinued lease or sale opportunities.



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Subsection 145.2 (2) states the rules and regulations are to establish uniform standards for industrialized buildings for sale or lease in the Commonwealth and to facilitate the use of industrialized housing, buildings and housing or building components. Part of facilitating the use of these buildings is to acknowledge that they are relocatable and will be occupied at one or more sites within the Commonwealth. The draft rules and regulations for this program need to reflect the purpose.

Subsection 145.2 (3) also acknowledges buildings are relocated by establishing "procedures which will facilitate the movement of industrialized housing, buildings, and housing or building components between the Commonwealth and the other States for the mutual benefit of the manufacturers and citizens of this Commonwealth". Buildings designed to be relocated, bearing a state program insignia or built to UCC standards, need to be accepted.

Throughout this process, I have spent countless hours working towards a Commercial Modular Program in my home state, Pennsylvania. I am knowledgeable in various labeling programs for Vanguard's buildings across the US. I am, or have been on advisory committees, IBC technical writing committees, appeals boards and other legislative committees. All of these opportunities have individuals who together work as a group.

The Industrialized Housing/Buildings Advisory Group was not engaged as requested in the September 24, 2014 comments from the IRRRC. Their comments still do not appear to be fully addressed in this draft version of the rules and regulations.

IRRC #3063 Comments 09/24/14

1. Consistency with statute; Implementation procedures; and Economic Impact
2. Evaluation of costs the Regulatory Analysis Form (RAF) – Compliance with the provisions of the Regulatory Review Act.
3. Section 145.1 Definitions. – Protection of the public; Reasonableness; economic impact; and Clarity.
4. Section 145.94. Fees – Economic Impact; Reasonableness.

In closing I ask you Mr. Conte and the IRRRC to review the comments and draft documentation submitted. Proposed outcome would be the development of a forward moving plan to revise the draft rules and regulations in conjunction with the Advisory Council. The next version would address the previous IRRRC and industry comments in their entirety.

Sincerely,

*Barbara Bieganski*

Barbara Bieganski  
Director of Modular Engineering and Asset Management  
Vanguard Modular Buildings Systems