

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Transportation

(2) Agency Number:

Identification Number: 18-460

IRRC Number: 3065

(3) PA Code Cite: 67 Pa. Code, Chapter 105

(4) Short Title: Mechanical, Electrical and Electronic Speed-Timing Devices

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Kay Kishbaugh
717-783-4597
kkishbaugh@pa.gov

Secondary Contact: Michael Smith
717-783-7016
michaels@pa.gov

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
 Final Regulation
 Final Omitted Regulation

- Emergency Certification Regulation;
 Certification by the Governor
 Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of these proposed amendments is to delete outdated speed-timing testing devices and procedures, update language to account for new technologies in speed-timing devices and to include provisions that will allow for future changes approved by the Department.

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(8) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is contained in the Vehicle Code, Act of June 17, 1976, P.L. 162, as amended (75 Pa.C.S. §§ 3368 and 6103).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Testing of speedometers is governed by provisions of the Vehicle Code, specifically 75 Pa. C.S. § 3368. Per the statute, the Department may, but is not required to, prescribe regulations regarding testing speedometers.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Speedometers provide an essential tool to law enforcement agencies throughout the Commonwealth that rely on speedometer readings for enforcement activities. These proposed regulatory amendments will update speedometer testing devices and procedures to ensure that speedometers are accurate. Accurate speedometers assist in the enforcement of laws aimed at helping to reduce deaths and serious injuries from traffic crashes, many of which directly result from excessive speed. Updates to testing devices and procedures will ensure that all speed-timing devices are calibrated in the most accurate and up-to-date manner possible.

(11) 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 regulations.

No.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

These amendments are consistent with other states' laws and the regulation will not put Pennsylvania at a competitive disadvantage with reference to other states.

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

No. These amendments to the regulation will not affect other Department regulations or the regulations of any other Commonwealth agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department of Transportation, Vehicle Inspection Division drafted these proposed revisions to Chapter 105 with participation from Pennsylvania State Police personnel. Industry stakeholders, including speedometer testing stations that are often small businesses, noted the limitations of the current regulations on business operations and support these regulations to expand business opportunities, including the creation of mobile testing units.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are 11 certified speedometer testing stations in the Commonwealth of Pennsylvania. These stations, many of which are small businesses, will not be affected beyond minimal additional requirements relative to certification and expanded business opportunities.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The proposed amendment will only impact Department-appointed speedometer testing stations and future applicants. It is estimated that all current (11) speedometer testing stations will be impacted.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits

expected as a result of the regulation.

The financial and economic impact to speedometer testing stations, many of which are small businesses, will be positive. The current regulations restrict the use of certain law enforcement vehicles for pursuits and other applications requiring the use of speedometers. The new regulations will expand the number of tests to be provided by testing stations. While it is difficult to precisely quantify the impacts to speedometer testing stations, short term compliance costs will be minimal but additional testing opportunities that generate approximately \$ 50 per test will translate into the economic growth of these entities. Law enforcement agencies will be able to use more vehicles because of this regulation, should receive expanded testing services with mobile testing units and expanded competition may drive down costs for law enforcement entities.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As previously noted, the positive economic impacts of expanded testing opportunities will outweigh the minimal costs of additional compliance with Department programs.

(19) 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. Explain how the dollar estimates were derived.

Each station (including mobile testing units) will need to apply for and become certified. It is estimated that this application process will require approximately two hours to complete. A cost estimate of \$50.00 per hour totals an approximate cost of \$100.00 per application.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The average cost per test is \$ 50. These are costs presently incurred by local governments for speed-timing devices, resulting in cost neutral impact. Expanded competition between speedometer testing stations may drive down costs and increase savings over time.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

As noted above for local governments, state law enforcement entities presently incur an average per test cost of \$ 50. These are costs presently incurred by state law enforcement entities for speed-timing devices. Expanded competition between speedometer testing stations may drive down costs and increase savings over time. The Department will incur additional administrative costs with an increase in applications as more fully detailed below.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

N/A as such applications and other required forms have not been developed pending promulgation of this regulation. Samples of current forms are available upon request. The Department anticipates no major changes from current forms.

(23) 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 +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)
State Government	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)	Expanded Use of Vehicles (Not Quantifiable)
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	~\$100 per Application (Appl)	~\$100 per Appl.	~\$100 per Appl.	~\$100 per Appl.	~\$100 per Appl.	~\$100 per Appl.
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800
Total Costs	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A

State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Program comprised of one (1) full-time employee (FTE AO1) in Vehicle Inspection Division Program. ¹	1 FTE AO1 (work absorbed in program duties)	1 FTE AO1 (work absorbed in program duties)	1 FTE AO1 (work absorbed in program duties)	1 FTE AO1 (work absorbed in program duties)

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

ECONOMIC IMPACT STATEMENT:

- (a) Approximately eleven small businesses are subject to this regulation.
- (b) Small businesses must complete applications at the above-cited estimate of \$100.00 per application for each required application. Small business will need to retain records for a period of three years, which will require storage costs but no additional professional skills.
- (c) The probable effect is minimal additional costs with expanded business opportunities that will be derived by regulations that reflect modern technologies in speedometer calibration.
- (d) There are no less intrusive or less costly alternative methods of achieving the purpose of this proposed regulation.

¹ One full-time employee spends no more than 1 hour weekly on administering the program so the administrative costs are negligible, approximately \$35 per week. Costs are absorbed in the motor vehicle division budget and are part of the inspection program. Department Quality Assurance Officers do perform an annual cursory audit as part of their routine audits of stations and that cost is absorbed into the budget as well.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

Mobile testing units and clarity and flexibility with respect to emerging technologies are provided for in this regulation, which will likely result in reduced overhead costs to businesses, including small businesses.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Department believes that no other regulatory scheme can better accomplish the calibration, testing and utilization of speed timing devices within the meaning of 67 Pa Code and the Vehicle Code in light of advances in technology.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Compliance and reporting requirements have been streamlined and thus there are no less stringent compliance or reporting requirements for small businesses. Because the compliance and reporting requirements for small businesses are minimal, there is no need to further explore the minimization of adverse impacts on small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

N/A

(29) Include a schedule for review of the regulation including:

- | | |
|---|-----------------|
| A. The date by which the agency must receive public comments: | <u>05/31/14</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>9/15/14</u> |
| D. The expected effective date of the final-form regulation: | <u>10/15/14</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>10/15/14</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The proposed regulations will be continuously reviewed for clarity, effectiveness, and whether they are serving the best interests of the citizens of the Commonwealth.

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

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

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

Amy M. Elliott

By: _____
(Deputy Attorney General)

JUN 25 2014
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. 18-460

DATE OF ADOPTION _____

BY *Gregory J. Moran*
Secretary of Transportation

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

[Signature]

MAY 29 2014
(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.

**NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF TRANSPORTATION
TITLE 67, TRANSPORTATION
Part I – Department of Transportation
Subpart A. Vehicle Code Provisions
Article VI – Operation of Vehicles**

Chapter 105 – Mechanical, Electrical and Electronic Speed-Timing Devices

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article VI. Operation of Vehicles

Chapter 105. Mechanical, Electrical and Electronic Speed-Timing Devices

Preamble

Notice is hereby given that the Department of Transportation (Department) pursuant to the authority contained in 75 Pa. C.S. §§ 3368 and 6103 (the Vehicle Code), proposes to amend Title 67, Chapter 105, Subchapter C. Speedometers, of its Regulations (relating to speed-timing devices), to read as set forth in Annex A to this Notice. The statutory provisions direct the Department to promulgate standards for speed-timing devices and testing; and authorize the Department to promulgate regulations to implement the Vehicle Code.

Purpose of Chapter

The purpose of Chapter 105, Subchapter C is to govern the calibrating and testing of mechanical, electrical, and electronic speed-timing devices by stations appointed by the Department.

Purpose of the Proposed Amendments

The purpose of these proposed amendments to Chapter 105 is to delete outdated speed-timing testing devices and procedures, modernize the language, and to include provisions permitting the use of new technologies approved by the Department.

Summary of Significant Amendments

Section 105.31 (Appointment of speedometer testing station) has been amended to require speedometer testing stations to prominently display a valid certificate of appointment, provided by the Department. An identical requirement is being removed from Section 105.34 (Manner of testing speedometers).

Section 105.31 (Operation of speedometer testing station) has also been amended to require that a separate application be filed for each mobile testing unit that a station intends to operate.

Section 105.32 has been amended to remove a testing station's ability to delegate speedometer testing to another testing station. This change was made based upon recommendations from industry stakeholders.

Section 105.33 (Required equipment) has been updated to allow for the use of new devices and technologies in speedometer testing and calibration that have been approved by the Department and are necessitated by advances in technology. The regulatory language currently in place does not allow for the introduction and approval of new devices and technologies. Section 105.33 has been further updated to delete outdated testing devices and procedures.

Section 105.34 has been amended to permit the reproduction of Certificates of Accuracy; require testing devices in accordance with the testing equipment manufacturer's specifications, if the manufacturer specifies a testing schedule; require a station to document the testing and calibration of its testing equipment; and to require that this documentation is made available at the request of the Department.

Section 105.34 (Manner of testing speedometers) has also been amended to provide greater detail regarding the standard for accuracy and specifications for testing accuracy.

Persons and Entities Affected

These regulations affect all speedometer testing station owners and personnel, as well as future applicants who intend to have their station appointed by the Department as a speedometer testing station.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. Speedometer testing stations may incur additional short term compliance costs in the application process and implementation of mobile testing units; however, any short term costs will be outweighed by more opportunities to calibrate a broader range of vehicles.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. § 745.5(a), the agency submitted a copy of this proposed regulation on July 8, 2014 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these 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, *as amended*, 71 P.S. § 745.5(g), 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 specified detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations 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. § 101 *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 Anita M. Wasko, Director, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg,

Pennsylvania, 17104 within thirty 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 Kay Kishbaugh, Manager, Vehicle Inspection Division, 1101 South Front Street, 4th Floor, Harrisburg, Pennsylvania 17104, telephone number 717-783-4597.

Barry J. Schoch, P.E.
Secretary of Transportation

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article VI. Operation of Vehicles

Chapter 105. Mechanical, Electrical and Electronic Speed-Timing Devices

Proposed Rulemaking

Annex A

§ 105.31. Appointment of speedometer testing station.

(a) *Application.* Application for appointment as a speedometer testing station or mobile testing unit to be operated by a speedometer testing station shall be made on a form provided by the Department[,] and shall be submitted for each speedometer testing station and each mobile testing unit to be operated by a speedometer testing station.

(b) *Applicant.* [Every] Each applicant intending to be appointed as a speedometer testing station that is not a business entity, including a sole proprietor or partner in a general or limited partnership, shall be at least 18 years of age.

(c) *Place of business.* [Every] An applicant shall have an established place of business properly equipped to conduct speedometer tests and repairs or to operate an approved mobile testing unit.

(d) *Certificate of appointment.* A speedometer testing station and each mobile testing unit operated by a speedometer testing station shall prominently display a valid Certificate of Appointment provided by the Department.

§ 105.32. Operation of speedometer testing station.

(b) *Hours.* Speedometer testing stations shall be [operated] open for business, at a minimum, [during a regular work week], Monday through Friday during the hours of 8 a.m. to 5 p.m., except for holidays or alternative business hours approved in writing by the Department.

(c) *Personnel.* A speedometer testing station shall employ at least one [speedometer inspection mechanic] technician certified as follows:

(1) An [A]application of a technician for certification (applicant) shall be made on a form provided by the Department.

(d) *Location.* Speedometer testing and repair shall take place at an approved speedometer testing station, except that[.], upon application to and approval by the Department, a speedometer testing station may operate one or more mobile testing units of a type approved by the Department.

[(1) When absolutely necessary, it is permissible to delegate the functions to another approved speedometer testing station. The delegation, including the name and address of the other station, shall be kept on file for 1 year.

(2) Upon approval of the Department, a speedometer testing station may operate one or more mobile test units of a type approved by the Department.]

§ 105.33. Required equipment.

(a) *Items.* [The following items of equipment are required for the operation of a speedometer testing station:] A speedometer testing station or mobile testing unit shall have sufficient tools to make repairs or adjustments and one or more of the following required equipment:

[(1) Sufficient hand tools to make needed repairs or adjustments.

(2)](1) A dynamometer of a type approved by the Department[.];

[(3)](2) A Speed-Master Quartz Speedometer Tester[.];

[(4)](3) A 650-H-1 Stewart-Warner Speedometer Calibrator[.] with adaptive equipment needed to operate this device or any device; or

[(i) One flexible shaft 108 inches in length to reach from the calibrator to the vehicle transmission or speedometer head.

(ii) Two 12-inch flexible shafts to fit Chrysler speedometer.

(iii) One 12-inch flexible shaft to fit Ford speedometer.

(iv) One 12-inch flexible shaft to fit older speedometers with 5/8-18 male thread.

(v) One 757-AD Stewart-Warner strobetachometer, to be used with a fluorescent light using 60 cycle alternating current voltage.

(vi) One 312-12175y S. S. White-Mile-O-Meter revolution counter.]

(4) Any equipment or alternative technique approved by the Department and published in the Pennsylvania Bulletin.

(b) *Periodic testing of speedometer testing equipment.* Periodic testing of equipment shall be conducted as follows:

(1) *Interval.* Speedometer testing equipment shall be repaired, tested and adjusted for accuracy in accordance with the testing equipment manufacturer's specifications. If the testing equipment manufacturer does not specify a testing schedule, the speedometer testing equipment shall be tested and adjusted for accuracy at least once every 60 days.

[(2) *Forms.* A form provided by the Department shall be completed by a certified speedometer inspection mechanic after each periodic test. The form shall be released to the State Police Inspection Station Supervisor or Department representatives, if verification of the test is necessary. A duplicate copy, executed and signed in the same manner as the original, has the same force and effect as the original.]

§ 105.34. Manner of testing speedometers.

(a) *Accuracy.* A [test] speedometer shall be tested for accuracy and, if necessary, repaired and adjusted to obtain the greatest possible degree of accuracy, plus or minus 2 miles per hour (mph) up to 100 mph. Testing shall [include one of the following] be conducted in accordance with the following:

[(1) A dynamometer test.

(2) A Speed-Master Quartz Speedometer Tester.

(3) A Stewart-Warner Speedometer Calibrator and required components.

(i) It will be necessary to have a measured or surveyed mile laid out and properly marked. If less than a mile, use Table 1:

Table 1

1 mile or 5,280 feet = 1000 cable revolutions

1/2 mile or 2,640 feet = 500 cable revolutions

1/10 mile or 528 feet = 100 cable revolutions

(ii) Check the tires on the test vehicle for proper inflation.

(iii) Disconnect the speedometer cable from the back of the speedometer in the vehicle.

(A) Connect the speedometer cable to the counter. (S. S. White Mile-O-Meter).

(B) Place the vehicle rear wheel centered on line at the beginning of the measured course.

(C) Set the counter of the Mile-O-Meter to zero.

(D) Drive the vehicle over the measured course.

(E) Read the counter and compare it with Table 1.

(F) Establish degree or percent of error. In a given measured mile, there should be 1000 cable revolutions. The input speed is slow if less than 1,000. The input speed is fast if more than 1,000.

(iv) Disconnect the counter from the speedometer cable on the vehicle.

(A) Use the long flexible shaft from the calibrator with the proper 12-inch shaft that permits adopting to fit speedometer head in the vehicle.

(B) Proceed to check the speedometer in the vehicle against the master head on the calibrator at 10 mph increments, beginning at 10 to 100 mph, and record the proper information.

(v) Disconnect the calibrator flexible shaft from the rear of the speed head in the vehicle and connect the shaft in the vehicle to the speedometer head in same. The speedometer head in the vehicle being tested can also be tested by disconnecting the flexible shaft at the transmission and connecting it to the long flexible shaft from the calibrator. Then proceed as in subparagraph (iv)(B).

(vi) Information indicated above is based on United States standard of 1,000 cable revolutions per minute = 60 mph or 96 kilometers per hour.

(4) An examination of the speedometer cables to insure that they work freely and without defect or restriction.]

(1) Testing equipment and alternative techniques set forth in or approved in accordance with Section 105.33 shall be used;

(2) Testing shall occur using manufacturer's specifications and procedures; and

(3) When using a technique that requires a calibration course for testing, it will be necessary to have a measured or surveyed calibration course laid out and properly marked.

(b) *Forms.* [The following forms are required:] A Certificate of Accuracy, on a form provided by the Department, shall be completed after a speedometer test or repair and signed by the certified technician that performed the speedometer test. A copy of the certificate shall be kept on file at the speedometer testing station for at least 3 years, and be made available to the State Police Inspection Station Supervisor or Department representatives, as necessary. Certificates of Accuracy may be reproduced and a duplicate copy, executed and signed in the same manner as the original, has the same force and effect as the original.

[(1) A speedometer testing station shall permanently display a valid Certificate of Appointment, provided by the Department.

(2) A Certificate of Speedometer Accuracy, a form provided by the Department, shall be completed after a speedometer test or repair and signed by the Department speedometer inspection mechanic. A copy of the certificate shall be kept on file at the speedometer testing station for at least 2 years. A duplicate copy, executed and signed in the same manner as the original, has the same force and effect as the original.]



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 8, 2014

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
18-460 — 67 Pa. Code, Chapter 105
Mechanical, Electrical and Electronic Speed-Timing Devices

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 105 of the Department of Transportation's (Department) regulations which the Department intends to adopt in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*.

Copies of these materials were also delivered today to the Legislative Reference Bureau and to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeff Spotts".

Jeffrey M. Spotts,
Regulatory Counsel

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

I.D. NUMBER: #18-460
 SUBJECT: Mechanical, Electrical and Electronic Speed-Timing Devices
 67 Pa. Code, Chapter 105
 AGENCY: Department of Transportation

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

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>7-8-14</u>	<u>Sheila Eckhart</u> for Majority Chair Hon. Nicholas A. Micozzie	HOUSE COMMITTEE ON TRANSPORTATION
<u>7-8-14</u>	<u>Lisa Kubacka</u> for Minority Chair Hon. Michael P. McGeehan	
<u>7-8-14</u>	<u>Cecilia Boyd</u> for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
<u>7-8-14</u>	<u>Tom Wozniak</u> for Minority Chair Hon. John N. Wozniak	
_____	_____ N/A	OFFICE OF ATTORNEY GENERAL
<u>7/8/14</u>	<u>Del F. [Signature]</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
<u>7/8/14</u>	<u>Cocaine [Signature]</u>	LEGISLATIVE REFERENCE BUREAU

Date: July 8, 2014