

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

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OCT 15 2014

INDEPENDENT REGULATORY
REVIEW COMMISSION

IRRC Number: 3078

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

(1) Agency

Department of Transportation

(2) Agency Number:

Identification Number: 18-463

(3) PA Code Cite:

67 Pa. Code Chapter 15

(4) Short Title:

Authorized Vehicles and Special Operating Privileges

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

Primary Contact: Glenn C. Rowe, P.E., 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0064, (717) 783-6479, glrowe@pa.gov

Secondary Contact: Matthew Briggs, P.E., 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 783-6268, mabriggs@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)

This regulation designates certain vehicles as "authorized vehicles" that may use one or two flashing or revolving yellow lights. The Department of Transportation intends to add State dog warden vehicles and vehicles used by humane society police officers for nonprofit incorporated societies or associations for the prevention of cruelty to animals ("humane society police officers") as authorized vehicles under the existing regulation.

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

Sections 4572, 6103, and 6107 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. §§ 4572, 6103, and 6107).

(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.

The amendment is not mandated by any federal or state law or court order, or federal regulation.

(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.

State Dog Wardens and humane society police officers utilize vehicles on public highways while conducting their efforts to protect, care for, and control animals. The designation of these vehicles as "authorized vehicles", with its provision for the use of yellow flashing or revolving lights, provides improved safety for these officers. It will also alert the motoring public to such vehicles' presence on or along highways and encourage motorists to slow down and proceed with caution. This regulation benefits everyone using the Commonwealth's highways.

(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. There are no applicable federal standards.

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

This regulation is consistent with neighboring states. Pennsylvania is not in competition with other states with respect to the subject matter of this regulation.

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

These amendments will afford State dog wardens and humane society police officers, referenced in various sections of Department of Agriculture regulations (Title 7), with the ability to utilize yellow flashing or revolving lights on their vehicles when fulfilling their responsibilities. The Department of Agriculture and the Society for the Prevent of Cruelty to Animals (SPCA) requested this vehicle designation.

(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.)

Input from the Department of Agriculture and the SPCA was obtained in the development of these

amendments to the regulation. No impact to small businesses is anticipated.

(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?

These regulations will only affect State dog wardens and humane society police officers, numbering less than 200 persons. State dog wardens and humane society police officers will be better protected in carrying out their duties along and adjacent to Commonwealth highways. No small businesses will be affected by these regulations.

(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.

State dog wardens and humane society police officers, totaling less than 200 persons, are not required, but may comply with the regulations. If electing to install authorize flashing or revolving yellow lights, the Department of Agriculture and SPCA will be required to comply with the regulations. No other groups or entities, including small businesses, will be required to comply with the regulations.

(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 impact of the regulation on the Department of Agriculture and SPCA is limited to the cost of procuring flashing or revolving yellow lights, if these entities elect to install the authorized lighting. Economically and socially, the regulation provides increased safety for those performing animal protection, care, and control along highways. Additionally, the motoring public benefits from increases in safety attributable to the use of the yellow flashing or revolving lights.

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

There are no mandatory costs, only voluntary costs for the yellow flashing or revolving lights which will be borne by the entities authorized to use them under these amendments to the regulations. However, any costs incurred by the regulated community will be minimal in comparison to the enhanced safety that will inure to the affected entities and the motoring public.

(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.

The only costs to the regulated community are the costs to procure yellow flashing or revolving lights, which will cost less than \$500.00 per vehicle. There will not likely be any financial savings arising out of the amendments to the regulation. The cost estimate was derived from the approximate cost of such equipment as installed on Department of Transportation vehicles.

(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.

No costs or savings to local governments are anticipated under these amendments.

(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.

The only costs to the state government would likely be to the Department of Agriculture, to the extent it chooses to equip any or all State Dog Warden vehicles with the yellow flashing or revolving lights, which would cost approximately \$500.00 per vehicle.

(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.

There will be no change in legal, accounting or consulting procedures and no additional reporting, recordkeeping or other paperwork, required for implementation of these amendments to the regulation.

(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					
Local Government	N/A					
State Government	N/A					
Total Savings	N/A					
COSTS:						
Regulated Community	N/A					
Local Government	N/A					
State Government	\$0.00	\$50,000	\$0.00	\$0.00	\$0.00	\$0.00
Total Costs	\$0.00	\$50,000	\$0.00	\$0.00	\$0.00	\$0.00
REVENUE LOSSES:						
Regulated Community	N/A					
Local Government	N/A					

State Government	N/A					
Total Revenue Losses	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
Department of Agriculture, Bureau of Dog Law Enforcement ¹	\$13.4 M	\$8.2 M	\$6.2 M	\$6.7 M

(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.

This regulation will have no impact on small businesses or any other entities, except for those entities that requested that these amendments to the regulation be promulgated. Consequently a flexibility analysis as contemplated by Act 76 is not possible for this amendment to the regulation. More specifically:

- (a) It is anticipated that no small businesses will be subject to the regulation.
- (b) There are no projected reporting, recordkeeping or administrative costs required for compliance with the proposed regulation.
- (c) No effect on small business is anticipated.
- (d) No less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation were considered nor was consideration of such less intrusive or less costly alternative methods necessary for this regulation, which was requested by the regulated community.

¹ The Department of Transportation anticipates no impact to its programs.

(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.

No special provisions were developed to meet the particular needs of affected groups or persons, except that the regulated community requested these amendments to the regulation.

(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.

No alternative regulatory schemes were considered.

(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.

This regulation will have no impact on small businesses. Accordingly, an economic impact statement is not required.

(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.

Data was not the basis for this regulation.

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

A. The date by which the agency must receive public comments: 6/31/14

B. The date or dates on which public meetings or hearings

will be held:

N/A

C. The expected date of promulgation of the proposed regulation as a final-form regulation:

8/15/14

D. The expected effective date of the final-form regulation:

10/15/14

E. The date by which compliance with the final-form regulation will be required:

10/15/14

F. The date by which required permits, licenses or other approvals must be obtained:

N/A

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

These regulations will be reviewed periodically as appropriate to ensure continued effectiveness.

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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)

OCT 08 2014

Date of Approval

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. 18-463

DATE OF ADOPTION _____

BY *Deputy J. Schaefer*
Secretary of Transportation

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

[Signature]

SEP 15 2014

(Date of Approval)

(Exec. Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike Inapplicable Title)

Check if applicable. No attorney General Approval or Objection within 30 days after submission.

Check if applicable
Copy not approved. Objections attached.

**NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF TRANSPORTATION
TITLE 67, TRANSPORTATION
Part I -- Department of Transportation
Subpart A. Vehicle Code Provisions
Article II. Title**

Chapter 15. Authorized Vehicles and Special Operating Privileges

Original

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article II. Title

Chapter 15. Authorized Vehicles and Special Operating Privileges

Notice of Proposed Rulemaking

Preamble

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 4572(b), 6103, and 6107 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. §§ 4572(b), 6103, and 6107), proposes to amend Chapter 15 of the Department of Transportation Regulations, Title 67, as set forth in Annex A to this Notice.

Purpose of Chapter

This chapter establishes the types of vehicles which are considered authorized vehicles under 75 Pa.C.S. §§ 102, 4572(b) and 6107 (relating to definitions; visual signals on authorized vehicles; and designation of authorized vehicles by Department) and establishes special operating privileges for such authorized vehicles.

Purpose of the Amendments

The purpose of these amendments to Chapter 15 is to designate additional Type I authorized vehicles, including vehicles used by those that carry out a governmental

function or public service related to the protection, care, and control of animals. The amendments will allow newly-authorized vehicles to be equipped with yellow flashing or revolving lights which can be activated when the vehicle is engaged in performing work within the scope of its authority.

Summary of Significant Amendments

Section 15.2(1) has been amended to designate the following vehicles as Type I authorized vehicles: 1) Commonwealth-owned vehicles which are used by a State dog warden employed by the Department of Agriculture; and 2) vehicles owned by a nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. §§ 5301 - 5341 (relating to domestic nonprofit corporations incorporation generally) for the prevention of cruelty to animals and used by a humane society police officer as the term is defined in 22 Pa.C.S. §3701 (“humane society police officers”). This will permit these vehicles to be equipped with yellow flashing or revolving lights which may be activated by State dog wardens or humane society police officers while in performance of their duties in the protection, care, and control of animals.

Persons and Entities Affected

These amendments will affect State dog wardens and humane society police officers in the performance of their duties. It will also affect the motoring public, which will be alerted to the presence of State dog warden and humane society police officer vehicles on or along the highways so as to encourage the motoring public to slow down and proceed with caution.

Fiscal Impact

Implementation of these regulations will require the procurement of yellow flashing or revolving lights for State dog warden and humane society police officer vehicles. These regulations will not impose any additional costs to any other entities.

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 October 15, 2014 to the Independent Regulatory Review Commission (IRRC) 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, 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 specifies 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, as it anticipates an ongoing value in providing State dog wardens or humane society police officers the ability to use yellow flashing or revolving lights in carrying out their respective duties. 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 Glenn C. Rowe, P.E., Acting Chief, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA, 17120-0064, glrowe@pa.gov, 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 Glenn C. Rowe, P.E., Acting Chief, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA, 17120-0064, (717) 783-6479, glrowe@pa.gov.

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

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article II. Title

Chapter 15. Authorized Vehicles and

Special Operating Privileges

Notice of Proposed Rulemaking

ANNEX A

§ 15.2. Types of authorized vehicles.

The vehicles enumerated in this section are designated as authorized vehicles of the type indicated. They may be equipped with one or two flashing or revolving yellow lights as provided in 75 Pa.C.S. § 4572(b) (relating to flashing or revolving yellow lights), and as defined in Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles), except that school buses shall be equipped with red and amber flashing lights as defined in 75 Pa.C.S. § 4552 (relating to general requirements for school buses). The flashing or revolving yellow lights on all authorized vehicles except school buses shall be activated only when the vehicle is performing the type of work which is the basis of the designation of the vehicle as an authorized vehicle, except lights on Type VI vehicles may be activated whenever an emergency condition requires police assistance. The enumeration of vehicles is as follows:

- (1) *Type I.* Type I vehicles include the following:

(v) Commonwealth-owned vehicles which are used by a State dog warden employed by the Department of Agriculture.

(vi) Vehicles owned by a nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. §§ 5301 - 5341 (relating to the incorporation of domestic nonprofit corporations) for the prevention of cruelty to animals and used by a humane society police officer as the term is defined in 22 Pa.C.S. § 3701.



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

October 15, 2014

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

Re: Proposed Rulemaking
18-463 — 67 Pa. Code, Chapter 15
Authorized Vehicles and Special Operating Privileges

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 15 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 as evidenced by the enclosed, executed cover sheet.

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,


Jeffrey M. Spotts,
Regulatory Counsel







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

I.D. NUMBER: #18-463
 SUBJECT: Authorized Vehicles and Special Operating Privileges
 67 Pa. Code, Chapter 15
 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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10-15-14	 for Majority Chair Hon. Nicholas A. Micozzie	HOUSE COMMITTEE ON TRANSPORTATION
10-15-14	 for Minority Chair Hon. Michael P. McGeehan	
10-15-14	 for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
10-15-14	 for Minority Chair Hon. John N. Wozniak	
	N/A	OFFICE OF ATTORNEY GENERAL
10/15/14		INDEPENDENT REGULATORY REVIEW COMMISSION
10-15-14		LEGISLATIVE REFERENCE BUREAU

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Date: October 15, 2014