

# 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  
Department of Transportation

(2) Agency Number:  
18-461

IRRC Number: [#] 3083

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(3) PA Code Cite:  
67 Pa. Code Chapter 101

(4) Short Title:  
Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic

(5) Agency Contacts (List Telephone Number and Email Address):  
Primary Contact: Glenn C. Rowe, P.E., Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-6479, [glrowe@pa.gov](mailto:glrowe@pa.gov)  
Secondary Contact: Matthew Briggs, P.E., Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-6268, [mabriggs@pa.gov](mailto: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 authorizes persons to direct, control and regulate traffic and establishes safety attire standards for those persons. The purpose of updating this regulation is to ensure compliance with industry practices consistent with the worker visibility provisions of the Federal Highway Administration Manual on Uniform Traffic Control Devices. In addition, other groups were added to the persons authorized to direct traffic.

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

Authority for this regulation is found in relevant provisions of the Vehicle Code, Act of June 17, 1976, P.L. 162, Number 81, *as amended*, (75 Pa. C.S. §§ 3102 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.

Effective December 16, 2009, the Federal Highway Administration (FHWA) revised its Manual on Uniform Traffic Control Devices (MUTCD). The revisions include worker visibility provisions. States are required to conform state regulations to the MUTCD.

(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.

This regulation is needed to conform Pennsylvania regulations to the worker visibility provisions of the FHWA's MUTCD. Persons authorized to direct, control and regulate traffic, which includes a vast group of individuals in the construction industry, will benefit from these safety protections that are already widely utilized in the industry.

(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. These regulations are the same as the 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?

All states are required to comply with FHWA's MUTCD.

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

No, except that the regulations clarify that personnel from the Department of Conservation and Natural Resources are authorized to direct, control and regulate traffic.

(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.)

Outreach to the regulated community was conducted which included the Association of Pennsylvania Constructors, the Marcellus Shale Coalition, the American Traffic Safety Services Association, the Utility Highway Liaison Committee, including small business companies (Protection Services, Inc., Flagger Force and Beth's Barricades). These groups did not have any issues with the safety apparel changes because they were already in compliance with the federal standards. The expansion of the universe of persons authorized to direct and control traffic was included in response to comments received from municipalities and other interested entities.

(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?

Traffic control persons on utility, maintenance or construction projects, adult school crossing guards, railroad crossing guards, national guard and military police and emergency organization personnel while directing, controlling and regulating traffic will be required to comply with this regulation. The impact is minimal as they are already complying with Federal standards.

(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.

Traffic control persons on utility, maintenance or construction projects, adult school crossing guards, railroad crossing guards, national guard and military police and emergency organization personnel while directing, controlling and regulating traffic will be required to comply with this regulation. A number cannot be precisely determined.

(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 impact is minimal as they are already complying with Federal standards. By updating the regulation, the minimum requirements will be in compliance with Federal standards already being met by the regulated community.

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

The benefit of increased safety of persons directing or controlling traffic that will result from increased visibility far outweighs the minimal costs of the protective clothing that has already been incurred by the regulated community. As noted previously, persons authorized to direct traffic are already wearing the recommended protective clothing.

(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 cost to the regulated community should be minimal and will consist of the cost to purchase the required protective clothing. In almost all instances, the required protective clothing is already being worn.

(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 cost to local governments should be minimal and will consist of the cost to purchase the required protective clothing. In almost all instances, the required protective clothing is already being worn.

(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 cost to state government should be minimal and will consist of the cost to purchase the required protective clothing. In almost all instances, the required protective clothing is already being worn.

(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

(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.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>	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
Appropriation 582 Program 719 <sup>1</sup>	\$71,631	\$71,879	\$68,907	\$44,192

(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.

Because the FHWA MUTCD standards are already the industry practice, it is not anticipated that there will be any adverse impact or effect on small businesses. Any small businesses that engage in directing, controlling and regulating traffic have already incurred costs necessary to meet FHWA MUTCD standards. There are no reporting, recordkeeping or other administrative costs associated with this regulation. There is no less intrusive or less costly methods of achieving the purpose of the proposed regulation.

(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 have been developed to meet the needs of any special group.

(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.

There were no alternatives to these provisions 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:

<sup>1</sup> While no fiscal impact is anticipated, the amounts set forth under this program are designated for safety equipment and apparel within the budget for the Department's Bureau of Maintenance and Operations.

- 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.

No adverse impact on small business is anticipated, thus no regulatory methods were considered that will minimize any adverse impact on small businesses. Again, this regulation is consistent with FHWA MUTCD standards already being followed by the regulated community. In addressing each of the above subparts, the Department offers:

- a) No less stringent compliance or reporting requirements for small businesses are available due to this regulation being a federal requirement.
- b) No less stringent schedules or deadlines for compliance were considered due to federal requirements and no practical means of further delaying promulgation of the regulation. There are no reporting requirements under this regulation.
- c) There is no practical means of consolidating or simplifying compliance with the regulation, which has safety as its genesis. There are no reporting requirements under this regulation.
- d) Establishment of performing standards for small businesses has not been considered as operational standards are universal in the industry. There are no design standards required in the regulation.
- e) Exemption of small businesses cannot be considered in view of the mandatory nature of the federal MUTCD requirements.

(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.

The Department defers to the expertise of the FHWA in its development of the MUTCD. No additional data was gathered or evaluated by the Department.

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

- |   |                 |
|---|-----------------|
| A. The date by which the agency must receive public comments:                               | <u>12/08/14</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>5/31/15</u>  |
| D. The expected effective date of the final-form regulation:                                | <u>10/31/15</u> |
| E. The date by which compliance with the final-form regulation will be required:            | <u>10/31/15</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.

This regulation will be reviewed on a biannual basis or as changes in Federal standards or regulations may dictate.

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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 20 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. 18-461

DATE OF ADOPTION \_\_\_\_\_

BY *Amy J. Silva*  
Secretary of Transportation

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

*[Signature]*

BY \_\_\_\_\_

OCT 06 2014  
(Date of Approval)

*[Signature]*  
(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.

**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 101 – Authorizing Appropriately Attired Persons  
to Direct, Control Or Regulate Traffic**



**Title 67. Transportation**

**Part I. Department of Transportation**

**Subpart A. Vehicle Code Provisions**

**Article VI. Operation of Vehicles**

**Chapter 101. Authorizing Appropriately Attired Persons  
To Direct, Control or Regulate Traffic**

**Proposed Rulemaking**

**Preamble**

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in relevant provisions of the Vehicle Code, Act of June 17, 1976, P.L. 162, Number 81, *as amended* (75 Pa. C.S. §§ 3102 and 6103), proposes to amend Chapter 101 of the Department of Transportation Regulations, Title 67 (relating to authorizing appropriately attired persons to direct, control or regulate traffic) as set forth in Annex A to this Notice.

***Purpose of Chapter***

The purpose of Chapter 101 is to identify those persons, other than uniformed police officers, who are authorized to direct, control or regulate traffic and to prescribe minimum suitable safety attire in accordance with Section 3102 of the Vehicle Code (75 Pa. C.S. § 3102).

### ***Purpose of the Proposed Amendments***

The purpose of these amendments to Chapter 101 is to update the list of authorized persons and the requirements for safety apparel to be worn by persons directing, controlling and regulating traffic. This Chapter will be amended to reflect industry practices that are consistent with standards established by Federal Highway Administration (FHWA) and the Department of Transportation's (Department) policies relative to persons directing, controlling and regulating traffic..

### ***Summary of Significant Amendments***

Section 101.2 (2) has been amended to authorize adult school crossing guards to also assist the ingress and egress of school buses and school vans to and from a school.

Section 101.2 (7) has been amended to reflect that Department of Conservation and Natural Resources (DCNR) personnel are authorized to direct, control and regulate traffic.

Section 101.2 (8) has been amended to include persons controlling traffic at authorized parades, processions or other public assemblies.

Section 101.2 (9) has been amended to include persons assisting the ingress and egress of traffic from an industrial or mineral extraction site.

Section 101.3 is amended to meet FHWA and Department high-visibility safety apparel requirements for authorized persons within the highway's right-of-way. High-visibility safety apparel is described as personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that meets the

Performance Class 2 or 3 requirements of the ANSI/ISEA 107–2004 publication entitled “American National Standard for High-Visibility Safety Apparel and Headwear.” The amendments also authorize emergency and incident responders to wear high-visibility safety apparel that meets the requirements of ANSI/ISEA 207-2006 publication “American National Standard for High-Visibility Public Safety Vests.” The high-visibility safety apparel shall be fluorescent orange, fluorescent yellow-green or a combination of these colors.

Amendments to Section 101.4 clarify that anyone may temporarily direct traffic at the scene of an emergency until such time as an authorized person as identified in the chapter arrives. Amendments to Section 101.4 also define “emergency”.

#### ***Persons and Entities Affected***

These regulations affect all persons who are authorized to direct, control or regulate traffic in accordance with this Chapter and Section 3102 of the Vehicle Code (75 Pa.C.S. § 3102).

#### ***Fiscal Impact***

This regulation should not require the expenditure of any additional funds by the Commonwealth, local municipalities and all persons referenced in 101.2 and Section 3102 of the Vehicle Code (75 Pa.C.S. § 3102), as the regulated community has already incurred costs to meet FHWA standards that are already followed by the regulated community.

### ***Regulatory Review***

Under Section 5(a) of the Regulatory Review Act, the Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. § 745.5(a), the agency submitted a copy of these proposed regulations on October 28, 2014, to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting the 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 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.) and FHWA standards. 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, Pennsylvania Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6<sup>th</sup> Floor, Harrisburg, PA 17120, [glrowe@pa.gov](mailto:glrowe@pa.gov), within 30 days of 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, Pennsylvania Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6<sup>th</sup> Floor, Harrisburg, PA 17120, (717) 783-6479, [glrowe@pa.gov](mailto: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 VI. Operation of Vehicles**

**Chapter 101. Authorizing Appropriately Attired Persons  
To Direct, Control Or Regulate Traffic**

**Proposed Rulemaking**

**Annex A**

**§ 101.1. Purpose.**

This chapter indicates those persons, other than any uniformed police officer[s], sheriff or constable or, in an emergency, a railroad or street railway police officer, who are authorized to direct, control or regulate traffic, and [to] prescribes minimum suitable safety apparel [attire and equipment for those persons].

**§ 101.2. Persons authorized to direct traffic.**

The following persons are authorized to direct, control or regulate traffic:

\*\*\*\*\*

(2) Adult school crossing guards for assisting school children across busy or hazardous highways or for assisting the ingress or egress of school buses and school vans to and from a school.

\*\*\*\*\*

(5) Personnel of emergency organizations such as but not limited to fire departments, hospitals, river rescue associations, ambulance associations and personnel of emergency vehicles designated by the State Police under 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by the Pennsylvania police) while performing their duties.

\*\*\*\*\*

(7) Department of Conservation and Natural Resources (DCNR) [Park Maintenance Supervisors, Park Rangers I and Environmental Education Specialists of the Department of Environmental Resources, Bureau of State Parks] personnel, while performing their official duties.

(8) Persons controlling traffic at authorized parades, processions or other public assemblies. These persons shall have successfully completed and participated in a formal, flagging procedures and guidelines training course as defined and outlined by the Department.

(9) Persons assisting to improve highway safety by the directing, control or regulation of traffic volumes created by the ingress or egress to or from a commercial, industrial, manufacturing, agricultural, or natural resource or mineral extraction operation. These persons shall have successfully completed and participated in a formal, flagging procedures and guidelines training course as defined and outlined by the Department.

(10) Persons authorized by 75 Pa. C.S. § 3102.

### **§ 101.3. Minimum attire.**

This section sets forth the minimum standards for high-visibility safety apparel for authorized [minimum attire and equipment so that] persons directing, controlling or regulating

traffic so that they are more easily distinguishable [and so that their directions can be understood]. All authorized persons directing, controlling or regulating traffic as identified above in § 101.2 shall wear high-visibility safety apparel as described below:

[(1) Traffic control persons on utility, maintenance or construction projects shall wear orange, fluorescent red-orange or fluorescent yellow-orange vests and a protective helmet. In addition, they shall be equipped with a flagman traffic control sign, a paddle with a Stop sign on one face and a Slow sign on the opposite face, as described in Publication 203 of the Department.

(2) Adult school crossing guards shall wear as a minimum a safety vest or safety belt manufactured from retroreflective and fluorescent material visible both day and night at 300 feet to approaching motorists.

(3) Members of the National Guard or military police shall wear their official uniforms and members of the civil defense shall wear their official arm bands and white hats or other distinctive clothing.

(4) Emergency vehicle personnel and Park Maintenance Supervisors, Park Rangers I and Environmental Education Specialists of the Department of Environmental Resources, Bureau of State Parks, shall wear their official uniform or shall utilize a red flag to control traffic during daylight hours and a flashlight with a red luminaire during hours of darkness. A firefighter's hat is sufficient attire for a firefighter and an official hat and badge is sufficient attire for fire police.

(5) Personnel of highway service vehicles shall wear red or yellow fluorescent vests which shall be reflectorized for nighttime operations.



(6) Railroad crossing guards shall be equipped with a red flag during daylight hours and with a lighted lantern capable of providing both red and white aspects during the hours of darkness.]

(1) High-visibility safety apparel is personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled “American National Standard for High-Visibility Safety Apparel and Headwear,” including future amendments or an equivalent designated by the Department through publication in the Pennsylvania Bulletin.

(2) Emergency and incident responder personnel may wear high visibility safety apparel that meets the performance requirements of the ANSI/ISEA 207-2006 publication 6 entitled “American National Standard for High-Visibility Public Safety Vests,” including future amendments or an equivalent designated by the Department through publication in the Pennsylvania Bulletin.

(3) The high-visibility safety apparel shall be fluorescent orange, fluorescent yellow-green or a combination of these colors; or such other color designated by amendments to the ANSI/ISEA or the Department through publication in the Pennsylvania Bulletin.

#### **§ 101.4. Emergencies.**

[Nothing in this chapter precludes a person from temporarily directing traffic at the scene of an emergency.] Any person at the scene of an emergency may temporarily direct traffic, with or without being properly attired in high-visibility safety apparel, until an authorized person as

identified in § 101.2 arrives. An “emergency” as used in this Section 101.4 shall mean an unplanned or unforeseen incident that warrants an immediate action to direct, control or regulate traffic to minimize threats to public health or public safety.



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

October 28, 2014

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

Re: Proposed Rulemaking  
# 18-461 — 67 Pa. Code, Chapter 101  
Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic

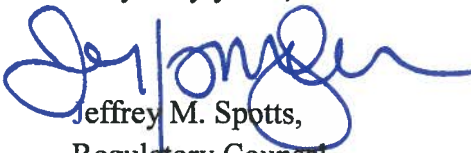
Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 101 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




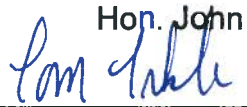
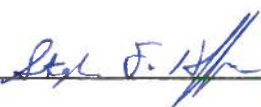
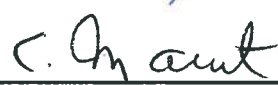
**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-461  
 SUBJECT: Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic  
 67 Pa. Code, Chapter 101  
 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
<u>10/28</u>	 for Majority Chair Hon. Nicholas A. Micozzie	HOUSE COMMITTEE ON TRANSPORTATION
<u>10-28-14</u>	 for Minority Chair Hon. Michael P. McGeehan	
<u>10-28-14</u>	 for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
<u>10-28-14</u>	 for Minority Chair Hon. John N. Wozniak	
	N/A	OFFICE OF ATTORNEY GENERAL
<u>10/28/14</u>		INDEPENDENT REGULATORY REVIEW COMMISSION
<u>10/28/14</u>		LEGISLATIVE REFERENCE BUREAU

Date: October 28, 2014

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