

3139



March 7, 2016

Mr. Richard N. Roman, PE, Director
Bureau of Maintenance and Operations
Department of Transportation
400 North Street, 6th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120

2016 MAR 24 PM 12:46

RECEIVED
IRRC

Dear Mr. Roman:

We are submitting the following comments on the Department of Transportation's proposed rulemaking on "Hauling in Excess of Posted Weight Limit." As you are probably well aware, PSATS had been involved with the Department since early 2014 on changes to Title 67 Pa Code, Chapters 189 and 190 as they relate to posting and bonding of roads. We appreciate the work that the Department has done, and providing us with the opportunity to be involved in the drafting process.

In reviewing the proposed rulemaking, we feel the following comments need to be brought to your attention.

Section 189.2. Definitions:

Permanent forest product processing mill, (ii): What does "stockpile facility" mean in subsection (ii), and does it mean any "facility" where forest products are "stockpiled" or does it mean only at a permanent facility as explained in subsection (i)? We understand that it is not a "landing site" as defined in subsection (iii), but could it be a free standing site separate from a permanent facility?

Section 189.4. Use under permit:

(a) General Rule: The second sentence states that a user shall carry evidence of the vehicle's destination which must consist of the documents stipulated in §189.3(e). We would contend that the word "shall" be used in place of "must" since "shall" has the legal interpretation of being mandatory.

(b) Permit categories. (1) (ii): Should "at-risk" permits require a clarification similar to the "minimum use" stipulation for road use during the freeze-thaw time period? The language is *"this category is restricted during the designated freeze-thaw period unless written authorization from the Department is provided."*

(b) Permit categories. (1) (iii): Is it good policy to assume that those reading these regulations in the future will necessarily know that Chapter 190 is in "67 Pa Code" and not another PA Code or publication? Since this reference is to another chapter it should be written as *"67 PA Code, Chapter 190"* to eliminate any possible confusion.

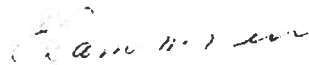
(e) Multiple users (3) Subsequent permit applicants: The first sentence should have the word "shall" inserted to be sure everyone knows that it is a mandatory provision. The sentence should read *"Paragraphs (1) and (2) shall apply even if one or more users ..."*

Section 189.7. Use of special hauling permits for certain vehicles:

As stated previously, is it good policy to assume that those reading these regulations in the future will necessarily know that Chapter 179 is in "67 Pa Code" and not in another PA Code or publication? Since this reference is to another chapter, it should be written as *"67 PA Code, Chapter 179"* to eliminate any possible confusion.

Again, we want to thank you for this opportunity to comment on the proposed regulations, and look forward to our continuing working relationship. If you have any questions or concerns, please feel free to contact me.

Sincerely,



Elam M. Herr

Asst. Executive Director

Copy: IRRC