

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

Public Utility Commission (PUC)

(2) Agency Number: L-2017-2600599

Identification Number: 57-317

IRRC Number: 3185

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(3) PA Code Cite: 52 Pa. Code § 29.503

(4) Short Title:

Rulemaking Re Motor Carrier Age Requirement

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

Primary Contact: Joe Cardinale, jcardinale@pa.gov (717) 787-5558

Secondary Contact: John Herzog, jherzog@pa.gov (717) 783-2810

(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 proposed rulemaking reduces the minimum age requirement for paratransit drivers from 21 years of age to 18 years of age in limited circumstances.

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

The Public Utility Code, 66 Pa. C.S. §§ 501, 1501, and 2502
 The Commonwealth Documents Law, 45 P.S. §§ 1201-1202
 The Commonwealth Attorneys Act, 71 P.S. 732-204(b)
 The Regulatory Review Act, 71 P.S. § 745.5
 The Administrative Code of 1929, 71 P.S. § 232

(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.

This regulation is not mandated by any federal or state law or court order, or federal regulation. There are no relevant state or federal court decisions.

(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.

The PUC's regulations regarding paratransit drivers is inconsistent with the DOH's regulations with respect to the minimum driver age requirement for ambulance drivers. The DOH's regulations require that an ambulance driver be at least 18 years of age while the PUC's regulations require that the operator of a paratransit vehicle be at least 21 years of age. This disparity affects ambulance companies that also operate paratransit vehicles by limiting its pool of qualified drivers for non-emergency paratransit service. The proposed regulation would permit the minimum age for paratransit operators to be reduced to 18 in limited circumstances.

The PUC has 506 certificated paratransit carriers, of which at least 155 are ambulance companies. Companies that operate both ambulances and paratransit vehicles will benefit from this regulation because it will permit them to train their drivers on non-emergency paratransit vehicles who are under the age of 21 without having to formally petition for waiver of the minimum age requirement.

(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 provisions in this regulation that are more stringent than 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 only affects the operations of paratransit operators within Pennsylvania. As paratransit service provides local transport this regulation will not have any effect on Pennsylvania's ability to compete with paratransit operators in 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. The regulation does not affect other PUC regulations. The regulation does not affect other state agencies as the PUC has exclusive jurisdiction over the safety of paratransit operators in Pennsylvania.

(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.)

On July 12, 2017, the Commission issued a *Proposed Rulemaking Order*, seeking comment from the Ambulance Association of Pennsylvania, and the Pennsylvania Taxi and Paratransit Association as well as other stakeholders. The Commission will evaluate those comments in rendering its final form rule. If there are many contentious issues, the Commission will consider issuing an Advanced Notice of Final Rulemaking Order outside the standard regulatory review process to obtain more feedback and to facilitate consensus, to the extent possible, on any remaining contentious issues.

Since this regulation is narrowly tailored and consists mainly of adopting and referring to standards that are already required under the Public Utility Code and the Commission's regulations, the Commission did not hold any other informal meetings with stakeholders regarding the proposed regulations.

(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?

The proposed regulation only affects businesses that operate paratransit vehicles. The PUC has 506 certificated paratransit operators of which 155 also operate ambulances. These paratransit operators are identified as small businesses. The proposed regulation will permit these businesses to hire and train younger paratransit drivers who are already licensed by the DOH to operate an emergency vehicle.

(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.

Paratransit operators in Pennsylvania are small businesses that will be affected by this proposed regulation. All certificated paratransit operators in Pennsylvania will be required to comply with this regulation. The number of paratransit operators that will be affected is approximately 506. However, this regulation does not impose a new duty on paratransit operators. It only imposes a duty on paratransit operators that wish to employ paratransit drivers under the age of 21.

(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 PUC expects that companies that operate both paratransit and ambulance services will benefit from being able to train drivers under the age of 21 on non-emergency paratransit vehicles before permitting them to operate ambulances. This will expand the hiring pool for these dual-operation companies because the drivers that are under 21 will also be eligible to operate paratransit vehicles. The lowering of the driving age is accompanied by the additional requirements that under-21 drivers must satisfy as

well as paratransit operators that employ these drivers. The PUC expects that the additional requirements on paratransit drivers under the age of 21 will help to ensure that these drivers are as competent as paratransit drivers over the age of 21.

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

There are no foreseeable costs associated with reducing the paratransit driver age to 18 because the proposed regulation requires that paratransit drivers under the age of 21 must be licensed to operate an emergency vehicle with the DOH. While the proposed regulation reduces the minimum age, it has imposed additional requirements upon those under 21 years of age to qualify as a paratransit driver. Despite younger drivers being permitted to operate paratransit vehicles, these younger drivers have stricter requirements imposed upon them which helps to ensure their ability to safely operate paratransit vehicles.

(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 regulation reduces costs on the regulated community by eliminating the need for dual-operating companies to file a petition for waiver of the PUC's minimum age requirement for paratransit drivers under the age of 21. Currently, paratransit companies have had to file petitions for waiver of the PUC's minimum age requirement which causes paratransit companies to incur legal fees. These legal fees are attributable to the time it takes an attorney to review relevant prior PUC waivers and draft a petition for waiver which likely amounts to over \$500. The proposed regulation does not impose costs on the regulated community and would eliminate the need for paratransit companies to expend legal fees to draft a formal petition for waiver.

(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 regulation creates no new costs to local government.

(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.

This regulation will reduce costs on State government in the form of eliminating petitions for waiver of the Commission's age requirement for paratransit drivers. The amount of time it takes the Commission to consider and draft exceptions to the existing paratransit-age requirement approximately amounts to five-to-10 hours of legal work from the Commission's attorneys in the Law Bureau. By reducing the age requirement to 18 years in limited circumstances, the Commission will no longer incur these hours of legal work.

(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.

The proposed regulation requires paratransit operators to maintain records for four years to prove driver certification. See Proposed Section 29.503(b)(3). These records are to be made available upon the request of PUC staff. Paratransit operators are also required to notify the PUC of any accident involving a paratransit vehicle driver under the age of 21.

(22a) Are forms required for implementation of the regulation?

There are no forms required under this regulation.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of 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	Not quantifiable (NQ)	NQ	NQ	NQ	NQ	NQ
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 Savings	NQ	NQ	NQ	NQ	NQ	NQ
COSTS:						
Regulated Community	NQ	NQ	NQ	NQ	NQ	NQ
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 Costs	NQ	NQ	NQ	NQ	NQ	NQ
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						

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

Program	FY -3	FY -2	FY -1	Current FY
N/A	N/A	N/A	N/A	N/A

(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.

- (a) As explained in Question 15, the PUC has 506 certificated paratransit operators of which 155 also operate ambulances. Paratransit operators in Pennsylvania are small businesses that will be affected by this proposed regulation.
- (b) The paratransit operators will be in the best position to project their costs of complying with the additional requirements for paratransit drivers under the age of 21 to operate paratransit vehicles.
- (c) The proposed regulations will permit these businesses to hire and train younger paratransit drivers who are already licensed by the DOH to operate an emergency vehicle.
- (d) This regulation reduces the minimum age requirement on paratransit operators. As this regulation is not thought to be costly or intrusive, no alternative methods were considered.

(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 provisions have been developed because these groups should not be affected by the proposed 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.

The alternative to the existing paratransit age requirement is to keep the regulation in place and require paratransit operators to file a formal petition for waiver of the Commission's paratransit-age regulation. However, the Commission has determined that this process causes unnecessary delay and expense on both the paratransit operators and the Commission.

The proposed regulation instead provides an option to existing paratransit operators to employ paratransit drivers under 21 years of age if the DOH's ambulance-driver regulations are met. As the DOH's regulations are intended to ensure safe operation of ambulances, the PUC adopted this certification in its proposed regulation to ensure that younger paratransit drivers safely operate paratransit vehicles.

(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 performance 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.

The only other alternative would be to not amend the minimum-age requirement for paratransit drivers and rely on the minimum age requirement of 21 years. However, as discussed in question 26, this has been the cause of numerous waiver petitions that have been granted with the conditions listed in the DOH's ambulance regulations. The conditions in the proposed regulation for paratransit drivers under the age of 21 serve to ensure that younger paratransit drivers are competent while obviating the need to formally petition for a waiver of the minimum age requirement.

(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 is not the basis of this regulation.

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

- | | |
|---|----------------------------------|
| A. The length of the public comment period: | <u>30 days after publication</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>as needed</u> |
| C. The expected date of delivery of the final-form regulation: | <u>first quarter 2018</u> |
| D. The expected effective date of the final-form regulation: | <u>upon publication as final</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>upon publication as final</u> |
| F. The expected 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 PUC staff will continue to work with paratransit companies with respect to the safe operation of paratransit vehicles. The proposed regulation places a duty on paratransit drivers under the age of 21 to carry their ambulance certification on board so that PUC staff and others can quickly verify that paratransit drivers under the age of 21 are complying with the conditions at section 29.503(b). A duty is also placed on paratransit operators to maintain their records for four years with respect to their paratransit drivers under the age of 21. Furthermore, paratransit operators are required to report every accident, no matter how minor, involving a paratransit driver under the age of 21.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

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

Angela M. Elliott

BY _____
(DEPUTY ATTORNEY GENERAL)

OCT 11 2017

DATE OF APPROVAL

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO L-2017-2600599/57-317

DATE OF ADOPTION 7/12/2017

BY *Rosemary Chiavetta*
Rosemary Chiavetta

TITLE Secy
(SECRETARY)

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

Bohdan R. Pankiw

BY _____
Bohdan R. Pankiw
Chief Counsel

7/12/2017

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-2017-2600599/57-317

Proposed Rulemaking

Rulemaking Re Motor Carrier Age Requirement

52 Pa Code, Chapter 29

The Pennsylvania Public Utility Commission on July 12, 2017, adopted a proposed rulemaking order to amend 52 Pa. Code, Section 29.503 for consistency with Department of Health (DOH) regulations by reducing the minimum age requirement for paratransit drivers from 21 years of age to 18 years of age in limited circumstances. The contact person is Assistant Counsel Joseph P. Cardinale, Jr., Law Bureau, 717-787-5558.

EXECUTIVE SUMMARY
L-2017-2600599 / 57-317
PROPOSED RULEMAKING

Rulemaking Re Motor Carrier Age Requirement, 52 Pa. Code Chapter 29
52 Pa. Code § 29.503

The Pennsylvania Public Utility Commission's current regulations require that drivers of paratransit vehicles be at least 21 years old. The Department of Health oversees emergency medical transportation and allows drivers 18 years and older to operate ambulances, if the drivers have proper training and certification. Many ambulance companies also operate paratransit service and cannot utilize the under 21 year-old ambulance driver in their paratransit service. This has caused operation and hiring problems for these companies. The Pennsylvania Public Utility Commission has granted several waivers with respect to the 21 year age requirement to paratransit operators so that ambulance drivers under 21 may also operate paratransit vehicles. 66 Pa. C.S. § 501. This proposed rulemaking reduces the minimum age requirement for paratransit drivers to 18 years of age under limited circumstances.

The contact person for this proposed rulemaking is Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau (717) 787-5558, (jcardinale@pa.gov). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Coordinator, Law Bureau, (717) 772-4597, (alzerbe@pa.gov).

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held July 12, 2017

Commissioners Present:

Gladys M. Brown, Chairman
Andrew G. Place, Vice Chairman
John F. Coleman, Jr.
Robert F. Powelson
David W. Sweet

Rulemaking Re Motor Carrier Age Requirement,
52 Pa. Code Chapter 29

L-2017-2600599

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

The Pennsylvania Public Utility Commission (Commission) proposes to amend its regulation governing the minimum driver-age requirement. *See* 52 Pa. Code § 29.503. Specifically, the Commission proposes to update Section 29.503, consistent with Department of Health (DOH) regulations, by reducing the minimum age requirement for paratransit drivers in limited circumstances. The Commission seeks comments from all interested parties on this proposed regulation, attached as Annex A to this Order.

The Commission's regulations currently require, *inter alia*, that paratransit drivers meet a minimum age requirement. Specifically, the relevant Commission regulation provides:

52 Pa. Code §29.503. Age restrictions.

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

In its Order promulgating this regulation, the Commission opined that the age requirement would help to ensure the quality and safety of public utility service in Pennsylvania. 36 Pa. B. 4181 (August 5, 2006). Although the Commission recognizes that age alone may not be the sole determinant of a driver's ability, the age requirement addressed a statistically documented increase in accidents involving drivers under the age of 21.

Many organizations that provide non-emergency paratransit service also provide emergency medical transportation. The Commission has certificated 506 paratransit carriers, of which at least 155 are ambulance companies. Pursuant to DOH regulations, a driver of an ambulance must only be 18 years of age or older and must successfully complete an emergency vehicle operator's course of instruction approved by the DOH. *See* 28 Pa. Code §1023.22.

Notwithstanding that drivers ages 18 and over, properly trained and vetted, are permitted to operate ambulances under the DOH's regulations, Section 29.503 effectively prevents those ambulance drivers under 21 from operating non-emergency paratransit vehicles.¹ This creates a conflict within those organizations, since the Commission's existing age requirement is causing dual-service companies to lose qualified potential employees who are under 21-years old. The inconsistency between the Commission's age requirements for paratransit drivers and the DOH's age requirements for ambulance drivers puts the dual-service companies in a cumbersome position in terms of hiring. These companies generally prefer to have younger, less experienced drivers start in paratransit service before they move up to the more demanding work of driving an ambulance. However, under the current regulatory scenario, drivers under 21 years of age are prohibited from providing paratransit service and are limited to providing

¹ Paratransit vehicles—often wheelchair-accessible vans—are used to transport disabled or elderly people to and from routine medical and dental appointments and for other routine needs, such as grocery shopping.

ambulance service. While dual-service companies can petition the Commission for a waiver of the driver-age requirement, that process requires a significant investment of time and money on the part of the company and the Commission.²

In order to alleviate the negative impact of the Commission's paratransit driver age restrictions on dual-service companies and the need for the companies to petition for waiver of those restrictions, the Commission believes that its regulations should be modified to be consistent with the DOH regulations. As such, the Commission proposes adding a limited exception to the age requirement for paratransit drivers. If a driver is under 21 years of age, the driver will be eligible to operate a non-emergency paratransit vehicle if the DOH has certified the driver to operate an emergency medical services vehicle (EMSV) pursuant to the DOH's regulations at 28 Pa. Code Chapter 1023, Subchapter B. Drivers under the age of 21 will be required to carry their EMSV operator's certificate issued by the DOH on board. In addition to complying with the DOH's EMSV operator's certification requirements, a paratransit vehicle driver will have to comply with all other Commission regulations for paratransit drivers. Finally, the carriers themselves will be required to (1) maintain records to prove driver certification, and (2) notify the Commission of any accident involving a paratransit vehicle driver under the age of 21.

This proposal will benefit the public by increasing the pool of potential paratransit drivers while at the same time ensuring that common and contract carriers provide safe and reliable paratransit service throughout the Commonwealth.

Accordingly, pursuant to Sections 501, 1501, and 2502 of the Public Utility Code, 66 Pa. C.S. §§101 *et seq*, the Commonwealth Documents Law, 45 P.S. §§ 1201-1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; Section

² While only seven ambulance companies have applied for and been granted waivers to date, there is no reason to continue this inconsistency when the DOH requirements are more than sufficient to protect the public safety.

204(b) of the Commonwealth Attorneys Act, 71 P.S. 732-204(b); Section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and Section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231, 7.232, and 7.234, we propose adopting the regulations set forth in Annex A, attached hereto; **THEREFORE,**

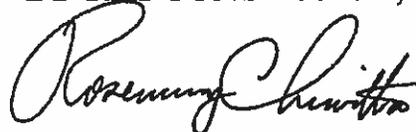
IT IS ORDERED:

1. That a proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. That the Law Bureau shall submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.
3. That the Law Bureau shall submit this proposed rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. That the Law Bureau shall deposit this proposed rulemaking order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. That original written comments referencing Docket Number L-2017-2600599 be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, Commonwealth Keystone Building, 2nd Floor 400 North Street, Harrisburg, PA 17120.

6. That a copy of this proposed rulemaking order and Annex A shall be served on the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, the Ambulance Association of Pennsylvania, and the Pennsylvania Taxi and Paratransit Association.

7. That the contact person for legal matters on this proposed rulemaking is Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau, (717) 787-5558. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Review Coordinator, Law Bureau, (717) 772-4597.

BY THE COMMISSION,



Rosemary Chiavetta,
Secretary

(SEAL)

ORDER ADOPTED: July 12, 2017

ORDER ENTERED: July 13, 2017

ANNEX
TITLE 52. PUBLIC UTILITIES
PART 1. PUBLIC UTILITY COMMISSION
Subpart B. CARRIERS OF PASSENGERS OR PROPERTY
CHAPTER 29: MOTOR CARRIERS OF PASSENGERS
Subchapter F. DRIVER REGULATIONS

* * * * *

§ 29.503. Age restrictions.

(a) [A] Except as provided in subsection (b), a common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

(b) A common or contract carrier providing paratransit service may permit a person to operate a paratransit vehicle in its authorized service if that person is at least 18 years of age. Additionally, all of the following conditions must be met:

(1) The person shall be certified as an emergency medical services vehicle operator (EMSVO) by the Department of Health (DOH) after meeting the requirements under 35 Pa. C.S. § 8122 (relating to emergency medical services vehicle operators) and 28 Pa. Code §§ 1023.21 – 1023.34.

(2) The person shall carry the DOH issued EMSVO certification on board while operating a paratransit vehicle.

(3) The carrier shall comply with all applicable DOH regulations and shall maintain records for a period of four years to prove each person's EMSVO certification. These records must be available for inspection by Commission staff upon request.

(4) The carrier shall immediately notify the Commission's Bureau of Technical Utility Services of an accident involving a paratransit driver who is under 21 years of age, regardless of the severity of the accident.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120

GLADYS M. BROWN
CHAIRMAN

November 8, 2017

The Honorable George D. Bedwick
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

**Re: L-2017-2600599/57-317
Proposed Rulemaking
Rulemaking Re Motor Carrier Age Requirement
52 Pa. Code, Chapter 29**

Dear Chairman Bedwick:

Enclosed please find 1 copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15), the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the House Committee on Consumer Affairs and to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure.

The purpose of this proposal is to amend the provisions of 52 Pa. Code, Chapter 29 for consistency with Department of Health regulations by reducing the minimum age requirement for paratransit drivers from 21 to 18, in limited circumstances. The contact person is Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau, (717) 787-5558.

The proposal has been deposited for publication with the Legislative Reference Bureau.

Sincerely,

Gladys M. Brown
Chairman

Enclosures

pc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Thomas R. Caltagirone
June Perry, Legislative Affairs Director
Bohdan Pankiw, Chief Counsel
Joseph P. Cardinale, Jr., Assistant Counsel
Alyson Zerbe, Regulatory Coordinator

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2017-2600599/57-317

Subject: Proposed Rulemaking Re Motor Carrier Age Requirement
52 Pa. Code, Chapter 29

Pennsylvania Public Utility Commission

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

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FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>11-8-17</u>	<u>Jane M. Hill</u>	<u>HOUSE COMMITTEE (Godshall)</u> Consumer Affairs
<u>11-8-17</u>	<u>Tammy M. Blanche</u>	<u>SENATE COMMITTEE (Tomlinson)</u> Consumer Protection and Professional Licensure
<u>11/8/17</u>	<u>K. Cooper</u>	Independent Regulatory Review Commission Attorney General
<u>11.8.17</u>	<u>Courine Inant</u>	Legislative Reference Bureau