

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p><i>Received by the Independent Regulatory Review Commission July 12, 2023</i></p>
<p>(1) Agency</p> <p><b>Pennsylvania Turnpike Commission</b></p>		<p>IRRC Number: <b>3307</b></p>
<p>(2) Agency Number: <b>60</b></p> <p>Identification Number: <b>003</b></p>		
<p>(3) PA Code Cite:</p> <p><b>67 Pa. Code, Chapter 601</b></p>		
<p>(4) Short Title:</p> <p><b>Traffic Regulations</b></p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p><b>Primary Contact: John F. Dwyer, Assistant Counsel, PO Box 67676, Harrisburg, PA 17106-7676 (717) 831-7343, <a href="mailto:jdwyer@paturndpike.com">jdwyer@paturndpike.com</a></b></p> <p><b>Secondary Contact: Doreen A. McCall, Chief Counsel, PO Box 67676, Harrisburg, PA 17106-7676 (717) 831-7482, <a href="mailto:dmccall@paturndpike.com">dmccall@paturndpike.com</a></b></p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> <b>Final Regulation</b></p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p><b>Chapter 601 establishes the Pennsylvania Turnpike Commission's (Commission) statutory authority to promulgate regulations for traffic control that promote the health, safety and welfare of customers traveling on the Turnpike System. The purpose of these final-form regulations is to revise the regulations and incorporate the Commission's conversion to a cashless tolling system. The amendments include new policies regarding special hauling permits for over-dimensional/overweight vehicles and updating the chart for transportation of hazardous materials through Turnpike System tunnels. The amendments also address statutory amendments to fare evasion and update vehicles excluded from the Turnpike System. Additional changes clarify or delete obsolete language and other editorial amendments.</b></p>		

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

**The authority for these regulations is the Act of May 21, 1937, P.L. 774, No. 211 (36 P.S. §§ 652d and 652l); the Act of July 18, 2007, P.L. 169, No. 44, *as amended* (74 Pa.C.S. §§ 8102, 8107, 8116 and 8117); the Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §6110), and the Act of November 25, 2013, P.L. 974, No. 89, *as amended* (75 Pa.C.S. §6110.1).**

(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.

**These amendments to existing regulations are not mandated by any federal or state law or court order, or federal regulation, but are expressly authorized by the statutory authority referenced in (8) above.**

(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 Commission's customers and the citizens of the Commonwealth are the primary beneficiaries of the amendments to the regulations. All of the amendments are intended to enhance safety, allow for the free flow of traffic, improve mobility, reduce environmental impacts and promote the economic prosperity of the Commonwealth. In 2018, more than 200 million vehicles used the Turnpike, and the Commission believes that all future customers and motorists will benefit from the final-form regulations.**

(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, none of the amendments 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?

**The final-form regulations offer more flexibility and opportunity for economic growth than those of most neighboring states and are expected to maintain or improve Pennsylvania's ability to compete with 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.

**The traffic control regulations set forth in Chapter 601 are the Commission's sole regulations. The specific sections affected by the amendments are as follows: §601.1, §601.3, §601.5, §601.9, §601.12, §601.13, §601.14, §601.15, §601.17, §601.18, §601.101, §601.102 and §601.103. A specific review of the amendments to each section is set forth in Paragraph C of the Preamble, *Explanation of the Final-Form Rulemaking*.**

**This rulemaking will not affect regulations of other state agencies.**

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

**The Commission consulted with the Pennsylvania Department of Transportation (Department of Transportation) to ensure that the Commission’s amendments to its regulations regarding special hauling permits for over-dimensional/overweight vehicles remain consistent with similar procedures and policies used by the Department of Transportation.**

**Regarding communication and solicitation of input related to the conversion to All Electronic Tolling (AET), the Commission has been continually seeking input since the inception of the program. A feasibility study completed in 2011 included focus group studies and surveys aimed at key Commission constituencies including cash customers, local and state officials, and business and trade associations representing local businesses, commercial truckers and motorists. During the feasibility study, surveys were completed at a Pennsylvania Motor Truck Association event, at select Commission Service Plaza locations, and online. In total, the Commission received feedback from more than 10,000 individuals.**

**Similar outreach efforts have continued throughout the AET implementation phase including coordination with the Governor’s office, the Department of Transportation, state and local elected officials, industry groups, trade associations and chambers of commerce. In addition to this coordination, feedback was also solicited through additional surveys, focus groups, and online public meetings.**

(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?

**All customers of the Commission who travel on the Turnpike System shall be affected by and required to comply with the final-form regulations.**

**As before, all customers operating an over-dimensional/overweight vehicle on the Turnpike System (whether a person, business, small business or an organization) will be required to comply with the final-form regulations and register and obtain a special hauling permit (formerly a “Class 9” permit). During 2018-2019, the Commission had more than 800 registered vendors/businesses with “Class 9” accounts. The new permit procedures replace the former “Class 9” procedures and a fee shall now be charged for the permit. However, a corresponding reduction in the toll charges will result in revenue/cost neutrality for the Commission and the class of those impacted by the change in permit procedures. As a result of these changes, the Commission’s permit procedures will more closely align with those of the Department of Transportation and all customers operating an over-dimensional/overweight vehicle will be able to take advantage of the E-ZPass program to enjoy non-stop travel on the Turnpike System.**

Furthermore, all motorists utilizing the Turnpike System and the citizens of the Commonwealth, in general, are the primary beneficiaries of the amendments to the regulations. The amendments are intended to enhance safety, allow for the free flow of traffic, improve mobility, reduce environmental impacts and promote the economic prosperity of the Commonwealth. In order to achieve these benefits, motorists who choose to use the PA Toll by Plate payment program will see an increase in toll rates. This increase is a direct reflection of the costs and risks associated with this payment collection method. Current traffic demographics show that more than 80% of the motorists already utilize the E-ZPass payment program suggesting that less than 20% would be subject to the toll increase related to the PA Toll by Plate program. It should be noted that all customers have the choice to enroll in the E-ZPass program which would negate any negative impacts (i.e., higher toll rates) from the final-form regulations.

As with the previous regulations, all customers (whether a person, business, small business or an organization) travelling on the Turnpike System will be required to abide by the amended chart regarding the Commission's policies for the transportation of hazardous materials through Turnpike tunnels. The Federal Motor Carrier Safety Administration and the U.S. Department of Transportation (USDOT) recognize nine classes as the first level of warning for hazardous materials and multiple placards can fall into those classes. Because USDOT has multiple placards for some of the classes, the Commission does not want carriers to focus on a single placard for a specific hazardous materials class. To avoid confusion, the revised chart eliminates "Placard Name" and now separates hazardous materials classes into Prohibited, Prohibited in Bulk Packaging and Permitted. Therefore, the amended chart now: (1) recognizes and clarifies the classes, (2) is easier to read and interpret, and (3) realigns the Commission's regulations to remain consistent with federal law. The revised chart will also update the status of Organic Peroxide (Class 5.2) as a Prohibited hazardous material, which is the only substantive change to the existing chart. The Commission has already been operating under this change since 2014 to remain consistent with federal placard revisions required for the highway transportation of Organic Peroxide (which became mandatory on January 1, 2014). At that time, the Commission updated its website and guidelines for transporting hazardous materials through its tunnels to include the prohibition of Organic Peroxide (Class 5.2). Therefore, this will not be a newly disclosed Prohibited class for Commission customers, but the amended chart in the regulations will officially reflect the change that was instituted in 2014.

(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.

All customers of the Commission who travel on the Turnpike System shall be required to comply with the final-form regulations including businesses (small or large). The final-form regulations are intended to reflect the Commission's conversion to a cashless tolling system and to revise and update the previous regulations (which all customers were already required to comply with). In fiscal year 2018 (2017-2018), more than 200 million vehicles operated on the Turnpike System.

As for over-dimensional/overweight vehicles, in the 12 months of 2019 there were 8,799 "Class 9" permits issued by the Commission. In the 12 months of 2018 there were 8,490 permits issued. For comparison, in fiscal year 2018 (2017-2018), approximately 210,343,657 vehicles operated on the Turnpike System. Of these vehicles, 14.5%, or 30,499,830 were trucks. Based on these facts, the amendments to the Commission's "Class 9" permit regulations impact only .004% of the

**total traffic and only .028% of the commercial vehicle traffic. A very small number of vehicles (and customers) traveling on the Turnpike System will be impacted by this change. Moreover, the regulations for registering and obtaining a special hauling permit already exist (the previous “Class 9” procedures) and will not impose new or restrictive conditions on customers traveling on the Turnpike System (including small businesses).**

(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.

**As for over-dimensional/overweight vehicles, there is no financial/economic impact to the aggregated trucking community (including small businesses) because the new permit fee is an offset to the “Class 9” toll surcharge that the permitted vehicles were previously assessed and that they will no longer pay. Using the fiscal year 2018 (2017-2018) example and facts from question (16) above, the offset fee paid by .004% of the total traffic (and .028% of the commercial vehicle traffic) benefits 100% of Commission customers as well as the communities sending and receiving goods that are transported on the Turnpike System.**

**The conversion of the Turnpike System to AET will deliver significant benefits to the Commonwealth, the Commission and the motorists utilizing the Turnpike in terms of improved safety, enhanced environmental stewardship, increased mobility, increased customer convenience, capital cost savings and economic development.**

- **Safety – With the introduction of AET, weaving, driver distractions and speed differentials will all be reduced within the existing toll plazas resulting in improved safety for both the motorists and Commission employees.**
- **Environmental Stewardship – The introduction of AET and the eventual removal of the toll plaza footprints will result in improved environmental stewardship with reduced impervious area and stormwater runoff and improved water quality, in addition to reduced emissions (from idling and accelerating vehicles) and improved air quality.**
- **Mobility – AET will allow non-stop travel throughout the Turnpike System and help to reduce congestion at toll plazas and improve overall travel times for motorists. AET will also make new access points financially feasible for the Commission. These new access points offer the opportunity to shift travel patterns and further reduce congestion.**
- **Customer Convenience – AET will allow non-stop travel for all customers on the Turnpike System and eliminate the need to travel with cash on hand. Currently, more than 80% of the Commission’s customers choose electronic tolling methods and that percentage continues to increase annually demonstrating the public’s clear recognition of the benefits of AET.**
- **Capital Costs – AET will save the Commission more than \$700 million in capital costs over the next 40 years due to anticipated reductions in toll plaza and interchange reconstruction costs.**
- **System Expansion/Economic Development – In addition to improving mobility, system expansion and new access points can spur economic development which benefits local communities, the Commonwealth and the Commission.**

**Overall, the amendments to the regulations amend and revise procedures that have been in place with the Commission for decades. The amendments are intended to enhance safety, allow for the free flow of traffic, improve mobility, reduce environmental impacts and promote the**

**economic prosperity of the Commonwealth. All motorists utilizing the Turnpike System will benefit from the revised safety updates in the final-form regulations including clarification on the transportation of hazardous materials in Commission tunnels and exclusion of certain vehicles from the Turnpike. Moreover, the revisions adopted from the General Assembly's 2013 Vehicle Code statute regarding fare evasion and enhanced penalties on the Turnpike System (75 Pa.C.S. §6110.1), and the subsequent 2022 amendments included in the final-form regulations, will promote fairness and accountability for all customers and provide a deterrence to those seeking to abuse the system.**

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

**Overall, the final-form regulations are cost neutral to the regulated community and will allow for the realization of the benefits outlined in the response to Question (17).**

(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 final-form regulations are expected to be cost neutral for the regulated community. No new legal, accounting or consulting procedures will be required as a result of the changes.**

(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.

**Local governments will not experience increased costs and/or savings because of the final-form regulations. While not experiencing any increased costs, local governments will be able to take advantage of the economic development benefits afforded by the final-form regulations. Across the Commonwealth, local governments and municipalities have requested the construction of more than 15 new access points to the Pennsylvania Turnpike. These access points create the potential for significant economic growth. As an example, the introduction of the new SR 29 Interchange in Chester County, attracted more than \$2.5 billion of private investment and created more than 10,000 new jobs within a two-mile radius of the new interchange.**

(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.

**State government will not experience increased costs and/or savings as a result of the final-form regulations.**

(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 final-form regulations amend and revise procedures that have been in place with the Commission for decades, including permits for over-dimensional/overweight vehicles (formerly**

**“Class 9” permits) and electronic tolling. Notwithstanding the revised special hauling permit, a copy which is provided per the requirements of Question (22b) below, no legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork are required to give effect to these regulations. Therefore, no additional cost burden will be applied to any group identified in item (19) – (21) above.**

**Similarly, the final-form regulations related to AET will place no burden on local or state governments identified in (20) and (21) above. The regulated community (19) can be classified into two groups – those using E-ZPass and those choosing to use the PA Toll by Plate product. Today, more than 80% of the Commission’s customers choose to use E-ZPass and will not experience any change in their administrative burden related to the maintenance of their E-ZPass accounts. The PA Toll by Plate customers represent less than 20% of the Commission’s customers. The final-form regulations will require that these customers pay a PA Toll by Plate invoice which is mailed to the registered owner of the vehicle similar to any utility bill. A sample copy of the PA Toll by Plate invoice is provided per the requirements of Question (22b) attached below.**

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

**The final-form regulations include updating the permit system for over-dimensional/overweight vehicles (formerly “Class 9” vehicles) traveling on the Turnpike System. All customers operating a vehicle that meets the revised definition of “Over-dimensional/overweight vehicles” will be required to register and apply for a special hauling permit as set forth item (22b) below. Additionally, the final-form regulations include an invoicing process for customers choosing to use the PA Toll by Plate product. The invoice will be mailed to the registered owner of the vehicle for payment of the assessed toll.**

**(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.**

**A copy of a blank special hauling permit is attached hereto as Attachment “A”.**

**The permit form login page is: <https://csmcecacportal.powerappsportals.us>**

**The application is available after login.**

**A link to the webpage containing general permit information and policies is:**

**<https://paturnpike.com/commercial/permits-restrictions>**

**A copy of a sample PA Toll by Plate invoice is attached hereto as Attachment “B”.**

**A link to the webpage containing PA Toll by Plate information and policies is:**

**<https://www.nocashzone.com/>**

**(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.**

**The final-form regulation changes are cost neutral for the regulated community, local government and state government. The table below shows the total savings realized by the elimination of the current toll fare structure. These savings are offset by the introduction of the proposed AET fare**

and permit fee structure, which result in a revenue neutral or \$0 loss position for the regulated community. All numbers are shown in Thousands.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$1,363,078	\$1,578,756	\$1,675,644	\$1,785,160	\$1,899,415	\$2,014,029
<b>Regulated Community</b>	\$1,363,078	\$1,578,756	\$1,675,644	\$1,785,160	\$1,899,415	\$2,014,029
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>	\$1,363,078	\$1,578,756	\$1,675,644	\$1,785,160	\$1,899,415	\$2,014,029
<b>Regulated Community</b>	\$1,363,078	\$1,578,756	\$1,675,644	\$1,785,160	\$1,899,415	\$2,014,029
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

The table below shows the total revenue (tolls and permit fees) collected by the Commission which represents the total costs borne by the regulated class for the programs affected by the regulations. Per Table (23) above, the regulated class will not experience any additional burden resulting from the regulations since they have been developed to be cost neutral. All numbers shown in Thousands.

Program	FY -3	FY -2	FY -1	Current FY
<b>Regulated Community</b>	\$1,203,158	\$1,335,385	\$1,279,494	\$1,363,078

(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.

**No adverse impact on small businesses is anticipated because the final-form regulations amend and revise existing regulations that apply to all customers who travel on the Turnpike System including all businesses (small or large). Moreover, in many cases, the regulations cover individual drivers, not businesses. Nevertheless, the Commission offers the following impact statement:**

- (a) A precise number of small businesses subject to the final-form regulations is difficult to quantify. In fiscal year 2018 (2017-2018) alone, over 200 million vehicles traveled on the Turnpike System.
- (b) Other than complying with the online process for registering and obtaining a special hauling permit for over-dimensional/overweight vehicles (a requirement that small businesses already needed to complete in the past for operating a “Class 9” vehicle on the Turnpike System), the final-form regulations do not impose additional reporting, recordkeeping or other administrative costs or requirements on businesses large or small, including professional skills necessary for preparation of the report or record.
- (c) As noted above, the final-form regulations apply to all customers of the Commission and these procedures have been in place with the Commission for decades, including permits for over-dimensional/overweight vehicles. The former “Class 9” toll/surcharge that they would have paid is now split into a separate permit fee and toll in the lane. Also, as noted above, for the most part the regulations cover individual drivers, not businesses.
- (d) The only alternative to the final-form regulations related to over-dimensional/overweight vehicles would be to not provide weight enforcement. This is not considered an acceptable alternative. Weight enforcement procedures are necessary to ensure the safety and welfare of those traveling along the Turnpike System and provides much needed revenue to address damage caused by over-dimensional/overweight vehicles.

(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. The final-form regulations will apply uniformly to all customers traveling on the Turnpike System and amend and revise procedures that have already been in place with the Commission for decades.**

(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 other alternative regulatory provisions were considered. The purpose of the final-form regulations is to reflect the Commission’s conversion to a cashless tolling system and to modernize, revise and update the regulations.**

**The Commission's procedural amendments to its regulations regarding special hauling permits for over-dimensional/overweight vehicles offer the least burdensome acceptable alternative. The Commission's new permit procedures will be more consistent with the Department of Transportation's permit procedures and offer future cooperative initiatives between the two transportation agencies.**

**Regarding AET, the Commission's 2011 feasibility study determined that the conversion of the Pennsylvania Turnpike to AET was in the best interest of the Commission and its customers. Various technology and operations alternatives were considered and resulted in the development of the regulatory changes. The final-form regulations will result in a system which is net revenue neutral for the Commission while modernizing the system and positioning the Commission to take advantage of a full range of economic, operational and safety benefits.**

(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 final-form regulations are consistent with existing Commission policy and practices. There is no expected adverse impact on small businesses since the final-form regulations are updating and revising procedures that have been in place with the Commission for decades and affect all customers who travel on the Turnpike System.**

a) All customers of the Commission who travel on the Turnpike System shall be required to comply with the final-form regulations including businesses (small or large). The final-form regulations are intended to update and revise the current regulations, which all customers were already required to comply with and will not impose changes on Commission customers that didn't already exist; thus, less stringent compliance or reporting requirements are not feasible. Also, for the most part the regulations cover individual drivers, not businesses.

b) As stated in a) above, due to the broad applicability of the Commission's regulations to all customers who travel the Turnpike System, there are no less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

c) Again, because of the uniform application and broad applicability of the regulations to all customers traveling on the Turnpike System, consolidation or simplification of compliance or reporting requirements for small businesses is not practical.

d) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulations is not possible. The final-form regulations (which will apply to all customers) are intended to promote the safety and free flow of traffic on the Turnpike System.

**e) Exemptions to the final-form regulations for small businesses is not feasible in that these regulations are necessary for the continued safe operation and maintenance of the Turnpike System. All customers who travel on the Turnpike System shall be required to comply with the final-form regulations. No significant burden is believed to be placed on customers (including small businesses) as these final-form regulations are revenue/cost neutral when compared to existing regulations.**

(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.

**Financial, operational, maintenance, safety and environmental data was considered in the development of these final-form regulations. Exhaustive feasibility (2011) and implementation (2014) studies were conducted. Through a combination of qualitative and quantitative evaluations, the final-form regulations were determined to be the most advantageous for the Commission with negligible impacts to the regulated community and other state and local governments. As discussed throughout the foregoing responses, existing regulations have been in place for decades and the proposed changes are revenue/cost neutral.**

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

- |   |  |
|---|--|
| A. The length of the public comment period:   | <u><b>6/19/2021 through 7/19/2021</b></u>  |
| B. The date or dates on which any public meetings or hearings will be held:                   | <u><b>N/A</b></u>  |
| C. The expected date of delivery of the final-form regulation:                                | <u><b>Summer 2023</b></u>  |
| D. The expected effective date of the final-form regulation:                                  | <u><b>Upon publication of the final-form regulation in the Pennsylvania Bulletin</b></u> |
| E. The expected date by which compliance with the final-form regulation will be required:     | <u><b>Upon publication of the final-form regulation in the Pennsylvania Bulletin</b></u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u><b>Upon publication of the final-form regulation in the Pennsylvania Bulletin</b></u> |

(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.**

# **ATTACHMENT “A”**

# Pennsylvania Turnpike Commission

## Special Hauling Permit



PERMIT DATE:

PERMIT TYPE: Single Trip

PERMIT #:

### ROUTE INFORMATION

Travel Begins:  
Expiration:

Starting Interchange:  
Ending Interchange:  
Exiting Onto:

### ROUTE & PERMIT RESTRICTIONS

### COMMENTS

#### Agent Comments:

#### Customer Comments:

#### Fee Details:

##### **Base Fee:**

##### **Mileage Fee:**

Weight Ton Overage:

Approximate Mileage:

Per Mile Rate:

##### **Total Permit Fee:**

##### **Prepaid Tolls:**

**Total:**

#### Estimated Toll Details:

### ADDITIONAL INFO

#### MOTOR CARRIER INFO

Name:  
Address:

#### APPLICANT INFO

Name:  
Date Applied:  
Phone No:  
Fax No:  
Email:

### SIZE INFORMATION

**Total Length:**      **Total Width:**      **Total Height:**

Vehicle width includes mirrors and Extending Cargo  
Front Bumper Overhang:  
Rear Bumper Overhang:

### POWER & DRAWN UNITS

Unit Number:  
Registration/VIN:  
Equipment Type:  
State:

**Gross Weight(lbs):**

**# of Axles:**

**Front Axle**

**Feet**

**Inches**

**Weight**

Information on this form was entered by:

TRAVELER COPY

***Pennsylvania Turnpike Commission***

**Special Hauling Permit**



PERMIT DATE:

PERMIT TYPE: Single Trip

PERMIT #:

Information on this form was entered by:

TRAVELER COPY

# **ATTACHMENT “B”**





# INVOICE



**Thank you for traveling the Pennsylvania Turnpike!**

*This invoice is sent to the vehicle's registered owner for tolls incurred on our roadway.*

Invoice Number: [REDACTED] -1

Account Number: [REDACTED]

Invoice Date: 09/13/2022

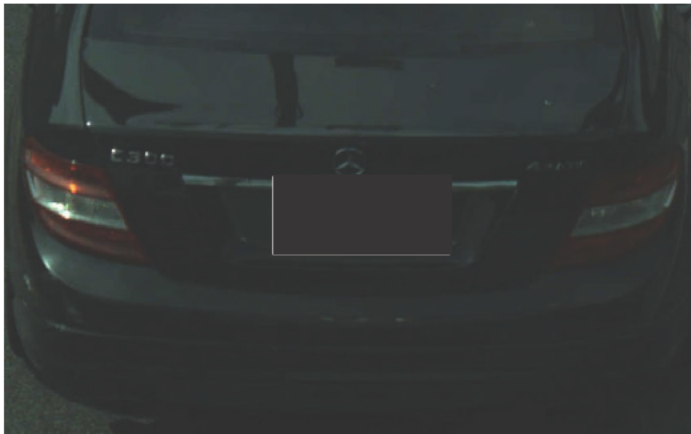
License Plate: [REDACTED]

**Payment Due**

**\$8.70**

**Due Date**

**10/03/2022**



## Payment Options



**SCAN HERE TO PAY**



On the web at **paturnpike.com/pay-a-bill**



In cash at local retailers. Go to **paturnpike.com/pay-a-bill** to get a Pay Slip.



Call **877.736.6727** and say "Toll By Plate"



By mail with payment remittance below



Download PA Toll Pay App  
Details pg. 2



**Convert to  E-ZPass and Save \$2.20 on this Invoice** Details pg. 2

Page 1 of 3



Payment Remittance must be mailed with check or money order. Send Appeals and Bank Bill Pay with Appeal Remittance. Do not mail Cash or Credit Card Information.

## PAYMENT REMITTANCE

(For mailed payments only)

**Make Check Payable to PA Turnpike**

Refunds will not be issued for overpayments under \$1.00

Invoice Number: [REDACTED] -1

Amount Due:

**\$8.70**

Invoice Date:

**09/13/2022**

Account Number: [REDACTED]

Amount Paid:

\$ \_\_\_\_\_

1-1



PA TURNPIKE TOLL BY PLATE  
PO BOX 645631  
PITTSBURGH PA 15264-5254



**TOLL POSTING DATES**  
07/22/2022 01:18 to 09/13/2022 01:27

This invoice reflects transactions posted to your account during the current billing period.  
Travel for other vehicles registered to you will be invoiced separately.

### ACCOUNT ACTIVITY FOR INVOICE - PLATE

**TOTAL AMOUNT DUE: \$8.70**

**Convert to an E-ZPass account by 10/03/2022 - Pay \$6.50 and SAVE \$2.20\***

Scan **QR code** on Page 1 or go to **[paturndpike.com/pay-a-bill](https://paturndpike.com/pay-a-bill)**. Follow steps to log into your Toll By Plate invoice. On the main page, select **“Convert to E-ZPass Account.”**

*\*When opening an E-ZPass account, a Prepaid Balance is required.*

## Get the PA Toll Pay App

## Manage your Toll By Plate account

- Pay Toll By Plate Invoices
- Sign up for AutoPay to save 15% on invoices
- Convert to E-ZPass to pay the lowest toll rate

## Manage your E-ZPass account

- Update your account information
- Review transactions
- Add or register a new transponder



## Failure to Pay

Failure to pay the amount due by the due date will result in late fees and/or collection fees being added AND may result in civil/criminal court action being taken.

Under the PA Vehicle Code, the PA Turnpike may request suspension of PA vehicle registrations for unpaid tolls and fees. The PA Turnpike may also impose penalties as authorized under reciprocity agreements with other states or tolling entities.

## Help, I Have an E-ZPass!

**Your E-ZPass account may need attention:**

- Does your account have funds available?
- Is your license plate correctly listed on your account?
- Is your transponder properly mounted on your windshield?

After updating your E-ZPass account information, log in to your Toll By Plate invoice and select "Pay with E-ZPass Account" to pay the E-ZPass toll rate. You can also complete and return Section A of the Appeal Form.

# APPEAL FORM

Note: Appeals may not be processed on past due toll transactions

For your appeal to be considered, you must complete the following steps by 10/03/2022

1. Complete section A, B or C of the appeal form below.
2. Sign and date the certification at the bottom of the appeal form.
3. Mail this appeal form to the address at the bottom of this page.



Failure to send the required information within 30 days of the original invoice date will render the owner, lessor or rental agent liable for the total amount due.

## SECTION A: E-ZPASS CUSTOMER VERIFICATION

- ☐ **Pennsylvania E-ZPass customer:** We will attempt to deduct the toll from your E-ZPass account.
- ☐ **Out of State E-ZPass customer:** Return appeal form with check/money order for the E-ZPass rate displayed on page 2 of invoice.

**Please ensure your account has a positive balance and that the vehicle is correctly listed on your account.**

Name of E-ZPass Accountholder

E-ZPass Account Number

E-ZPass Transponder Number

Signature of E-ZPass Accountholder

Telephone Number

## SECTION B: CERTIFICATION OF NON-LIABILITY

The undersigned certifies that on the travel date(s) indicated on the invoice, the vehicle bearing the license plate number was:

- ☐ **Not My Vehicle** (Documentation from DMV may be required) ☐ **Incorrectly Identified License Plate** ☐ **Other/Written Appeal**
- ☐ **Leased or Rented** (Lease/Rental agreement required) ☐ **Stolen** (Police Report Required)

**Lessee/Renter Information:**

Name

Date of theft or execution of lease agreement

Street Address

City

State

Zip

## SECTION C: OVERCOMING INFERENCE OF OWNER LIABILITY

The owner of the vehicle is inferred to be the operator at the time of the travel. In order to overcome the inference, the vehicle owner must provide a written statement with the following information:

- The vehicle owner was not operating the vehicle at the time of travel, and
- The name and residence address of the person operating the vehicle at the time of travel.

**CERTIFICATION: This section MUST be completed for all Appeal Form Sections (A, B and C). Unsigned Appeals will not be processed.**

I certify that the foregoing statements are true and accurate to the best of my knowledge. I understand that if any of the foregoing statements are willfully false, I am subject to penalties pursuant to Pennsylvania law.

Signature

Print Name

Date

Email Address

Phone Number

Fold Here



paturnpike.com/pay-a-bill



877.736.6727 (Ph)  
717.565.4312 (Fax)

## APPEAL REMITTANCE

Return Appeal in envelope provided

Invoice Number:  
Account Number:

Fold Here

1-1



1-1




PA TURNPIKE  
TOLL BY PLATE APPEAL  
300 EAST PARK DRIVE  
HARRISBURG PA 17111-2729

CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**  
  
**(Pursuant to Commonwealth Documents Law)**

*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><b><u>Pennsylvania Turnpike Commission</u></b> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>60-003</u></p> <p>DATE OF ADOPTION: <u>10/6/2020</u></p> <p>BY:  Mark P. Compton</p> <p>TITLE: Chief Executive Officer</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>Doreen McCall</u> Doreen A. McCall Chief Counsel</p> <p><u>7/11/2023</u> DATE OF APPROVAL</p> <p>(Chief Counsel, <del>Independent Agency</del>) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**NOTICE OF FINAL RULEMAKING**

**TITLE 67. TRANSPORTATION**

**Part II. Turnpike Commission**

**Chapter 601. Traffic Regulations**

**FINAL-FORM RULEMAKING 60-003**

**TURNPIKE COMMISSION**

**67 PA. CODE CH. 601**

**Traffic Regulations**

**Preamble**

The Turnpike Commission (Commission) hereby amends Chapter 601 (relating to traffic regulations) to read as set forth in Annex A. Specifically, the Commission amends §§ 601.1, 601.3, 601.5, 601.9, 601.12—601.15, 601.17, 601.18 and 601.101—601.103.

**A. *Statutory Authority***

The Commission is publishing this final-form rulemaking under the authority of sections 4 and 12 of the act of May 21, 1937 (P.L. 774, No. 211) (36 P.S. §§ 652d and 652l); 74 Pa.C.S. §§ 8102, 8107, 8116 and 8117 (relating to definitions; commission powers and duties; collection and disposition of tolls and other revenue; and electronic toll collection); and 75 Pa.C.S. §§ 6110 and 6110.1 (relating to regulation of traffic on Pennsylvania Turnpike; and fare evasion).

**B. *Purpose of the Final-Form Rulemaking***

This final-form rulemaking establishes the Commission's statutory authority to promulgate traffic regulations that promote the health, safety and welfare of the Commission's customers traveling on the Turnpike System. The amendments to Chapter 601 shall revise and improve the regulations and reflect the Commission's conversion to a cashless tolling system, that is, all electronic tolling (AET). The amendments include new policies and procedures regarding special hauling permits for over-dimensional/overweight vehicles, update the regulations and chart regarding the transportation of hazardous materials through Turnpike

tunnels and revise language regarding vehicles excluded from the Turnpike System and tandem trailer combinations. The amended regulations also address recent statutory amendments to electronic toll collection and fare evasion. Additional changes include clarifying existing language, deleting or revising obsolete language and other editorial amendments.

**C. *Explanation of the Final-Form Rulemaking***

*§ 601.1. Definitions*

The definition of “Class 9 vehicle” has been amended to “over-dimensional/overweight vehicle” in conjunction with the revisions to § 601.14 (relating to over-dimensional/overweight vehicle) and the implementation of a new special hauling permitting process. As part of the Commission’s conversion to a cashless tolling system, the Commission has updated and modernized its long-standing Class 9 toll rate for use with AET and the revised permitting process. The phrase “*combination of vehicles*” has been added to clarify that an “over-dimensional/overweight vehicle” could represent other forms of combinations, including tandems. Section 102 of 75 Pa.C.S. (relating to definitions) defines “Combination” as “two or more vehicles physically interconnected in tandem.” “Tandem” is defined in § 601.1 (relating to definitions) of the Commission’s regulations “as a truck tractor, semitrailer and trailer”. Therefore, for example, there could be a heavy wrecker (tow truck) towing a bus or a truck tractor. The revised definition also includes the maximum gross weight that may be carried upon any one axle (22,400 pounds).

The definition of “Hazardous material” has been amended to reflect the proper citation of said definition as found in the *Code of Federal Regulations*.

The definition of “max time formula” has been deleted because these formulas are determined by business rules rather than a regulation, which the Commission may need to modify periodically.

*§ 601.3. Officers*

This section has been amended to reflect the conversion of the Turnpike to a cashless tolling system and deletes references to toll collection and fare booths. The phrase “*other officers*” is deleted because the word “officers” already appears in the text for § 601.3 (relating to officers). Likewise, the term “*maintenance personnel*” has been deleted because the term “employees” is intended to capture all Commission employees.

*§ 601.5. Hazardous materials*

This section has been amended to update the existing chart regarding the Commission’s policies for the transportation of hazardous materials through Turnpike tunnels. The Federal Motor Carrier Safety Administration and the U.S. Department of Transportation (USDOT) recognize nine classes as the first level of warning for hazardous materials and multiple placards can fall into those classes. Title 49 of the *Code of Federal Regulations* sets forth the nine hazardous materials classes, listed by class – not placard. See 49 CFR 173.2 (relating to hazardous materials classes and index to hazard class definitions). The definitions for each class are found in various other subsections of 49 CFR Part 173 (relating to shippers-general requirements for shipments and packagings). The hazard class is the overall category of a hazard material, whereas the placard is the recommended sign placed on a vehicle. Because USDOT has multiple placards for some of the classes, the Commission does not want carriers to focus on a single placard for a specific hazardous materials class. To avoid confusion, the revised chart

eliminates “Placard Name” and now separates hazardous materials classes into Prohibited, Prohibited in Bulk Packaging and Permitted. Therefore, the amended chart will: (1) recognize and clarify the classes, (2) be easier to read and interpret, and (3) realign the Commission’s regulations to remain consistent with Federal law.

The revised chart will update the status of organic peroxide (Class 5.2) as a prohibited hazardous material, which is the only substantive change to the existing chart. The Commission has already been operating under this change since 2014 to remain consistent with Federal placard revisions required for the highway transportation of organic peroxide, which became mandatory on January 1, 2014. At that time, the Commission updated its web site and guidelines for transporting hazardous materials through its tunnels to include the prohibition of organic peroxide (Class 5.2). Therefore, this will not be a newly disclosed prohibited class for Commission customers, but the amended chart will officially reflect the change that was instituted in 2014. Other amendments to this section are editorial.

#### *§ 601.9. U-turns*

This section has been amended to clarify who may authorize a U-turn on the Turnpike System.

#### *§ 601.12. Toll collection*

In 2020, the Commission converted to AET, a cashless tolling system that incorporates electronic toll collection. The Commission no longer issues paper tickets and all tolls are collected by electronic toll collection as defined in 74 Pa.C.S. § 8102 (relating to definition), which includes E-ZPass and license plate imaging captured by cameras or similar technology



(Toll By Plate). Section 8116 of 74 Pa.C.S. establishes the Commission's statutory authority to charge and collect tolls, including the right to authorize, fix and revise toll rates for use of the Turnpike System. Section 12 of the Commission's 1937 enabling statute (36 P.S. § 6521) provides similar language. The language of both statutes grants the Commission broad discretion regarding tolling and demonstrates a clear legislative intent that the Commission shall have the sole authority to establish the most efficient and modern methods regarding the collection of tolls. No other governmental entity or agency in the Commonwealth has been granted these powers, which further proves the legislature's intent that the Commission rely on its operational experience and tolling expertise to determine the best way to collect tolls on the Turnpike System.

This section has been renamed "Toll collection," formerly "Toll tickets," and fully amended to reflect the conversion to AET. The new language incorporates the definition of electronic toll collection which includes the implementation of license plate tolling and any other technology used to identify vehicles traveling the Turnpike System and a citation to 74 Pa.C.S. § 8116.

*§ 601.13. Evasion of fare*

The General Assembly enacted the act of November 25, 2013 (P.L. 974, No. 89) and codified the language of 75 Pa.C.S. § 6110.1 into the Vehicle Code, which sets the penalties for fare evasion or attempted fare evasion committed on the Turnpike System, including any affirmative actions, which is a misdemeanor of the third degree. Section 601.13 (relating to evasion of fare) has been amended to reference the language and penalties set forth in 75 Pa.C.S.

§ 6110.1 of the Vehicle Code. This section has also been amended to reflect the elimination of paper toll tickets as part of the Commission's conversion to a cashless tolling system.

The General Assembly enacted the act of November 3, 2022 (P.L. 1734, No. 112), which amended the language contained in 75 Pa.C.S. § 6110.1(f) relating to "affirmative action" to incorporate the Commission's conversion to electronic toll collection. The 2022 amendments to § 6110.1 were codified nearly a year and a half after the publication of the Commission's proposed rulemaking in the *Pennsylvania Bulletin* (67 Pa.B. 3347) on June 19, 2021, and IRRC's subsequent August 18, 2021, comments.

In response to comments received from IRRC, a new subsection (c) has been added to § 601.13 in the Annex A of the final-form rulemaking, which lists the actions that constitute "affirmative action" for fare evasion or attempted fare evasion (with reference to amended § 6110.1(f) of the Vehicle Code). Accordingly, the Commission has deleted previously proposed language in § 601.13(b)(2.1) and (3.1) because similar language appears in amended § 6110.1(f) of the Vehicle Code (now included in the new subsection § 601.13 (c)). Specifically, the proposed language in § 601.13(b)(2.1) now appears in § 601.13(c)(6) of the final-form regulation, and the proposed language in § 601.13(b)(3.1) now appears in § 601.13(c)(1). Moreover, to remain consistent, the Commission has deleted and reserved the existing language in § 601.13(b)(1) because similar language exists in amended § 6110.1(f)(5) of the Vehicle Code, which has now been added to the final-form regulation as § 601.13 (c)(5).

As suggested by IRRC, the changes discussed above to § 601.13 in the Annex A of the final-form rulemaking help bring clarity to the Commission's fare evasion regulation. The

changes are not substantive and will incorporate the 2022 amendments already made by the General Assembly to § 6110.1(f) of the Vehicle Code.

*§ 601.14. Over-dimensional/overweight vehicles*

As stated previously, the definition of a “Class 9 vehicle” found in § 601.1 has been amended to “over-dimensional/overweight vehicle”. Accordingly, this section has been renamed and amended to reflect the Commission’s revised policies and procedures for issuing special hauling permits for over-dimensional/overweight vehicles. To foster uniformity within the trucking/hauling industry, and consistency with other entities using a similar permitting process (such as PennDOT and the Ohio Turnpike Commission), the Commission will now charge a separate fee for a special hauling permit in addition to regular toll rates. First, operators of over-dimensional/overweight vehicles must apply for a special hauling permit and pay a \$37 flat fee along with an additional 24 cent-per-ton-mile fee on all weight in excess of 80,000 pounds (if applicable). Second, all appropriate tolls are assessed according to the vehicle classification system in place and then paid in lane by E-Z Pass or Toll By Plate at the time of travel.

As part of its conversion to AET, the Commission’s long-standing Class 9 toll rate has been updated for use with the revised permitting process that includes a new toll rate (now equal to the significantly lower Class 8 toll rate). The former Class 9 toll was always higher than other tolling rates because of the need for the Commission to affect repairs to the Turnpike System from damage done by over-dimensional/overweight vehicles. The pre-AET Class 9 rate had such costs built into the toll rate and represented the cost for carriers to travel on the Turnpike, in effect a user fee. However, due to the revised toll rates under AET, the revised permitting system will result in revenue/cost neutrality for the Commission and the carriers and customers impacted

by the new procedures. Moreover, the revised permitting system will not impose new or restrictive conditions on said carriers or customers traveling on the Turnpike System.

The amendments to this section also revised the language regarding escorts for vehicles with excessive width, length, height or weight. As suggested in IRRC's comments, the Commission has revised § 601.14(a) in Annex A to the final-from rulemaking to include the Commission's website to direct and alert customers on how to request and obtain a special hauling permit.

*§ 601.15. Vehicles excluded from the Turnpike*

To be consistent with the amendments to § 601.14, this section has been amended to replace the term "Class 9 vehicle" with "over-dimensional/overweight vehicle" and the requirement to obtain a special hauling permit before these vehicles can travel on the Turnpike System. This section was also amended to prohibit certain vehicles on the Turnpike System during adverse travel conditions. Weather-related exclusions are already permitted under § 601.15(a) (relating to vehicles excluded from the Turnpike). The Commission's intent is to exclude certain vehicles, as already listed in § 601.15(a), from the Turnpike System for non-weather-related travel conditions as determined by the Commission. For example, closure of a bridge due to structural damages, such as the Delaware Bridge in 2017, or a truck fire in a tunnel.

*§ 601.17. Authorized vehicle*

The amendments to this section clarify existing language or are editorial.

*§ 601.18. Accident prevention investigations*

The amendment to this section is editorial.

*§ 601.101. Length limit for tandems*

To be consistent with the amendments to § 601.14, this section has been amended to replace the term “Class 9 vehicle” with “over-dimensional/overweight vehicle” and the requirement to obtain a special hauling permit regarding tandem combinations exceeding 85 feet in length.

*§ 601.102. Weight and dimensional limits for tandems*

To be consistent with the amendments to § 601.14, this section has been amended to replace the term “Class 9 vehicle” with “over-dimensional/overweight vehicle” and the requirement to obtain a special hauling permit regarding tandem combinations. The Commission has deleted the sentence “[t]he maximum gross weight that may be carried upon any one axle may not exceed 22,400 pounds” because it is redundant and could be confusing to carriers when read in conjunction with the newly defined “over-dimensional/overweight vehicle”. Likewise, obsolete language regarding excessive maximum gross axle weight and upgrading to the next higher vehicle classification has also been deleted.

*§ 601.103. Exclusion of tandem truck trailers*

This section has been amended to update the proper citation for the definition of “hazardous materials, substances or wastes” as found in the *Code of Federal Regulations*.

**D. *Response to Comments and Summary of Changes***

The Commission received no public comments from the regulated community or the general public during the public comment period, which closed on June 19, 2021. On August 18, 2021, the Commission received comments to its proposed rulemaking from the Independent

Regulatory Review Commission (IRRC). The Commission's responses to IRCC's comments are set forth below with explanation of any changes made to the proposed rulemaking:

1. Compliance with the provisions of the RRA or the regulations of IRRC in promulgating the regulation; Possible conflict with statutes and regulations.

IRRC has asked the Commission to identify how many of the approximately 800 registered vendors/businesses with former "Class 9" accounts as reported in the RAF for 2018-2019 would be considered small businesses, and if so, how many. The Commission has no identifiable method for answering IRRC's question because it does not collect such data or records and does not ask whether a customer applying for a permit is operating as a small business. In the past (including 2018-2019), the Commission has not requested or required personal information from former "Class 9" permit applicants including financial information, business practices, proof of business level (i.e., whether a business or small business), or other related information. In short, the Commission would have no way of knowing whether a customer applying for a permit is a small business. The Commission does not request such information now with its special hauling permits and accounts and it will not be a requirement of the final-form regulations. Requesting the business status or classification of a customer applying for a permit could be interpreted as discriminatory in nature. Moreover, the Commission does not require such information to set up an account or process an application for a permit.

In its answers to RAF #s 15 and 17, the Commission explained that all customers operating an over-dimensional/overweight vehicle on the Turnpike System shall be required to comply with the final-form regulations and register and obtain a special hauling permit (formally "Class 9" permit). Accordingly, the requirements for a special hauling permit are applied

equally to any person, business, small business or an organization (as were the former “Class 9” permits in 2018-2019). As detailed by the Commission’s answers in RAF #s 15, 17, 24 and 27, there is no significant financial/economic or adverse impact to small business (or any permit applicant) because the final-form regulations are revenue/cost neutral when compared to the previous regulations. The final-form regulations amend and revise procedures that already exist and have been in place with the Commission for decades. Moreover, the revised regulations for registering and obtaining a special hauling permit - which all applicants were already required to comply with - will not impose new or restrictive conditions on customers traveling on the Turnpike System (including small businesses).

IRRC has ask the Commission to explain how its *Fiscal Impact* statement is consistent with Section 612 of the Administrative Code of 1929, its accompanying regulations at 4 Pa. Code §§ 7.231-7.234 and the RRA. In November 2021, the Commission contacted the Chief Counsel for the Office of the Budget (OB) seeking confirmation on whether the Commission is required to submit a fiscal note for its proposed rulemaking. OB discussed the issue internally and decided that OB would not produce a fiscal note for the Commission’s proposed rulemaking. OB reasoned that because the Commission does not receive funds from the State Treasury, and operates almost exclusively out of its own funding, the Commission does not fall within Section 612 of the Administrative Code of 1929, 71 P.S. § 232. Accordingly, the Commission’s Fiscal Note comment at the conclusion of its Preamble in the proposed rulemaking is accurate and remains as stated.

In response to IRRC’s comment regarding the consistency of the *Fiscal Impact* statement, the Commission has as updated its response in the Preamble included with the final-form rulemaking.

2. Section 601.13. Evasion of fare. -- Clarity; and Possible conflict with or duplication of statutes or existing regulations.

IRRC provided several comments regarding the Commission's amendments to Section 601.13. Evasion of fare, including a suggestion that the Commission insert into the regulation the actions that constitute "affirmative action" as listed in 75 Pa. C.S.A. § 6110.1(f) of the Vehicle Code. IRRC requested that the Commission define "Electronic toll collection device" and explain what makes such a device valid. IRRC also asked the Commission to clarify the intent of certain conditions that must be present to be considered as fare evasion and to correct certain non-regulatory language.

The General Assembly enacted the act of November 3, 2022 (P.L. 1734, No. 112), which amended the language contained in 75 Pa.C.S. § 6110.1(f) relating to "affirmative action" to incorporate the Commission's conversion to electronic toll collection. The 2022 amendments to § 6110.1 were codified after the publication of the Commission's proposed rulemaking in the Pennsylvania Bulletin (67 *Pa.B.* 3347) on June 19, 2021, and IRRC's subsequent August 18, 2021, comments.

To reflect the amended § 6110.1(f) of the Vehicle Code as codified by the General Assembly, and to address IRRC's comments, the Commission has revised the language of § 601.13 in Annex A as previously submitted with its proposed rulemaking. The Commission has deleted, rearranged and added additional language into § 601.13 of the Annex A. As suggested by IRRC for purposes of clarity, a new subsection (c) has been added, which lists the actions that constitute "affirmative action" (with reference to § 6110.1(f) of the Vehicle Code). With the addition of what constitutes "affirmative action", the Commission has deleted the proposed language in § 601.13(b) 2.1 and 3.1 previously submitted with the proposed rulemaking and has



also deleted and reserved the existing language in §601.13(b)(1). The inclusion of similar language from the amended § 6110.1(f) of the Vehicle Code is now contained in the new subsection § 601.13 (c) that addresses toll evasion in an electronic toll collection environment. As a result, the proposed language in § 601.13(b) 2.1 and 3.1, and the existing language in § 601.13(b)(1), is redundant. Further details to these amendments to Annex A can be found above in section C. *Explanation of the Final-Form Rulemaking* of this Preamble.

The amended language in Annex A also includes reference to the definition of “Electronic toll collection device” as found in 74 Pa.C.S. § 8102, as amended (relating to definitions). This is a new definition to 74 Pa.C.S. § 8102 that was also added by the General Assembly to § 6110.1(f) of the Vehicle Code in the 2022 amendments and did not exist at the time IRRC submitted its comments. The Commission prefers to reference the definition of “Electronic toll collection device” in 74 Pa.C.S. § 8102, instead of adding and repeating the same definition to the final-form regulations (as is common practice in rulemaking). The term “valid” Electronic toll collection device, as is now appears in the new subsection (c) of § 601.13 in Annex A, is used in the same context as the General Assembly’s 2022 amendments to § 6110.1(f) of the Vehicle Code. “Valid” in its common usage meaning legally or officially acceptable.

IRRC’s remaining comments regarding the proposed language in § 601.13(b) 2.1 and 3.1 have been resolved with inclusion of what constitutes “affirmative action” into a new subsection § 601.13 (c) to the final-form rulemaking. The language previously proposed in § 601.13 (b) 2.1 has been deleted and similar language from the amended § 6110.1(f)(6) of the Vehicle Code now appears in the new § 601.13(c)(6) found in Annex A. The non-regulatory language “and/or” has been removed.

Likewise, the previously proposed language in § 601.13 (b) 3.1 is now deleted and similar language from the amended § 6110.1(f)(1) of the Vehicle Code now appears in a new § 601.13(c)(1) found in Annex A. IRRC asked if the Commission's intent is that both conditions, i.e., operating a vehicle without a license plate *and* valid vehicle registration, must be present to be considered an attempted evasion of fare. The answer is yes, and this same language also appears in the amended § 6110.1(f)(1) of the Vehicle Code.

As explained in detail above, the Commission has updated the relevant sections in the final-form rulemaking (in the Preamble and Annex A) to reflect the recommended changes and address IRRC's comments.

3. Section 601.14. Over-dimensional/overweight vehicles. -- Clarity.

As part of its comments, IRRC asked the Commission to explain why the additional requirements pertaining to special hauling permits found on the Commission's website - such as policies for escort vehicles and engineering approvals - are not part of the amended regulations. The Commission desires to maintain the specific policies and procedures for special hauling permits on its website to facilitate easier changes and updates as required. Therefore, the final-form regulations will remain general as to the permit requirements. However, the Commission agrees with IRRC's suggestion to include a reference in Annex A to the Commission's website to alert customers on how to request and obtain a special hauling permit. Accordingly, the Commission has revised § 601.14(a) in the Annex A in the final-form rulemaking to include its website.

4. Miscellaneous.

The Commission agrees with IRRC's comment that the language contained in § 601.13(b)(6) should be consistent with the statutory definition of "Electronic toll collection".

Accordingly, § 601.13(b)(6) in Annex A has been revised in the final-form rulemaking to reflect IRRC’s recommendation and the term “appropriate” has been replaced with “prescribed”.

**E. *Persons and Entities Affected***

This final-form rulemaking is intended to update and revise the Commission’s current regulations. As before, all customers of the Commission (whether a person, business, small business or an organization) that travel on the Turnpike System will be affected by and required to comply with the final-form regulations.

**F. *Fiscal Impact***

The Commonwealth and local governments will not experience increased costs and/or savings as a result of these final-form regulations. Moreover, as explained in depth in the RAF, the final-form regulations are expected to be cost neutral and should not impose significant, new fiscal impacts to the regulated community. All customers who travel on the Turnpike System shall be required to comply with the final-form regulations and the changes are consistent with current practices that have been in place for decades. No adverse impacts on small businesses are anticipated because the final-form regulations amend and revise the previous regulations that apply to all customers who travel on the Turnpike System including all businesses (small or large). Also, no new legal, accounting or consulting procedures are required because of the final-form regulations.

**G. *Regulatory Review***

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 1, 2021, the Commission submitted a copy of these proposed regulations, published at 51 *Pa.B.* 3347, to IRRC and to the Chairpersons of the House and Senate Transportation Committees for review

and comment. In addition to the proposed regulations, IRRC and the Committees were provided with a copy of a detailed Regulatory Analysis Form. In preparing the final-form rulemaking, the Commission considered all comments received from IRRC. No public comments were received. The Commission also received no comments from the House and Senate Transportation Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5(j.2)), on \_\_\_\_\_, 2023, this final-form rulemaking was deemed approved by the House and Senate Transportation Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2023, and approved this final-form rulemaking.

**H. *Effective Date***

This rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

**I. *Sunset Provisions***

The Commission has not established a sunset date for these final-form regulations because the Traffic Regulations found in 67 Pa. Code Chapter 601 are in effect on a continual basis. The Commission shall continue to monitor these regulations for their effectiveness and will propose amendments when required.

**J. *Contact Person***

The contact person for questions about this final-form rulemaking is John F. Dwyer, Assistant Counsel, Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17106-7676; telephone number (717) 831-7343; and e-mail address: [jdwyer@paturndpike.com](mailto:jdwyer@paturndpike.com).

**K. Findings**

The Commission finds that:

(1) Public notice of the amendments to the regulations at 67 Pa. Code, Chapter 601, was given at 51 *Pa.B.* 3347 under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law. No public comments were received.

(3) These amendments to the regulations of the Commission are necessary and appropriate for the continued administration and enforcement of the traffic regulations that promote the health, safety and welfare of the Commission's customers traveling on the Turnpike System.

**L. Order**

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 67 Pa. Code, Chapter 601, are amended to read as set forth in Annex A.

(b) The Commission shall submit this final-form regulation to the Office of Attorney General, as required by law, for approval as to form and legality.

(c) The Commission shall submit this final-form regulation to the IRRC and the House and Senate Transportation Committees as required by law.

- (d) The Commission shall certify this final-form regulation and deposit it with the  
Legislative Reference Bureau, as required by law.
- (e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania  
Bulletin*.

Mark P. Compton  
Chief Executive Officer  
Pennsylvania Turnpike Commission

ANNEX A  
TITLE 67. TRANSPORTATION  
PART II. TURNPIKE COMMISSION  
CHAPTER 601. TRAFFIC REGULATIONS  
GENERAL

§ 601.1. Definitions.

\* \* \* \* \*

[*Class 9 vehicle*] *Over-dimensional/overweight vehicle* — A vehicle or combination of vehicles, including the load carried thereon, which exceeds any one of the following: 100,000 pounds in maximum gross weight, 22,400 pounds maximum gross weight carried upon any one axle, 13 feet 6 inches in height, 10 feet in width, 85 feet in overall length, or which has a load or part thereof extending 5 feet or more beyond the front bumper or 15 feet or more beyond the rear bumper. The front and rear overhang of stinger steered vehicles, as defined in 23 CFR [658.13(d)] 658.13(e) (relating to length), may not be included in calculating the overall length of the stinger steered vehicle, as long as the front overhang does not exceed 3 feet and the rear overhang does not exceed 4 feet.

\* \* \* \* \*

*Hazardous material*—An explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable and nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic peroxide, radioactive material, etiologic agent or other regulated material defined in [49 CFR Parts 100—177 (relating to research and special programs administration, Department of Transportation)] 49 CFR Chapter I (relating to

**pipeline and hazardous materials safety administration, Department of Transportation)**

whether a material, a substance or a waste product.

**[*Max-time formula*—The method by which the Commission determines the maximum amount of time a patron should normally spend on the Turnpike system.]**

*Recreational vehicle*—A multipurpose passenger vehicle that provides living accommodations for persons or an apportionable vehicle designed or converted and used exclusively for personal pleasure or travel by an individual or the individual's family.

\* \* \* \* \*

**§ 601.3. Officers.**

A driver of a motor vehicle and other persons using or traveling upon the Turnpike System shall obey the signs, signals and oral directions rendered by officers, **[employees]** **employees**, independent contractors or agents of the Commission, including the State Police [, **the toll collectors at fare booths and interchanges, maintenance personnel and other officers that are employed by the Commission**].

\* \* \* \* \*

**§ 601.5. Hazardous materials.**

(a) Hazardous materials may be transported, under the required Federal permits, on the Turnpike ~~system~~ SYSTEM, if the shipments are in full compliance with 10 CFR **Part** 71 (relating to packaging and transportation of radioactive material), 49 CFR **Chapter I**, Subchapter C (relating to hazardous materials regulations), **[the Federal motor carrier safety regulations,]**



49 CFR **Parts** 390—397, **regarding Federal motor carrier safety regulations**, and other Federal or State laws or regulations relating to the transportation of hazardous materials.

(b) A transporter of hazardous materials shall carry the required Federal permits while traveling on the Turnpike System and shall present the permits upon demand to any Commission **[employee]** **employee** or the Pennsylvania State Police.

(c) Explosives Divisions 1.1, 1.2, 1.3 and Radioactive materials as defined in 49 CFR **[73.50]** **173.50** and 173.403, respectively (relating to Class 1—definitions; and definitions) are prohibited from being transported on the Turnpike in tandem trailer combinations.

(d) The total volume of material in a tandem combination may not exceed the total volume that could be carried in a single trailer.

(e) The following materials are prohibited, **[restricted]** **prohibited in bulk packaging** or permitted in Commission tunnels under the following chart. **[Restricted is defined as nontanker loads, limited to transport in nonbulk packaging of 119 gallons per container or less, under 49 CFR 171.8 (relating to definitions and abbreviations).]** **Bulk Packaging is defined in 49 CFR 171.8 (relating to definitions and abbreviations).**

<b><u>[PLACARD NAME]</u></b>	<b><u>POLICY</u></b>
Table 1 Materials	
Explosives 1.1	Prohibited
Explosives 1.2	Prohibited
Explosives 1.3	Prohibited
Poison Gas	Prohibited
Dangerous When Wet	Prohibited
Poison (Inhalation Hazard)	Prohibited
Radioactive	Prohibited
Table 2 Materials	
Explosives 1.4	Prohibited
Explosives 1.5	Prohibited

Explosives 1.6	Prohibited
Flammable Gas	Restricted
Non-Flammable Gas (Refrigerated Oxygen)	Permitted
Flammable Liquids	Restricted
Combustible (Fuel Oil)	Permitted
Flammable Solid	Restricted
Spontaneously Combustible	Restricted
Oxidizer	Restricted
Organic Peroxide	Restricted
Poison	Restricted
Keep Away From Food	Permitted
Corrosive	Restricted
Miscellaneous (Class 9)	Permitted]

<b><i>Prohibited Hazardous Materials Classes</i></b>		
<b><i><u>Hazardous Material</u></i></b>	<b><i><u>Class</u></i></b>	<b><i><u>Policy</u></i></b>
All Explosives	<u>1.1-1.6</u>	<u>Prohibited</u>
Poison Gas	<u>2.3</u>	<u>Prohibited</u>
Dangerous When Wet	<u>4.3</u>	<u>Prohibited</u>
Organic Peroxide	<u>5.2</u>	<u>Prohibited</u>
Poison (Inhalation Hazard)	<u>6.1</u>	<u>Prohibited</u>
Radioactive	<u>7</u>	<u>Prohibited</u>
<b><i>Prohibited in Bulk Packaging Hazardous Materials Classes</i></b>		
<b><i><u>Hazardous Material</u></i></b>	<b><i><u>Class</u></i></b>	<b><i><u>Policy</u></i></b>
Flammable Gas	<u>2.1</u>	<u>Prohibited in bulk packaging</u>
Flammable Liquid	<u>3</u>	<u>Prohibited in bulk packaging</u>
Flammable Solid	<u>4.1</u>	<u>Prohibited in bulk packaging</u>
Spontaneously Combustible	<u>4.2</u>	<u>Prohibited in bulk packaging</u>
Oxidizer	<u>5.1</u>	<u>Prohibited in bulk packaging</u>
Poison (Other than Inhalation Hazard)	<u>6</u>	<u>Prohibited in bulk packaging</u>
Corrosive	<u>8</u>	<u>Prohibited in bulk packaging</u>
<b><i>Permitted Hazardous Materials Classes</i></b>		
<b><i><u>Hazardous Material</u></i></b>	<b><i><u>Class</u></i></b>	<b><i><u>Policy</u></i></b>
Non-Flammable Gas	<u>2.2</u>	<u>Permitted</u>
Combustible (Fuel Oil)	<u>3</u>	<u>Permitted</u>
Miscellaneous	<u>9</u>	<u>Permitted</u>
Dangerous	<u>=</u>	<u>Permitted</u>

<u>Stow Away From Food Stuffs</u>	<u>=</u>	<u>Permitted</u>
---------------------------------------	----------	------------------

\* \* \* \* \*

**§ 601.9. U-turns.**

The making of a U-turn on the Turnpike System is prohibited except by authorized vehicles. A driver of a motor vehicle may reverse direction of travel only by passing through an interchange **[and paying the fare] or other tolling point**. The Pennsylvania State Police may authorize a U-turn in an emergency and **[fare collection] other personnel authorized by the Commission** may authorize a U-turn **[at an interchange] when necessary**.

\* \* \* \* \*

**§ 601.12. Toll [tickets] collection.**

**[(a) Each vehicle shall obtain a toll ticket upon entering the Turnpike System at an interchange.**

**(b) The toll ticket shall then be surrendered to a toll collector together with the appropriate fare upon exiting the Turnpike System.**

**(c) The patron shall stop and exhibit his toll ticket upon request by the State Police or a Commission employe.**

**(d) In the event of a lost toll ticket, the patron shall pay the fare from the farthest point of entry on the Turnpike to the actual point of exit.]**

**All vehicles that travel on the Turnpike System, unless otherwise authorized, shall pay a toll through any of the following:**

**(1) Electronic toll collection, as defined in 74 Pa.C.S. § 8102 (relating to definitions).**

**(2) By license plate tolling with an invoice sent to the vehicle's registered owner, as authorized in 74 Pa.C.S. § 8116 (relating to collection and disposition of tolls and other revenue).**

**(3) Any other technology which identifies a vehicle by photographic, electronic or other method, as authorized in 74 Pa.C.S. § 8116.**

**§ 601.13. Evasion of fare.**

(a) Evasion of fare or attempted evasion of fare is prohibited and constitutes a summary offense **unless a person intentionally or knowingly takes an affirmative action as defined in 75 Pa.C.S. § 6110.1 (f) (relating to fare evasion) in an attempt to evade tolls, in which case the offense constitutes a misdemeanor of the third degree.** Fines for evasion of fare [or], attempted evasion of fare **and affirmative action** are imposed by [75 Pa.C.S. § 6110(b) (relating to regulation of traffic on Pennsylvania Turnpike)] **75 Pa.C.S. § 6110.1 (a) and (b).**

(b) Evasion of fare or attempted evasion of fare includes the following:

(1) ~~Entering or exiting the Turnpike System except through an interchange, unless directed to do so by the State Police or [a]~~ **an authorized** Commission ~~[employee]~~ **employee** (RESERVED).

(2) [The presentation to a State Trooper or toll collector of a toll ticket which indicates that the patron has exceeded the travel time allotted based on the max-time formula, where the patron cannot produce satisfactory physical evidence,

including the driver's record of duty status, demonstrating that the age of the ticket was the result of actual excess time spent legitimately on the Turnpike System by the patron and was not the result of fare evasion or attempted fare evasion] (Reserved).

**~~2.1 — Operating a vehicle on the Turnpike System without a valid electronic toll collection device and/or obstructing or covering the vehicle's license plate.~~**

(3) [Possession by the patron of more than one toll ticket] (Reserved).

**~~3.1 — Operating a vehicle on the Turnpike System without a license plate and valid vehicle registration.~~**

(4) [Possession by the patron of a toll ticket which was issued from an interchange located in the direction in which the patron is traveling] (Reserved).

(5) [Possession or presentation by a patron of a toll ticket which has been intentionally altered or mutilated] (Reserved).

(6) The failure by [the patron] a person to pay the appropriate PRESCRIBED toll [upon exiting the Turnpike System] AS INDICATED IN § 601.12 (RELATING TO TOLL COLLECTION).

(7) [Appropriation or attempted appropriation by a patron of more than one toll ticket at an interchange] (Reserved).

(8) [The exchange of toll tickets by two or more patrons] (Reserved).

(C) AS USED IN THIS SECTION, THE TERM "AFFIRMATIVE ACTION", AS DEFINED IN 75 PA.C.S. § 6110.1(F) (RELATING TO FARE EVASION), INCLUDES:

(1) OPERATING A VEHICLE WITHOUT A LICENSE PLATE AND VALID VEHICLE REGISTRATION;

(2) OPERATING A VEHICLE WITHOUT A VALID ELECTRONIC TOLL COLLECTION DEVICE, AS DEFINED IN 74 PA.C.S. § 8102 (RELATING TO DEFINITIONS), AND INSTALLING A MECHANISM WHICH ROTATES, CHANGES, BLOCKS OR OTHERWISE MECHANICALLY ALTERS THE ABILITY OF A LICENSE PLATE TO BE READ BY A TOLL COLLECTION SYSTEM;

(3) INSTALLING A DEVICE UPON A VEHICLE WHICH SERVES THE SOLE PURPOSE OF MASKING, HIDING OR MANIPULATING THE TRUE WEIGHT OF THE VEHICLE AS IT APPEARS TO A MECHANICAL SCALE;

(4) CONSPIRING WITH AN INDIVIDUAL OR GROUP OF INDIVIDUALS TO ALTER, LOWER OR EVADE PAYMENT OF CORRECT TOLLS;

(5) UNAUTHORIZED USE OF A PENNSYLVANIA TURNPIKE PRIVATE GATE ACCESS OR OTHERWISE UNAUTHORIZED MOVEMENT ENTERING OR EXITING THE TURNPIKE OTHER THAN AT APPROVED TOLLING POINTS;  
AND

(6) OPERATING A VEHICLE WITHOUT A VALID ELECTRONIC TOLL COLLECTION DEVICE AND ALTERING, OBSTRUCTING, COVERING, DISTORTING, MANIPULATING OR REMOVING A LICENSE PLATE FROM A VEHICLE TO IMPEDE ELECTRONIC TOLL COLLECTION, AS DEFINED IN 74 PA.C.S. § 8102 (RELATING TO DEFINITIONS).

**§ 601.14. [Class 9 vehicles] Over-dimensional/overweight vehicles.**

(a) Prior to entering the Turnpike System, **[Class 9] operators of over-dimensional/overweight** vehicles shall **[contact the Commission's Safety Department at (717) 939-9551, extension 2970 or 2980, to] request and** obtain a **[Class 9] special hauling permit according to Commission policies and procedures and pay all applicable fees.** THE REQUESTER MUST APPLY ONLINE AT THE COMMISSION'S WEBSITE, [WWW.PATURNPIKE.COM](http://WWW.PATURNPIKE.COM), WHICH CONTAINS ALL OF THE CURRENT POLICIES AND PROCEDURES FOR OBTAINING A SPECIAL HAULING PERMIT.

(b) The requester shall be prepared to provide the following information:

- (1) The size, weight and number of axles of the **[Class 9] over-dimensional/overweight** vehicle.
- (2) The name, address and telephone number of the carrier.
- (3) The planned entry and exit interchange.
- (4) The planned date of movement.
- (5) Other information which may be requested by the **[Safety Department] Commission.**

(c) If approved, the **[Safety Department] Commission** will provide the requester with **[a four-digit Class 9 move number, which shall be provided to the toll collector at the time of entry] proof of a valid special hauling permit that the operator shall produce upon request from the State Police or a Commission employee at any point during permitted travel on the Turnpike System.**

(d) [Vehicles over 11 feet in width, 90 feet in length or 125,000 pounds in weight may be required to provide an escort vehicle for movement on the Turnpike System.]

Based on Commission policies and procedures, operators of over-dimensional/overweight vehicles with excessive width, length, height or weight, or at the discretion of the Commission, may be required to provide an escort vehicle or have a State Police escort, or both, for movement on the Turnpike System.

(e) [Class 9] Over-dimensional/overweight vehicles may travel on the Turnpike System only on days and at times designated by the Commission. The [Safety Department] Commission will provide schedules and additional information [upon request] according to policies and procedures.

(f) If the [requester] operator is unable to travel on the planned [date] dates of movement, or the special hauling permit is cancelled, the requester shall notify the [Safety Department accordingly] Commission according to policies and procedures.

#### **§ 601.15. Vehicles excluded from the Turnpike.**

(a) During adverse weather or travel conditions, recreational vehicles, motorcycles, vehicles towing trailers, tandem trailers, buses and [Class 9] over-dimensional/overweight vehicles may be excluded from parts or all of the Turnpike System. Vehicles may be excluded from the Turnpike System to effect proper snow removal or to remedy hazardous situations. Unsafe vehicles may be excluded at any time.

(b) [Class 9] Over-dimensional/overweight vehicles are prohibited from using the Turnpike System except by special hauling permit issued from the Commission, as indicated in



§§ 601.1 and 601.14 (relating to definitions; and [Class 9] over-dimensional/overweight vehicles).

\* \* \* \* \*

**§ 601.17. Authorized vehicle.**

(a) For the purposes of this chapter, the term “authorized vehicle” shall be defined as follows:

(1) A vehicle which carries the Commission seal, including automobiles and construction and maintenance vehicles.

(2) A vehicle owned by the Commission which does not carry the Turnpike seal.

(3) A vehicle driven by a Commission [employee] employee used in an official capacity and in the performance of employment.

(4) A vehicle of the Commission’s Consulting Engineer utilized in the furtherance of the Consulting Engineer’s duties, under the Trust Indenture.

(5) A vehicle of a consultant under contract with the Commission utilized in the furtherance of the consultant’s duties under the Commission contract.

(6) A towing or wrecking vehicle which meets the following conditions:

(i) Through contract with the Commission [is] as an authorized service [dealer] provider and the vehicle displays that designation.

(ii) Is called by an authorized **[employee]** **employee** of the Commission or the State Police to perform special clean-up or towing services.

(7) A construction vehicle owned, leased or operated by a company performing a construction contract for the Commission which is operating within the terms of the contract.

(8) A vehicle which has obtained prior permission from the Commission and is moving under the supervision of **[a State trooper]** **the State Police** in executing the otherwise restricted activity.

\* \* \* \* \*

#### **§ 601.18. Accident prevention investigations.**

(a) The Commission may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the cause of traffic accidents and the improvements which may help prevent similar types of accidents or increase the overall safety of the Turnpike roadway and bridges.

(b) In-depth accident investigations and safety studies and information, records and reports used in their preparation are not discoverable or admissible as evidence in any civil action or proceeding. Officers or **[employees]** **employees** or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports are not required to give depositions or evidence pertaining to anything contained in the in-depth accident investigations or safety study records or reports in any civil action or other proceeding.

## TANDEM TRAILER COMBINATIONS

### § 601.101. Length limit for tandems.

A semitrailer, or the trailer of a tandem trailer combination, may not be longer than 28 1/2 feet. A tandem combination—including the truck tractor, semitrailer and trailer—which exceeds 85 feet in length is considered **[a Class 9] an over-dimensional/overweight** vehicle which requires a special **hauling** permit to travel on the Turnpike System.

### § 601.102. Weight and dimensional limits for tandems.

A tandem trailer combination which is considered **[a Class 9] over-dimensional/overweight** vehicle shall require a special **hauling** permit to travel on the Turnpike System. **[The maximum gross weight that may be carried upon any one axle may not exceed 22,400 pounds. A tandem trailer combination which exceeds the maximum gross axle weight shall be upgraded to the next higher vehicle classification.]** In tandem combinations, the heaviest trailer shall be towed next to the truck tractor.

### § 601.103. Exclusion of tandem tank trailers.

Tandem tank trailer combinations transporting hazardous materials, substances or wastes, as defined in **[49 CFR Chapter 1(relating to research and special programs administration, Department of Transportation)] 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation)** are prohibited from using the Turnpike System.



Pennsylvania Turnpike Commission

PO Box 67676  
Harrisburg PA 17106-7676  
717.939.9551

Office of Chief Counsel  
Phone: 717-831-7343  
Fax: 717-986-9654  
jdwyer@paturndpike.com

July 12, 2023

**Via Electronic Mail:** [irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)

David Sumner, Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, 333 Market Street  
Harrisburg, PA 17101

Re: Final-Form Rulemaking  
#60-003 — 67 Pa. Code, Chapter 601  
Traffic Regulations

Dear Mr. Sumner:

Attached for review by the Independent Regulatory Review Commission, please find the Face Sheet, Preamble, Annex A, Regulatory Analysis Form and Transmittal Sheet for Chapter 601 of the Pennsylvania Turnpike Commission's (Commission) regulations, which the Commission intends to adopt in accordance with the provisions of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*.

Copies of the aforementioned documents were also delivered today via e-mail to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees. Attached to my e-mail correspondence are read receipts evidencing the receipt of the final rulemaking documents by the House and Senate Transportation Committees.

The Commission will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review of these Final-Form regulations.

Thank you for your consideration.

Very truly yours,

John F. Dwyer  
Assistant Counsel

JFD/ams  
Enclosures

cc: Mark P. Compton, Chief Executive Officer  
Craig R. Shuey, Chief Operating Officer  
Doreen A. McCall, Chief Counsel

## Dwyer, John

---

**From:** Wagon seller, Kyle <KWagonse@pahouse.net>  
**Sent:** Wednesday, July 12, 2023 9:05 AM  
**To:** Dwyer, John  
**Subject:** RE: Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

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**Kyle Wagon seller | Executive Director**  
House Transportation Committee  
Majority Chairman Ed Neilson (D)  
127 Irvis Office Building, Harrisburg, PA 17120  
Office: 717-772-1786 | Cell: 717-982-1114  
E-mail: [kwagonse@pahouse.net](mailto:kwagonse@pahouse.net)

*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

**From:** Dwyer, John <jdwyer@paturnpike.com>  
**Sent:** Wednesday, July 12, 2023 9:03 AM  
**To:** Wagon seller, Kyle <KWagonse@pahouse.net>  
**Subject:** Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

Good morning, Kyle:

Attached, please find a cover letter and a copy of the final-form rulemaking from the Pennsylvania Turnpike Commission (67 Pa. Code Chapter 601 – Traffic Regulations, #60-003).

Please reply with confirmation that the rulemaking has been received by your office.

Thank you.

John F. Dwyer  
Assistant Counsel

---

### Pennsylvania Turnpike Commission

700 S. Eisenhower Blvd. | PO Box 67676 | Harrisburg, PA 17106-7676  
Phone 717-831-7343 | Fax 717-986-9654  
[jdwyer@paturnpike.com](mailto:jdwyer@paturnpike.com) | [www.paturnpike.com](http://www.paturnpike.com)

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Review Commission  
July 12, 2023*

**Dwyer, John**

---

**From:** James Bowes <Jbowes@pahousegop.com>  
**Sent:** Wednesday, July 12, 2023 10:05 AM  
**To:** Dwyer, John  
**Cc:** Josiah Shelly; McCall, Doreen  
**Subject:** RE: Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

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John – This has been accepted on behalf of Chairman Benninghoff, Minority Chair of the House Transportation Committee.

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Review Commission  
July 12, 2023*

**From:** Dwyer, John <jdwyer@paturndpike.com>  
**Sent:** Wednesday, July 12, 2023 9:07 AM  
**To:** James Bowes <Jbowes@pahousegop.com>  
**Cc:** Josiah Shelly <Jshelly@pahousegop.com>; McCall, Doreen <dmccall@paturndpike.com>  
**Subject:** Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

Good morning, James and Josiah:

Attached, please find a cover letter and a copy of the final-form rulemaking from the Pennsylvania Turnpike Commission (67 Pa. Code Chapter 601 – Traffic Regulations, #60-003).

Please reply with confirmation that the rulemaking has been received by your office.

Thank you.

John F. Dwyer

Assistant Counsel

## Pennsylvania Turnpike Commission

700 S. Eisenhower Blvd. | PO Box 67676 | Harrisburg, PA 17106-7676

Phone 717-831-7343 | Fax 717-986-9654

[jdwyer@paturndpike.com](mailto:jdwyer@paturndpike.com) | [www.paturndpike.com](http://www.paturndpike.com)

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Review Commission  
July 12, 2023***

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**Dwyer, John**

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**From:** Ritchie, Nolan <nritchie@pasen.gov>  
**Sent:** Wednesday, July 12, 2023 9:26 AM  
**To:** Dwyer, John  
**Cc:** McCall, Doreen  
**Subject:** Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

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*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

**Nolan R. Ritchie, M.P.A.**

Executive Director, [Senate Transportation Committee](#)

Office of [Senator Wayne Langerholc, Jr.](#) (R-35)

281 Main Capitol Building, Harrisburg, PA 17120

T: 717-787-5400 | Direct: 7-8772 | E: [nritchie@pasen.gov](mailto:nritchie@pasen.gov)

**From:** Dwyer, John <jdwyer@paturndpike.com>  
**Sent:** Wednesday, July 12, 2023 9:13 AM  
**To:** Ritchie, Nolan <nritchie@pasen.gov>  
**Cc:** McCall, Doreen <dmccall@paturndpike.com>  
**Subject:** Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

◎ CAUTION : External Email ◎

Good morning, Nolan:

Attached, please find a cover letter and a copy of the final-form rulemaking from the Pennsylvania Turnpike Commission (67 Pa. Code Chapter 601 – Traffic Regulations, #60-003).

Please reply with confirmation that the rulemaking has been received by your office.

Thank you.

*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

John F. Dwyer

Assistant Counsel

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## Pennsylvania Turnpike Commission

700 S. Eisenhower Blvd. | PO Box 67676 | Harrisburg, PA 17106-7676

Phone 717-831-7343 | Fax 717-986-9654

[jdwyer@paturndpike.com](mailto:jdwyer@paturndpike.com) | [www.paturndpike.com](http://www.paturndpike.com)

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**Dwyer, John**

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**From:** Gensimore, Justin <Justin.Gensimore@pasenate.com>  
**Sent:** Wednesday, July 12, 2023 9:55 AM  
**To:** Dwyer, John  
**Cc:** McCall, Doreen  
**Subject:** RE: Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

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Good morning, John,

I can confirm that the office of Chairman Marty Flynn is in receipt of the attached final-form regulations.

We will review the documents that you have provided and will reach out accordingly, should we have any questions or concerns.

Thank you in advance.

Best,  
Justin

*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

Warm regards,

**Justin M. Gensimore**

Executive Director | Senate Transportation Committee  
Office of Senator Marty Flynn  
Room 184 Main Capitol | Harrisburg | PA | 17120  
(O) 717.787.6481 | (E) [Justin.Gensimore@PASenate.com](mailto:Justin.Gensimore@PASenate.com)

**From:** Dwyer, John <jdwyer@paturnpike.com>  
**Sent:** Wednesday, July 12, 2023 9:16 AM  
**To:** Gensimore, Justin <Justin.Gensimore@pasenate.com>  
**Cc:** McCall, Doreen <dmccall@paturnpike.com>  
**Subject:** Delivery of Final-Form Regulation #60-003 (67 Pa. Code Chapter 601 – Traffic Regulations) Pennsylvania Turnpike Commission

■ EXTERNAL EMAIL ■

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Good morning, Justin:

Attached, please find a cover letter and a copy of the final-form rulemaking from the Pennsylvania Turnpike Commission (67 Pa. Code Chapter 601 – Traffic Regulations, #60-003).

Please reply with confirmation that the rulemaking has been received by your office.

Thank you.

John F. Dwyer  
Assistant Counsel

*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

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**Pennsylvania Turnpike Commission**

700 S. Eisenhower Blvd. | PO Box 67676 | Harrisburg, PA 17106-7676  
Phone 717-831-7343 | Fax 717-986-9654  
[jdwyer@paturndpike.com](mailto:jdwyer@paturndpike.com) | [www.paturndpike.com](http://www.paturndpike.com)

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

**I.D. NUMBER:** 60-003

**SUBJECT:** TRAFFIC REGULATIONS

**AGENCY:** PENNSYLVANIA TURNPIKE COMMISSION

*Received by the  
Independent Regulatory  
Review Commission  
July 12, 2023*

**TYPE OF REGULATION**

- ( ) Proposed Regulation
- (X) 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
- ( ) Delivery of Tolled Regulation  
( ) With Revisions      ( ) Without Revisions

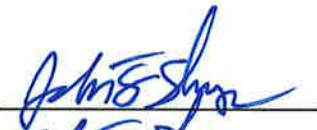
**FILING OF REGULATION**

**DATE**

**SIGNATURE**

**DESIGNATION**

7/12/23



**HOUSE COMMITTEE ON TRANSPORTATION -**

**MAJORITY CHAIR:** Rep. Ed Neilson, via e-Delivery

7/12/23



**MINORITY CHAIR:** Rep. Kerry Benninghoff, via e-Delivery

**SENATE COMMITTEE ON TRANSPORTATION -**

7/12/23



**MAJORITY CHAIR:** Sen. Wayne Langerholc, Jr., via e-Delivery

7/12/23



**MINORITY CHAIR:** Sen. Marty Flynn, via e-Delivery

7/12/23



**INDEPENDENT REGULATORY REVIEW COMMISSION**

David Sumner, Executive Director, via e-Delivery

**ATTORNEY GENERAL (for Final Omitted only)**

**LEGISLATIVE REFERENCE BUREAU (for Proposed only)**