

RULES AND REGULATIONS

Title 16—COMMUNITY AFFAIRS

MUNICIPAL RETIREMENT BOARD

[16 PA. CODE CHS. 81, 83, 85, 87 AND 91]

Revisions to Rules and Regulations

The Municipal Retirement Board (Board) amends Chapters 81, 83, 85, 87 and 91 to read as set forth in Annex A.

Purpose of Final-Form Rulemaking

Under Executive Order 1996-1, the Board has undertaken a review of its existing rules and regulations. Based on that review, the Board proposes a number of technical and substantive amendments to its rules and regulations as set forth in Annex A.

General Comments

1. *Gender neutral language.* The regulations have not been updated since 1976, and generally use the masculine tense. The changes rewrite, where applicable, to gender neutral language.

2. *Deletions of language in the Pennsylvania Municipal Retirement Law (53 P.S. §§ 881.101—881.502) (law).* Generally, where the regulatory provisions merely repeat or restate language already contained in the law, the language was deleted as unnecessary.

3. *Consolidation.* Currently the regulations contain one chapter for each of the four articles of the law. Much of Chapters 85 and 87 was repetitive simply referencing the previous chapters. The revisions consolidate the regulations making all the regulations applicable to every article of the law, and deleting the repetitious sections.

Section by Section Analysis

§ 81.1. *Definitions.*

Active member—Added to clarify plans which use this term.

Actuarially equivalent—Technical correction.

Annuitant—Deleted because language is substantially repetitive of the law.

Beneficiary—Technical correction.

Board—No change.

Contributor—Added to clarify that the term “contributor” includes members not required to make member contributions to the Pennsylvania Municipal Retirement System (System).

Date of termination of service—Technical corrections and rewritten for clarity.

Inactive member—Added to clarify plans which use this term.

Intervening military service—Deleted because language is either substantially repetitive of the law or is outdated under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Law—Technical correction.

Municipal employe—Deleted as unnecessary.

Municipal fireman—Deleted as unnecessary.

Municipal policeman—Deleted as unnecessary.

Municipality—Deleted because language is either substantially repetitive of or inconsistent with the law.

New member—Deleted because it is an unused term.

Optional membership—Technical corrections.

Portability—Definition added because term is commonly used in municipality contracts.

System—Deleted because language is substantially repetitive of the law.

Vestee—Changed to vested member.

§ 81.2. *Applicability of regulations*—Because regulations are being consolidated to eliminate unnecessary repetition, this section is added to reflect that all regulations are applicable to all articles of the law.

§ 81.3. *General powers of the Board*—Deleted language substantially repetitive of the law and added clarification that the Board acts as an independent administrative board.

§ 81.4. *Actuarial investigation, tables and rates*—Deleted outdated language and added language consistent with the Internal Revenue Code.

§ 81.5. *Information to municipalities*—Deleted because language was substantially repetitive of the law.

§ 81.6. *Election by municipalities to join retirement system*—Deleted because language was either substantially repetitive of the law or outdated.

§ 81.7. *Retirement funds and accounts*—Deleted language substantially repetitive of the law and added language clarifying the various accounts maintained by the System, and clarifying a municipality's right upon withdrawal to a portion of the retired members' reserve account based upon *Pottstown v. PMRS*.

§ 81.9. *Management and investment of fund; interest credits*—Technical corrections and added language clarifying the Fund as a trust.

§ 81.10. *Withdrawal provisions*—Deleted municipal guarantee because language was substantially repetitive of the law and consolidated portion of § 83.14 along with additional language clarifying a withdrawing municipality's responsibility to retired members and beneficiaries, and clarifying the use of the term municipal employe for withdrawal purposes only.

§ 81.11. *Contract provisions*—Added term clarifying how it is determined if a contract contains an increase or decrease of benefits, and limits thereon.

§ 81.12. *Existing local retirement systems*—Deleted because language is either substantially repetitive of the law or outdated.

§ 81.13. *Monthly payments*—Deleted because language is either substantially repetitive of the law or outdated.

§ 81.14. *Exemption of retirement allowance*—Deleted because language is substantially repetitive of the law and conflicting with current Pennsylvania case law regarding domestic relations matters.

§ 83.3. *Compulsory and optional membership*—Technical corrections.

§ 83.4. *Service allowance; change of employment; military service*—Deleted subsections (a)—(h) because language was either substantially repetitive of the law or

outdated. Deleted subsection (i) because language was substantially repetitive of the law and conflicted with USERRA.

§ 83.5. *Determination of municipal liability*—Deleted because language was substantially repetitive of the law.

§ 83.6. *Contributions by members*—Deleted subsections (a) and (b) because language was either substantially repetitive of the law or outdated. Changed subsection (c) to comply with the Internal Revenue Code.

§ 83.7. *Purchase requirements for previous service*—Deleted subsections (a)—(d) because language was either substantially repetitive of the Law or outdated.

§ 83.8. *Superannuation retirement*—Deleted because language was substantially repetitive of the law.

§ 83.9. *Death benefits*—Deleted because language was substantially repetitive of the law.

§ 83.10. *Early retirement*. Deleted because language was substantially repetitive of the law.

§ 83.11. *Options on superannuation or early retirement*—Deleted language substantially repetitive of the law, and rewrote subsections (b) and (c) to reflect the System's current policy and to note that the municipal portion of the benefit shall be paid in a monthly annuity.

§ 83.12. *Disability retirement*—Deleted subsections (a), (c) and (d) because the language is substantially repetitive of the law.

§ 83.13. *Vesting*—Deleted because language was substantially repetitive of the law or outdated.

§ 83.14. *Withdrawal provisions*—Paragraphs (1)—(9) were deleted because the language was substantially repetitive of the law. Paragraph (10) in substantial part has been moved to § 81.10 for consolidation purposes.

§ 83.15. *Procedures for amending contracts*—Deleted because language was substantially repetitive of the law.

Chapter 85. Municipal Firemen and Municipal Police—Deleted and consolidated.

Chapter 87. Optional Retirement Plans—Deleted and consolidated.

§ 91.1. *Applicability of general rules*—Technical corrections.

Statutory Authority

The Board's authority to promulgate rules and regulations for the proper administration of the System is in section 104(10) of the law (53 P. S. § 881.104(10)). The rulemaking consists of technical and substantive amendments to the Board's existing rules and regulations.

The final-form rulemaking is authorized by the Board's authority to promulgate rules and regulations as may be required for the proper administration of the System's Fund, and for the transaction of business of the Board under section 104(10) of the law.

Public Comment

The Board received no comments from the public on the proposed rulemaking.

Comments from the Senate and House Standing Committees

The Board received no comments from the Senate and House Standing Committees on the proposed rulemaking.

Comments from the Independent Regulatory Review Commission

The Board received comments from IRRC. These comments are as follows:

1. IRRC commented that the inclusion of Chapters 85 and 87 in § 81.2 is inappropriate because Chapters 85 and 87 are being deleted.

The change has been made.

2. IRRC commented that the term "nominee registration process" found in § 81.9(b) should be either defined or explained for clarification.

The language of § 81.9 has been changed to broadly and more clearly set forth policy to facilitate the purchase, sale and custody of securities for the Fund.

3. IRRC commented that § 81.10 should be clarified by: (1) reference to section 214 of the law (53 P. S. § 881.214); (2) placing subsection (b) before subsection (a); and (3) rewriting subsection (a).

Section 81.10 has been changed to reference section 412 of the law. Subsection (b) has been moved before subsection (a). Subsection (a) has been changed using in large part the language suggested by IRRC.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 5249 (October 17, 1998), to IRRC and the Chairpersons of the House Local Government Committee and the Senate Local Government Committee.

In compliance with section 5(c) of the Regulatory Review Act, the agency also provided IRRC and the Committees with copies of all comments received. In preparing the final-form regulations, the agency has considered all comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), the final-form regulations were deemed approved by the House and Senate Committees on May 16, 2000. IRRC met on May 25, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

Fiscal Impact and Paperwork Requirements

The final-form regulations do not impose increased costs or increased paperwork requirements on the Commonwealth, local governments, the private sector or the general public.

Persons Affected

The final-form regulations affect members of the System and municipalities with pension plans in the System.

Effective Date

The final-form regulations will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

A sunset date is not being established for these regulations because they are necessary for the administration of the substantive provisions of the law. The Board will closely monitor these regulations for their effectiveness.

Further Information

Individuals who need information about the final-form regulations may contact James B. Allen, Secretary, Municipal Retirement System, P. O. Box 1165, Harrisburg, PA 17108-1165.

Findings

The Board finds that:

(1) Public notice of the Board's intention to adopt the amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1202 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form regulations are necessary and appropriate for the administration of the Pennsylvania Municipal Retirement Fund.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 16 Pa. Code Chapters 81, 83, 85, 87 and 91, are amended by amending §§ 81.1—81.4, 81.7, 81.9—81.11, 83.3, 83.6, 83.7, 83.11, 83.12 and 91.1 and deleting §§ 81.5, 81.6, 81.12—81.14, 83.4, 83.5, 83.8—83.10, 83.13, 83.14, 85.1, 85.3—85.17 and 87.1—87.13 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and Office of General Counsel as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES B. ALLEN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2688 (June 3, 2000).)

Fiscal Note: Fiscal Note 49-1 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 16. COMMUNITY AFFAIRS****PART III. MUNICIPAL RETIREMENT BOARD****CHAPTER 81. GENERAL PROVISIONS****§ 81.1. Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Accumulated deductions—The total amount deducted from the salary or compensation of the contributor plus regular interest credited thereon, based on a benefit plan selected and as determined by an actuary, and shall also include payments for arrearages for reinstatement or purchase of service, as otherwise permitted by law.

Active member—A municipal employe, municipal firefighter or municipal police officer who is earning credited service in a System pension plan as a result of employment with a municipality that has enrolled in the System.

Actuarially equivalent—Annuities or lump sum amounts of equal present value determined by appropriate actuarial factors based on mortality tables and interest rates currently adopted and used by the Board.

Beneficiary—A person last designated in writing by a contributor or a retired member, or if one is not so designated, the estate of the member or next of kin under

20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), to the extent applicable.

Board—The Pennsylvania Municipal Retirement Board required by the law to administer the System.

Contributor—The term includes a member who has a member's account with the System, regardless of whether the account contains accumulated deductions.

Date of termination of service—

(i) For an active member, the last day of employment in a status covered by the eligibility requirements of the pension plan.

(ii) For an inactive member, the date on which formal action is taken by the employer to separate the member from employment.

Effective date of disability retirement—The date following the last day for which compensation was paid or the date on which the member filed an effective application for disability benefits, whichever is later.

Inactive member—A municipal employe, municipal firefighter or municipal police officer who is enrolled in the System but is no longer earning credited service in a System pension plan as a result of separation from or leave from employment.

Law—The Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.502).

Optional membership—Shall be available to those categories of employes authorized by law, resolution or ordinance to elect or refrain from electing membership.

(i) If they choose not to join, the declination of membership shall apply for the period of time the employe serves continuously in that optional category.

(ii) If there is a break in service and the employe returns, the member may not be permitted to purchase optional membership time previously declined, but may be a member for future optional service, if the employe so chooses.

(iii) If the employe returns to service when there is mandatory membership, the member shall be required to join the plan, on a prospective basis only.

Portability—The condition by which a member leaves the employ of a System administered plan and within 1 year of the date of termination of service enters into the employ of another System administered plan and the member elects to transfer his previously accrued service credits to the new employer, subject to provision of municipalities' contracts.

Prior service—This may not apply to municipal employes or officers who are returning to service in those municipalities which had optional plans in which the member chose not to enroll. The term includes service to the municipality prior to the effective date of the plan unless the municipality elects to limit credit for the service.

Regular interest—The rate fixed by the Board, on the basis of earnings on investments and, as applied to members' contributions, means interest compounded annually to be calculated as follows: The sum of the accumulated deductions at the conclusion of the previous year and the mean balance of the current year's contributions multiplied by the regular interest amount then in existence for the fractional part of a year for which the contributor was a member.

Retired member—A former municipal employe, municipal firefighter or municipal police officer, or the beneficiary or survivor annuitant of a municipal employe, municipal firefighter or municipal police officer who is entitled to a monthly benefit payment from the retired member's reserve account of the System.

System—The Pennsylvania Municipal Retirement System created by the law.

Vested member—A member after a stipulated age or with sufficient years of service, or both, based on the plan in which the member is enrolled, who has terminated municipal service and has elected to leave total accumulated deductions in the Fund and to defer receipt of an annuity representing both the member's and municipal benefits, provided the election is made within 90 days after the effective date of termination of service.

§ 81.2. Applicability of regulations.

This chapter and Chapters 83 and 91 (relating to municipal employes) shall be equally applicable under all articles of the law.

§ 81.3. General powers of the Board.

The Board will act as an independent administrative board with all of the powers specified in section 104 of the law (53 P. S. § 881.104).

§ 81.4. Actuarial investigation, tables and rates.

(a) Board adopted actuarial assumptions and tables shall be a part of and applied consistently to all System administered plans.

(b) In the preparation of actuarial studies intended to be used for the possible enrollment of plans into the System, the same actuarial assumptions and tables shall be used as are applied to existing, enrolled plans.

§ 81.5. [Reserved]

§ 81.6. [Reserved].

§ 81.7. Retirement funds and accounts.

(a) The Board will consolidate for investment purposes the assets of the various plans. The Board will account separately for each plan's assets in a municipal account and each individual active member, inactive member and vested member's assets in a member's account. The Board maintains pooled accounts for retired members (the Retired Members' Reserve Account) and for the funding of disability benefits (the disability reserve).

(b) When a municipality withdraws the administration of its plan from the System, the municipality shall only be entitled to the assets credited to the plan's municipal account and the plan's members' accounts in accordance with the provisions of the law. Assets that are actuarially determined by the Board's actuary to be matched to a withdrawing plan's retired members as of the effective date of withdrawal will also be returned to the plan in accordance with the law provided there are sufficient funds in the retired member's reserve account to meet the actuarially determined liability of all retired members of the System, as of the date of withdrawal; otherwise payment shall be on a prorated basis.

§ 81.9. Management and investment of Fund; interest credits.

(a) The Board will have the exclusive responsibility to manage the Fund with full power to invest the moneys therein, subject to the terms, conditions, limitations and restrictions imposed by law upon fiduciaries. The assets of the Fund shall be held in trust. No part of the assets of

the Fund will be used for or diverted to purposes other than for the exclusive benefit of the members, their spouses or the member's beneficiaries prior to the satisfaction of all liabilities of the Fund with respect to them, provided that the Fund shall be used to pay reasonable administrative expenses of the System.

(b) The Board may take action necessary and appropriate to facilitate the purchase, sale and custody of Fund assets.

§ 81.10. Withdrawal provisions.

(a) A plan withdrawal by a municipality shall comply with section 412 of the law (53 P. S. § 881.412).

(b) A plan withdrawing from the System that has retired members shall provide to the Board as a part of the withdrawal application an acknowledgment of the plan sponsor to assume responsibility for the providing of all future benefit payments for the existing retired members and beneficiaries effective with the withdrawal.

(c) Prior to the Board's approval of a withdrawal under section 412 of the law, the Board may require:

(1) The withdrawing municipality to enter into a written agreement with the Board which would terminate its contractual relationship with the Board and fix the respective rights of the parties.

(2) The withdrawing municipality to obtain individual waivers or releases from affected members, who will no longer be eligible for benefits from the System for service rendered to the withdrawing municipality.

(d) The term "municipal employe" for the purpose of plan withdrawal shall include active member, inactive member, vested member and retired member.

§ 81.11. Contract provisions.

(a) Plans enrolling or improving plan benefits under Article IV of the law (53 P.S. §§ 81.401—81.413) may not provide benefits in excess of or provide for member contribution rates less than those available to a municipality or a municipality's class of employes under existing law, including laws applicable to the establishment of pension plans.

(b) Plan improvements shall be determined on a total plan basis and not on a benefit-by-benefit comparison nor on an individual-by-individual comparison. An individual's accrued benefit may not be diminished by the implementation of an improved benefit plan contract.

§ 81.12. [Reserved].

§ 81.13. [Reserved].

§ 81.14. [Reserved].

CHAPTER 83. MUNICIPAL EMPLOYES

§ 83.3. Compulsory and optional membership.

(a) Each municipality shall determine, subject to review and approval by the Board, the eligibility of its employes for membership in the System.

(b) If membership in a plan is optional, the municipality shall advise affected employes of the option and, within 1 year after the optional membership is available to the employe, the employe shall exercise the option or indicate in writing that membership in the plan is not elected. The action is irrevocable during the period of the continuous service of the employe.

(c) Each municipality shall supply the Board with its rules regarding a probationary period for plan membership and the period shall be uniform for all employes. An

employe in the probationary status, if subsequently enrolled as a member may not be eligible for service credit for the time served in the probationary period.

§ 83.4. [Reserved].

§ 83.5. [Reserved].

§ 83.6. **Contributions by members.**

Contributions required to be made by a member may not be paid by the municipality under any circumstances other than the provisions of section 414(h)(2) of the Internal Revenue Code (26 U.S.C.A. § 414(h)(2)). If an employe is simultaneously employed by more than one municipality or in positions that make the individual eligible for membership in more than one plan, the member shall receive credit for concurrent service for each plan and the member's compensation for each plan shall be considered separately for benefit purposes.

§ 83.7. **Purchase requirements for previous service.**

A former contributor who has withdrawn total accumulated deductions may, upon a subsequent return to service, restore to the Fund those accumulated deductions representing that member's previous service and continue accruing service credits for service rendered subsequent to the return to service, provided the member pays the amount due thereon plus regular interest up to the date of purchase in a lump sum within 30 days after billing, or through salary deductions amortized with regular interest through a repayment period of not more than 5 years, provided that regular interest is charged through the repayment period chosen by the member and approved by the Board.

§ 83.8. [Reserved].

§ 83.9. [Reserved].

§ 83.10. [Reserved].

§ 83.11. **Options on superannuation or early retirement.**

(a) Once a member has filed an application for a benefit, and the member has received and cashed the first benefit payment check, the selected retirement benefit option of the member shall be irrevocable unless the retired member returns to active service to the plan from which the member retired. Only the member may change a benefit option.

(b) A plan enrolled in the system may not allow for the present value of a living member's benefit to be paid in one lump sum. The municipal portion of the annuity payment shall be paid in a monthly annuity payment option.

§ 83.12. **Disability retirement.**

(a) Disability applications shall be accompanied by medical documentation on forms supplied by the Board to enable the Board's medical examiners to review and determine whether the applicant is medically disabled and prohibited from engaging in a gainful occupation.

(b) The Board may require the earnings reports as it deems necessary to insure that a disability annuitant is unable to engage in a gainful occupation.

§ 83.13. [Reserved].

§ 83.14. [Reserved].

CHAPTER 85. (Reserved)

§ 85.1. (Reserved).

§§ 85.3—85.17. (Reserved).

CHAPTER 87. (Reserved)

§§ 87.1—87.13. (Reserved).

CHAPTER 91. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

§ 91.1. **Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), applies to the activities of and proceedings before the Board.

[Pa.B. Doc. No. 00-1079. Filed for public inspection June 23, 2000, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-980134]

Reporting Requirements Relating to the Submission of Gas Supply and Demand Data

The Pennsylvania Public Utility Commission (Commission) on March 2, 2000, adopted a final rulemaking order modifying the reporting requirements in §§ 59.81 and 59.84 (relating to periodic reporting requirements for major gas utilities; and formats) regarding gas supply and demand data. The contact persons are William Hall, Bureau of Conservator, Economics and Energy Planning (717) 783-1547 and Rhonda Daviston, Law Bureau, (717) 787-6166.

Executive Summary

On February 9, 1998, the Pennsylvania Gas Association (PGA) filed a petition requesting that the Commission modify the reporting requirements in §§ 59.81 and 59.84. These requirements involve gas supply and demand data. The petition requested that the existing requirements be replaced by the proposed modified supply and demand forms.

The purpose of this regulation is to consolidate the existing 10 forms, containing 49 tables, which now provide data on 5 historic years and 3 projected years. The changes eliminate seasonal data requirements, reduce the historical reporting period from 5 years to 2 years, eliminate detailed pricing information and tariff rates for transportation and storage, and add new tables which are focused on the current year annual and peak day data. The result is that the existing 10 forms with 49 tables will be reduced to 9 forms with 9 tables. These new forms and tables will provide a clearer and more concise presentation than the current tables.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the proposed rulemaking published at 29 Pa.B. 1515 (March 20, 1999) and served on March 10, 1999, to the Independent Regulatory Review Commission (IRRC) and the

Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

Under section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on May 9, 2000, these final-form regulations were deemed approved by the House Committee on Consumer Affairs and by the Senate Committee on Consumer Protection and Professional Licensure. The final-form regulations were deemed approved by IRRC on May 11, 2000, under section 5.1(e) of the Regulatory Review Act.

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held
March 2, 2000

Final Rulemaking Order

By the Commission:

On February 9, 1998, the PGA filed a petition requesting that the Commission amend §§ 59.81 and 59.84. These regulations concern the Natural Gas Integrated Resource Planning Reports. The petition specifically involved the gas supply and demand forms (Forms IRP IA, IB, 1C, 2A, 2B, 2C, 4A, 4B, 4C).

Simultaneously, the PGA requested a waiver of the existing reporting requirements, and also requested that the proposed modified supply and demand forms be accepted by the Commission in lieu of the current requirements. The Commission approved that request on February 26, 1998.

The proposed rulemaking was published at 29 Pa.B. 1515 (March 20, 1999). Following publication, the Commission received a letter from the PGA in lieu of a formal comment. In its letter, the PGA noted that the new forms were developed through the joint efforts of utility representatives and Commission staff. The PGA endorsed the proposed amendments and stated that the new forms significantly reduce the number of tables submitted without compromising the Commission's analytical base or emergency preparedness.

By this order, we amend the reporting requirements in §§ 59.81 and 59.84 relating to the submission of gas supply and demand data. Specifically, we are consolidating the 10 forms containing 49 tables, which now provide data on 5 historic years and 3 projected years. The nine new consolidated forms will eliminate seasonal data and duplicative data. Each new form will contain one table and will provide data for 2 historic years and 3 projected years. Under the amended regulations, the existing 10 forms with 49 tables will become 9 forms with a total of 9 tables.

The amendments cover four main topics: elimination of seasonal data requirements, reduction of the historical reporting period from 5 years to 2 years, elimination of detailed pricing information and tariff rates for transportation and storage, and the addition of new tables which are focused on the current year annual and peak day data.

We are satisfied that we need not continue requiring the submission of seasonal data, except for the annual storage report. The Commission has not had occasion to use seasonal data for policy review for at least the past few years, nor have we received a request for seasonal information from the public or any other agency.

There have been some special cases in which we have examined seasonal storage data (injections and withdrawals). However, if seasonal data is necessary in a particular instance, specific data can always be gathered on a case by case basis. Additionally, the amended regulations continue to require the submission of annual and peak day storage injection and storage withdrawal data.

A reduction of the historical reporting period from 5 years to 2 years is reasonable. Since a 5-year span only reiterates data which is available from previous reports, the Commission will continue to have access to this information, as necessary.

The elimination of detailed supply pricing information and tariff rates for transportation and storage will significantly simplify the reports. Although the contract volumes and termination dates of contracts will still be important during the continued restructuring of the gas industry, the detailed shipping pricing data is not essential. As we have recognized, the statement that the supply pricing data, along with the pipeline transportation tariffs and storage tariffs, is also contained in the section 1307(f) filings. The section 1307(f) filings include data on storage and pipeline transportation tariffs in addition to other gas costs. Additionally, summary information of this data will still be provided under the amended reporting requirements.

The new tables for supply provide a clearer presentation than the current tables. The new tables provide peak day and annual data based on the most recent year. The suggested forms present the data in a more concise and clear format. The new forms still provide the supply, transport, upstream and storage information that is used for analysis. Detailed supply contract reporting is limited to the ten largest contracts or 75% of total gas supply contracts (by volume). The remaining gas supply would be reported as miscellaneous (other) contract supplies which will provide a balance of supply and demand data.

We will not mandate the format of the required data. Instead, each jurisdictional utility shall continue to use the forms and schedules as specified by the Bureau of Conservation, Economics and Energy Planning, as already stated in § 59.84.

The Commission may still require additional data or information in certain instances. Nothing in this amended rulemaking should be construed as restricting our authority to require the submission of additional gas utility data as the Commission may deem necessary. Rather, it is the intention of the Commission to eliminate unnecessary and burdensome reporting requirements whenever it is possible. Accordingly, under 66 Pa.C.S. §§ 308(c), 501, 504, 5213, 1319 and 1501, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201, et. seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we hereby amend the regulations in 52 Pa. Code §§ 59.81 and 59.84; *Therefore, It Is Ordered That:*

1. The regulations of the Commission, 52 Pa. Code (relating to public utilities) are amended consistent with this order by amending the reporting requirements in §§ 59.81 and 59.84 to read as set forth in Annex A.

2. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality.

4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order and Annex A for review by designated standing committees of both Houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

6. A copy of this order and Annex A shall be served upon all jurisdictional gas utility companies, the Office of Consumer Advocate, and the Office of Small Business Advocate.

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2688 (May 27, 2000).)

Fiscal Note: Fiscal Note 57-198 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 59. GAS SERVICE

ANNUAL RESOURCE PLANNING REPORT

§ 59.81. Periodic reporting requirements for major gas utilities.

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, copies of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. An original and five copies of the report shall be submitted. This report shall include a plan that includes the past year's historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff. The information contained within the report shall conform to the following requirements:

(1) The name and telephone number of persons having knowledge of the matters, and to whom inquiries should be addressed.

(2) A forecast of annual and peak day energy demand requirements in million cubic feet displayed by component parts, as indicated in Form-IRP-Gas-1A and Form-IRP-Gas-1B. The load growth projections shall reflect the effects of price elasticity, market-induced conservation, building and appliance efficiency standards and the effects of the utility's existing and planned conservation and load management activities.

(3) A forecast of annual and peak day energy supply resources in million cubic feet indicating sources of presently available and new supplies which the utility estimates will become available displayed by component

parts, as indicated in Form-IRP-Gas-2A, a list of contracts for gas transportation, to the reporting utility's city gate, upstream of the city gate and related to transportation as indicated in Form-IRP-Gas-2B and a list of contracts for gas storage services provided to the reporting utility, as indicated in Form-IRP-Gas-2C.

(4) A forecast of the number of customers (year end) displayed by component parts, as indicated in Form-IRP-Gas-3.

(5) A summary forecast of annual and peak day energy supply resources and demand requirements in million cubic feet, as indicated in Form-IRP-Gas-4A and Form-IRP-Gas-4B.

(6) The data required under paragraphs (1)–(5) shall consist of the past 2 years actual historical data, the current year (both actual and projected) and a 3-year forecast. For the purpose of this section, the term "current year" refers to the year in which the filing is being made.

(7) A detailed discussion of the methodologies, data sources and assumptions used in preparing the information required by this section shall be included.

(b) The reporting formats referred to in this section are contained in § 59.84 (relating to formats). Annual data shall be submitted on a calendar year basis, January 1 through December 31. If the utility purchases gas on a contract basis other than a calendar year, the contract time interval shall be identified.

(c) Annual integrated resource planning reports submitted under subsection (a) shall be accompanied by a summary suitable for public distribution. The summary shall include an implementation plan specifying activities scheduled for the acquisition and development of the resources delineated in the report, which are to take place during the planning period. Utilities shall maintain copies of the summary open for public inspection during normal business hours.

(d) Informal sessions may be scheduled for reviewing integrated resource plans and providing an opportunity for interested parties to participate in the review process.

§ 59.84. Formats.

In preparing the annual integrated resource planning reports required by § 59.81(a) (relating to periodic reporting requirements for major gas utilities), each jurisdictional utility shall use the forms and schedules specified by the Bureau of Conservation, Economics and Energy Planning, which shall include the following:

(1) Form-IRP-Gas-1A—Annual Gas Demand Requirements; Form-IRP-Gas-1B—Peak Day Gas Requirements.

(2) Form-IRP-Gas-2A—Natural Gas Supply; Form-IRP-Gas-2B—Natural Gas Transportation; Form-IRP-Gas-2C—Natural Gas Storage.

(3) Form-IRP-Gas-3—Number of Customers (Year End).

(4) Form-IRP-Gas-4A—Annual Supply and Demand Requirements Summary; Form-IRP-Gas-4B—Peak Day Supply and Demand Requirements Summary.

(5) Form-IRP-Gas-5—Program Description.

(6) Form-IRP-Gas-6—Energy Users.

- (7) Form-IRP-Gas-7—Program Summary.
- (8) Form-IRP-Gas-8—Cost-Benefit Analysis Inputs.
- (9) Form-IRP-Gas-9—Cost-Benefit Analysis Results.

[Pa.B. Doc. No. 00-1080. Filed for public inspection June 23, 2000, 9:00 a.m.]

Title 67—TRANSPORTATION

TURNPIKE COMMISSION

[67 PA. CODE CH. 601]

Traffic Regulations

The Turnpike Commission (Commission) amends §§ 601.1, 601.4—601.6, 601.9, 601.15 and 601.101 and adds § 601.18 to read as set forth in Annex A. The Commission adopts the following amendments under the authority of the act of May 21, 1937 (P. L. 774, No. 211) (36 P. S. § 652d); section 7 of the act of September 30, 1985 (P. L. 240, No. 61) (36 P. S. § 651.7); and 75 Pa.C.S. § 6110 (relating to regulation of traffic on Pennsylvania Turnpike).

A. Purpose

The amendments are intended to promote the health, safety and welfare of the Commission's customers and are designed to update, clarify and improve the Commission's traffic regulations.

B. Summary of Proposal

After a review of its existing regulations, the Commission adopted amendments at its April 6, 2000, Commission meeting as follows:

§ 601.1. Definitions.

The definition of "Class 9 vehicle" has been amended in conjunction with § 601.101 to increase the length limit for tandems from 76 feet to 85 feet. The definition of "Commission" has been amended for purposes of clarification.

§ 601.4. Speed limits.

This section has been amended to allow for a maximum speed limit not to exceed the posted limit in conjunction with 75 Pa.C.S. § 6110 to reflect the current speed limits on the Turnpike. The minimum speed limit has been amended from 40 miles per hour to 15 miles per hour below the posted speed limit to account for different speed zones on the Turnpike, to facilitate a free flow of traffic and to improve safety.

§ 601.5. Hazardous materials.

The Department of Transportation (Department) terminated its hazardous materials permitting process and the Commission, following the Department's lead, has done the same. The Commission will no longer issue hazardous materials permits, since transporters of hazardous materials are presently required to obtain a Federal permit. The amendment conforms the Commission to the Federal permit system.

Transportation of hazardous materials through the existing Turnpike tunnels is limited by regulation. This section has been amended to permit transportation of several hazardous materials which were previously prohibited. These materials are permitted in nonbulk packaging only. A consulting firm has determined the Commission's tunnel restrictions for transportation of hazardous

materials are more restrictive than surrounding states. Consequently, transporters of hazardous materials may choose less restrictive routes, which routes not only may be ill equipped to respond to accidents but also may be located closer to residences. The intent of the amendment is both to encourage more transporters of hazardous materials to travel the closed system of the Turnpike and to guarantee the safety of all individuals traveling the Turnpike.

§ 601.6. Parking, stopping, loading or unloading.

The amendment to this section is editorial.

§ 601.9. U-turns.

The amendment to this section is editorial.

§ 601.15. Vehicles excluded from the Turnpike.

This section has been amended to prohibit vehicles that cannot maintain the minimum speed required in § 601.4 and to prohibit nonmotorized vehicles. Both slow moving vehicles and nonmotorized vehicles present a serious hazard to all individuals traveling the Turnpike.

§ 601.101. Length limit for tandems.

The length limit for tandem trailer combinations has been amended from 76 feet to 85 feet. To enter the Turnpike, vehicles over 85 feet now require a Class 9 permit. The maximum length limit for commercial carriers has been increased to accommodate the increasing number of tandem trailer combinations which exceed the present 76 foot maximum requirement. In addition, the length amendment improves public safety by reducing tandem trailer combination travel on State and local roads which may have no length limitations but may be less equipped to accommodate the size of these vehicles.

§ 601.18. Accident prevention investigations.

This addition will allow the Commission to perform in-depth investigations and studies of accidents and the causes thereof in an attempt to eliminate these causes. This information will be privileged and confidential so as to cause no ill effect to the Commission. The amendment is designed to protect this information.

C. Comment and Response Summary

Notice of proposed rulemaking was published at 29 Pa.B. 4968 (September 25, 1999). The proposal is being adopted with changes as set forth in Annex A.

The Commission received one comment from the public during the public comment period. The Commission also received comments from the Independent Regulatory Review Commission (IRRC). No comments were received from the House Transportation Committee or the Senate Transportation Committee.

The amendments to the proposed rulemaking in response to comments are as follows:

(1) IRRC questioned the statutory authority supporting the proposed administrative fee in § 601.5(f), to be imposed for violation of the hazardous materials transportation regulations. After additional consideration, the Commission has withdrawn this provision from its final-form regulations.

(2) IRRC questioned the basis for eliminating the Commission-issued permit to transport hazardous materials, addressed in § 601.5(a)—(e). In addition to following the Department's elimination of a requirement for a hazardous materials permit, the Commission proposes to

eliminate its permitting process, since the *Code of Federal Regulations* addresses transportation of hazardous materials.

(3) Both IRRC and a commentator questioned the provisions of § 601.18(b), limiting the discoverability of accident investigations in civil and criminal proceedings. The proposal has been modified to limit the discoverability of investigative reports in civil proceedings. This modification reflects recent case law, which requires accident investigations to be shared with authorities in criminal proceedings.

(4) For clarity of § 601.6(b), the Commission accepts IRRC's recommendation to eliminate the following provision: "The State Police may remove or direct removal of the vehicle within 24 hours of the time of the vehicle's presumption of abandonment."

(5) For clarity of § 601.4, the Commission accepts IRRC's recommendation to delete specific references to speed limits included in § 601.4 and require vehicles to obey the posted maximum and minimum speed limits.

D. Effective Date

The final-form rulemaking takes effect upon publication of final adoption in the *Pennsylvania Bulletin* and after posting of the approved regulations at the Commission interchanges. The approved regulations will remain in effect until modified or rescinded by the Commission.

E. Paperwork

The final-form regulations will not increase paperwork or create new paperwork for the Commonwealth or political subdivisions.

F. Fiscal Impact

The Commission is funded primarily by bonds and tolls. Therefore, these final-form regulations will not have any fiscal impact on the Commonwealth.

G. Sunset Requirement

The Commission has not established a sunset date for these regulations rulemaking because the traffic regulations are in effect on a continual basis. The Commission continually monitors its regulations and will propose appropriate amendments when required.

H. Contact Person

The contact person for an explanation of the amendments is Lydia H. Lucas, Assistant Counsel, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676 or (717) 939-9551.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 13, 1999, the Commission submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4968, to IRRC and the Chairpersons of the House Committee on Transportation and the Senate Committee on Transportation for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received as well as other documentation. In preparing these final-form regulations, the Commission has considered the comments received from IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the Committees on May 10, 2000.

Under section 5.1(c) of the Regulatory Review Act, IRRC met on May 11, 2000, and approved the final-form regulations.

J. Findings

The Commission finds that:

(1) Public notice of intention to amend the regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statutes.

K. Order

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

(a) The regulations of the Commission, 67 Pa. Code Chapter 601, are amended by amending §§ 601.1, 601.4—601.6, 601.9, 601.15 and 601.101 and by adding § 601.18 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN T. DURBIN,
Executive Director

Fiscal Note: The Commission is funded primarily by bonds and tolls. Because there is no direct cost to the Commonwealth as a result of these proposed amendments, the Commission has not submitted a fiscal note.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2688 (June 3, 2000).)

Annex A

TITLE 67. TRANSPORTATION

PART II. TURNPIKE COMMISSION

CHAPTER 601. TRAFFIC REGULATIONS

GENERAL

§ 601.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Acceleration lane—A speed change lane for the purpose of:

(i) Enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

(ii) Providing the necessary merging distance.

(iii) Giving the main roadway traffic the necessary time and distance to make appropriate adjustments.

Class 9 vehicle—A vehicle which exceeds 100,000 pounds in weight, 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) (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.

Commission—The Pennsylvania Turnpike Commission.

Deceleration lane—The portion of the roadway adjoining the traveled way constructed for the purpose of enabling a vehicle that is exiting a roadway to slow to a safe speed after it has left the mainstream of traffic.

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) 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.

Shoulder—The portion of the highway, contiguous to the roadway, for accommodation of stopped vehicles, for emergency use and for lateral support of the roadway.

Tandem—A truck tractor, semitrailer and trailer.

Traffic lane—A strip of roadway intended to accommodate the forward movement of a single line of vehicles.

Turnpike System—The limited access highway maintained and constructed by the Commission, extending eastward from the Ohio line to the New Jersey line and northward from a point near Norristown, Pennsylvania to a point near Scranton, Pennsylvania and other extensions thereto, which have been or may hereafter be designated as part of the Turnpike System by the Legislature.

Unsafe vehicle—A vehicle which does not comply with Chapter 175 (relating to vehicle equipment and inspection) or with an equipment requirement of this part, or a vehicle which poses a driving hazard to the vehicle's occupants or to other motorists.

§ 601.4. Speed limits.

(a) A vehicle shall be limited to a maximum posted speed limit. The minimum speed for a vehicle on the Turnpike is 15 miles per hour below the posted speed limit, except as noted otherwise.

(b) The Commission, in cooperation with the State Police, has the authority to temporarily reduce speed limits on a part of the Turnpike System where hazardous conditions warrant the reduction in speed or where the reduction is necessary for construction or maintenance operations.

§ 601.5. Hazardous materials.

(a) Hazardous materials may be transported, under the required Federal permits, on the Turnpike system, if the

shipments are in full compliance with 10 CFR 71 (relating to packaging and transportation of radioactive material), 49 CFR Subchapter C (relating to hazardous materials regulations), the Federal motor carrier safety regulations, 49 CFR 390—397, 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 employe or the Pennsylvania State Police.

(c) Explosives Divisions 1.1, 1.2, 1.3 and Radioactive materials as defined in 49 CFR 73.50 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 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).

PLACARD NAME	POLICY
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

§ 601.6. Parking, stopping, loading or unloading.

(a) A vehicle may not be stopped, left standing, parked, loaded or unloaded on a traffic, acceleration or deceleration lane, or on the shoulder adjacent thereto. In case of emergency only, parking, stopping, standing, loading or unloading of a vehicle is permitted on the shoulder to the right of the travel lanes facing with the direction of travel when the wheels of the vehicle and the projecting parts of the body or load are safely off and to the right of the travel lanes. Parking, standing, stopping, loading or unloading on the shoulders is not permitted at:

- (1) A bridge or structure.
- (2) In front of a service station between the traffic lanes and the station area.
- (3) A place where a sign prohibiting is posted.

(b) A vehicle otherwise permitted to park off the traffic, deceleration or acceleration lanes may not remain there longer than necessary to meet the emergency. A vehicle will not be permitted to remain anywhere on the Turnpike System longer than 24 hours. A vehicle remaining on the Turnpike System for more than 24 hours will be deemed to be abandoned and may immediately be removed by, or at the direction of, the State Police to the contract garage providing service for that area or to a nearby licensed salvor, at the owner's expense. The State Police will then promptly notify the registered owner of the vehicle by certified mail of its action, designating the milepost from which the vehicle is removed, the reason for its removal and the location of the contract garage to which it was removed. In the interest of safety, the Commission has the right to immediately remove any vehicle from a portion of the Turnpike traffic lanes, shoulders or other part of the Turnpike System.

§ 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. The Pennsylvania State Police may authorize a U-turn in an emergency and fare collection personnel may authorize a U-turn at an interchange.

§ 601.15. Vehicles excluded from the Turnpike.

(a) During adverse weather conditions, recreational vehicles, motorcycles, vehicles towing trailers, tandem trailers, buses and Class 9 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 vehicles are prohibited from using the Turnpike System except by special permit from the Commission, as indicated in §§ 601.1 and 601.14 (relating to definitions; and Class 9 vehicles).

(c) Vehicles which are not capable of maintaining a speed of at least 15 miles per hour below the posted speed limit on level roadway are prohibited from using the Turnpike System.

(d) Nonmotorized vehicles are not permitted to be operated on the Turnpike System.

§ 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 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 vehicle which requires a special permit to travel on the Turnpike System.

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