

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Boating

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

This final-form rulemaking will go into effect on January 1, 2016.

B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of change.

E. Summary of Change

The management plan for Striped Bass of the Atlantic States Marine Fisheries Commission (ASMFC) calls for management actions when the coastwide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 127 million pounds. The current SSB is just above this at 128 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall below the threshold in the near future. In addition to these concerns, recruitment of young fish has been relatively low in many of the years since 2004. In response to these concerns, the ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed coastal states to reduce fishing mortality rates by 25% beginning in 2015.

ASMFC has directed that the reduction in harvest be implemented prior to the 2015 fishing season. In this Commonwealth, the Striped Bass fishery in the Delaware River and Estuary typically begins in early March. To meet this deadline, the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to amend § 61.2. Specifically, the Executive Director amended this section to decrease the creel limit for Striped Bass in the River Estuary (from the Pennsylvania line upstream to the Calhoun Street Bridge) during the periods January 1 through March 31 and June 1 through December 31 to one fish and to change the slot limit during the period April 1 through May 31 to 21 to 25 inches. The Executive Director also amended the section to decrease the creel

limit for Striped Bass in the Delaware River (from the Calhoun Street Bridge upstream) to one fish. The temporary changes went into effect on March 1, 2015, and will remain in effect until the Commission, by appropriate action, amends § 61.2.

The Commission amends § 61.2 to read as set forth at 45 Pa.B. 3854 (July 18, 2015).

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 45 Pa.B. 3854. The Commission received one public comment regarding the proposed rulemaking. Copies of the public comment were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the public comment received was considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending § 61.2 to read as set forth at 45 Pa.B. 3854.

(b) The Executive Director will submit this order and 45 Pa.B. 3854 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 45 Pa.B. 3854 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2016.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-266 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-2043. Filed for public inspection November 20, 2015, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 97, 109, 111 AND 115]
Boating

The Fish and Boat Commission (Commission) amends Chapters 97, 109, 111 and 115. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

This final-form rulemaking will go into effect on January 1, 2016.

B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to §§ 97.1, 109.3, 109.4 and 115.11 are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to Chapter 111 (relating to special regulations counties) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The final-form rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the amendments is described in more detail under the summary of proposals. On February 12, 2015, the Boating Advisory Board considered the proposed amendments and recommended that the Commission approve the publication of a proposed rulemaking containing the amendments.

E. Summary of Changes

(1) The United States Coast Guard (USCG) issued a final rule at 79 FR 56491 (September 22, 2014) to delete references to type codes in its regulations on the carriage and labeling of USCG-approved personal flotation devices (PFD). Removing these type codes from USCG regulations facilitates future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information. It is also a step toward harmonization of the regulations of the United States with PFD requirements in Canada and other countries. The final rule went into effect on October 22, 2014.

The USCG final rule deleted references to type codes in USCG regulations on the carriage and labeling of USCG-approved PFDs. This final rule deleted type code language from USCG carriage requirements and from USCG regulations for labeling of new PFDs, but it did not make changes to the number of wearable or throwable PFDs required. It also did not require changes to existing approved PFDs already purchased and in use. In the final rule, the USCG acknowledged that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition. The Commission therefore amends §§ 97.1, 109.3, 109.4 and 115.11 to read as set forth in Annex A.

(2) Formerly, the Commonwealth's boating regulations required that a personal watercraft (PWC) must have a

passenger capacity of three or more to be utilized in waterskiing/towing activities and that the PWC must have a competent observer onboard in addition to its operator. Additionally, no more than one person was allowed to be towed behind a PWC (regardless of whether the towed implement may be capable of holding multiple individuals). At the time that these regulations were adopted, it is likely that the largest PWCs manufactured and on the market had a maximum passenger capacity of three.

Since 1999, major manufacturers have produced larger four-person PWCs that are on average 12 feet long by 4 feet to 5 feet wide, weighing about 800 pounds. The power and stability of these larger PWCs is comparable to open motorboats that are also used for towed watersports. Commission regulations did not limit the number of persons that may legally be towed behind boats other than PWCs, except that the boat's maximum passenger capacity may not be exceeded.

In 2005, the National Association of State Boating Law Administrators (NASBLA) revised and adopted model acts for personal watercraft and maximum loading and horsepower capacity compliance. The model acts are intended to establish requirements for the safe operation of PWCs and prohibit the operation of recreational vessels when they exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. In 2007, NASBLA revised and adopted a model act for safe practices for boat-towed watersports providing best practices for water skiing, wake surfing and tubing activities, and consistent language for adoption. The model acts do not limit the number of individuals to be towed by a PWC as long as the vessel's passenger capacity is not exceeded by the total number of persons operating, observing and being towed.

As defined in § 91.2 (relating to definitions), individuals being towed behind a boat (for example, conventional waterskiing, tubing, kneeboarding, parasailing, and the like) are considered to be passengers of the vessel and must be counted in regard to the boat's maximum passenger capacity. Under § 105.4 (relating to overloading and improper loading), a boat may not be operated when it is loaded with passengers or cargo beyond its safe carrying capacity.

The Commission therefore eliminates the PWC towing regulation since passenger carrying capacity is addressed in other sections of the Commission's regulations. For all boats, the total number of persons being towed, when added to the occupants onboard the boat (that is, the operator, observer and other passengers), cannot exceed the maximum passenger capacity of the boat. The Commission deletes former § 109.3(f) (relating to personal watercraft) and renumbers the remaining subsection to read as set forth in Annex A.

(3) The Little Beaver Creek originates in Ohio and there are two short sections that cross the border into western Beaver County. The uppermost section of the creek in this Commonwealth is less than 200 feet wide and shallow. The lower section of the creek in this Commonwealth, from the State line to the creek's mouth on the Ohio River, flows through the Borough of Ohioville and varies in width. Some portions of this lower section are more than 200 feet wide and boats are not restricted to operating at slow, no wake speed. This lower section is used mostly for fishing, paddling and accessing the Ohio River by use of the Ohioville Borough access area. Since it is difficult for boaters to determine the width of this

lower section and whether they may operate at greater than slow, no wake speed, the Commission designates the lower section (from the mouth upstream to the State line) as a slow, no wake zone in § 111.4 (relating to Beaver County) to minimize conflicts among the various user groups.

The Commission also adds a provision in § 111.4 that the operation of boats powered by internal combustion motors is prohibited on Bradys Run Lake to conform with county regulations. Bradys Run Lake is a 28-acre lake in the center of the county, owned and operated by the Beaver County Recreation and Tourism Department. The Commission amends § 111.4 to read as set forth in Annex A.

(4) Former § 111.9(b) (relating to Bucks County) was confusing since there was not a landmark or distinguishing characteristic (other than buoys during the boating season) to delineate the upstream boundary of the slow, no wake zone. The remainder of the stream is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. The Commission simplifies the regulation by stating that the entire creek, from its headwaters to its confluence with the Delaware River, is a slow, no wake zone. This amendment is a simplification of language and is not an expansion of the current slow, no wake restrictions. The Commission amends § 111.9 to read as set forth in Annex A.

(5) Formerly, § 111.21 (relating to Cumberland County) allowed waterskiing on the Conodoguinet Creek in the vicinity of the Power Company Dam at Cave Hill. The measured stream width throughout a considerable portion of the current skiing area is approximately 200 feet and sometimes less at seasonal summer flow. Numerous staff who have patrolled this area over the years have expressed safety concerns as this area is not conducive to safe skiing activity. Therefore, the Commission eliminates the water skiing zone. The Commission also deletes the paragraph regarding swim zone areas since the Commission does not typically regulate these areas. Additionally, with the elimination of the water ski zone, boats will be prohibited from operating at greater than slow, no wake speed on the channel behind the island since it is less than 200 feet in width. The Commission deletes paragraph (5) since it is redundant. The Commission amends § 111.21 to read as set forth in Annex A.

(6) Darby Creek is a tributary of the Delaware River in Delaware County, southwest of the City of Philadelphia. Darby Creek is currently posted by buoys and signage as a slow, no wake area under an existing Commission Permit to Install Floating Structures and Private Aids to Navigation. The permit includes slow, no wake buoys being placed at the mouth of Darby Creek with the designation continuing upstream to include a lagoon area in front of the Ridley Township Marina and another lagoon area at the mouth of Long Hook Creek. The Commission is responsible for installation and maintenance of the buoys which are in place from Memorial Day through October of each year. The area upstream of Long Hook Creek is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. Approximately 1.5 miles upstream of Long Hook Creek is the refuge waters of the John Heinz National Wildlife Refuge at Tinicum. The refuge waters are tidal and navigable only within 2 hours before and after high tide.

The section of Darby Creek between the mouth and the lagoons is barely wider than 200 feet and can be con-

gested with boat traffic from the Ridley Township Marina. Additionally, there are four sets of bridge piers in the water in this section (that is, railroad, drawbridge, Route 291 and I-95). The Commission therefore amends § 111.23(b) (relating to Delaware County) to be consistent with the area delineated in the Permit to Install Floating Structures and Private Aids to Navigation and the entire length of Darby Creek is designated as slow, no wake. This clarification does not significantly extend the current slow, no wake restrictions. The Commission amends § 111.23 to read as set forth in Annex A.

(7) Section 111.39 formerly prohibited water skiing on the Lehigh River at the Allentown Pool. This pool is between the Tilghman Street Bridge and the Hamilton Street Dam in Allentown. The City of Allentown owns and operates Bucky Boyle Park on the west shore of the river in this area. At one time the park had a swim beach, and safety concerns for the swimmers led to the restriction of water skiing in this area. The swim beach has since been eliminated from the park.

The Commission eliminates the water skiing prohibition in this area since it unnecessarily restricts boating activity. The Commission deletes § 111.39 to read as set forth in Annex A.

(8) Under section 741 of the code (relating to control of property), the Commission may promulgate rules and regulations for the use and protection of all lands or waters owned, leased or otherwise controlled by the Commission. Accordingly, the Commission adopted § 53.8 (relating to boats) to, among other things, prohibit the use of internal combustion engines to propel a boat on Commission lakes. In § 107.2 (relating to electric motors), electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted and the operation of internal combustion engines is specifically prohibited, except as otherwise specified in Chapter 111.

The Commission's interpretation of § 107.2 is that exceptions to the prohibition shall be listed in Chapter 111, but it is redundant to list specific waters where internal combustion engines (sometimes simply referred to as "motors") are prohibited on Commission owned or controlled lakes and on State Park lakes in Chapter 111. Therefore, in an effort to simplify its boating regulations, the Commission deletes redundant provisions from Chapter 111. Commission owned or controlled lakes where internal combustion engines are prohibited are posted onsite and listed on the Commission's web site.

Additionally, some State Park lakes where internal combustion engines are permitted and horsepower restrictions exist or where boating is prohibited are currently not included in Chapter 111. The Commission adds these lakes as part of the other amendments to this chapter. The Commission amends various sections in Chapter 111 to read as set forth in Annex A.

F. Paperwork

The amendments will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The amendments will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 45 Pa.B. 3844 (July 18, 2015). Regarding the proposed

amendment to § 111.9, the Commission received one public comment prior to and one public comment after the official comment period. Neither comment was responsive to the proposed rulemaking. The Commission received a total of 23 public comments concerning § 111.21—18 before, 4 during and 1 after the formal comment period. All of the comments generally opposed the proposed rulemaking. Copies of the public comments were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the public comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 97, 109, 111 and 115, are amended by adding § 111.60, deleting §§ 111.5, 111.7, 111.8, 111.12, 111.15, 111.18, 111.19, 111.29, 111.33, 111.35, 111.37, 111.39, 111.50, 111.53—111.55 and 111.57 and amending §§ 97.1, 109.3, 109.4, 111.4, 111.6, 111.9, 111.10, 111.11, 111.13, 111.14, 111.17, 111.20, 111.21, 111.23, 111.24, 111.26, 111.30, 111.31, 111.32, 111.36, 111.38, 111.40, 111.41, 111.43, 111.45, 111.48, 111.52, 111.56, 111.58, 111.59, 111.61, 111.62—111.67 and 115.11 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Executive Director 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 on January 1, 2016.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-265 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.1. Personal flotation devices.

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Immediately available—A PFD that is within arm’s reach of the operator or passenger while the boat is being

operated. A PFD that is stored in a protective covering or sealed in its original packaging is not immediately available.

PFD—Personal flotation device—A life preserver that is approved by the Commandant of the United States Coast Guard under 46 CFR Part 160 (relating to lifesaving equipment).

Readily accessible—A PFD that is stowed where it can be easily reached or is out in the open ready for wear. A PFD that is stored in a protective covering or sealed in its original packaging is not readily accessible.

Serviceable—When a PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.

Throwable PFD—A PFD that is intended to be thrown to a person in the water. A PFD marked as throwable, Type IV, or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

Wearable PFD—A PFD that is intended to be worn or otherwise attached to a person’s body. A PFD marked as wearable, Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

(b) A person may not use a boat unless at least one wearable PFD is on board for each person and the PFD is used in accordance with requirements of the approval label.

(c) A person may not use a boat 16 feet or more in length unless one throwable PFD is on board in addition to the total number of PFDs required in subsection (b). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional throwable PFD.

(d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval number and displaying the PFD’s intended or approved use. They shall be of an appropriate size, child or adult, for the person for whom it is intended.

(e) When not worn, wearable PFDs shall be stowed so as to be readily accessible. Throwable PFDs shall be immediately available.

(f) This section does not apply to racing shells, rowing sculls and racing kayaks, such as manually propelled boats recognized by National racing associations for use in competitive racing, when the occupants row, scull or paddle with the exception of the coxswain, if one is provided, and which are not designed to carry and do not carry equipment not solely for competitive racing.

(g) Coast Guard approved PFDs shall be acceptable as long as they are in good, serviceable condition with the approval clearly legible.

(h) Children 12 years of age and younger shall wear an approved wearable PFD while underway on any boat 20 feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

(i) Beginning November 1 until midnight April 30 of the following year, a person shall wear a Coast Guard approved wearable PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak.

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.3. Personal watercraft.

(a) As used in this section, "personal watercraft" means a boat less than 16 feet in length which meets the following conditions:

(1) Uses an internal combustion motor powering a water jet pump as its primary source of motive propulsion.

(2) Is designed to be operated by a person sitting, standing or kneeling on, rather than being operated by a person sitting or standing inside the vessel.

(b) It is unlawful for a person to operate, or be a passenger onboard, a personal watercraft on the waters of this Commonwealth unless the person is wearing a United States Coast Guard approved wearable personal flotation device in accordance with § 97.1 (relating to personal flotation devices). Inflatable personal flotation devices may not be used to meet this requirement.

(c) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to his person, clothing or personal flotation device as appropriate for the specific vessel.

(d) A person may not operate a personal watercraft between sunset and sunrise.

(e) Subsections (b) and (c) do not apply to a performer participating in a permitted regatta, race, marine parade, tournament or exhibition or to a person preparing to participate in the event at the location and within 48 hours prior to the event.

(f) Except as otherwise provided in this subpart, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to Boating Safety Education Certificates).

§ 109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.

* * * * *

(f) PFDs. It is unlawful for a person to operate a boat on the waters of this Commonwealth for:

(1) Waterskiing unless each person being towed is wearing a United States Coast Guard approved wearable PFD in accordance with § 97.1 (relating to personal flotation devices). Inflatable PFDs may not be used to meet this requirement.

(2) Wake surfing unless the wake surfer is wearing a United States Coast Guard approved wearable PFD in accordance with § 97.1 or water ski wetsuit as defined in subsection (g). Inflatable PFDs may not be used to meet this requirement.

(g) Water ski wetsuits. A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast Guard approved wearable PFD required in § 97.1. A United States Coast Guard approved wearable PDF described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

* * * * *

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.4. Beaver County.

(a) Beaver River. Boats are limited to slow, no wake speed from the mouth upstream to Mile 2.3.

(b) Bradys Run Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Little Beaver Creek (Ohioville Area). Boats are limited to slow, no wake speed from the mouth upstream to the State line.

§ 111.5. (Reserved).

§ 111.6. Berks County.

(a) Blue Marsh Lake.

(1) Boats equipped with inboard engines with over-the-transom or straight stack type exhausts, wet or dry, are prohibited.

(2) Boats are limited to a slow, no wake speed in the two arms of the lake formed by Spring Creek and Tulpehocken Creek.

(3) A boat may not tow more than one water-skier.

(b) Schuylkill River; Kernsville Pool. Boats are limited to slow, no wake speed.

§ 111.7. (Reserved).

§ 111.8. (Reserved).

§ 111.9. Bucks County.

(a) Lake Nockamixon. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) Neshaminy Creek. Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

(c) Tyler State Park. The operation of boats powered by internal combustion motors is prohibited.

(d) Delaware River.

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Franklin Cove.

(ii) From the mouth of Paunacussing Creek, approximately 3,000 feet to a point in the vicinity of Green Hill Road, effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

(2) Boats are limited to slow, no wake speed while passing through the following bridge spans:

(i) Route 263 (Stockton-Center) Bridge.

(ii) Route 202 Toll Bridge.

(iii) Route 179 (New Hope-Lambertville) Bridge.

(iv) Lumberville Foot Bridge.

(v) Upper Black Eddy—Milford Bridge.

(vi) Riegelsville Bridge.

(vii) Frenchtown "Free" Bridge.

(3) The requirements in this subsection that affect waters of joint jurisdiction with New Jersey are effective May 1, 1997.

(4) The mooring of boats within 100 feet of the marina boat dock in Franklin Cove is prohibited.

§ 111.10. **Butler County.**

Lake Arthur—Moraine State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.11. **Cambria County.**

Glendale Lake—Prince Gallitzin State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.12. **(Reserved).**

§ 111.13. **Carbon County.**

(a) *Beltzville Lake—Beltzville State Park.*

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

(2) Boats are limited to slow, no wake speed at Pine Run, Wild Creek and Pohopoco Creek Bays.

(3) Waterskiing is prohibited except between sunrise and sunset in the designated ski zone. Boats in this zoned area shall operate in a counter-clockwise direction. Boats not engaged in waterskiing shall remain outside the ski zone area while waterskiing is in progress. A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

(5) Kiteskiing and parasailing are prohibited at all times.

(b) *Francis E. Walter Dam.* The use of motors in excess of 10 horsepower is prohibited.

§ 111.14. **Centre County.**

Foster Joseph Sayers Lake—Bald Eagle State Park.

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

(2) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 Highway Bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(3) Waterskiing is prohibited in Hunters Run Cove.

(4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

§ 111.15. **(Reserved).**

§ 111.17. **Clearfield County.**

(a) *Treasure Lake.*

(1) Boats are limited to slow, no wake speed from the established buoy line at the following areas:

(i) Lake Marina.

(ii) Coral Cove.

(iii) Matura Cove.

(iv) Galion Bay.

(v) Columbus Court Cove.

(vi) Treasure Lake Road Cove.

(vii) Access areas at Hurricane Cove.

(2) The speed of boats is limited to 35 mph.

(3) Boats longer than 25 feet in length are prohibited.

(b) *Bimini Lake.* The use of motors in excess of 10 horsepower is prohibited.

(c) *Curwensville Lake.* Boats are limited to slow, no wake speeds in the following areas:

(1) Upriver of the cliff at Ferguson.

(2) Between the old viaduct pillars.

§ 111.18. **(Reserved).**

§ 111.19. **(Reserved).**

§ 111.20. **Crawford County.**

(a) *Canadohta Lake.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(b) *Conneaut Lake.* The anchoring of boats is prohibited in the area along the western shoreline of the lake commonly referred to as the "sand bar." The no anchor zone will extend along the shoreline to a line of buoys.

(c) *Pymatuning Reservoir—Pymatuning State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(d) *Sugar Lake.* The use of motors in excess of 10 horsepower is prohibited.

(e) *Woodcock Creek Lake.*

(1) The use of motors in excess of 10 horsepower is prohibited.

(2) Waterskiing is prohibited.

(3) Boats are limited to slow, no wake speed in a zone defined by the area east of the LR 20063 Causeway.

(4) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.21. **Cumberland County.**

Fuller Lake—Pine Grove Furnace State Park. Boating is prohibited.

§ 111.23. **Delaware County.**

(a) *Delaware River.* Boats are limited to slow, no wake speed between Tinicum Island and the Pennsylvania shoreline.

(b) *Darby Creek.* Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

§ 111.24. **Elk County.**

East Branch Clarion River Lake—Elk State Park.

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph. It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

(2) Boats are limited to slow, no wake speed in the following areas:

(i) Sevenmile Run Bay.

(ii) South Fork/Straight Creek Bay.

(iii) East Branch Clarion River Bay from the no-wake buoys to the extreme backwaters of the lake.

(3) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.26. **Fayette County.**

Youghiogheny River Lake. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.29. **(Reserved).**

§ 111.30. **Greene County.**

Ten Mile Creek. It is unlawful to operate a boat in excess of slow, no wake speed.

§ 111.31. **Huntingdon County.**

(a) *Greenwood Lake—Greenwood Furnace State Park.* It is unlawful to operate a boat powered by a motor.

(b) *Lake Raystown.*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Seven Points, Yocum Bay, Woodcock Valley Cove, James Creek Cove, Great Trough Creek Cove, Coffee Run Cove and Shy Beaver Cove.

(ii) From the no-wake buoys between Putts Camp and Weaver Falls Access to the extreme backwaters of the lake.

(iii) Between peninsula number one and peninsula number three known as the Rothrock Recreation Area above the Route 994 Bridge.

(iv) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.

(2) Waterskiing is prohibited between the Route 994 Bridge and the point of peninsula number 3 of the Rothrock Recreation Area approximately 3/4 mile upstream.

(c) *Perez Lake.* The operation of boats powered by internal combustion motors is prohibited.

§ 111.32. **Indiana County.**

(a) *Conemaugh River Lake.*

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

(b) *Yellow Creek Lake—Yellow Creek State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.33. **(Reserved).**

§ 111.35. **(Reserved).**

§ 111.36. **Lancaster County.**

(a) *Lake Aldred—Susquehanna River.* Boats are limited to slow, no wake speed from the York County shoreline to the northern point of Urey Islands to the southern tip of

Blair Island, and back to the York County shoreline. The area is about 1 mile in length.

(b) *Susquehanna River.* Boats are limited to slow, no wake speed for both of the following:

(1) From the Lancaster County shoreline to the northern point of Shad Island south to the southern point of Green Island and back to the Lancaster County shoreline from January 1 to October 1.

(2) In all areas between and within 200 feet of the islands comprising the Conejohola Flats.

§ 111.37. **(Reserved).**

§ 111.38. **Lebanon County.**

Stoever's Dam. The operation of boats powered by internal combustion motors is prohibited.

§ 111.39. **(Reserved).**

§ 111.40. **Luzerne County.**

(a) *Lily Lake.*

(1) Boats with greater than 60 horsepower engines or greater than 18 feet in length are prohibited.

(2) Boats are limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset between the Saturday preceding Memorial Day and September 30.

(b) *Francis E. Walter Dam.* The use of motors in excess of 10 horsepower is prohibited.

(c) *Harveys Lake.*

(1) The operation of boats powered by internal combustion motors is permitted.

(2) The speed of boats is limited to 45 mph from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed between sunset and sunrise.

§ 111.41. **Lycoming County.**

(a) *Susquehanna River.* Boats are limited to slow, no wake speed between Swimmers Island and the south shore of the Susquehanna River.

(b) *Pine Creek.* Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 Bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

§ 111.43. **Mercer County.**

(a) *Shenango River Lake.*

(1) The use of motors in excess of 10 horsepower is prohibited in the area west of the Penn Central Railroad (Levittsburg) causeway to the Ohio line.

(2) Boats are prohibited in Game Lands Propagation Areas.

(3) Waterskiing is prohibited south of the Conrail Railroad Bridge to the hazard buoys at the dam.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) Stewart's Bay.

(ii) Celery Bay.

(iii) The main lake from the vicinity of the Hopper Road Fisherman Access Area to the extreme backwaters of the lake.

(iv) From the hazard buoys above the dam to the Conrail Railroad Bridge.

(v) Two hundred feet from the shoreline in the vicinity of the Shenango Day Use Area and Campground and the Route 18 causeway.

(vi) Duck Lake.

(5) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(6) Waterskiing is prohibited in the following slow no wake zones:

(i) Beneath the State Route 18 and State Route 846 Bridges.

(ii) Beneath the Parkers Landing railroad trestle.

(iii) Beneath the railroad trestle at the Shenango Recreation Area.

(b) *Lake Wilhelm—Maurice Goddard State Park.* The operation of boats powered by internal combustion motors is permitted except from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to the Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Milledgeville Road).

§ 111.45. Monroe County.

Delaware River. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area.

§ 111.48. Northampton County.

(a) *Delaware River.* The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area (upstream from mile 209.5).

(b) *Lehigh River.* Boats are limited to slow, no wake speed in the main channel 150 feet upstream and 150 feet downstream from the Route 33 access ramp.

§ 111.50. (Reserved).

§ 111.52. Pike County.

(a) *Twin Lakes.* It is unlawful to operate a boat powered by a motor.

(b) *Lake Wallenpaupack.*

(1) Waterskiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledgesdale Recreation Area.

(2) Kiteskiing and parasailing are prohibited on weekends and holidays at all locations. Kiteskiing and parasailing are prohibited between the Ledgesdale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) On Wallenpaupack Creek.

(ii) From the Ledgesdale Bridge to a point approximately 1,000 feet downstream.

(iii) From the dam to a point approximately 600 feet south.

(iv) Between Cairn's Island and the Pike County shore line.

(5) Boats are limited to 45 mph from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 mph between sunset and sunrise.

(c) *Fairview Lake.* Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(d) *Delaware River.* The operation of personal watercraft is prohibited in the following areas:

(1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).

(2) The Delaware Water Gap National Recreation Area (downstream from mile 250).

§ 111.53. (Reserved).

§ 111.54. (Reserved).

§ 111.55. (Reserved).

§ 111.56. Somerset County.

Youghiogeny River Lake.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) Wilkins Hollow Cove.

(ii) Tub Run Cove from a line extending in a south-westerly direction between the outermost points of land on each side of the cove as marked.

(iii) Somerfield Recreation Area as marked in the vicinity of the boat launch ramp and marina.

(iv) Fall Run Cove.

(v) Hall Run Cove.

(vi) Braddocks Run Cove.

(vii) Reason Run Cove.

(viii) Off Somerfield Hill.

§ 111.57. (Reserved).

§ 111.58. Susquehanna County.

* * * * *

(f) *Quaker Lake.* The use of motors in excess of 7.5 horsepower is prohibited.

(g) *Tripp Lake.* The operation of boats powered by internal combustion motors is prohibited.

(h) *Upper Lake, New Milford Township.* It is unlawful to operate a boat powered by a motor.

§ 111.59. Tioga County.

(a) *Cowanesque Lake.* Boats are limited to slow, no wake speed in the following areas:

- (1) Mapes Creek Cove.
 - (2) Baldwins Creek Cove.
 - (3) Between the buoy lines across the lake in the vicinity of East and West Boat Launch areas.
 - (4) From the buoy line west of the South Shore Use Area upstream to the headwaters of the lake.
- (b) *Hammond Lake*. Boats are limited to slow, no wake speed from a buoy line across the lake in the vicinity of Ives Run to the extreme backwaters of the lake.

(c) *Tioga Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Between the Route 15 Bridge and the extreme backwaters of the Mill Creek Arm.
- (2) From the vicinity of Big Rift Creek to the extreme backwaters of the lake.
- (d) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 Bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

§ 111.60. Union County.

Halfway Lake—R.B. Winter State Park. Boating is prohibited.

§ 111.61. Venango County.

Two Mile Run County Park.

- (1) The operation of boats powered by internal combustion motors is prohibited.
- (2) Sailboats greater than 14 feet in length and multihull sailboats are prohibited.
- (3) Inflatable boats shall be greater than 7 feet in length, made of tough, reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

§ 111.62. Warren County.

Allegheny River Reservoir (Kinzua Dam).

- (1) Boats are limited to slow, no wake speed in the following areas:
 - (i) In the vicinity of camping areas and boat launch areas.
 - (ii) Dew Drop Bay.
 - (iii) Wolf Run Bay.
 - (iv) Hodge Bay, North and South Branch.
 - (v) Cornplanter Bay.
 - (vi) Billies Bay.
 - (vii) Willow Bay beginning at the boat launch ramp.
- (2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.63. Washington County.

Cross Creek Lake. The use of motors in excess of 10 horsepower is prohibited.

§ 111.64. Wayne County.

- (a) *Duck Harbor Pond*.
- (1) The operation of boats powered by internal combustion motors is permitted.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed between 6 p.m. and 10 a.m.

(b) *Long Pond*.

(1) The operation of boats powered by internal combustion motors is permitted.

(2) Waterskiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(3) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(4) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(c) *Prompton Lake—Prompton State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(d) *Lake Wallenpaupack*. Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(b) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(e) *Delaware River*. The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.

§ 111.65. Westmoreland County.

(a) *Conemaugh River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

(b) *Loyalhanna River Lake*. All persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.66. Wyoming County.

Lake Winola.

(1) The operation of boats powered by internal combustion motors is permitted.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed from sunset to sunrise, 7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.

(4) The speed of boats is limited to 35 mph from sunrise to sunset on weekends and holidays.

§ 111.67. York County.

(a) *Lake Marburg—Codus State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Lake Redman*.

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CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable United States Coast Guard approved wearable personal flotation devices in accordance with § 97.1 (relating to personal flotation devices) to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of the passengers are children, additional personal flotation devices sized for children are required.

[Pa.B. Doc. No. 15-2044. Filed for public inspection November 20, 2015, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 15]

Authorized Vehicles and Special Operating Privileges

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 4572(b), 6103 and 6107 (relating to visual signals on authorized vehicles; promulgation of rules and regulations by department; and designation of authorized vehicles by department), amends Chapter 15 (relating to authorized vehicles and special operating privileges) to read as set forth in Annex A.

Purpose of Chapter

Chapter 15 establishes the types of vehicles which are considered authorized vehicles under 75 Pa.C.S. § 102 (relating to definitions) and 75 Pa.C.S. §§ 4572(b) and 6107 and establishes special operating privileges for these authorized vehicles.

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to designate additional Type I authorized vehicles, including vehicles used by those that carry out a governmental function or public service regarding the protection, care and control of animals. This final-form rulemaking will allow newly-authorized vehicles to be equipped with yellow flashing or revolving lights which can be activated when the vehicle is engaged in performing work within the scope of its authority.

Summary of Comments and Changes

The Department published a proposed rulemaking at 44 Pa.B. 6780 (October 25, 2014). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees. Comments or objections were not received from the public, the House and Senate Committees or IRRC. Consequently, substantive changes have not been made to this final-form rulemaking.

Persons and Entities Affected

This final-form rulemaking will affect State dog wardens and humane society police officers in the perfor-

mance of their duties. It will also affect the motoring public, who will be alerted to the presence of State dog warden and humane society police officer vehicles on or along the highways so as to encourage the motoring public to slow down and proceed with caution.

Fiscal Impact

Implementation of this final-form rulemaking will require the procurement of yellow flashing or revolving lights for State dog warden and humane society police officer vehicles. This final-form rulemaking will not impose additional costs to other entities.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 15, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 6780, to IRRC and the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required to provide copies of the comments received during the public comment period IRRC and the House and Senate Committees, as well as other documents when requested.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 7, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective October 7, 2015.

Sunset Provisions

The Department is not establishing a sunset date for this regulation, as it anticipates an ongoing value in providing State dog wardens or humane society police officers the ability to use yellow flashing or revolving lights in carrying out their respective duties. The Department, however, will continue to closely monitor this regulation for effectiveness.

Contact Person

The contact person for this final-form rulemaking is Glenn C. Rowe, PE, Chief, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA, 17120-0064, (717) 783-6479, glrowe@pa.gov.

Findings

The Department finds that:

(1) Public notice of proposed rulemaking was 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 15, are amended by amending § 15.2 to read as set forth in Annex A.

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

(c) The Secretary of the Department 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*.

LESLIE S. RICHARDS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6374 (October 24, 2015).)

Fiscal Note: Fiscal Note 18-463 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE II. TITLE

CHAPTER 15. AUTHORIZED VEHICLES AND SPECIAL OPERATING PRIVILEGES

§ 15.2. Types of authorized vehicles.

The vehicles enumerated in this section are designated as authorized vehicles of the type indicated. They may be equipped with one or two flashing or revolving yellow lights as provided in 75 Pa.C.S. § 4572(b) (relating to visual signals on authorized vehicles), and as defined in Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles), except that school buses shall be equipped with red and amber flashing lights as defined in 75 Pa.C.S. § 4552 (relating to general requirements for school buses). The flashing or revolving yellow lights on all authorized vehicles except school buses shall be activated only when the vehicle is performing the type of work which is the basis of the designation of the vehicle as an authorized vehicle, except lights on

Type VI vehicles may be activated whenever an emergency condition requires police assistance. The enumeration of vehicles is as follows:

(1) *Type I.* Type I vehicles include the following:

(i) Highway construction and maintenance vehicles. Such vehicles shall include, but not be limited to, traffic-line-painting trucks, sign and signal maintenance trucks, dump trucks, street sweepers, mowers, highway inspection vehicles, and vehicles involved in traffic studies or investigations or right-of-way operations.

(ii) Vehicles which are used in utility operations.

(iii) Highway service vehicles such as, but not limited to, tow trucks and road-service vehicles.

(iv) Vehicles used to collect money from parking meters.

(v) Commonwealth-owned vehicles which are used by a State dog warden employed by the Department of Agriculture.

(vi) Vehicles owned by a nonprofit society or association duly incorporated under 15 Pa.C.S. §§ 5301—5341 (relating to incorporation) for the prevention of cruelty to animals and used by a humane society police officer as the term is defined in 22 Pa.C.S. § 3701 (relating to scope of chapter).

(2) *Type II.* Snowplows, snowblowers and vehicles modified or equipped for the attachment of snowplows, snowblowers or similar devices.

(3) *Type III.* Garbage trucks and vehicles used for home delivery of United States mail or newspapers.

(4) *Type IV.* Vehicles which are used in the business of news gathering for any news medium.

(5) *Type V.* Vehicles which escort oversize loads.

(6) *Type VI.* Local mass transit vehicles and armored vehicles which are used in the transportation of coins, currency or other valuables for the business or financial community.

(7) *Type VII.* School buses.

[Pa.B. Doc. No. 15-2045. Filed for public inspection November 20, 2015, 9:00 a.m.]