

RULES AND REGULATIONS

Title 67—TRANSPORTATION

TURNPIKE COMMISSION

[67 PA. CODE CH. 601]

Automated Speed Enforcement Systems; Temporary Rulemaking

For purposes of implementing the act of October 19, 2018 (P.L. 563, No. 86) (75 Pa.C.S. § 3369 (relating to automated speed enforcement systems in active work zones)) (act) the Turnpike Commission (Commission) incorporates by reference this temporary rulemaking regarding this statute promulgated by the Department of Transportation (Department).

Purpose of this Temporary Rulemaking

The purpose of this chapter is to set forth temporary regulations governing the automated speed enforcement systems (systems). Section 3369(h)(2) of 75 Pa.C.S. grants authority to the Department and Commission to promulgate temporary regulations to carry out the purpose of this chapter.

Persons and Entities Affected

These temporary regulations are necessary to implement the act, which is premised on bringing positive safety improvements to all citizens. These temporary regulations will affect all motorists operating vehicles where a system is authorized by the act, and where motorists engage in conduct resulting in a warning or fine under 75 Pa.C.S. § 3369(c)—(e). Positive impacts to worker safety and the traveling public within authorized work zones and on specific highways identified by the act is anticipated. System administrators and system operators must comply with these temporary regulations in the use and operation of systems.

Fiscal Impact

The act sets forth the deposit and allocation of fines generated through systems at 75 Pa.C.S. § 3369(h)(3)(iii) which will dictate relative fiscal impacts. As the act relates to the Department and Commission, both agencies are exercising their authority and duties to administer the automated speed enforcement system program in accordance with 75 Pa.C.S. § 3369(h)(1), subject to inherent fiscal impacts.

Regulatory Review

Under 75 Pa.C.S. § 3369(h)(2)(ii), the Department and Commission are authorized to promulgate temporary regulations to facilitate the prompt implementation of the act. The temporary regulations thus adopted are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

It is hereby ordered that this temporary rulemaking shall be effective upon publication in *Pennsylvania Bulletin*, subject to the sunset provisions set forth as follows.

Sunset Provisions

Under 75 Pa.C.S. § 3369(h)(1), this temporary rulemaking expires at the end of 5 years, unless extended.

Contact Person

The contact person for this temporary rulemaking is Albert C. Peters, II, General Litigation and Contracts Counsel, Turnpike Commission, 700 South Eisenhower Boulevard, Middletown, PA 17057, (717) 831-7315.

MARK P. COMPTON,
Chief Executive Officer

Fiscal Note: 60-1. No fiscal impact; (8) recommends adoption.

Annex A

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

§ 601.19. Automated speed enforcement systems.

For purposes of implementing the provisions of 75 Pa.C.S. § 3369 (relating to automated speed enforcement systems in active work zones) as they relate to the approval, testing, certification, calibration and use of automated speed enforcement systems, the Commission incorporates by reference the temporary regulations of the Department of Transportation in Chapter 105a (relating to automated speed enforcement systems—temporary regulations) in effect on December 21, 2019.

[Pa.B. Doc. No. 20-102. Filed for public inspection January 24, 2020, 9:00 a.m.]