

PROPOSED RULEMAKING

TURNPIKE COMMISSION

[67 PA. CODE CH. 601]
Traffic Regulations

The Turnpike Commission (Commission) proposes to amend §§ 601.1, 601.4—601.6, 601.9, 601.15 and 601.101 and add § 601.18 to read as set forth in Annex A. The Commission is publishing the amendments and addition as a notice of proposed rulemaking under the authority of section 1 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).

A. Purpose

The proposed 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

The Commission adopted the proposed amendments to the traffic regulations at its April 6, 1999, Commission meeting after a review of the existing regulations.

§ 601.1. Definitions.

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

§ 601.4. Speed limits.

This section has been amended to allow for a maximum speed limit of 65 miles per hour 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 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. Both entities terminated their programs due to anticipated Federal legislation that was to take effect this year. The Federal legislation has not matured as of this date, but the amendment provides for Federal permits should they become a reality.

Several tunnels exist on the Turnpike and the transportation of hazardous materials through them is limited by regulation. The amendment to this section permits the transportation through the tunnels of several hazardous materials that were previously prohibited. These materials are permitted in nonbulk packaging only. A consulting firm determined that the Commission's tunnel restrictions concerning hazardous materials are more restrictive than surrounding states and may be increasing hazardous materials traffic in areas that are less equipped to deal with accidents, and closer to residences than the closed system of the Turnpike. The amendment is designed to place some of this traffic on the Turnpike in the interest of safety without sacrificing the safety concerns of the customers.

This section now includes a fee that is intended to deter violations of § 601.5(f) and recoup costs of policing this regulation.

§ 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. Slow moving vehicles and nonmotorized vehicles have strong potential for causing accidents.

§ 601.101. Length limit for tandems.

The overall length limit for tandem trailer combinations has been amended from 76 feet to 85 feet. Vehicles over 85 feet now require a Class 9 permit to enter the Turnpike. This section was amended due to difficulties with commercial carriers in meeting the 76 foot requirement which thereby placed these vehicles on other State and local roads which are less well 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 must be privileged and confidential so as to cause no ill effect to the Commission. The amendment is designed to protect this information.

C. Effective Date

The proposal, if approved on final rulemaking, will go into effect upon publication of final adoption in the *Pennsylvania Bulletin* and posting at the Commission interchanges and will remain in effect until modified or rescinded by the Commission.

D. Paperwork

The proposal will not increase paperwork or create new paperwork for the Commonwealth or political subdivisions.

E. Fiscal Impact

The Commission is funded primarily by bonds and tolls. These proposed amendments will result in no fiscal impact upon the Commonwealth.

F. Sunset Requirement

The Commission has not set a sunset date for this proposal because the Traffic regulations are in effect on a continual basis. The Commission continues to monitor these regulations and will propose amendments when required.

G. Public Comments

Interested parties are invited to submit written comments, objections or suggestions about the proposed regulations to Mark H. Koch, Assistant Counsel, (717) 939-9551, P. O. Box 67676, Harrisburg, PA, 17106-7676, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a), on August 13, 1999, a copy of this proposal was submitted to the Independent Regulatory Review Commission (IRRC), the Senate Transportation Committee and the House Transportation Committee. In addition to the proposed amendments, IRRC and the Committees were provided with a copy of a detailed regulatory analysis form prepared by the Commission in compliance with Executive Order 1996-1; "Regulatory Review and Promulgation." A copy of the form is available to the public from the Commission upon request. The Commission will consider comments or suggestions received from IRRC or the Committees, together with comments or suggestions received from the public, prior to adopting the proposed amendments.

If IRRC has objections to any portion of the proposed amendments, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion of the proposed amendments. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by IRRC, the General Assembly and the Governor of objections raised.

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.

Annex A

TITLE 67. TRANSPORTATION

PART II. TURNPIKE COMMISSION

CHAPTER 601. TRAFFIC REGULATIONS

§ 601.1. Definitions.

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

* * * * *

Class 9 vehicle—A vehicle which exceeds 100,000 pounds in weight, 13 feet 6 inches in height, 10 feet in width, [or 76] 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 [of the Commonwealth].

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§ 601.4. Speed limits.

(a) A vehicle shall be limited to a maximum speed of 55 miles per hour, except that where a sign indicates a [lesser] different speed, the vehicle may not exceed the indicated speed. The minimum speed for a vehicle on the Turnpike is [40] 15 miles per hour below the posted speed limit, except as noted otherwise. A 65-

mile-per-hour maximum speed limit for all vehicles may be established in accordance with 75 Pa.C.S. § 6110 (relating to regulation of traffic on Pennsylvania Turnpike).

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§ 601.5. Hazardous materials.

(a) Hazardous materials may be transported, under [permit] all 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 at 49 CFR 390—397 and other Federal or State laws or regulations relating to the transportation of hazardous materials

(b) [A carrier intending to transport hazardous materials which require placarding under subsection (a) shall have a hazardous materials transportation permit issued by the Commission. Permit applications may be obtained from the Commission's Hazardous Materials Administrator at (717) 939-9551, extension 5330. For a permit to be issued, a carrier shall provide proof of automobile liability and property damage liability insurance in an amount consistent with the requirements of the Motor Carrier Act of 1980 (Pub.L. 96-296, July 1, 1980, 94 Stat. 793). The certificate of insurance shall specifically name the Commission as an additional insured and have a completed Form MCS-90 attached. These requirements are in addition to registration and permitting procedures which may be required by the Department of Transportation and the Department of Environmental Resources.

(c) [A transporter of hazardous materials shall carry [the permit] all required Federal permits while traveling on the Turnpike System and shall present the [permit] permits upon demand to [a toll collector, other] any Commission employe or the Pennsylvania State Police.

[(d) A vehicle carrying hazardous materials other than combustibles, nonflammable compressed gases, fuel oils or liquid oxygen is prohibited from traveling through a Turnpike System tunnel.

(e) (c) Explosives Divisions 1.1, 1.2, 1-3 and [Radioactive] radioactive materials [and class A and B explosives] as defined in 49 CFR 173.50 [173.53] and 173.403 (relating to [provisions for using old classifications of explosives; and] definitions) are prohibited from being transported on the Turnpike in tandem trailer combinations.

[(f) Other hazardous materials, classifications 2 through 9, as defined in 49 CFR 173.2 (relating to classification of material having more than one hazard as defined in this part), may be carried only under a Commission permit in tandem 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 as per the following chart. Restricted is defined as non-tanker loads, limited to transport in nonbulk pack-

aging of 119 gallons per container or less, as per 49 CFR 171.8 (relating to definitions and abbreviations).

<i>PLACARD NAME</i>	<i>POLICY</i>
<i>Table 1 Materials</i>	
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
<i>Table 2 Materials</i>	
Explosives 1.4	Prohibited
Explosives 1.5	Prohibited
Explosives 1.6	Prohibited
Flammable Gas	Restricted
Nonflammable 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

(f) An administrative fee in the amount of \$300, payable directly to the Pennsylvania Turnpike Commission, will be assessed for violation of subsection (e).

§ 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 [in] 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:

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(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 [will] 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 [shall] may remove or direct removal of the vehicle within 24 hours of the time of the vehicle's presumption of abandonment. 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 was removed, the reason for its removal and the location of the contract garage to which it was removed. [In an emergency] 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.

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(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 [40] 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, in association with the Pennsylvania State Police, 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 nor admissible as evidence in any legal action or other 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 in-depth accident investigations or safety study records or reports in any legal 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 [76] 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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