

PROPOSED RULEMAKING

STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

Fees

The State Board of Barber Examiners (Board) and the Commissioner of the Bureau of Professional and Occupational Affairs (Commissioner) propose to amend Chapter 3 (relating to State Board of Barber Examiners) by amending § 3.103 (relating to fees) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The graduated increases for application fees will be implemented on a 2-fiscal year (FY) basis—on July 1, 2022, and July 1, 2024.

The increased biennial renewal fees will be implemented beginning with the May 1, 2022—April 30, 2024, biennial renewal period. Thereafter, the subsequent graduated increases will be implemented with the biennial renewal for May 1, 2024—April 30, 2026.

Statutory Authority

Under section 14(b) of the Barbers' License Law (act) (63 P.S. § 564(b)), all fees required under the act shall be fixed by the Board by regulation and shall be subject to the Regulatory Review Act (71 P.S. §§ 745.1—745.14). Section 14(b) of the act further provides that “[i]f the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Section 15-A.4(b) of the act (63 P.S. § 566.4(b)), states, “[t]he board shall have power to make such other rules and regulations. . . as shall be deemed necessary to carry out the provisions of this act.”

Regarding barber, barber shop manager and barber teacher application fees, section 3(a), (c) and (d) of the act (63 P.S. § 553(a), (c) and (d)), requires applicants to submit an application in a form as the Board prescribes and states in pertinent part, “. . . [a]t the time of filing the application and accompanying notarized statements, the applicant shall pay to the department an examination fee to be determined by regulation. . . .” Regarding barber by reciprocity application fees, section 4(a) of the act (63 P.S. § 554(a)), states, “[a] barber currently licensed in another state with substantially the same licensure requirements as Pennsylvania shall be granted a Pennsylvania barber license without examination upon payment of the fee.” Regarding barber shop application fees, section 13(b) of the act (63 P.S. § 563(b)), states, “[a] licensed barber over sixty-five years of age may operate a one chair barber shop located in a senior citizen center which is eligible for funding from the State Lottery Fund. . . . Shops licensed under this subsection shall be subject to the same fees imposed pursuant to this act for the issuance and biennial renewal of a barber shop license.” Regarding barber school application fees, section 12(a) of the act (63 P.S. § 562(a)), states in pertinent part, “[b]oth the fee for registration of each barber school and the annual renewal fee shall be determined by regulation.” Under section 11

of the act (63 P.S. § 561), “[t]he department shall keep a record of the names and addresses of the barber shops to which, and the names of all persons to whom, licenses are issued under this act. The department shall furnish copies of such records to the public upon request and may establish a reasonable fee for such copies which shall not exceed the cost of reproduction.” Regarding biennial renewal fees, section 8(a) of the act (63 P.S. § 558(a)), states, “[t]he license shall be renewed on or before the thirtieth day of April, 1962, for a period of two years and biennially thereafter, and holders of said licenses shall pay to the department a fee to be determined by regulation for renewal.”

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under section 810(a)(7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7)), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

Background and Purpose of Amendment

Under section 14 of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. Board expenses are the result of direct charges, timesheet-based charges and licensee-based charges. On an annual basis, the Board reviews its fiscal status and receives an annual report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses.

At a public meeting on April 15, 2019, the BFO and the Board reviewed the Board's application fees and determined that the existing fee schedule did not reflect the costs of the services provided by the Board. The BFO presented to the Board its annual report reflecting revenues for FYs 2016-2017, 2017-2018 and 2018-2019. The BFO explained that there was a negative fund balance because Board expenses were exceeding revenue while the licensee population was declining. The Board, with the encouragement and support of the Bureau, determined that a re-evaluation of all application fees was appropriate, especially given that the Board had not updated its fees since 2014.

During the August 19, 2019, regularly scheduled Board meeting, the BFO presented to the Board actual revenues for FY 2017-2018 and reviewed projected revenues from FY 2018-2019 through FY 2024-2025. The BFO discussed projections for graduated increases of application and biennial renewal fees through FY 2024-2025 to ensure positive fund balance. The sporadic increases and decreases in the licensee population were taken into account when projecting incremental fee increases. The BFO recommended that the Board consider an increase in biennial renewal fees and application fees for FY 2021-2022.

During the January 27, 2020, regularly scheduled Board meeting, the BFO presented its annual report of the Board's income and expenses with updated data. The current BFO fiscal report shows that in FY 2018-2019, the Board incurred \$656,544.64 in expenditures and generated only \$159,127.33 in revenue, with a remaining deficit balance of (\$335,744). In FY 2019-2020, the Board incurred \$783,291.30 in expenditures and generated \$939,529.40 in revenue, with a remaining deficit balance of (\$179,505.90). For FY 2020-2021, it was estimated that the Board would incur approximately \$800,000 in expenditures and generate only \$400,000 in revenue, with a remaining deficit balance of (\$579,595.90). For FYs 2021-2022 and 2022-2023, the Board is projected to incur \$1.497 million in expenditures and generate \$1.404 million in revenue, with a deficit balance of (\$180,505.90) at the end of FY 2021-2022 and a deficit balance of (\$672,505.90) in FY 2022-2023. Based upon the information presented by the BFO, the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of the act were not sufficient to meet expenditures over a 2-year period. The Board voted to adopt the proposed graduated fee increases for application and biennial renewal fees contained in the BFO's report. An exposure draft was released to stakeholders and interested parties to solicit written comments and no comments were received.

Description of Proposed Amendments

The Board proposes to amend § 3.103 to set forth graduated fee schedules for application fees and biennial renewal fees. In doing so, for clarity, the Board proposes to add a new undesignated center heading entitled "Fees." The Board proposes to delete the existing fee schedule and add a new graduated fee schedule. New subsection (a) lists the graduated schedule of fees for applications for licensure, certification, registration and services with corresponding fees and effective dates. Application fees not associated with a profession or type of facility are set forth under a miscellaneous fee category. The Board proposes to add subsection (b), which lists the schedule of fees and corresponding effective dates for biennial license renewal.

Under proposed § 3.103(a), application fees would increase on a graduated level for the licenses and registrations of barbers, barber shop managers, barber teachers, barber shops and barber schools; miscellaneous application fees including licensure of barber by reciprocity, change in barber shop—inspection required, change in barber shop—no inspection required, reinspection after first fail—new or change (shop or school), verification of license/permit/registration and certification of student status or student training hours. The proposed application fees are increased on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \qquad \times \\ & \text{pay rate for the classification of the personnel performing} \\ & \qquad \text{the function} \\ & \qquad + \\ & \text{a proportionate share of administrative overhead} \end{aligned}$$

Proposed application fee increases effective July 1, 2022, and July 1, 2024, are based on time study reports created within the Bureau giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for 1 year (times two since the increases are biennial). Application fees are almost entirely dependent upon personnel-related costs.

The proposed biennial renewal fees would increase on a graduated basis for barber, barber shop manager, barber teacher, barber shop and barber school effective May 1, 2022, and May 1, 2024. The graduated biennial renewal fee schedule is set forth under proposed § 3.103(b) which lists all renewal fees and corresponding effective dates.

The new fee structure is projected to produce biennial revenues of \$1,668,000 in FYs 2021-2022 through 2022-2023, which will allow the Board to meet or exceed its projected expenditures of \$1,497,000 and reduce its \$579,505.90 deficit. The biennial revenues of \$1,952,000 in FYs 2023-2024 through 2024-2025 will allow the Board to meet or exceed its projected expenditures of \$1,542,000, which will further reduce the Board's deficit.

Proposed Application Fees

As set forth as follows and in § 3.103(a), the proposed graduated increases will impact applicants as follows:

Barber

The Board receives approximately 434 barber applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$10 to \$30 will generate an additional \$8,680 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$8,680 in application fees.

FY 2024-2025: The fee increase from \$30 to \$33 will generate an additional \$1,302 in application fees.

Barber Shop Manager

The Board receives approximately 100 barber shop manager applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$10 to \$30 will generate an additional \$2,000 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$2,000 in application fees.

FY 2024-2025: The fee increase from \$30 to \$33 will generate an additional \$300 in application fees.

Barber Teacher

The Board receives approximately 14 barber teacher applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$10 to \$30 will generate an additional \$280 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$280 in application fees.

FY 2024-2025: The fee increase from \$30 to \$33 will generate an additional \$42 in application fees.

Barber Shop

The Board receives approximately 235 barber shop applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$110 to \$145 will generate an additional \$8,225 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$8,225 in application fees.

FY 2024-2025: The fee increase from \$145 to \$160 will generate an additional \$3,525 in application fees.

Barber School

The Board receives approximately five barber school applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$140 to \$170 will generate an additional \$150 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$150 in application fees.

FY 2024-2025: The fee increase from \$170 to \$185 will generate an additional \$75 in application fees.

Licensure of Barber by Reciprocity

The Board receives approximately 165 licensure of barber by reciprocity applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$55 to \$60 will generate an additional \$825 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$825 in application fees.

FY 2024-2025: The fee increase from \$60 to \$65 will generate an additional \$825 in application fees.

Change in Barber Shop—inspection required

The Board receives approximately ten applications for Change in Barber Shop—inspection required, per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$90 to \$115 will generate an additional \$250 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$250 in application fees.

FY 2024-2025: The fee increase from \$115 to \$125 will generate an additional \$100 in application fees.

Change in Barber Shop—no inspection required

The Board receives approximately 40 applications for Change in Barber Shop—no inspection required, per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$40 to \$45 will generate an additional \$200 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$200 in application fees.

FY 2024-2025: The fee increase from \$45 to \$50 will generate an additional \$200 in application fees.

Reinspection after first fail—new or change (shop or school)

The Board receives approximately five reinspection after first fail (barber shop or school) applications per year. An adjustment of the fees for this category of applications will result in the following revenue changes:

FY 2022-2023: The fee decrease from \$90 to \$75 will generate a decrease of \$75 in application fees.

FY 2023-2024: The fee decrease will continue to generate a decrease of \$75 in application fees.

FY 2024-2025: The fee increase from \$75 to \$82 will generate an increase of \$35 in application fees.

Verification of license/permit/registration

The Board receives approximately 100 verification of license/permit/registration applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2022-2023: The fee increase from \$15 to \$20 will generate an additional \$500 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$500 in application fees.

FY 2024-2025: The fee increase from \$20 to \$22 will generate an additional \$200 in application fees.

Certification of Student Status or Student Training Hours

The Board receives approximately 12 certification of student status or student training hours applications per year. The graduated application fee increases will generate revenue as follows:

FY 2022-2023: The fee increase from \$30 to \$35 will generate an additional \$60 in application fees.

FY 2023-2024: The fee increase will continue to generate an additional \$60 in application fees.

FY 2024-2025: The fee increase from \$35 to \$40 will generate an additional \$60 in application fees.

Proposed Biennial Renewal Fees

As set forth as follows and in § 3.103(b), the proposed graduated increases will impact licensees, registrants and certificate holders:

Barber

There are approximately 3,188 barbers who are subject to the current biennial renewal fee of \$109; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 432 barbers will stop renewing their licenses in the May 2022 renewal, resulting in 2,756 barbers. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$109 to \$160 will generate an additional \$140,556 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$160 to \$184 will generate an additional \$66,144 in revenue.

Barber Shop Manager

There are approximately 2,462 barber managers who are subject to the current biennial renewal fee of \$161; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 363 barber shop managers will stop renewing their licenses in the May 2022 re-

newal, resulting in 2,099 barber shop managers. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$161 to \$215 will generate an additional \$113,346 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$215 to \$260 will generate an additional \$94,455 in revenue.

Barber Teacher

There are approximately 275 barber teachers who are subject to the current biennial renewal fee of \$174; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 19 barber teachers will stop renewing their licenses in the May 2022 renewal, resulting in 256 barber teachers. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$174 to \$225 will generate an additional \$13,056 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$225 to \$270 will generate an additional \$11,520 in revenue.

Barber Shop

There are approximately 2,098 barber shops that are subject to the current biennial renewal fee of \$187; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO estimates that around 245 barber shops will stop renewing their licenses in the May 2022 renewal, resulting in 1,853 barber shops. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$187 to \$235 will generate an additional \$88,944 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$235 to \$287 will generate an additional \$96,356 in revenue.

Barber School

There are approximately 42 barber schools that are subject to the current biennial renewal fee of \$291; these licensees will be impacted by the proposed biennial renewal fee increases. Using past history as a guide, the BFO does not anticipate a decrease in the number of renewals in May 2022. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$291 to \$340 will generate an additional \$2,058 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$340 to \$391 will generate an additional \$2,142 in revenue.

At the end of FY 2020-2021, the Board is projected to have a deficit of (\$579,505.90). The new fee structure is projected to produce additional revenues of \$379,055 in FY 2021-2022 through FY 2022-2023, allowing the Board to begin to reduce the deficit spending. In FY 2023-2024 through FY 2024-2025, the new fee structure is projected to produce additional biennial revenues of \$298,376. These revenues will have a positive projected remaining balance of \$1,494.10 in FY 2024-2025. The biennial

revenues previously listed assume a reduction in the barber, barber shop manager, barber teacher and barber shop licensee populations, beginning in FY 2021-2022; the barber school licensee population is expected to remain unchanged. Even assuming decreases in the licensee population, as noted previously, the revenues from the new fee structure will still have a positive projected remaining balance. Therefore, the new fee structure is projected to allow the Board to meet or exceed its projected expenditures and will put the Board back on firm financial ground.

Fiscal Impact and Paperwork Requirements

The proposed amendments will increase application and biennial renewal fees on a graduated basis. All applicants, licensees and registrants will be required to comply with the regulation. The fees may be paid by applicants, licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 1,120 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 434 barbers, 100 barber shop managers, 14 barber teachers, 235 barber shops, 5 barber schools, 165 licensure of barber by reciprocity, 10 barber shop change (with inspection), 40 barber shop change (without inspection), 5 reinspection after first fail, 100 verification of license/permit/registration and 12 certification of barber school hours.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 2022-2023:	\$21,095
FY 2023-2024:	\$21,095
FY 2024-2025:	\$ 6,664
<u>Total:</u>	<u>\$48,854</u>

There are approximately 8,065 individuals who possess current licenses and registrations issued by the Board who will be required to pay more to renew their licenses and registrations. Factoring in a possible reduction of 1,059 licensees, the remaining 7,006 currently licensed individuals will be affected as follows:

Based upon the previously listed biennial renewal fee increases, the economic impact is as follows:

FY 2021-2022 and FY 2022-2023:	\$ 357,960
FY 2023-2024 and FY 2024-2025:	\$ 270,617
<u>Total:</u>	<u>\$ 628,577</u>

Thus, the total economic impact to applicants, licensees, registrants or employers, if employers choose to pay application or licensing fees, is \$677,431. This amount reflects the economic impact that will occur between FY 2021-2022 and FY 2024-2025.

This proposed rulemaking will require the Board to revise its printed and online application forms. The amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 1, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days from the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Board Counsel, Department of State, State Board of Barber Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatory Counsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 16A-4211 (Fees) when submitting comments.

DOMINIC L. MUNIZ,
Chairperson, State Board of Barber Examiners
K. KALONJI JOHNSON,
Commissioner, Bureau of Professional and Occupational Affairs

Fiscal Note: 16A-4211. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

FEEES

§ 3.103. Fees.

[**The schedule of fees charged by the Board is as follows:**

- Licensure of barber, barber shop manager or barber teacher \$10**
- Licensure of barber by reciprocity \$55**
- Licensure of barber shop \$110**
- Licensure of barber school \$140**
- Biennial renewal of barber license \$109**
- Biennial renewal of barber shop manager license \$161**
- Biennial renewal of barber teacher license \$174**
- Biennial renewal of barber shop license \$187**
- Biennial renewal of barber school license \$291**
- Change in barber shop—inspection required... \$90**
- Change in barber shop—no inspection required ..\$40**
- Reinspection after first fail—new or change (shop or school)..... \$90**
- Verify license/permit/registration..... \$15**
- Certification of student status or student training hours\$30]**

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

		Effective July 1, 2022	Effective July 1, 2024
<u>(1) Initial Application for Licensure</u>			
<u>Barber</u>	<u>\$10</u>	<u>\$30</u>	<u>\$33</u>
<u>Barber Shop Manager</u>	<u>\$10</u>	<u>\$30</u>	<u>\$33</u>
<u>Barber Teacher</u>	<u>\$10</u>	<u>\$30</u>	<u>\$33</u>
<u>Barber Shop</u>	<u>\$110</u>	<u>\$145</u>	<u>\$160</u>
<u>Barber School</u>	<u>\$140</u>	<u>\$170</u>	<u>\$185</u>
<u>(2) Miscellaneous</u>			
<u>Licensure of barber by reciprocity</u>	<u>\$55</u>	<u>\$60</u>	<u>\$65</u>
<u>Change in Barber Shop— Inspection required</u>	<u>\$90</u>	<u>\$115</u>	<u>\$125</u>
<u>Change in Barber Shop— no inspection required</u>	<u>\$40</u>	<u>\$45</u>	<u>\$50</u>
<u>Reinspection after first fail— new or change (shop or school)</u>	<u>\$90</u>	<u>\$75</u>	<u>\$82</u>
<u>Verify license/permit/registration</u>	<u>\$15</u>	<u>\$20</u>	<u>\$22</u>
<u>Certification of student status or student training hours</u>	<u>\$30</u>	<u>\$35</u>	<u>\$40</u>

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

		May 1, 2022— April 30, 2024 Biennial Renewal Fee	May 1, 2024— April 30, 2026 Biennial Renewal Fee and thereafter
Barber	\$109	\$160	\$184
Barber Shop Manager	\$161	\$215	\$260
Barber Teacher	\$174	\$225	\$270
Barber Shop	\$187	\$235	\$287
Barber School	\$291	\$340	\$391

[Pa.B. Doc. No. 21-950. Filed for public inspection June 18, 2021, 9:00 a.m.]

TURNPIKE COMMISSION

[67 PA. CODE CH. 601]

Traffic Regulations

The Turnpike Commission (Commission) proposes to amend Chapter 601 (relating to traffic regulations), specifically the following §§ 601.1, 601.3, 601.5, 601.9, 601.12—601.15, 601.17, 601.18 and 601.101—601.103, as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of sections 4 and 12 of the act of May 21, 1937 (P.L. 774, No. 211) (36 P.S. §§ 652d and 652l); 74 Pa.C.S. §§ 8102, 8107 and 8116 (relating to definitions; commission powers and duties; and collection and disposition of tolls and other revenue); and 75 Pa.C.S. §§ 6110 and 6110.1 (relating to regulation of traffic on Pennsylvania Turnpike; and fare evasion).

A. Purpose of this Chapter

The purpose of Chapter 601 is to exercise the Commission's statutory authority to promulgate traffic regulations that promote the health, safety and welfare of the Commission's customers traveling on the Turnpike System.

B. Purpose of these Amendments to the Regulations

The purpose of these proposed amendments to Chapter 601 is to revise and improve the regulations and to reflect the Commission's conversion to a cashless tolling system, that is, all electronic tolling (AET). The amendments include new policies and procedures regarding special hauling permits for over-dimensional/overweight vehicles and updating the regulations and chart regarding the transportation of hazardous materials through Turnpike tunnels. The proposed amended regulations will address recent statutory amendments to fare evasion, update vehicles excluded from the Turnpike System and update language for tandem trailer combinations. Additional changes include clarifying existing language, deleting or revising obsolete language and other editorial amendments.

C. Description of the Amendments to the Regulations

After conducting a review of its traffic regulations, the Commission adopted the following proposed amendments at its October 6, 2020, Commission meeting:

§ 601.1. Definitions

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

The definition of "hazardous material" is proposed to be amended to reflect the proper citation of the definition as found in the *Code of Federal Regulations*.

The definition of "max time formula" is proposed to be deleted because these formulas are determined by business rules rather than a regulation, which may need to be modified periodically.

§ 601.3. Officers

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

§ 601.5. Hazardous materials

This section is proposed to be amended to update the existing chart regarding the Commission's policies for the transportation of hazardous materials through Turnpike tunnels. The Federal Motor Carrier Safety Administration and the United States Department of Transportation (USDOT) recognize nine classes as the first level of warning for hazardous materials and multiple placards

can fall into those classes. Title 49 of the *Code of Federal Regulations* sets forth the nine hazardous materials classes, listed by class, not placard. See 49 CFR 173.2 (relating to hazardous materials classes and index to hazard class definitions). The definitions for each class are found in various other subsections of 49 CFR Part 173 (relating to shippers—general requirements for shipments and packagings). The hazard class is the overall category of a hazard material, whereas the placard is the recommended sign placed on a vehicle. Because USDOT has multiple placards for some of the classes, the Commission does not want carriers to focus on a single placard for a specific hazardous materials class. To avoid confusion, the proposed revised chart eliminates “Placard Name” and now separates hazardous materials classes into Prohibited, Prohibited in Bulk Packaging and Permitted. Therefore, the proposed amendments to the chart will: (1) recognize and clarify the classes, (2) be easier to read and interpret, and (3) realign the Commission’s regulations to remain consistent with Federal law.

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

§ 601.9. U-turns

This section is proposed to be amended to clarify who may authorize a U-turn on the Turnpike System.

§ 601.12. Toll collection

In 2020, the Commission converted to AET, a cashless tolling system that incorporates electronic toll collection and license plate tolling. The Commission no longer issues paper tickets and all tolls are collected by an electronic toll collection device, currently E-Z Pass, or through license plate imaging captured by cameras or similar technology, Toll By Plate. Section 8116 of 74 Pa.C.S. establishes the Commission’s statutory authority to charge and collect tolls, including the right to authorize, fix and revise toll rates for use of the Turnpike System. Section 12 of the Commission’s 1937 enabling statute (36 P.S. § 652l) provides similar language. The language of both statutes grants the Commission broad discretion regarding tolling and demonstrates a clear legislative intent that the Commission shall have the sole authority to establish the most efficient and modern methods regarding the collection of tolls. No other governmental entity or agency in the Commonwealth has been granted these powers, which further proves the legislature’s intent that the Commission rely on its operational experience and tolling expertise to determine the best way to collect tolls on the Turnpike System.

This section is proposed to be renamed “toll collection,” formerly “toll tickets,” and fully amended will reflect the conversion to AET. The new language proposes to incorporate the definition of electronic toll collection, the implementation of license plate tolling and any other technol-

ogy used to identify vehicles traveling the Turnpike System and a citation to 74 Pa.C.S. § 8116.

§ 601.13. Evasion of fare

The General Assembly enacted the act of November 25, 2013 (P.L. 974, No. 89) and codified the language of 75 Pa.C.S. § 6110.1 into the Vehicle Code, which sets the penalties for fare evasion or attempted fare evasion committed on the Turnpike System, including any affirmative actions, which is a misdemeanor of the third degree. Section 601.13 (relating to evasion of fare) is proposed to be amended to reference the language and penalties set forth in 75 Pa.C.S. § 6110.1. This section is proposed to be amended to reflect the elimination of paper toll tickets as part of the Commission’s conversion to a cashless tolling system.

§ 601.14. Over-dimensional/overweight vehicles

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

As part of its conversion to AET, the Commission’s long-standing Class 9 toll rate has been updated for use with the revised permitting process that includes a new toll rate (now equal to the significantly lower Class 8 toll rate). The former Class 9 toll was always higher than other tolling rates because of the need for the Commission to affect repairs to the Turnpike System from damage done by over-dimensional/overweight vehicles. The pre-AET Class 9 rate had such costs built into the toll rate and represented the cost for carriers to travel on the Turnpike, in effect a user fee. However, due to the revised toll rates under AET, the revised permitting system will result in revenue/cost neutrality for the Commission and the carriers and customers impacted by the new procedures. Moreover, the revised permitting system will not impose new or restrictive conditions on said carriers or customers traveling on the Turnpike System.

The proposed amendments to this section also revise the language regarding escorts for vehicles with excessive width, length, height or weight.

§ 601.15. Vehicles excluded from the Turnpike

To be consistent with the proposed amendments to § 601.14, this section is proposed to be amended to replace the term “Class 9 vehicle” with “over-dimensional/overweight vehicle” and the requirement to obtain a special hauling permit before these vehicles can travel on the Turnpike System. This section is proposed to be amended to prohibit certain vehicles on the Turnpike System during adverse travel conditions. Weather-related exclusions are already permitted under § 601.15(a) (relating to vehicles excluded from the Turnpike). The Commis-

sion’s intent is to exclude certain vehicles, as already listed in § 601.15(a), from the Turnpike System for non-weather-related travel conditions as determined by the Commission. For example, closure of a bridge due to structural damages, such as the Delaware Bridge in 2017, or a truck fire in a tunnel.

§ 601.17. *Authorized vehicle*

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

§ 601.18. *Accident prevention investigations*

The proposed amendment to this section is editorial.

§ 601.101. *Length limit for tandems*

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

§ 601.102. *Weight and dimensional limits for tandems*

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

§ 601.103. *Exclusion of tandem truck trailers*

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

D. *Persons and Entities Affected*

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

E. *Fiscal Impact*

The Commission is funded primarily by tolls and bonds. Because there is no direct cost to the Commonwealth or local governments as a result of this proposed rulemaking, the Commission has not submitted a fiscal note.

F. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)) on June 1, 2021, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommenda-

tions or objections must specify the regulatory review criteria 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor.

G. *Effective Date*

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

H. *Sunset Provisions*

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

I. *Public Comments*

Interested parties are invited to submit written comments, objections or suggestions regarding this proposed rulemaking to John F. Dwyer, Assistant Counsel, Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106-7676, (717) 831-7343, jdwyer@paturndpike.com, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

J. *Contact Person*

The contact person for explanation of this proposed rulemaking is John F. Dwyer, Assistant Counsel, Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106-7676, (717) 831-7343, jdwyer@paturndpike.com.

MARK P. COMPTON,
Chief Executive Officer

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

GENERAL

§ 601.1. **Definitions.**

* * * * *

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

* * * * *

Hazardous material—An explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable and nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic

peroxide, radioactive material, etiologic agent or other regulated material defined in [49 CFR Parts 100—177 (relating to research and special programs administration, Department of Transportation)] 49 CFR Chapter I (relating to pipeline and hazardous materials safety administration, Department of Transportation) whether a material, a substance or a waste product.

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

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

* * * * *

§ 601.3. Officers.

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

§ 601.5. Hazardous materials.

(a) Hazardous materials may be transported, under the required Federal permits, on the Turnpike system, if the shipments are in full compliance with 10 CFR Part 71 (relating to packaging and transportation of radioactive material), 49 CFR Chapter I, Subchapter C (relating to hazardous materials regulations), [the Federal motor carrier safety regulations,] 49 CFR Parts 390—397, regarding Federal motor carrier safety regulations, and other Federal or State laws or regulations relating to the transportation of hazardous materials.

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

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

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

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

[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]

<i>Prohibited Hazardous Materials Classes</i>		
<u>Hazardous Material</u>	<u>Class</u>	<u>Policy</u>
<u>All Explosives</u>	<u>1.1—1.6</u>	<u>Prohibited</u>
<u>Poison Gas</u>	<u>2.3</u>	<u>Prohibited</u>
<u>Dangerous When Wet</u>	<u>4.3</u>	<u>Prohibited</u>
<u>Organic Peroxide</u>	<u>5.2</u>	<u>Prohibited</u>
<u>Poison (Inhalation Hazard)</u>	<u>6.1</u>	<u>Prohibited</u>
<u>Radioactive</u>	<u>7</u>	<u>Prohibited</u>

<i>Prohibited in Bulk Packaging Hazardous Materials Classes</i>		
<u>Hazardous Material</u>	<u>Class</u>	<u>Policy</u>
<u>Flammable Gas</u>	<u>2.1</u>	<u>Prohibited in bulk packaging</u>
<u>Flammable Liquid</u>	<u>3</u>	<u>Prohibited in bulk packaging</u>
<u>Flammable Solid</u>	<u>4.1</u>	<u>Prohibited in bulk packaging</u>
<u>Spontaneously Combustible</u>	<u>4.2</u>	<u>Prohibited in bulk packaging</u>
<u>Oxidizer</u>	<u>5.1</u>	<u>Prohibited in bulk packaging</u>
<u>Poison (Other than Inhalation Hazard)</u>	<u>6</u>	<u>Prohibited in bulk packaging</u>
<u>Corrosive</u>	<u>8</u>	<u>Prohibited in bulk packaging</u>
<i>Permitted Hazardous Materials Classes</i>		
<u>Hazardous Material</u>	<u>Class</u>	<u>Policy</u>
<u>Non-Flammable Gas</u>	<u>2.2</u>	<u>Permitted</u>
<u>Combustible (Fuel Oil)</u>	<u>3</u>	<u>Permitted</u>
<u>Miscellaneous</u>	<u>9</u>	<u>Permitted</u>
<u>Dangerous</u>	<u>-</u>	<u>Permitted</u>
<u>Stow Away From Food Stuffs</u>	<u>-</u>	<u>Permitted</u>

§ 601.9. U-turns.

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

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

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

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

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

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

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

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

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

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

§ 601.13. Evasion of fare.

(a) Evasion of fare or attempted evasion of fare is prohibited and constitutes a summary offense **unless a person intentionally or knowingly takes an affirma-**

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

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

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

(2) [**The presentation to a State Trooper or toll collector of a toll ticket which indicates that the patron has exceeded the travel time allotted based on the max-time formula, where the patron cannot produce satisfactory physical evidence, including the driver's record of duty status, demonstrating that the age of the ticket was the result of actual excess time spent legitimately on the Turnpike System by the patron and was not the result of fare evasion or attempted fare evasion**] **(Reserved)**.

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

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

(3.1) Operating a vehicle on the Turnpike System without a license plate and valid vehicle registration.

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

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

(6) The failure by [the patron] a person to pay the appropriate toll [upon exiting the Turnpike System].

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

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

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

(a) Prior to entering the Turnpike System, [Class 9] operators of over-dimensional/overweight vehicles shall [contact the Commission's Safety Department at (717) 939-9551, extension 2970 or 2980, to] request and obtain a [Class 9] special hauling permit according to Commission policies and procedures and pay all applicable fees.

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

(1) The size, weight and number of axles of the [Class 9] over-dimensional/overweight vehicle.

(2) The name, address and telephone number of the carrier.

(3) The planned entry and exit interchange.

(4) The planned date of movement.

(5) Other information which may be requested by the [Safety Department] Commission.

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

(d) [Vehicles over 11 feet in width, 90 feet in length or 125,000 pounds in weight may be required to provide an escort vehicle for movement on the Turnpike System.] Based on Commission policies and procedures, operators of over-dimensional/overweight vehicles with excessive width, length, height or weight, or at the discretion of the Commission, may be required to provide an escort vehicle or have a State Police escort, or both, for movement on the Turnpike System.

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

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

§ 601.15. Vehicles excluded from the Turnpike.

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

(b) [Class 9] Over-dimensional/overweight vehicles are prohibited from using the Turnpike System except by special hauling permit issued from the Commission, as indicated in §§ 601.1 and 601.14 (relating to definitions; and [Class 9] over-dimensional/overweight vehicles).

* * * * *

§ 601.17. Authorized vehicle.

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

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

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

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

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

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

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

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

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

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

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

* * * * *

§ 601.18. Accident prevention investigations.

(a) The Commission may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the cause of traffic accidents and

the improvements which may help prevent similar types of accidents or increase the overall safety of the Turnpike roadway and bridges.

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

TANDEM TRAILER COMBINATIONS

§ 601.101. Length limit for tandems.

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

§ 601.102. Weight and dimensional limits for tandems.

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

§ 601.103. Exclusion of tandem tank trailers.

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

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