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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 11, 2002

Honorable Glen Thomas, Chairman
Pennsylvania Public Utility Commission
Keystone Building
400 North Street
3rd Floor, North Wing
Harrisburg, PA 17105

Re: Regulation #57-225 (IRRC #2247)
Pennsylvania Public Utility Commission
Street Railway Transportation

Dear Chairman Thomas:

Enclosed are our Comments. They will soon be available on our website at www.irrc.state.pa.us.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce". The signature is written in a cursive style.

Robert E. Nyce
Executive Director

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Enclosure

cc: Honorable Dennis M. O'Brien, Majority Chairman, House Consumer Affairs Committee
Honorable Joseph Preston, Jr., Democratic Chairman, House Consumer Affairs Committee
Honorable Clarence D. Bell, Chairman, Senate Consumer Protection and Professional
Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional
Licensure Committee

Comments of the Independent Regulatory Review Commission

on

Pennsylvania Public Utility Commission Regulation No. 57-225

Street Railway Transportation

April 11, 2002

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by March 11, 2004, the regulation will be deemed withdrawn.

General. – Consistency with existing regulations.

This proposed rulemaking from the PUC deletes existing Chapter 35, relating to street railway transportation. We have one concern with this proposed rulemaking.

There are three other sections of Title 52 that contain references to, or terminology from, the deleted Chapter. These include: 1) Section 5.11(b), relating to applications generally, which references Section 35.1; 2) Section 29.73, relating to posting notice prohibiting conversation, which uses the term “street railway cars”; and 3) Section 33.1, relating to definitions, which uses the term “street railway” in the definition of “carrier.”

These terms and reference to Section 31.1 should be deleted in the final-form regulation, as they will become obsolete with the deletion of Chapter 35.