

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><i>(All Comments submitted on this regulation will appear on IRRC's website)</i></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>RECEIVED</p> <p>Independent Regulatory Review Commission</p> <p>October 29, 2024</p>	
<p>(1) Agency</p> <p>Department of General Services</p>		<p>IRRC Number: 3421</p>	
<p>(2) Agency Number: 8</p> <p>Identification Number: 28</p>			
<p>(3) PA Code Cite:</p> <p>4 Pa. Code §§ 71.1- 71.6, 71.11, 71.12, 71.21, 71.31, 71.41-71.44, 71.46</p>			
<p>(4) Short Title:</p> <p>Commonwealth Parking Facilities</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Juan A. Ruiz, Deputy Chief Counsel, 717-787-6789, jruiz@pa.gov Secondary Contact: Ariel E. O'Malley, Assistant Counsel, 717-787-2113, aomalley@pa.gov</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input checked="" type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>Chapter 71 is being updated and amended by deleting superfluous, outdated, conflicting and unnecessary language. Chapter 71 outlines the policies and procedures regarding issuance of parking permits within the Pennsylvania State Capitol Complex, including State offices located in Harrisburg for State employees, officials, contractors and visitors. The following sections are being amended to provide for these updates: Sections 71.1-71.6, 71.11, 71.21, 71.31, and 71.41-44, with § 71.44 (relating to compliance with procedure, parking violations, fines and penalties) amended specifically to update the amount for fines and the process by which those fines are paid. Sections 71.12 and 71.46 (relating to monthly report; and parking areas – Capitol complex) are being removed.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p>			

The Department's authority to promulgate this rulemaking is set forth in sections 506, 2401.1 and 2402 of The Administrative Code of 1929 (71 P.S. §§ 186, 631.1, and 632(a)). Section 506 provides the general authority for the heads of all administrative departments to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, the conduct of their employees, the performance of their business, and the custody, use and preservation of property pertaining to their department. Section 2401,1 sets forth the specific powers and duties of the Department of General Services, which includes "the issuance of general regulations implementing the act." (71 P.S. § 631.1(20)). Section 2402(a) grants the Department the power and duty to control and supervise the State Capitol Building and public grounds and buildings within the City of Harrisburg connected with the State Capitol. (71 P.S. § 632(a)). In addition, section 2416 of The Administrative Code of 1929 (71 P.S. § 646(e)) authorizes the Capitol Police "[t]o exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the [city] of Harrisburg[.]" Harrisburg City Police have the authority to enforce parking rules under Harrisburg City Ordinance § 3-131 (related to stopping and parking generally).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No. This regulation is not mandated by any federal or state law or court order, or federal regulation. There are no relevant state or federal court decisions.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Under the authority of section 2402 of The Administrative Code of 1929 (71 P.S. § 632), the department promulgated Chapter 71 "to effect maximum utilization of parking facilities available for use by Commonwealth employes and to provide standard rules and regulations for the administration and management of the parking facilities." (4 Pa. Code § 71.1) Chapter 71 was adopted in 1973 and has not been amended or updated in any way in over 50 years. Due to this passage of time, this regulation requires an increase in the parking ticket fine amount along with updates based on operational changes. Most other state capitals, along with our nation's capital, have parking ticket fine amounts that far exceed that currently set forth in Chapter 71. Moreover, the City of Harrisburg, which encompasses much of the Capital itself, has set its own base parking ticket fine amount five times higher than the amount set in 1973, which is currently \$30. See Harrisburg City Ordinances § 3-131.11. Amendments to Chapter 71 are required to deter misuse and abuse of Commonwealth parking spaces and places, modernize procedures, and ensure efficient and effective use of Commonwealth property. This includes the removal of superfluous, outdated, conflicting and unnecessary language. The public benefits from good stewardship and use of Commonwealth parking spaces and places, especially in our State Capitol. Without making these much-needed amendments, Commonwealth government is impacted based on the unavailability of parking spaces and the resources wasted on enforcing outdated provisions with little to no meaningful economic impact for those who violate the provisions of this regulation.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. There are no federal standards that are applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Most sister states near Pennsylvania currently charge more than the proposed \$30 initial fee. Harrisburg City itself is aligned with the updated fee amount of \$30 for parking in prohibited areas, which was last updated in 2009. See Harrisburg City Ordinances § 3-131.11 and § 3-13.12 (available at [City of Harrisburg, PA Stopping and Parking Generally \(ecode360.com\)](http://City of Harrisburg, PA Stopping and Parking Generally (ecode360.com))). There is no expected impact on Pennsylvania's ability to compete with other states.

The following are some examples of fines that are assessed in states surrounding Pennsylvania: West Virginia assesses a fine of \$10 when individuals park in unauthorized areas. This fine increases to \$20 if it's not paid within 10 days. Delaware issues a civil penalty between \$11.50 and \$28.75, through their Department of Safety and Homeland Security, to individuals who unlawfully park in areas owned, leased or under the control of the State when they are conspicuously marked for parking of the members of the General Assembly, their staff, state-owned vehicles, specific state offices or state employees. Connecticut assesses a fine of \$35 against individuals who unlawfully park in reserved areas. Maine assesses a \$15 fee against individuals who improperly park in legislative areas and a \$14 fee for improper parking in other reserved areas. Massachusetts assesses a \$15 fine against individuals who park in employee permit parking only zones and other restricted areas. An additional \$35 is assessed if the fine is not paid within 30 days. If the violator still has not paid the fine, the violation is reported to the registrar and the individual will have to pay the \$15 fine plus \$50, for a total amount of \$65. Vermont issues an administrative ticket to non-state employees, for an undisclosed amount, and a warning that a second violation will result in towing of the vehicle. Employees may receive multiple administrative tickets and could potentially lose their parking privileges if they continue to park in the incorrect permit zone. New Jersey assesses a fine in the amount of \$1 - \$15 against individuals who improperly park on state property.

Some jurisdictions have taken a different path in addressing the parking situation. For instance, Maryland tows unauthorized vehicles parked in unauthorized areas and issues tickets only to its employees that violate the rules of parking or revokes their parking privileges entirely.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. This will not affect any other regulations.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Not applicable as this is a final-omitted regulation.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

As this regulation pertains to Commonwealth property, the individuals most affected will be those that park in prohibited areas. Roughly 500 tickets are issued on an annual basis to individuals who park in prohibited areas and the fine for doing so will increase from \$5 to \$30 with this regulation. However, the number of persons affected could decrease simply by following the regulation and avoiding fines for parking in prohibited areas.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

This regulation applies to all Commonwealth agencies, boards, commissions and councils with employees in the Capitol Complex area. It is important to note that the Commonwealth agencies, boards, commissions and councils are already functioning under the procedures set forth in the rulemaking and will not be coming under any new burdens, unless they violate the parking regulations and are issued a parking ticket or their parking privileges are revoked.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The financial impact of the regulation falls primarily on individuals who violate the regulations and park in unauthorized locations, as they will now have to pay the increased fine of \$30, or \$50 should they fail to timely pay said fine. However, the Commonwealth benefits as a whole from these updates due to a decrease in misuse and abuse of Commonwealth parking facilities, spaces and places, and an increase in the amount of money returning to the Commonwealth through the parking ticket fee increase.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

These changes overall increase efficiency in enforcement and help foster a better parking environment for Commonwealth agencies, boards, commissions and councils with employees in the Capitol Complex Area. Furthermore, any cost, or adverse effect, to the public can be avoided by parking in areas that do not require a permit or simply following the parking regulations.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Roughly 500 parking tickets are issued on an annual basis with the fine of \$5, reaching a total of around \$2,500 in fines for parking in prohibited areas. With the fine being increased to \$30, and an expectation of similar parking violations at least at the time of initial fine increase, the total amount of fines will reach around \$15,000. However, it is the Commonwealth's hope that the increased fine will have a deterrent effect on parking violators and a reduced need to issue parking tickets.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

None.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

None.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

None.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the

information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Not applicable.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

Not applicable.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$6,300	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2021-2022	FY -2 2022-2023	FY -1 2023-2024	Current FY 2024-2025
Parking Ticket Program	\$8,470.14	\$9,228.66	\$9,589.86	\$307.02

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Not applicable. This regulation only applies to Commonwealth parking facilities and does not affect any non-Commonwealth businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered and rejected. The Department believes this rulemaking represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) This regulation does not contain compliance or reporting requirements that need to be altered for small businesses.

b) This regulation does not contain schedules or deadlines for compliance or reporting that need to be altered for small businesses.

c) This regulation does not contain compliance or reporting requirements that need to be simplified for small businesses.

d) This regulation does not contain design or operational standards that need to be altered for small businesses.

e) There are no requirements within this regulation that a small business should be exempt from.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The length of the public comment period: | N/A |
| B. The date or dates on which any public meetings or hearings will be held: | N/A |
| C. The expected date of delivery of the final-form regulation: | Fall 2024 |
| D. The expected effective date of the final-form regulation: | Upon notice or publication of the rulemaking in the <i>Pennsylvania Bulletin</i> . |

E. The expected date by which compliance with the final-form regulation will be required:

30 days after publication
in the Pennsylvania
Bulletin

F. The expected date by which required permits, licenses or other approvals must be obtained:

N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department will continually review the efficacy of this regulation as part of its annual review process under Executive Order 1996-1.

CDL-1



**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

RECEIVED

Independent Regulatory
Review Commission

October 29, 2024

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by.</p> <p><u>Department of General Services</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO <u>8-28</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u></u> Reginald B. McNeil II</p> <p>TITLE <u>Secretary of General Services</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p> Digitally signed by Cynthia K. Montgomery DN: cn=Cynthia K. Montgomery, o=, email=cymontgome@pa.gov, c=US Date: 2024.10.23 14:49:0400</p> <p>BY: _____</p> <p><u>October 23, 2024</u> DATE OF APPROVAL</p> <p>(Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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FINAL-OMITTED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

**4 PA. CODE CHAPTER 71
§§ 71.1- 71.6, 71.11, 71.12, 71.21, 71.31, 71.41-71.44, 71.46**

COMMONWEALTH PARKING FACILITIES

CDL-1



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WITH THE LEGISLATIVE REFERENCE BUREAU
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FINAL-OMITTED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

**4 PA. CODE CHAPTER 71
§§ 71.1- 71.6, 71.11, 71.12, 71.21, 71.31, 71.42-71.44, 71.46**

COMMONWEALTH PARKING FACILITIES

The Department of General Services (Department) proposes to amend Chapter 71 (relating to Commonwealth parking facilities), by amending §§ 71.1-71.6, 71.11, 71.12, 71.21, 71.31, 71.41-71.44 and 71.46 (relating to Commonwealth parking facilities) to read as set forth in Annex A.

Effective date

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and compliance will be expected 30 days after publication.

Statutory Authority

The Department’s authority to promulgate this rulemaking is set forth in sections 506, 2401.1 and 2402 of The Administrative Code of 1929 (71 P.S. §§ 186, 631.1, and 632(a)). Section 506 provides the general authority for the heads of all administrative departments to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, the conduct of their employees, the performance of their business, and the custody, use and preservation of property pertaining to their department. Section 2401,1 sets forth the specific powers and duties of the Department of General Services, which includes “the issuance of general regulations implementing the act.” (71 P.S. § 631.1(20)). Section 2402(a) grants the Department the power and duty to control and supervise the State Capitol Building and public grounds and buildings within the City of Harrisburg connected with the State Capitol. (71 P.S. § 632(a)).

In addition, section 2416 of The Administrative Code of 1929 (71 P.S. § 646(e)) authorizes the Capitol Police “[t]o exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the [city] of Harrisburg[.]” Harrisburg City Police have the authority to enforce parking rules under Harrisburg City Ordinance § 3-131 (related to stopping and parking generally).

Omission of Proposed Rulemaking

Under Sections 204(1) and (3) of the Commonwealth Documents Law (CDL) (45 P.S. §§ 1204(1) and (3)), the Department is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Department finds that the regulation relates to agency procedure or practice and Commonwealth property and that the specified procedures of rulemaking are impracticable, unnecessary or contrary to the public interest. The Department has determined that publication of proposed rulemaking is unnecessary under the circumstances because the regulations deal with the Department's procedure and practice as it relates to Commonwealth property, i.e. parking facilities. These regulations are not contrary to the public interest.

Background and Need for the Amendments

Under the authority of section 2402 of The Administrative Code of 1929 (71 P.S. § 632), the department promulgated Chapter 71 “to effect maximum utilization of parking facilities available for use by Commonwealth employes and to provide standard rules and regulations for the administration and management of the parking facilities.” (4 Pa. Code § 71.1) Chapter 71 was adopted in 1973 and has not been amended or updated in any way in over 50 years. Due to this passage of time, this regulation requires an increase in the parking ticket fine amount along with updates based on operational changes. Most other state capitals, along with our nation's capital, have parking ticket fine amounts that far exceed that currently set forth in Chapter 71. Moreover, the City of Harrisburg, which encompasses much of the Capital itself, has set its own base parking ticket fine amount five times higher than the amount set in 1973, which is currently \$30. See

Harrisburg City Ordinances § 3-131.11. Amendments to Chapter 71 are required to deter misuse and abuse of Commonwealth parking spaces and places, modernize procedures, and ensure efficient and effective use of Commonwealth property. This includes the removal of superfluous, outdated, conflicting and unnecessary language. The public benefits from good stewardship and use of Commonwealth parking spaces and places, especially in our State Capitol. Without making these much-needed amendments, Commonwealth government is impacted based on the unavailability of parking spaces and the resources wasted on enforcing outdated provisions with little to no meaningful economic impact for those who violate the provisions of this regulation.

Description of the Amendments

Chapter 71 is being updated and amended by deleting superfluous, outdated, conflicting and unnecessary language and updating the amount for fines and the process by which those fines are paid. More specifically, §§ 71.1-71.6, 71.11, 71.21, 71.31 and 71.41-71.44 are being updated to reflect modern day vernacular and to conform to the *Pennsylvania Code & Bulletin Style Manual*.

Section 71.2(c) (relating to general) is also being amended to require the e-mail address for each Departmental Parking Officer to be supplied in addition to the other information that is already required.

The Department is deleting § 71.4(2) (relating to suggested priorities for parking assignments) which suggests prioritizing parking assignments for handicapped employees. When the regulation was drafted over 50 years ago this provision was necessary due to the state of parking regulations. However, in current times there is an abundance of handicap designated parking areas, making this provision unnecessary.

Reference to permits that are permanently affixed to vehicle bumpers is being removed from §§ 71.6(d) and (e) (relating to miscellaneous requirements and prohibitions), as this practice is no longer utilized in the Commonwealth.

The Department is updating § 71.11(a) (relating to general requirements) by removing the practice of typewritten temporary parking permits that is no longer utilized and replacing it with the current practice of temporary permits that are initialed by the Departmental Parking Officer. Additionally, § 71.11(c) is being removed because there is no longer a need to prohibit temporary parking permits for areas numbered one, two, three or four.

Section 71.12(relating to monthly reports) is being deleted as these reports are no longer necessary. Temporary permits are distributed via email and no longer require return to the Department and the records are maintained electronically, therefore, no longer requiring a monthly report.

Additionally, with regard to lost or stolen permits, §§ 71.21(c) and (d) (relating to reporting and investigating) are being removed to reflect the current practice when a permit is lost or stolen. The language currently states that Capitol Police will search for the lost or stolen permit for 30 days. However, with all the responsibilities of Capitol Police this simply isn't practical. The current practice should be to gather as much information as possible before requesting an investigation by Capitol Police, as reflected in § 71.21(e).

This rulemaking amends § 71.42(a)(1) (relating to instructions to permit holders) to remove reference to pressure sensitive bumper sticker permits that are no longer utilized by the Commonwealth. Additionally, § 71.42(a)(3) is being removed as temporary permits are not issued

in a format that requires their return to the Departmental Parking Officer. Section 71.42(a)(4), is being amended to include the reminder that if an employee leaves employment without returning their permit, the agency will receive an invoice for the replacement permit. Finally, § 71.42(a)(5) which discusses inappropriate places to load and unload passengers is being removed, as this is more appropriately addressed by the Vehicle Code.

The Department is also removing §§ 71.43(8) and (9) (relating to underground garages) as they contain outdated information about the bottom level of the garage that does not reflect the state of the garage today.

This rulemaking also amends § 71.44 (c) (relating to compliance with procedure, parking violations, fines and penalties) to allow a Capitol Police Officer to issue a parking ticket and increases the fine amount from \$5 to \$30, with the failure to pay the fine increasing from \$6 to \$50. The amount of time to pay the parking ticket is also being increased from 48 hours to 4 business days so as not to conflict with weekends or holidays. Additionally, § 71.44(d) is being amended to reflect the same increase from \$6 to \$50. With the current cost of the fine being set at \$6, there simply is not a deterrent effect to prevent individuals from parking in spaces where they do not hold a permit to park. When an individual who holds a permit cannot park in their permitted spot it causes delays in the work of the Commonwealth and additional costs in finding another place for the individual to park.

Finally, § 71.46 (relating to parking areas—Capitol complex) is also being reserved as it is an inaccurate depiction of the current Capitol complex.

Fiscal Impact and Paperwork Requirements

The rulemaking will have a fiscal impact on the regulated community, as the fine for parking in a prohibited will increase from \$5 to \$30. As roughly 500 parking tickets are issued each year the total amount of fines will increase from \$2,500 to \$15,000. However, the fine is avoidable by simply not parking in a prohibited area and it is the Commonwealth's goal that the increased fine will have a deterrent effect on the regulated community so as to reduce the quantity of tickets issued on an annual basis. This regulation will not create additional paperwork for the general public or the Commonwealth's political subdivisions.

Sunset Date

The Department will continuously monitor the effectiveness of these regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on _____, 2024, the Department submitted copies of the regulation with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the House State Government Committee and the Senate State Government Committee. On the same date, the Department submitted a copy of the regulation to the Office of Attorney General under the Commonwealth Attorneys Act (71 P.S. §§ 732-101 – 732-506).

Under sections 5.1(e) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(e) and (j.2)), the regulations were deemed approved by the House State Government Committee and the Senate State Government Committee on _____, 20____, and approved by IRRC on _____, 20____.

Additional Information

Further information regarding this final-omitted regulation may be obtained by contacting Juan A. Ruiz, Deputy Chief Counsel, Department of General Services, 401 North Street, Room 603, Harrisburg, PA 17120.

Findings

The Department finds that:

- (1) Public notice of the Department's intention to amend the regulations under the procedures in sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) has been omitted under section 204 of the CDL (45 P.S. § 1204) because publication of proposed rulemaking and public comment is unnecessary in that the rulemaking relates to agency procedure or practice and Commonwealth property.
- (2) The promulgation of the regulations in the manner provided in this order is necessary and appropriate to effect maximum utilization of parking facilities available for use by Commonwealth employees and to provide standard rules and regulations for the administration and management of the Commonwealth's parking facilities.

Order

The Department, acting under its authorizing statute, orders that:

- (a) The regulations of the Department, 4 Pa. Code Chapter 71, are updated by amending §§ 71.1-71.6, 71.11 71.12, 71.21, 71.31, 71.41-71.44, and 71.46 to read as set forth in Annex A.

- (b) The Department shall submit this final-omitted regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Department shall submit this final-omitted regulation to the Independent Regulatory Review Commission, the House State Government Committee and the Senate State Government Committee as required by law.
- (d) The Department shall certify this final-omitted regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) The final-omitted rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Reginald B. McNeil, II
Secretary
Department of General Services

ANNEX A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart D. AUTOMOBILES

CHAPTER 71. COMMONWEALTH PARKING FACILITIES

GENERAL PROVISIONS; ALLOCATION OF PARKING PERMITS

§ 71.1. Purpose.

This chapter has been promulgated to effect maximum utilization of parking facilities available for use by Commonwealth [employees] employees and to provide standard rules and regulations for the administration and management of the parking facilities.

§ 71.2. General.

(a) The Commonwealth will recognize to the best of its ability its responsibility for providing parking facilities for those [employees] employees who are required to travel by privately owned vehicle to their place of employment. It should be realized, however, that the Commonwealth is unable to provide parking facilities for all [employees] employees.

(b) Parking permits will be allocated on the basis of Capitol Complex [Employee Complement] employee complement of each department, board[,] or commission.

(c) The head of each department, board[,] or commission with offices and [employee] employee complement in the Capitol Complex area shall name an individual to act as parking officer [to function in his stead in] who is empowered to handle all matters peculiar to the administration and management of that part of the Commonwealth Parking System as pertains to [his agency] the

department, board or commission. The name, title, telephone number, e-mail address and office address of the parking officer, hereafter referred to as Departmental Parking Officer, shall be furnished to the Commonwealth Parking Officer, Department of General Services.

§ 71.3. Responsibilities.

(a) The Commonwealth Parking [Officers shall have] Officer has the following duties:

(1) To allocate parking spaces for use of Capitol Complex [Employee Complement] employee complement of Commonwealth departments, boards and commissions[, of the Commonwealth].

* * * * *

(5) To procure and furnish [department] Departmental Parking Officers with adequate supplies of permanent and temporary parking permits.

* * * * *

(b) Departmental Parking Officers [shall] have the following duties:

(1) To assign allocated parking spaces to members of the [employee] employee complement of their department, board or commission. Parking permits, whether permanent or temporary, [shall]may be assigned only to agency allocations.

(2) To review parking assignments to [insure]ensure compliance with the purpose and intent of [the rules and regulations]this chapter.

* * * * *

§ 71.4. Suggested priorities for parking assignments.

The following priorities should be given prime consideration in the assignment of parking spaces:

(1) Officials requiring the car for performance of assigned duties, such as department heads or other officials using the car during the day for official business.

(2) [Handicapped employe, who cannot reach employment except by his own car, due to disability.] (Reserved.)

(3) [Commuter,]Individuals who commute from an area beyond public transportation[,]and who cannot reach employment except by [his] the individual's own car.

(3) [State car, regularly assigned, which]Regularly assigned State cars that must be parked near the agency for daily business use. On the parking permits for State cars, the bureau, division, or other unit designation [shall]must be listed in the name and address column along with the license number and category.

(5) [Car pools.] Individuals who participate in a carpool. For [car pools] carpools, a permit [shall]will be assigned to a principal driver and recorded as such by the Departmental Parking Officer, along with alternate drivers. [The]An alternate driver may use this permit during any absence of the principal driver[, if duplicate bumper permits have not been issued].

(6) [Irregular]Individuals with irregular working hours.

§ 71.5. Trading assigned parking permits.

(a) The Departmental Parking Officer shall approve or disapprove the trading of assigned permits between [employes] employees of [his] the department.

(b) The trading of assigned permits between [employees] employees of different departments is prohibited and if it is found to have occurred, the Departmental Parking Officers [shall]will recall the parking permit from the assignee.

§ 71.6. Miscellaneous requirements and prohibitions.

(a) Types and styles of parking permits [shall]will vary with need. Specific instructions for the type and style of the permit [shall]will be furnished to the [employee] employee with the permit at the time of issue. These instructions are in addition to the requirements contained in [the Commonwealth Parking Regulations]this chapter.

(b) Departmental Parking Officers shall [insure]ensure that no [employee] employee has the use of more than one parking space on Commonwealth parking facilities.

(c) Vehicle operators shall be personally responsible for [insuring]ensuring that parking permits are properly positioned or displayed on the vehicle they park on Commonwealth parking facilities.

(d) Parking permits shall be replaced when they are no longer legible. [Permits, or evidence that permanently affixed permits have been physically removed from vehicle bumpers] Damaged permits shall be returned to Departmental Parking Officers by the assignee with a request for a replacement.

(e) Parking permits[, or evidence that permanently affixed permits have been physically removed from vehicle bumpers] shall be returned to the Departmental Parking Officer, agency of issue, when an [employee] employee departs State service, transfers to another State agency, or at the request of the Departmental Parking Officer.

(f) Display of placards[,], or signs designating “Official Business,” “Messenger,” “Mail Car,” “Service Car,” and [the like,] similar statements [in lieu of the] instead of an official parking permit provided by the Department of General Services is not authorized and the operator [shall] will be cited for violation of the parking rules and regulations.

(g) The Commonwealth [of Pennsylvania] is not responsible for fire, theft or damage to any vehicle, or its contents, while it is parked on Commonwealth parking facilities.

(h) Unauthorized fabrication[,], or duplication of official parking permits is unlawful, and offenders [shall] will be cited for violation of laws, rules and regulations.

(i) Parking permits [shall, in so far as possible and practical,] will be issued for the nearest available parking area to the [employees] employee’s place of employment, to the extent possible and practical.

TEMPORARY PARKING PERMITS

§ 71.11. General requirements.

(a) Temporary parking permits [shall] will be issued only against known vacancies in permanently allocated spaces. [All temporary permits shall be typewritten, and any attempt to correct such permit shall void it.] All temporary permits must be initialed by the Departmental Parking Officer.

(b) Upon the expiration of the time designated on the temporary permit, [such]the temporary permit shall be returned to the Departmental Parking Officer by the assignee. Failure to do so [shall]will forfeit future parking privileges.

(c) [Temporary parking permits shall not be issued for parking areas Numbered one, two, three or four.] (Reserved).

(d) A temporary parking permit [shall]will not be issued to an [employee] employee who leaves [his] a personal car parked in an assigned space for a State car. The permanent parking permit for the State car may be transferred to the personal car[,] but [shall]must be returned to the State car when the State car is parked in its assigned area.

§ 71.12. [Monthly report.] (Reserved).

[The monthly report, together with the expired and voided temporary permits, shall be submitted by the tenth of the following month to the Commonwealth Parking Officer, Department of General Services.]

LOST OR STOLEN PERMITS

§ 71.21. Reporting and investigating.

(a) Lost or stolen permits shall be reported to the Commonwealth Parking Officer by giving the name of the person to whom the permit was issued, and the permit and [lot] area numbers.

(b) [The]A person using a State car shall be responsible for notifying the Departmental Parking Officer if the State car has no parking permit. Unless there is evidence of a theft through [breakin] break-in, the person who operated the State car immediately preceding the report shall be responsible for the loss of the permit.

(c) [The Commonwealth Parking Officer shall request a 30-day search by the Capitol Police. If the permit is not found by then, the Commonwealth Parking Officer shall issue a replacement permit. However, after the 30-days, the Capitol Police shall continue to check for lost or stolen permits.] (Reserved).

(d) [During the 30-day search period, depending on circumstances, a temporary permit may or may not be issued against the regular permit.] (Reserved).

(e) The Departmental Parking Officer should require factual information concerning the reported lost or stolen permit before requesting an investigation by the Capitol Police.

SPECIAL VISITOR PARKING

§ 71.31. General requirement.

(a) Agency requirements for special visitor parking for conferences, committee meetings[,] and other special purposes shall be submitted to the [Commonwealth Parking Officer] Departmental Parking Officer at least [four]4 working days prior to the date of requirement.

(b) [The Commonwealth Parking Officer shall then request the Capitol Police to make provisions for these special requirements in certain designated areas.] The Departmental Parking Officer shall consider these special requirements in certain designated areas. [Inasmuch as] Because the special visitor parking areas are limited, requests shall be honored on a first come, first served basis.

USE OF PARKING FACILITIES

§ 71.41. Surveys to ~~[insure]~~ensure maximum utilization.

(a) Surveys shall be made periodically by the Commonwealth Parking Officer of the various parking facilities to ~~[insure]~~ensure maximum utilization.

* * * * *

§ 71.42. Instructions to permit holders.

(a) Proper parking accommodations [depend upon] necessitate the cooperation of the ~~[employee]~~employee, Capitol Police and the Departmental Parking Officer. Therefore, the following instructions are issued for the ~~[employee]~~ employee so that effective operation of the parking facilities may be achieved:

(1) [Pressure sensitive bumper sticker permits shall be displayed on the front and rear bumpers of the vehicles. Other style permits] Parking permits shall be displayed where they can be easily read through the windshield on the driver's side of the vehicle.

(2) Capitol Police Officers are not required to search for the permit or guess as to its information. Failure to comply with permit requirements [shall constitute]constitutes unauthorized parking.

(3) [All temporary permits shall be returned to the Departmental Parking Officer upon expiration. Failure to do so shall forfeit future permit privileges. The permit should be safeguarded against loss or theft. There is no routine replacement of lost or stolen permits. Any loss shall be reported immediately to the Departmental Parking Officer so that the Capitol Police may be alerted to watch for its unauthorized use.] (Reserved).

(4) Upon leaving employment, even by transfer to another State agency, [the] the employee's parking permit shall be returned to the Departmental Parking Officer and the new agency should be consulted for parking accommodations. Permits not returned upon separation shall be reported to the Capitol Police as stolen. The agency will be sent an invoice for the replacement permit.

(5) [Vehicle operators shall not load or unload their passengers on North Street, Fisher Plaza, Commonwealth Avenue, at bus stops, intersections, entrances, or exits to parking lots, or in areas designated for pedestrian movement. Passengers should be loaded or unloaded at assigned parking space.] (Reserved).

(b) Parking permits shall be issued by the Departmental Parking Officer on the basis of relative need. They can be recalled as circumstances and needs change throughout the year.

§ 71.43. Underground garages.

The following provisions shall be complied with by personnel using the underground garages:

(1) Parking spaces in the underground garages are assigned by individual stall numbers. The permit shows the stall number and does not authorize parking in any other stall. If the stall is found to be already occupied, report this to the [Capitol Police Officer on duty] Departmental Parking Officer and park only as [he directs] directed. Do not park in someone else's assigned stall.

(2) Parking in the garage on any level [shall be] is restricted to [passenger cars and station wagons] passenger vehicles and motorcycles. [Trucks of any type are not authorized.]

(3) When entering the garage, follow the directional signs, arrows[,] and the directions of the Capitol Police Officer on duty, as applicable.

(4) Radio antennas [shall] must be kept down to the roof level of the car[,] due to low ceiling height.

(5) Vehicles [shall] may not be driven in excess of [ten] 10 miles per hour.

(6) Headlights [shall] must be turned on low beam at all times when the car is in motion.

(7) The horn [shall] may be sounded only to avoid an accident. All cars [shall] must be brought to a full stop before entering the garage.

(8) [The doors for the bottom level of the garage (Area 17 on the diagram set forth in § 71.46 (relating to parking areas—Capitol complex)) will be locked at 7 p.m. Therefore, all cars shall be off the bottom level by 7 p.m. After 7 p.m., all ramps except ramp number 4 on the intermediate level (Area 16 on the diagram in § 71.46 (relating to parking areas—Capitol complex)) will be locked. All traffic for the intermediate level after 7 p.m. shall use ramp number 4 and if entering the intermediate level, park at the direction of the officer on duty.] (Reserved).

(9) [In case of fire, individuals should remain calm. The building is fireproof and fire extinguishers are available to combat gasoline and oil fires.] (Reserved).

(10) No engines are to be run unnecessarily. Engines [shall]may be run only to arrive and depart from a parking position. To preclude unnecessary build-up of carbon monoxide and other gases, no preheating of cars during inclement weather is permitted. Violators [shall]will lose their indoor parking privilege for a violation of the provisions of this subsection.

§ 71.44. Compliance with procedure, parking violations, fines and penalties.

(a) *General.* Failure to comply with the procedures contained in this chapter and the posted parking instructions or restrictions at Commonwealth owned or leased parking areas [shall constitute]constitutes unauthorized parking and operators of vehicles involved in the violation will be cited accordingly.

(b) *Parking violations.* Additionally, vehicle operators will be cited for violation when the vehicle they are operating, whether attended or unattended, is parked in any of the following:

- (1) No parking zone.
- (2) Bus zone.
- (3) Unloading zone or entrance ramp.
- (4) Reserved parking space or stall.

(c) *Fines and payment.* Any person who receives from a Capitol Police Officer a [citation] parking ticket for violation of the parking rules and regulations contained in this chapter [may]will be required to pay a fine of [\$5] \$30 (increased to [\$6.00] \$50 if not paid within [48 hours] 4

business days from date of violation) [at the Capitol Police Office, Room 1, Basement, Main Capitol Building, Harrisburg, Pennsylvania 17125]. Instructions for payment of the fine are provided on the parking ticket. If the violator fails to pay the fine within the cited period, the record of violation will be forwarded to the [District Justice of Peace]Magisterial District Judge.

(d) *Penalty.* Any person violating this chapter shall, upon summary conviction thereof, be sentenced to pay a fine of [\$6] \$50 and costs of prosecution and in default of payment, may be subject to imprisonment for not more than 5 days.

(e) *Enforcement provisions.* Enforcement [provisions]of the provisions of this chapter shall conform with the following:

(1) Informations[,] charging violations of any of the summary provisions of this chapter, in such detail as the department may prescribe as being necessary for its records, shall be brought before the designated Magisterial District Judge within the city, borough, incorporated town, or township in the county where the alleged violation occurred within 90 days after the commission of the alleged offense and not thereafter, except that [where]when an information is filed against a person prima facie guilty of a summary offense, and it subsequently appears that a person other than the person named in the information was the offender or violator, an information may be filed against [such]that other person within 30 days after [his or her]that person's identity [shall have]has been discovered, and not thereafter.

(2) Any salaried member of the Capitol Police[, Commonwealth Property Police, Security or Campus Police] employed by the Commonwealth of Pennsylvania, when in uniform or exhibiting [his] a badge or other sign of authority, whenever a violation of the rules and regulations described in this chapter is committed in [his] their presence, [shall be]is vested

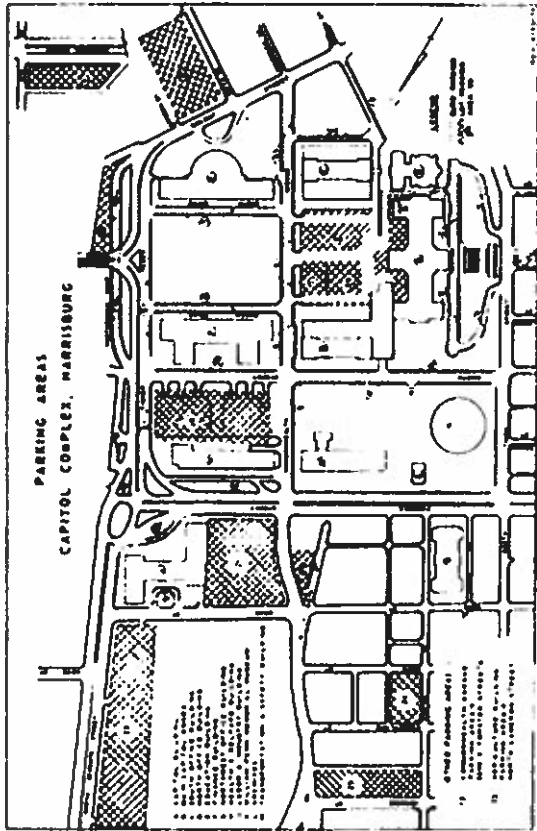
with the authority to present the alleged offender a printed notice citing the offense or violation, the reverse side of which [shall contain]contains the amounts of the fines and instructions for payment.

(3) The [police authority] Commonwealth Parking Officer, upon accepting payment of the fine from an individual for a cited offense [of]or violation, shall issue a receipt to the person acknowledging payment and shall record the payment upon the docket. [If payment is made by check or money order, no receipt will be prepared. When cleared by bank or Post Office the check or money order provides a record of payment.]

* * * * *

§ 71.46. [Parking areas—Capitol complex.] (Reserved).

[The following is a diagram of the parking areas within the Capitol complex in Harrisburg, Pennsylvania:





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF GENERAL SERVICES

October 29, 2024

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14TH Floor, Harristown 2, 333 Market Street
Harrisburg, PA 17101

Re: Notice of Final Form Rulemaking
Department of General Services
4 Pa. Code Ch. 71 Commonwealth Parking Facilities

Dear Chairman Bedwick,

Enclosed is a copy of a final omitted rulemaking package of the Department of General Services pertaining to 4 Pa. Code Ch. 71 Commonwealth Parking Facilities.

The Department will be pleased to provide any information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Reginald B. McNeil, II
Secretary
Department of General Services

From: [Elliott, Amy M.](#)
To: [Montgomery, Cynthia](#); [Trotter, Carolyn](#)
Cc: [GC, Regulations](#); [Abelson, Addie](#); [Brogan, Monica](#); [Ruiz, Juan](#)
Subject: RE: [EXTERNAL] DGS Final-Omitted Regulation # 8-28 - Commonwealth Parking Facilities
Date: Tuesday, October 29, 2024 3:05:17 PM
Attachments: [image002.png](#)

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Receipt acknowledged

Amy M. Elliott
Chief Deputy Attorney General
Legal Review Section
717-783-6316 (w)
717-941-0523 (c)
aelliott@attorneygeneral.gov

From: Montgomery, Cynthia <cymontgome@pa.gov>
Sent: Tuesday, October 29, 2024 2:55 PM
To: Elliott, Amy M. <aelliott@attorneygeneral.gov>; Trotter, Carolyn <ctrotter@attorneygeneral.gov>
Cc: GC, Regulations <RA-GCREGULATIONS@pa.gov>; Abelson, Addie <adabelson@pa.gov>; Brogan, Monica <mobrogan@pa.gov>; Ruiz, Juan <jruiz@pa.gov>
Subject: [EXTERNAL] DGS Final-Omitted Regulation # 8-28 - Commonwealth Parking Facilities
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Amy,

**** At your earliest convenience, please confirm receipt of this final-omitted rulemaking so that DGS can complete delivery to IRRC. Thanks!**

Attached for your review please find the Department of General Services final-omitted regulation # 8-28 pertaining to 4 Pa. Code Chapter 71 - Commonwealth Parking Facilities. Please feel free to reach out if you have any questions.



Cynthia Montgomery | Deputy General Counsel
Governor's Office of General Counsel
333 Market Street, 17th Floor, Harrisburg, PA 17101
Phone: 717.783.6563 | Fax: 717.787.1788
cymontgome@pa.gov | www.ogc.pa.gov

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To: [Brogan, Monica](#)
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Nicholas Himebaugh
Dem. Committee Executive Director
House State Government Committee
C: 484-686-3281

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On Oct 29, 2024, at 3:28 PM, Brogan, Monica <mobrogan@pa.gov> wrote:

Good afternoon ,

Attached is a copy of a final omitted rulemaking package of the Department of General Services pertaining to 4 Pa. Code Ch. 71 Commonwealth Parking Facilities.

Please confirm receipt of this Final-omitted rulemaking.

Thank you.

Monica Brogan | Senior Legal Analyst
PA Department of General Services
Office of Chief Counsel
North Office Building
401 North Street | Room 603
Harrisburg, PA 17120
Phone: 717.705.6956 | Fax: 717.787.9138
www.dgs.state.pa.us

From: [Michaele Totino](#)
To: [Brogan, Monica](#)
Cc: [Michael Heckmann](#); [Brad Roae](#); [Pamela Neugard](#)
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October 29, 2024

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To: Michaele Totino <Mtotino@pahousegop.com>
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Monica Brogan | Senior Legal Analyst
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October 29, 2024

Julie Bellock

Administrative Assistant
Senator Cris Dush
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From: Brogan, Monica <mobrogan@pa.gov>
Sent: Tuesday, October 29, 2024 4:28 PM
To: Foust, Joseph <jfoust@pasen.gov>; Bellock, Julienne <jbellock@pasen.gov>
Cc: Ruiz, Juan <jruiz@pa.gov>
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PA Department of General Services
Office of Chief Counsel
North Office Building

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October 29, 2024

Diana R. Marques, MSS
Chief of Staff
pronouns: she-her-hers
State Senator Amanda Cappelletti | 17th District

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District and All Constituent Services:
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110 Ardmore Ave. Ardmore - (610) 896-2832
Cell: (610) 392-5454

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From: Brogan, Monica <mobrogan@pa.gov>
Sent: Tuesday, October 29, 2024 4:33 PM
To: Marques, Diana <diana.marques@pasenate.com>
Cc: Ruiz, Juan <jruiz@pa.gov>
Subject: State Government Committee Regulation

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Good afternoon ,

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Monica Brogan | Senior Legal Analyst
PA Department of General Services
Office of Chief Counsel
North Office Building
401 North Street | Room 603
Harrisburg, PA 17120

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October 29, 2024

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To: [Brogan, Monica](#)
Subject: FW: State Government Committee Regulation
Date: Tuesday, October 29, 2024 4:58:58 PM
Attachments: [Parking policy OGC DGS-Color-Executive Letter Sen M.docx](#)
[DOC.pdf](#)

Hey Monica,

Just letting you know that we have received this package. You can send these directly to me moving forward.

Thanks!

Nick

Nicklaus J. Centurione

Legislative Director | Office of Senator Amanda Cappelletti
Executive Director (D) | Senate State Government Committee
Cell: 717-829-5163

From: Marques, Diana <Diana.Marques@pasenate.com>
Sent: Tuesday, October 29, 2024 4:52 PM
To: Centurione, Nick <Nick.Centurione@pasenate.com>
Subject: Fw: State Government Committee Regulation

FYI

Diana R. Marques, MSS

Chief of Staff

pronouns: she-her-hers

State Senator Amanda Cappelletti | 17th District

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Sent: Tuesday, October 29, 2024 4:33 PM
To: Marques, Diana <diana.marques@pasenate.com>
Cc: Ruiz, Juan <jruiz@pa.gov>
Subject: State Government Committee Regulation

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