

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

- 213 RYAN OFFICE BUILDING
PO BOX 202171
HARRISBURG, PA 17120-2171
PHONE: (717) 783-1918
FAX: (717) 782-2913
- 140 W. HIGH STREET
BELLEFONTE, PA 16823
PHONE: (814) 355-1300
FAX: (814) 355-3523
- 77 N. MAIN STREET
PO BOX 592
REEDSVILLE, PA 17084
PHONE: (717) 667-1175
FAX: (717) 667-6025



House of Representatives
Commonwealth of Pennsylvania
Harrisburg

REPUBLICAN TRANSPORTATION CHAIR



E-MAIL: kbenning@pahousegop.com
WEB: kerrybenninghoff.com
FACEBOOK: facebook.com/RepBenninghoff

March 3, 2025

Victoria P. Edwards, Regulatory Counsel

Pennsylvania Department of Transportation

Commonwealth Keystone Building

400 North Street, 9th Floor

Harrisburg, PA 17120-8212

RE: Department of Transportation Proposed Regulation #18-481: Access to and Occupancy of Highways by Driveways and Local Roads

Dear Ms. Edwards:

As Republican Chairman of the House Transportation Committee, I write to express my concerns and questions regarding this proposed rulemaking.

PennDOT's proposed policy revisions to Section 441.8(h) *Sight distance*, represent a significant change to sight distance requirements to vehicular access points. This change would inevitably create costly additional grading to achieve the revised sight distance requirement shift from 10 feet behind the traveled way to 14.5 feet. This is concerning, as this creates the potential for costly project redesign, or an outright loss of developable land, especially in areas of Pennsylvania that have several topographical profiles.

Furthermore, the proposed revisions in Section 441.8(h) include ambiguity as to where exactly a driveway may be located. The vague statement of "achieving optimal sight distance along the property frontage must be considered when determining the location of the driveway" does not sufficiently explain where a driveway must be located. PennDOT could interpret this vague requirement to mandate the relocation of an access point to another point on the property regardless of whether other locations would meet the regulatory required sight distance. As a result, the language of this proposed revision could

lead to adverse impacts on property owners, such as increased costs or the loss of developable land.

Additionally, the inclusion of the terminology “impractical” and “infeasible” in Section 441.8(h)(2) further creates ambiguity and a lack of clarity on ubiquitous, consistent application of stopping sight distance across PennDOT’s regional offices. There are no clear definitions of “impractical” or “infeasible” in the proposed regulation, therefore we must ask what exactly PennDOT would define as “impractical” or “infeasible” to a project? The lack of a formal definition for either term could lead to varying standards and broad interpretation of stopping sight distance across PennDOT offices throughout the Commonwealth.

The proposed revisions to Section 441.8(k) require all driveways to be at a minimum of four inches thick within the right-of-way, which could cause increased costs in the construction and maintenance of driveway access. Why should a driveway be required to be at minimum four inches thick, even though they will not receive the same traffic volume as the adjoining state highway? PennDOT’s regional offices often require the applicant for a highway occupancy permit (HOP) to match the existing pavement structure thickness of the adjoining state highway, but why should PennDOT place further costly measures onto businesses or private property owners by requiring the pavement be at least four inches thick regardless of circumstance?

I also support the issues raised by Senator Judy Ward, Chair of the Senate Transportation Committee, in her comments dated February 3, 2025. In particular, when Chair Ward expressed concerns regarding PennDOT’s submission of these proposed regulations during sine die of the General Assembly. As Chair Ward mentioned, I too question why PennDOT submitted a so-called nonemergency regulatory proposal to the Independent Regulatory Review Commission on December 11th of 2024 during the reorganizational period of the Pennsylvania General Assembly before a new Session.

In addition, Chair Ward also mentioned that the Regulatory Analysis Form includes a list of stakeholders PennDOT requested input from on this regulation and comments received, but that input was requested in January 2019. Since the rulemaking was promulgated almost 6 years later, did PennDOT receive any more up-to-date information from the stakeholders? Furthermore, did the stakeholders listed in the RAF receive notification of the submission of the proposed rulemaking?

To conclude, I appreciate the opportunity to submit my comments to PennDOT on the proposed regulatory changes. I commend the attempts of PennDOT to streamline the

permitting, licensing, and certification process in Pennsylvania, and I look forward to hearing from PennDOT regarding the comments presented.

Sincerely,

A handwritten signature in black ink, reading "Kerry A. Benninghoff". The signature is written in a cursive style with a large, stylized initial "K".

KERRY A. BENNINGHOFF
State Representative
171st Legislative District