

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). This amendment deletes Chapman Dam Reservoir, Warren County, from § 65.24 (relating to miscellaneous special regulations).

A. *Effective Date*

This final-form rulemaking will go into effect January 1, 2025.

B. *Contact Person*

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The amendment to § 65.24 is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

Chapman Dam Reservoir, a 68-acre impoundment owned by the Commonwealth and the fishery managed by the Commission, is located within Chapman State Park, Pleasant Township, Warren County, which is approximately 6 miles south of the City of Warren. The dam impounds the West Branch Tionesta Creek at river mile (RM) 14.7 upstream from its confluence with Tionesta Creek at RM 40.3. This reservoir was completely dewatered during fall 2017 to upgrade the dam and spillway structures per Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in fall 2018, and the Commission stocked the lake from 2019 through 2023 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2019, Chapman Dam Reservoir has been managed under § 65.24 which allows for the harvest of trout under § 61.1 (relating to Commonwealth inland waters), seasons, sizes and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently re-established, the lake would then be recommended for removal from the miscellaneous special regulations and moved to one or more of the Commission's existing regulation programs.

Sportfish populations were evaluated from 2022 through 2023 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain harvest. As such, it is recommended that Chapman Dam Reservoir be deleted from miscellaneous special regulations, allowing Commission staff to consider this reservoir for management of all species with Commonwealth inland waters regulations.

The Commission proposes that § 65.24 be amended to read as set forth at 54 Pa.B. 3524 (June 22, 2024).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 54 Pa.B. 3524. The Commission received no comments for this proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided and no public comments were received for the proposal.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 54 Pa.B. 3524.

(B) The Executive Director will submit this order and 54 Pa.B. 3524 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 54 Pa.B. 3524 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2025.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-354 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 24-1245. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment deletes Glade Run Lake, Butler County from § 65.24 (relating to miscellaneous special regulations).

A. *Effective Date*

This final-form rulemaking will go into effect January 1, 2025.

B. *Contact Person*

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The amendment to § 65.24 is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

Glade Run Lake is a 52-acre impoundment owned by the Commonwealth, managed by the Commission and located in Middlesex Township, Butler County which is approximately 10 miles south of the City of Butler. The dam impounds Glade Run at river mile (RM) 9.3 upstream from its confluence with Connoquenessing Creek at RM 34.3. This reservoir was completely dewatered during the spring of 2011 to upgrade the dam and spillway structures per Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in the winter of 2017, and the Commission stocked the lake from 2017 through 2023 with select fish species, to establish a high-quality, warm-water and cool-water fishery.

Since 2017, Glade Run Lake has been managed under § 65.24, which allows for the harvest of trout under § 61.1 (relating to Commonwealth inland waters), seasons, sizes and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently re-established, the lake would then be recommended for removal from the miscel-

laneous special regulations and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2019 through 2023 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Glade Run Lake be deleted from miscellaneous special regulations, allowing Commission staff to consider this reservoir for management under §§ 65.9 and 65.11 (relating to big bass; and panfish enhancement).

The Commission amends § 65.24 to read as set forth at 54 Pa.B. 3523 (June 22, 2024).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 54 Pa.B. 3523. The Commission received no comments for this proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and no public comments were received for the proposal.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 54 Pa.B. 3523.

(B) The Executive Director will submit this order and 54 Pa.B. 3523 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 54 Pa.B. 3523 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2025.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-353 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 24-1246. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 58—RECREATION

**GAME COMMISSION
[58 PA. CODE CH. 147]**

Special Permits; Mentored Hunting Program Permit; Safety

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 12, 2024, meeting amended § 147.805 (relating to safety) to allow a mentor to accompany up to three of any combination of mentored youth and mentored adults at a time.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 54 Pa.B. 3035 (June 1, 2024).

1. Purpose and Authority

Since the mentored hunting program’s initial inception in 2006, the program has gradually grown and expanded to include additional species of game and wildlife and age groups eligible to participate in the program. With each progressive expansion, the mentored hunting program has come into closer alignment to the Commission’s traditional hunting license structures. In its latest development, the Commission amends § 147.805 to allow a mentor to accompany up to three of any combination of mentored youth and mentored adults at a time. This maximum limit of three also includes any junior hunter present and otherwise requiring accompaniment by the mentor as required under section 2711(a)(8) of the code (relating to unlawful acts concerning licenses) when the person is also serving as a mentor. This change will not expand the one lawful hunting device limit for mentored youth, but it will allow mentored adults and junior hunters to possess their own hunting implement while accompanied by a common mentor. The Commission has evaluated the relevant safety data and determined that the amendments will not create an unreasonable safety risk to the persons participating in the hunt or other persons in the vicinity of the hunt.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.805 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 147.805 to allow a mentor to accompany up to three of any combination of mentored youth and mentored adults at a time.

3. Persons Affected

Persons participating in the mentored hunting program within this Commonwealth may be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received one official comment in support of this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information about this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.805 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

STEPHEN SMITH,
Executive Director

Fiscal Note: Fiscal Note 48-508 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.805. Safety.

While engaged in mentored hunting activities:

(1) A mentored youth shall be stationary, within arm’s reach and subject to the immediate control of the mentor

at all times while in possession of any lawful hunting device. This limitation may not be construed to apply to mentored adults. Mentored adults shall be accompanied by the mentor within eyesight and in close proximity so that verbal instruction and guidance can easily be understood without the aid of electronic communication devices or sound amplification devices.

(2) A mentor may not accompany more than three mentored youth or mentored adults at any given time. A mentor may accompany a junior hunter in addition to accompanying a mentored youth or mentored adult within the same maximum total of three. The authorizations of this paragraph are not intended to expand the lawful hunting device limitation set forth in paragraph (3).

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time. This limitation may not be construed to apply to mentors and mentored adults participating in the mentored adult hunting program or junior hunters joining a mentored youth hunt.

(4) A mentor and mentored youth or mentored adult shall each comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

[Pa.B. Doc. No. 24-1247. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 173]

Flashing or Revolving Lights on Emergency and Authorized Vehicles; Temporary Regulations

The Department of Transportation (Department) under the authority of 75 Pa.C.S. § 4572(b.2)(2) (relating to visual signals on authorized vehicles), promulgates these temporary regulations pertaining to the authorized use of flashing or revolving green lights in addition to yellow or amber lights for highway construction and maintenance vehicles, to read as set forth in Annex A.

Purpose

The purpose of this temporary rulemaking is to set forth temporary regulations governing the addition of green colored flashing or revolving lights for display by highway construction and maintenance vehicles. Section 4572(b.2)(2) of 75 Pa.C.S. grants authority to the Department to promulgate temporary regulations to authorize the use of flashing or revolving green lights, in addition to flashing or revolving yellow or amber lights, on highway construction and maintenance vehicles, as defined in 75 Pa.C.S. § 4572(d). According to research conducted in other states, the human eye can identify green lights more clearly and brightly than traditional yellow or amber lighting. States such as Michigan, Maryland and Wisconsin have implemented green lights on highway maintenance vehicles for some time now. It is anticipated that the addition of flashing or revolving

green lights will make these vehicles more visible and enhance highway safety.

Significant Provisions

Significant provisions of this temporary rulemaking include:

Section 173.3(a.1) (relating to display requirements) sets forth the display requirements relating to the use of flashing or revolving lights on emergency and authorized vehicles. This temporary regulation addresses the addition of the authority to include flashing or revolving green lights, when incorporated into one or more light-bar assemblies containing yellow or amber lights on highway construction and maintenance vehicles.

Persons and Entities Affected

These regulations will affect highway construction and maintenance workers which may include the Department, the Pennsylvania Turnpike Commission (Commission), municipalities within this Commonwealth and contractors performing the maintenance and construction activities on behalf of these agencies. The motoring public will be provided green light indications providing an additional visual notification of the location of active work vehicles and devices while they are being used in key maintenance and construction activities.

Fiscal Impact

The Department, the Commission, municipalities within this Commonwealth and contractors are not required to install green lights, and this regulation provides only an option for those that elect to do so. Purchasing and installation costs differ significantly between multiple vehicle systems. In reviewing preliminary data from vendors, costs on average may range between \$200 and \$2,000 depending on the device and features; consequently, not all entities that are eligible to install green lights will elect to do so.

Budgetary impacts to the Department are not anticipated, as purchasing and installation will be evaluated and prioritized by each Department District County Office and existing staff will support the implementation of this temporary rulemaking.

Regulatory Review

Under 75 Pa.C.S. § 4572(b.2)(2), the Department is authorized to promulgate temporary regulations to facilitate the prompt implementation of the act of July 17, 2024 (P.L. 868, No. 78) (Act 78 of 2024). The temporary regulations adopted by the Secretary are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) (RRA) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)) (CAA).

It is hereby ordered that this temporary regulation shall be effective upon publication in *Pennsylvania Bulletin*, subject to the sunset provisions set forth as follows.

Effective Date

The temporary regulation in § 173.3(a.1) will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Provisions

Under 75 Pa.C.S. § 4572(b.2)(2), these temporary regulations expire upon promulgation of a final regulation implementing Act 78 of 2024, or no later than 3 years from August 16, 2024.

Contact Person

The contact person for this temporary rulemaking is Daniel Farley, PE, Bureau of Operations, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 783-0333.

Findings

The Department finds that:

(1) Under 75 Pa.C.S. § 4572(b.2)(2), the temporary regulation is exempt from the requirements of the RRA, sections 201—205 of the CDL and section 204(b) of the CAA.

(2) The adoption of the temporary regulation is necessary and appropriate for the administration and enforcement of 75 Pa.C.S. § 4572, as amended by Act 78 of 2024.

Order

The Department, acting under 75 Pa.C.S. § 4572(b.2)(2), orders that:

(1) The regulation of the Department, 67 Pa. Code Chapter 173, is amended by amending § 173.3 to read as set forth in Annex A with ellipses referring to the existing text of the regulation.

(2) This temporary regulation is effective upon publication in the *Pennsylvania Bulletin*.

(3) The Secretary of Transportation shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

MICHAEL CARROLL,
Secretary

Fiscal Note: 18-487. No fiscal impact; recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 173. FLASHING OR REVOLVING LIGHTS ON EMERGENCY AND AUTHORIZED VEHICLES

§ 173.3. Display requirements.

(a) *Color.* Except as provided in subsection (a.1), white, clear, red, blue, amber or yellow are the only colors permitted for use in flashing or revolving lights.

(1) *Chromaticity coordinates.* A flashing, revolving or oscillating light must meet or exceed the Chromaticity Coordinates, CIE 1931, Standard Colorimetric System as provided in SAE Standard J578d, Color Specification for Electrical Signal Lighting Devices, September 1978 or subsequent SAE Standards. This requirement does not apply to flashing headlamp systems.

* * * * *

(10) *Hazard warning systems and turn signals.* Hazard warning systems and turn signals are not considered flashing lights for the purposes of this chapter.

(a.1) *Temporary regulation—Green lights.* Under 75 Pa.C.S. § 4572(b.2), a highway construction and maintenance vehicle, as defined in 75 Pa.C.S. § 4572(d), may be equipped with one or more flashing or revolving green lights when incorporated into one or more light-bar assemblies containing yellow or amber lights in accordance with this section. This provision expires upon the promulgation of final regulations implementing the act of July 17, 2024 (P.L. 868, No. 78), but in no event later than August 16, 2027.

(b) *360° visibility.* Except for unmarked police vehicles, when flashing or revolving red, blue, yellow or amber lights are mounted on a vehicle, one or more of these lights shall be mounted to provide visibility to vehicles approaching from any direction (360° visibility), regardless of the method of mounting.

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[Pa.B. Doc. No. 24-1248. Filed for public inspection September 6, 2024, 9:00 a.m.]