

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



www.dot.state.pa.us
P. O. Box 8210
Harrisburg, PA 17105-8210

January 10, 2002

Mr. Joe Myers
147 Heather Drive
Butler, PA 16001

Dear Mr. Myers:

Your letter of November 29, 2001 to Governor Schweiker regarding an alleged illegal policy at AK steel has been forwarded to this office for response.

After reviewing your letter, we wish to provide the following information relating to the alleged violations of the Vehicle Code.

- Section 4901(a) of the Vehicle Code states that "No vehicle, combination or load which has a size or weight exceeding the limitations provided in this chapter (Chapter 49) and no vehicle, combination or load which is not constructed or equipped as required in this title or the regulations of the department shall be operated or moved upon any highway of this Commonwealth,..."
- Section 102 of the Vehicle Code defines a "highway" as "The entire width between the boundary of lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel."
- Since Section 4942 of the Vehicle Code is part of Chapter 49, this section is only applicable when operating on a highway in accordance with Section 4901(a).

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Based on the above, it would be our position that a violation of Section 4942 could only occur on a "highway" as defined in Section 102 of the Vehicle Code.

If you need any further information on this matter, please contact our Motor Carrier Division at 717-787-7445.

Sincerely,



Robert M. Peda, P.E., Director
Bureau of Maintenance and Operations