

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

|                               |   |   |
|-------------------------------|---|---|
| COMMONWEALTH OF PENNSYLVANIA, | : | No. 594 W.D. Allocatur Docket 1998        |
|                               | : |   |
| Petitioner                    | : |   |
|                               | : | Petition for Allowance of Appeal from the |
|                               | : | Superior Court                            |
| v.                            | : |   |
|                               | : |   |
|                               | : |   |
| BRIAN S. HIMES,               | : |   |
|                               | : |   |
| Respondent                    | : |   |
|                               | : |   |

**ORDER**

**PER CURIAM:**

AND NOW, this 17th day of May, 2000, the Petition for Allowance of Appeal is hereby **GRANTED**, the order of the Superior Court is **VACATED**, and the matter is **REMANDED** to the trial court to consider the effect of this Court's recent decision in Kline v. Department of Transp., 741 A.2d 1281 (Pa. 1999).