

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 140

PRINTER NO. 3333

AMOUNT

See Fiscal Impact

FUND

General Fund
Motor License Fund
Judicial Computer System
 Augmentation Account
Local Government Funds

DATE INTRODUCED

January 13, 2021

PRIME SPONSOR

Representative Maloney

DESCRIPTION

House Bill 140 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, updating vehicle parking regulations to allow the construction of protected pedalcycle lanes and pedestrian plazas. This act may be referred to as Susan's and Emily's Law.

This legislation amends § 3354 (relating to additional parking regulations) of Title 75 by adding a new subsection (b.1) (relating to protected pedestrian plazas and pedalcycle lanes) to provide for the following:

- 1) Requires a vehicle standing or parked upon the highway to be positioned in the direction of authorized traffic with the right-hand or left-hand wheels of the vehicle parallel to and within 12 inches of the outside line of the buffer area between the pedestrian plaza or pedalcycle lane and parking;
- 2) Authorizes a local authority to provide for a special, alternative or temporary configuration and signage for parking on a highway with an on-street pedestrian plaza or pedalcycle lane;
- 3) Prior to design or construction of a protected pedestrian plaza or pedalcycle lane, the political subdivision and the Department of Transportation (department) shall provide deference to businesses whose front or rear entrance is facing the highway for the purposes of loading and unloading property or passengers and electric vehicle charging infrastructure;
- 4) Before a political subdivision in a county of the second through eighth class may design or construct a protected pedestrian plaza or protected pedalcycle lane, the department shall certify that the political subdivision is compliant with and enforcing all applicable provisions of Title 75;
- 5) Before a political subdivision in a county of the first class may design or construct a protected pedestrian plaza or protected pedalcycle lane, the following must occur:
 - I. The department certifies that the political subdivision is compliant with and enforcing all applicable provisions of Title 75 with the following occurring:

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- A. A political subdivision that has an ordinance that is inconsistent with Title 75, including any ordinance that creates tiered violations of this title, including, but not limited to, primary or secondary violations, shall be considered to be a violation of this section;
 - B. A political subdivision that directs a police officer to not enforce the provisions of Title 75 shall be considered to be in violation of this section; and
 - C. A political subdivision that is in violation may not construct a protected pedestrian or pedalcycle lane.
- II. The Attorney General has appointed a special prosecutor in the county of the first class to investigate and institute criminal proceedings for a violation of the laws of this Commonwealth occurring within a public transportation authority that serves as the primary provider of public passenger transportation in the county of the first class. The following shall apply:
- A. The special prosecutor shall have a minimum of three years' experience in criminal prosecutions within this Commonwealth and have not been employed by the district attorney's office of the county of the first class within six years of the enactment of this section;
 - B. The special prosecutor shall have the authority to investigate and institute criminal proceedings for a violation of the laws of this Commonwealth;
 - C. No person charged with a violation of the law by the special prosecutor shall have standing to challenge the authority of the special prosecutor;
 - D. The appointed special prosecutor shall serve for three years;
 - E. The county of the first class must comply with this subsection for the duration of the special prosecutor's appointment;
 - F. The special prosecutor shall compile a report related to the criminal activity and administrative proceedings within a public transportation authority that serves as the primary provider of public passenger transportation in the county of the first class. The report shall be submitted no later than 90 days following appointment and annually thereafter to the General Assembly; and
 - G. The requirements shall expire three years following the appointment of the special prosecutor.
- 6) Imposes a fine of not more than \$15 for a parking violation; and
 - 7) Defines a "political subdivision" as a county, city, borough, incorporated town, township or home rule municipality in this Commonwealth.

This act shall take effect in 60 days.

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FISCAL IMPACT:

Enactment of this legislation will result in additional parking violation revenues for local municipalities. Local municipalities will generate an additional \$15 for each violation. Local revenues will be dependent on the number of violations experienced.

Additionally, a fee of \$10 shall be charged and collected by the minor judiciary, including magisterial district judges, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Municipal Court for the initiation of a legal proceeding for a parking violation that results in a conviction or guilty plea. An additional \$10,000 would be collected and deposited into the Judicial Computer System Augmentation Account for every 1,000 convictions or guilty pleas within the Commonwealth.