

AMENDMENTS TO HOUSE BILL NO. 140

Sponsor: SENATOR LANGERHOLC

Printer's No. 387

1 Amend Bill, page 1, line 7, by striking out "3354(d) (2.1) and
2 (f)" and inserting

3 3354(d) (2.1), (f) and (h)

4 Amend Bill, page 2, by inserting between lines 18 and 19

5 (4) Prior to design or construction of a protected
6 pedestrian plaza or pedalcycle lane under this subsection,
7 the political subdivision and department shall provide
8 deference to the following:

9 (i) Businesses whose front or rear entrance is
10 facing the highway for the purposes of loading and
11 unloading property or passengers.

12 (ii) Electric vehicle charging infrastructure.

13 (5) Before a political subdivision in a county of the
14 second through eighth class may design or construct a
15 protected pedestrian plaza or protected pedalcycle lane under
16 this subsection, the department shall certify that the
17 political subdivision is compliant with and is enforcing all
18 applicable provisions of this title. The following shall
19 apply:

20 (i) A political subdivision that has an ordinance
21 that is inconsistent with this title or causes a
22 violation of this title, including any ordinance that
23 creates tiered violations of this title, including, but
24 not limited to, primary or secondary violations, shall be
25 considered to be a violation of this section.

26 (ii) A political subdivision that directs a police
27 officer to not enforce the provisions of this title shall
28 be considered to be in violation of this section.

29 (iii) A political subdivision that is in violation
30 of this paragraph may not construct a protected
31 pedestrian plaza or pedalcycle lane under this
32 subsection. The political subdivision may construct the
33 protected pedestrian plaza or pedalcycle lane under this
34 subsection if the department determines that the
35 political subdivision is compliant with this paragraph.

36 (6) Before a political subdivision in a county of the
37 first class may design or construct a protected pedestrian

1 plaza or protected pedalcycle lane under this subsection, the
2 following must occur:

3 (i) The department certifies that the political
4 subdivision is compliant with and is enforcing all
5 applicable provisions of this title. The following shall
6 apply:

7 (A) A political subdivision that has an
8 ordinance that is inconsistent with this title or
9 causes a violation of this title, including any
10 ordinance that creates tiered violations of this
11 title, including, but not limited to, primary or
12 secondary violations, shall be considered to be a
13 violation of this section.

14 (B) A political subdivision that directs a
15 police officer to not enforce the provisions of this
16 title shall be considered to be in violation of this
17 section.

18 (C) A political subdivision that is in violation
19 of this paragraph may not construct a protected
20 pedestrian plaza or pedalcycle lane under this
21 subsection. The political subdivision may construct
22 the protected pedestrian plaza or pedalcycle lane
23 under this subsection if the department determines
24 that the political subdivision is compliant with this
25 paragraph.

26 (ii) The Attorney General has appointed a special
27 prosecutor in the county of the first class to
28 investigate and institute criminal proceedings for a
29 violation of the laws of this Commonwealth occurring
30 within a public transportation authority that serves as
31 the primary provider of public passenger transportation
32 in the county of the first class. The following shall
33 apply:

34 (A) The special prosecutor shall have a minimum
35 of three years' experience in criminal prosecutions
36 within this Commonwealth and have not been employed
37 by the district attorney's office of the county of
38 the first class within six years of the enactment of
39 this section.

40 (B) Notwithstanding any other provision of law
41 or regulation, the special prosecutor shall have the
42 authority to investigate and institute criminal
43 proceedings for a violation of the laws of this
44 Commonwealth. The special prosecutor's authority
45 shall include, but not be limited to, the following:

46 (I) Participating in court proceedings and
47 engaging in any criminal litigation, that the
48 special prosecutor considers necessary.

49 (II) Appealing any decision of a court in
50 any case or proceeding in which the special
51 prosecutor participates in an official capacity.

1 (III) Reviewing all available evidence.

2 (IV) Making application to the appropriate
3 court for a grant of immunity to a witness,
4 consistent with applicable statutory
5 requirements, or for warrants, subpoenas or other
6 court orders.

7 (V) Initiating and conducting prosecutions
8 in any court of competent jurisdiction, filing
9 information and handling all aspects of any case
10 in the name of the Commonwealth.

11 (C) No person charged with a violation of the
12 law by the special prosecutor shall have standing to
13 challenge the authority of the special prosecutor to
14 prosecute the case, and, if any challenge is made,
15 the challenge shall be dismissed and no relief shall
16 be available in the courts of this Commonwealth to
17 the individual making the challenge.

18 (D) The appointed special prosecutor shall serve
19 for three years. This subsection shall not apply to
20 any case instituted three years after the effective
21 date of this subsection.

22 (E) The county of the first class must comply
23 with this subsection for the duration of the special
24 prosecutor's appointment.

25 (F) The special prosecutor shall compile a
26 report related to the criminal activity and
27 administrative proceedings within a public
28 transportation authority that serves as the primary
29 provider of public passenger transportation in the
30 county of the first class. The following shall apply:

31 (I) The initial report shall be submitted no
32 later than 90 days following appointment.
33 Following the initial report, annual reports
34 shall be submitted to the General Assembly.

35 (II) Reports shall be submitted to the
36 following:

37 (a) The President pro tempore of the
38 Senate.

39 (b) The Speaker of the House of
40 Representatives.

41 (c) The chairperson and minority
42 chairperson of the Judiciary Committee of the
43 Senate.

44 (d) The chairperson and minority
45 chairperson of the Judiciary Committee of the
46 House of Representatives.

47 (e) The chairperson and minority
48 chairperson of the Transportation Committee
49 of the Senate.

50 (f) The chairperson and minority
51 chairperson of the Transportation Committee

1 of the House of Representatives.

2 (III) If, at any time, the General Assembly
3 finds the contents of the report to be
4 unsatisfactory, including if the special
5 prosecutor has been found not to reduce crime or
6 result in successful prosecutions, the General
7 Assembly shall pass a concurrent resolution in
8 opposition of the report. Following the passage
9 of the concurrent resolution, the department
10 shall prohibit the construction of protected
11 pedestrian plazas and pedalcycle lanes in the
12 county of the first class until the General
13 Assembly passes a concurrent resolution in
14 support of a subsequent report.

15 (G) The requirements under this subparagraph
16 shall expire three years following the appointment of
17 the special prosecutor.

18 Amend Bill, page 3, by inserting between lines 11 and 12

19 (h) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Access aisle." A physical area marked in accordance with
23 departmental regulations:

24 (1) designated by white or blue pavement marking hash
25 marks, cross-hatching or other similar visual no-parking
26 indicators;

27 (2) which provides additional space for a person using a
28 wheelchair, wheelchair lift or other mobility device; and

29 (3) which is located adjacent to a parking space
30 reserved for a person with a disability.

31 "Person with a disability." A person issued a plate or
32 placard.

33 "Plate or placard." A plate or placard issued under:

34 (1) Section 1338 (relating to person with disability
35 plate and placard).

36 (2) Section 1342(a) or (b) (relating to veteran plates
37 and placard).

38 "Political subdivision." A county, city, borough,
39 incorporated town, township or home rule municipality in this
40 Commonwealth.