

## 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.