



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1458

PRINTERS NO. 2877

PRIME SPONSOR: Tallman

### COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
Motor License Fund	\$500,000	\$0
City of Philadelphia Funds	See Fiscal Impact	See Fiscal Impact
Local Funds	See Fiscal Impact	See Fiscal Impact

**SUMMARY:** Amends the Vehicle Code to provide a higher fine for violation of nonreciprocity of operational limitations, extends the Philadelphia Automated Red Light Enforcement (ARLE) camera pilot program, makes technical and substantive changes to the Commercial Driver License (CDL) section of the Vehicle Code, and further defines "emergency vehicle". This legislation would take effect in 60 days. However, the amendment to extend the Philadelphia ARLE program takes effect immediately and the Chapter 15 and 16 additions for CDL issuance take effect January 30, 2012.

**ANALYSIS:** This legislation would amend the Vehicle Code to provide a higher fine for violation of nonreciprocity of operational limitations, extend the Philadelphia Automated Red Light Enforcement (ARLE) camera pilot program until December 31, 2017, make technical and substantive changes to the Commercial Driver License (CDL) section of the Vehicle Code relating to suspensions for failure to obtain or carry a medical card as required by federal law and further define "emergency vehicle".

**Nonreciprocity:** Amends Section 6154 (Nonreciprocity of operational limitations) of the Vehicle Code to add a fine range of not less than \$500 and not more than \$1,000 for each violation.

**Red Light Cameras:** Amends Section 3116 of the Vehicle Code (relating to automatic red light enforcement (ARLE) systems in first class cities) to:

- extend the expiration date of the Philadelphia ARLE program to December 31, 2017;
- reduce the 60 day warning period at new intersections to 45 days; and
- amend the Enhancement Grant Program funded by tickets proceeds to assure that Philadelphia has 50% of money set aside for transportation funding grants, and that 50% is set aside for the statewide grants and another 2% is set aside for PennDOT's administrative costs.

Additionally, the bill establishes a red light camera enforcement pilot program similar to the Philadelphia pilot program for Pittsburgh, Scranton, and any third class city with a population of 18,000 and a full-time police force until December 31, 2017. Differences from the Philadelphia ARLE program are as follows:

- The additional cities will be able to be their own system administrator;
- PennDOT cannot prevent an intersection that they feel is not appropriate for designation from being selected;
- The appeal process is modified for magisterial district judges in those cities; and
- The initial warning period is reduced to 60 days at the first intersection in a city and to 45 days at each additional intersection.

**CDL Medical Cards:** Amends Chapters 15 (Licensing of Drivers) and 16 (Commercial Drivers) of Title 75 to reflect changes required by 49 Code of Federal Regulations (CFR) Parts 383, 384, 390, and 391 relating to Medical Certification Requirements.

Specifically, language is being added to Chapter 16 that requires every commercial learner's permit applicant, as well as existing commercial driver license holders, to self-certify the type of driving in which they expect to engage. Drivers engaging in "non-excepted" driving will be required to submit a copy of their valid Medical Examiner's Certificate to PennDOT.

Amends the language outlined in Chapter 16 to require the disqualification of an individual from driving a commercial vehicle if the individual was convicted of incorrectly or fraudulently submitting a certification and requires PennDOT to remove the CDL designation for drivers who fail to comply with the certification and medical examination requirements. These will appear as endorsement codes on the CDL.

Defines "Emergency Vehicle" by adding a county emergency management vehicle to the definition and provides a CDL exemption for an employee of a county emergency management organization who is the holder of a class C license and who has a certificate of authorization from the head of the county emergency management organization for driving such vehicle.

**FISCAL IMPACT:** The increased fine for a nonreciprocity violation carries the potential to generate new fine revenue to the Motor License Fund. It is impossible to predict the number of violations that would occur and be subject to this new fine threshold.

According to PennDOT the cost to implement the necessary system changes required for the Federal CDL medical requirements is \$2.2 million. These costs would be offset by \$1.7 million in Federal grant funding; therefore, the net fiscal impact to the Motor License Fund would be \$500,000.

Section 384.401(a) and (b) of the federal motor carrier safety regulations says that following the first year of noncompliance, "an amount up to 5% of the Federal-aid highway funds required to

be apportioned to any State shall be withheld from a State on the first day of the fiscal year following such State's first year of non-compliance under this part". This change in the legislation would prevent the estimated loss of approximately \$32.65 million in federal funds. This is based on 5% of approximately \$ 653 million in federal-aid highway funds for the 2011 apportionment.

PennDOT has indicated that it would need additional staffing to administer grants and approve automated red light camera systems. That cost is expected to be \$1.375 million annually. The expected cost to 3rd class cities is approximately \$27.5 million. The cost analysis was based on 5% of the available intersections having cameras, and the average actual annual operating intersection cost of \$441,600 cited by the Philadelphia Parking Authority. Much of this cost would be from vendor charges. It would require \$68.75 million annually in fine revenue at 2% for PennDOT to meet its expenses.

This amendment would extend the sunset provision in the City of Philadelphia past the December 31, 2011 expiration date. Fine revenue has averaged \$4.2 million over the past 3 completed fiscal years which is split 50% to safety projects in the City of Philadelphia and 50% to safety projects to other municipalities across the Commonwealth.

The amendment would also have an effect on one city of the First Class (Philadelphia), one city of the Second Class (Pittsburgh), one city of the Second Class A (Scranton) and seventeen of the fifty-three cities of the Third Class in the Commonwealth (according to the 2010 Federal decennial census). There is no data available to determine which cities, if any, would implement the automated red light enforcement program, the number of intersections where cameras would be installed or the number of violations that would occur at each intersection or within each qualified participating city.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** December 15, 2011

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*