

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. Senate Bill 172

PRINTER NO. 1067

AMOUNT

FUND

Indeterminate Additional Revenues to
PennDOT and Pennsylvania Turnpike Commission

Motor License Fund

DATE INTRODUCED

PRIME SPONSOR

January 23, 2017

Senator Argall

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 172, as amended, amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for certain definitions, speed timing devices and a program for automated speed enforcement systems.

Specifically, this legislation does the following:

- Defines "automated speed enforcement system" as an electronic traffic sensor system that:
 - 1) Is able to automatically detect vehicles exceeding the posted speed limit; and
 - 2) Records the vehicle's image, license plate, location, date, time and speed.
- Defines "automated speed enforcement work area" as the portion of a work zone where construction, maintenance or utility workers are located on the roadway, berm or shoulder and workers are adjacent to an active travel lane. This definition includes the area adjacent to an active travel lane where workers are present and are protected by a traffic barrier;
- Amends §3368 (Speed timing devices) by adding a subsection to allow for the use of light detection and ranging devices, commonly referred to as LIDAR, as part of an automated speed enforcement system;
- Adds a new §3369 (Automated speed enforcement systems) that establishes a program to provide for automated speed enforcement systems in "automated speed enforcement work areas" on interstate highways or freeways under the jurisdiction of the Pennsylvania Department of Transportation (Department) or the Pennsylvania Turnpike Commission (PTC);
- Provides for the posting of certain warning signs before the automated speed enforcement work area and public notification of locations of automated speed enforcement systems;

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- Stipulates that driving in excess of the posted speed limit in an automated speed enforcement work area by at least 11 miles per hour is a violation of this section;
- Provides that a notice of violation shall be issued to the registered owner of a vehicle identified by an automated speed enforcement system as violating this section;
- Provides that a notice of violation shall be invalid unless provided to an owner within 90 days of the offense;
- Provides for a \$100 fine as penalty for a violation of this section and provides that a penalty imposed under this section shall not be made part of the operating record under §1535 (relating to schedule of convictions and points) of the individual whom the penalty is imposed;
- Provides that a penalty imposed under this section shall not be the subject of merit rating for insurance purposes or authorize imposition of surcharge points in the provision of motor vehicle insurance coverage;
- Provides for certain limitations on the collection, retention and dissemination of recorded images as part of the automated speed enforcement system;
- Provides for certain defenses to a violation under this section;
- Provides for certain duties of the Department and the PTC including the establishment of a three (3) year automated speed enforcement system program;
- Provides that the Department and PTC shall each serve directly or through a contracted private service as the system administrator of the pilot program;
- Prohibits compensation to a private contractor for administering the pilot program to be based in any part upon the quantity of notices of violation issued or amount of fines imposed or generated;
- Establishes two (2) restricted accounts in the State Treasury for fines remitted to the Department and the PTC;
- Provides that the system administrator shall remit fines paid to the Department or PTC for deposit into the appropriate restricted account;
- Provides that 45% of the fine revenue shall be transferred to the Pennsylvania State Police (PSP), of which 55% of those funds shall be dedicated and used for recruiting, training or equipping Cadets and 45% shall be dedicated and used to pay for an increased PSP presence in work zones;

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- Provides that 15% of the fine revenue shall be transferred to the Department or the PTC to be used for the purpose of work zone safety, traffic safety and educating the motoring public on work zone safety, at the discretion of the Department or the PTC;
- Provides that 40% of the fine revenue shall be deposited in the Motor License Fund and shall be appropriated by the General Assembly;
- Provides for a procedure in which owners may challenge a notice of violation and provides for convenient hearing hours and times for such challenges to be heard in the Erie, Harrisburg, Philadelphia, Pittsburgh and Scranton areas;
- Provides for an annual report of the program to be submitted by the Department and the PTC to the chairperson and minority chairperson of the Transportation Committees of the Senate and the House of Representatives no later than April 1st. The legislation clarifies that the report shall be a public record under the Right-to-Know Law and include the following:
 - 1) The number of vehicular accidents and related serious injuries and deaths in all work zones and in automated speed enforcement work areas in which the program operated;
 - 2) Speed data;
 - 3) The number of notices of violation issued;
 - 4) The amount of fines imposed and collected; and
 - 5) Amounts paid under contracts authorized by this section.
- Provides for the payment of a fine to the authorized agent in the form of a money order, credit card or check;
- Provides for the matter to be turned over to applicable credit collection agencies if payment is not received within 90 days of the original notice;
- Provides for a hearing procedure for any owner that requests, within 30 days of the mailing of the notice, a hearing to contest liability;
- Provides that the hearing shall be informal, in which the rules of evidence shall not apply, and that the decision of the hearing officer shall be final, subject to the right of appeal;
- Provides for an owner to appeal the decision of the hearing officer to the magisterial district court located within the magisterial district in which the violation occurred, and that the Judge shall hear and decide the matter de novo;
- Provides for work zone safety funding by way of an annual appropriation from the Motor License Fund that may not exceed the amount remitted by the system administrator to the Department or the PTC in the prior fiscal year from penalties imposed under this act;

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- Imposes a three (3) year expiration on the newly created §3369 (Automated speed enforcement systems); and
- The legislation mandates that the Secretary of Transportation or the Chairman of the Pennsylvania Turnpike Commission shall publish a notice in the Pennsylvania Bulletin when the first automated speed enforcement system is operational in the Commonwealth.

This act shall take effect as follows:

- 1) The addition of 75 Pa.C.S. § 3369(e) (relating to penalties) shall take effect 60 days after publication in the Pennsylvania Bulletin;
- 2) The addition of 75 Pa.C.S. § 3369(h)(2) (relating to certain duties of the Department and the PTC) including the establishment of the five (5) year program shall take effect in 45 days;
- 3) The section mandating publication of notice in the Pennsylvania Bulletin shall take effect immediately; and
- 4) The remainder of the act shall take effect in 60 days.

FISCAL IMPACT:

The legislation provides for the system administrator's actual operation and maintenance costs to be deducted from the revenues generated through the automated speed enforcement system program, therefore, the Department and the PTC would not incur any costs to operate the program.

The Department expects there to be startup costs of between \$1.25 million to \$2.25 million for vendor contracts and internal administrative costs, although these costs would be reimbursed through future revenues as well.

The Department, the PTC and the PSP would receive additional funds through fine revenues generated through the program, although, those revenues cannot be quantified until after the program is implemented and in operation for a period of time.

Additionally, the Department is planning to partner with the PTC on an independent assessment of the automated speed enforcement program. They estimate the cost of the assessment to be \$100,000, which may be shared between the two agencies.

According to reports and available data, the automated speed enforcement program in the State of Maryland generated more than \$33.3 million during the first 30 months of operation. Vendor fees and other administrative costs were \$12.2 million. Maryland assesses a \$40 fine for each violation and cited approximately 828,000 drivers during that time period.

Assuming the Commonwealth would experience a similar number of violations, a \$100 fine would generate \$33.1 million annually. This would result in an estimated \$20.9 million in additional revenue to the Department, the PTC, the PSP and the Motor License Fund.