

Testimony in Response to HB 1559 and HB 1690

I am Loree Jones, Managing Director for the City of Philadelphia. As the Chief Operating Officer for the City of Philadelphia, I oversee the thirteen operating departments for the City. Included in these departments are the Streets Department and the Police Department; two departments that currently operate in a manner to ensure safety in the same area of the City as the red light cameras and the proposed speed enforcement cameras. This testimony has been developed in coordination with both departments.

First and foremost, the City of Philadelphia supports all safety efforts directed at improving motorist behavior on the section of US Route 1 defined in HB 1559, commonly referred to as Roosevelt Boulevard, and throughout the City. The City has historically been responsible for enforcing traffic violations on Roosevelt Boulevard and for the improvement of traffic safety by making design improvements and physical changes to the highway and by adjusting the timing of traffic signals. We believe that programs and funds to support Boulevard safety are justified as history has demonstrated that both traffic accidents and accidents involving pedestrians are an issue on this span of highway. As the purpose of this Bill is to improve the safety for both pedestrians and vehicle occupants, we support its passage with some revision to the administration of the program.

As such, we have not opposed the concept of the Red Light Camera Program. Nor do we oppose, in basic concept, the proposed Speed Camera Program. The Red Light Camera Program has already demonstrated an impact on driver safety at the intersections in which cameras operate with statistics that demonstrate a reduction in violations and more importantly a reduction in accidents. We also believe that expansion of this program as well as the use of Speed Cameras will further impact traffic safety by further reducing the number of red light violations and related accidents and by reducing the rate of travel speed.

The City is satisfied with the Philadelphia Parking Authority's administration of the Red Light Camera Program, and we would agree that expansion of the program with the appropriate direction from the City should remain with the Philadelphia Parking Authority.

We agree with the concept of HB 1559 to improve safety through speed enforcement measure as speeding has a negative effect on safety by increasing the distance a vehicle has to stop when the operator is confronted by an obstacle in the roadway, increasing the likelihood of an accident. In addition, at higher rates of speed the severity is more pronounced for pedestrians and vehicle occupants.

The City's position changes with the proposed administration of the Speed Camera Program. While the legislation authorizes operation of these programs in Philadelphia, the Philadelphia Parking Authority, and not the City government, is the legally mandated manager and administrator of these programs. The Philadelphia Parking Authority is not generally responsible for traffic enforcement in Philadelphia; its role is primarily the operation of parking lots and the enforcement of parking offenses.

Notwithstanding language in the original law authorizing the use of Red Light Cameras and in the current Bill HB 1559 (the authorization for the Speed Camera program) that suggests that the City would have some significant role in connection with these programs, the reality is that the both laws mandate that the Parking Authority has primary responsibility for management and administration of the programs. Indeed, although the Red Light Camera legislation gave the City the authority to decide, by ordinance, whether or not to permit the program at all (albeit operated by the Parking Authority if the City chose to adopt it), HB 1559 appears to mandate operation of the Speed Camera Program by the Parking Authority on Roosevelt Boulevard, Lindbergh Avenue and a portion of Passyunk Avenue without any say by the City at all (and operation in other parts of the City by the Parking Authority if the City agrees by ordinance).

Under section 5-200 of the Philadelphia Home Rule Charter, the Police Department is the City's general law enforcement agency, specifically with respect to traffic violations. **It is the City's position that the Speed Camera Program should be administered by the City and its Police Department.**

The history of the City's enforcement of Boulevard safety and the limitations that have been imposed on our enforcement of safety are key to understanding our concerns about the proposed Speed Camera Program. Until the initiation of the Red Light Camera Program, the City's Police Department has been the primary traffic enforcer on US Route 1 in the City of Philadelphia, notwithstanding that it is not a local road. Even today, the State Police are not operating in any significant way on this span of highway. Ironically, however, even though it is the agency responsible for ensuring traffic safety on US Route 1, and even though radar technology is used in the very speed cameras that are being proposed for use in the City of Philadelphia, the Philadelphia Police Department are currently prohibited from using radar technology to monitor the rate of speed that is used by the State Police on similar highways.

Section 3368 of Title 75 of The Pennsylvania Consolidated Statutes, which addresses speed timing devices, explicitly states:

"...electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may only be used by members of the Pennsylvania State Police."

Given that HB 1559 would authorize the Parking Authority to use this technology in connection with speed cameras in Philadelphia, we are required to ask how the use of radar technology is appropriate for use in speed cameras, but the Philadelphia law enforcement agency responsible for enforcing traffic safety does not have authorization to use the same technology. Times have changed and so has local policing. Specifically, the training, education and licensing of all police officers in the State is now governed by the Pennsylvania Municipal Police Officer's Education and Training Commission. This Commission was established by the State Legislature in 1996 via Act 1996-177 (S.B. 686) and is now codified in the Pennsylvania Code Title 53. §§2161 through 2171. Consequently, the bar has been set with regards to uniform basic training, annual updates and the overall professionalism of local policing by State statute. For this very reason, the issue of radar use by local police departments should be revisited. **The Philadelphia Police Department should be authorized to use radar/ lidar technology in Philadelphia.**

I would also like to discuss how the revenue that is collected as a result of the Red Light Camera Program and the Speed Camera Program is distributed. There are two interesting sections of HB 1559 which I think deserve review. First, there is language on page 14, line 19, stating:

“Revenue limitation.—A city of the first class may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.”

This language appears to suggest that the revenue from the collection of payments comes to the City. However, the bill, on page 12 beginning on line 22, makes clear that that fine money generally does not go to the City:

“The system administrator [the Parking Authority] shall remit the fine, less the operational and maintenance costs of the system administrator and, if necessary, the city, necessitated by this section, to the department [Department of Transportation] for deposit into the Motor License Fund to be used for safety improvements to Roosevelt Boulevard by the department or the City of Philadelphia as determined by the department.”

Based on the revenue collection from the existing Red Light Camera Program, I can assure you that the City of Philadelphia does not see an increase in revenue to the General Fund. Aside from minor reimbursements for the time the Philadelphia Police Department expends to review red light camera photographs to verify the authenticity of the photograph and the time expended by employees of the Bureau of Administrative Adjudication to review objections to the violations, we have no control of how revenue derived from the program is used.

The money of local residents derived from the programs should be kept within the local jurisdiction to support investment in the local economy, and the use of funds should be at the direction of city officials. **It is the opinion of the City of Philadelphia that revenue from the Red Light Camera Program and the Speed Camera Program or an agreed upon percentage of the revenue should be directed to the local jurisdiction and managed by local officials.**

To conclude my testimony, although language in this Bill suggests that it authorizes the City itself to operate the Speed Camera Program, the bill in fact places responsibility in the Parking Authority, a limited law enforcement agency that is unaccountable in any way to the people of Philadelphia, to impose fines on local residents. A City of Philadelphia department should administer the program, our law enforcement department should be authorized to use the same radar technology employed by the cameras in their radio patrol units and revenue from the fines should be managed by the local jurisdiction to ensure the proper investment as the revenues are generated from local taxpayers.

Thank you for this opportunity to provide the opinion of the City of Philadelphia.