

**Pennsylvania State Police Testimony**  
**Pennsylvania House of Representatives**  
**House Transportation Committee**

**American Traffic Safety Solutions**  
**Speed Camera**  
**June 24, 2009**

**Presented by:**  
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Good morning. I am Major Harvey Cole, Jr., Director of the Bureau of Patrol for the Pennsylvania State Police. On behalf of Colonel Frank E. Pawlowski, Commissioner of the Pennsylvania State Police, I would like to thank you for the invitation to provide testimony at this hearing concerning automated camera enforcement for speeding violations in work zones.

All traffic enforcement is conducted with the purpose of reducing crashes due to driver error or aggressive driving behaviors. Increased speeds of cars and trucks amplify the severity of crashes when they do occur, and therefore speed enforcement is a priority of the Pennsylvania State Police. Work zone speed enforcement has specifically become a priority for the Department, and new measures were put in place in January of this year to target those behaviors which contribute to crashes, including our unrelenting enforcement of all Vehicle Code laws. The Pennsylvania State Police are involved with enforcing the Vehicle Code in nearly 200 active work zones. Our policy was changed early this year to target our activities in work zones to focus on only two priorities. The main priority will always be to provide advance notice to oncoming traffic when backlogs occur, which can prevent the severe crashes that happen when vehicles come quickly upon stopped traffic and are unable to stop in time. When no backlogs exist, our Troopers will be conducting enforcement for ALL violations of the Vehicle Code. This policy is in line with Federal Rules which were put in place in 2007 for the use of police in work zones as a supplemental safety effort, to augment the federally-mandated safety measures required of all work zones.

In 2008, there were 125,712 reportable traffic crashes in Pennsylvania. Of that total, 1422 occurred in work zones, making up roughly 1.13% of these reportable crashes. During that same period of time, there were 1467 people killed in traffic collisions. Twenty-three persons – 1.56% of the total – were killed in work zones at the time of the collision, and two of those killed were construction zone workers. The goal of the State Police is to continue to reduce these collisions and deaths through our aggressive enforcement measures.

The proposal to provide automated speed enforcement in work zones across the Commonwealth states the noble purpose of trying to reduce crashes associated with excessive speed. On face value, this appears to be in line with law enforcement's goals for crash reduction. However, existing laws would make the use of camera-based enforcement a near impossibility. The use of radar for speed enforcement is currently limited to use only by the Pennsylvania State Police, and not even local police can use this effective tool in their own speed enforcement efforts. Therefore, any radar-based camera system would only be available to State Police, even though there are work zones throughout the Commonwealth which are being manned by local police for enforcement efforts. The other type of camera-based enforcement system utilizes time/distance computations to determine a speed of a particular vehicle. The distance between the two points necessary to determine speed must be measured exactly, and the equipment used must be approved as a speed timing device by the Pennsylvania Department of Transportation. Even if those

measures were put in place, the resulting photographic evidence would not identify a particular driver of a vehicle – only the vehicle itself, through a picture of a registration plate. Current laws require that an officer issuing a citation to a violator must be able to positively identify the defendant in court as the person who was operating the vehicle at the time the violation occurred. The officer becomes a witness for the Commonwealth's prosecution, and is subject to cross-examination by the defendant in furtherance of the Due Process clause of the Constitution's Fourteenth Amendment. Unfortunately, there are no such safeguards in place when the witness is merely a photograph of a vehicle, and identification is made of the defendant through ownership and registration records on file with the Department of Transportation.

Another concern for the State Police is the methods used to actually deploy the cameras. One method is to mount the camera system inside a vehicle, and park it along the side of the road to detect speeding vehicles which pass by, either occupied or not. The unintended consequence of this method is that the vehicle being used to deploy the camera becomes a stationary object which could be struck by passing motorists, and provides an impediment to the safe flow of traffic. The same thing is true with cameras which would need to be affixed to a pole or other permanent object – they are another obstacle within the work zone which driver's must negotiate past at highway speeds. Although State Police marked cars are used currently for detecting violators in work zones, they have the advantage of emergency lighting and a high degree of visibility through

reflective markings that other vehicles do not possess, along with a driver at the wheel who has been trained to perform work zone monitoring and evasive driving maneuvers when necessary.

Speed enforcement - while critical to crash reduction - is only one aspect of the overall enforcement efforts of police. There are many other violations present which can be termed as "aggressive driving," as well as persons who are under the influence of alcohol or drugs, and criminals who use the highways of the Commonwealth to further their illegal goals. All of these present dangers to the motoring public, but the unfortunate reality is that enforcement of these other violations is impossible by utilizing camera-based systems. For example, in a single work zone in York County in April and May of this year, there were 1157 traffic citations issued for various violations of the Vehicle Code. However, there were also 27 DUI arrests made, 20 criminal arrests under our SHIELD program, and 59 motorists assisted which occurred solely within this work zone. None of these arrests or assists would have been possible with camera-based enforcement, and the disabled motorists could potentially have *created* more crashes if a police officer were not present to resolve the situation with expedience by providing traffic control until the vehicle is removed. Furthermore, if camera enforcement had been present, the drivers who were intoxicated may well have received a citation in the mail, but would have continued to drive under the influence. From their perspective, I can assume that this would not be a bad

trade-off, but it certainly does nothing to enhance highway safety from an enforcement perspective.

Although camera-based enforcement currently occurs in the City of Philadelphia for certain intersections with red lights, moving to a statewide solution of speed enforcement using similar methods is quite a leap. The proposal would provide for a fine of \$100, which is far less than the current fines for speeding in an active work zone which have an automatically-doubled fine in place. It also proposes to assess NO points to a driver's license record. With reduced fines and no further penalty involving the point system, I question whether *any* of these citations will have the deterrent effect that a REAL citation – issued by a police officer at the time of the violation – has on the motoring public. Speed enforcement has traditionally been used for the reduction of speed-related crashes, and it should remain so even if this proposal is initiated. Any alteration to that strategy usurps the very purpose of speed enforcement, and the perception of the public becomes such that it is merely a method of collection funds for the Commonwealth without any real penalty for those who would violate the laws.

In conclusion, on behalf of Colonel Pawlowski and the entire Pennsylvania State Police, I again want to thank you for the opportunity to address your Committee. I will be happy to answer any questions you may have.