

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE TRANSPORTATION COMMITTEE HEARING

STATE CAPITOL
HOUSE MAJORITY CAUCUS ROOM
ROOM 140
HARRISBURG, PENNSYLVANIA

WEDNESDAY, APRIL 4, 2018

IN RE: POTENTIAL USE OF RADAR AS A SPEED-TIMING DEVICE
IN LOCAL COMMUNITIES

BEFORE:

HONORABLE JOHN TAYLOR, MAJORITY CHAIRMAN
HONORABLE WILLIAM KELLER, MINORITY CHAIRMAN
HONORABLE ROSEMARY BROWN
HONORABLE LYNDA SCHLEGEL CULVER
HONORABLE MINDY FEE
HONORABLE KATE HARPER
HONORABLE DOYLE HEFFLEY
HONORABLE JOHN LAWRENCE
HONORABLE JIM MARSHALL
HONORABLE RON MARSICO
HONORABLE GREG ROTHMAN
HONORABLE TODD STEPHENS
HONORABLE TIM BRIGGS
HONORABLE MARIA DONATUCCI
HONORABLE WILLIAM KORTZ
HONORABLE ED NEILSON
HONORABLE MICHAEL SCHLOSSBERG
HONORABLE PERRY WARREN

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ALSO IN ATTENDANCE:

HONORABLE BECKY CORBIN

COMMITTEE STAFF PRESENT:

**ERIC BUGAILE, EXECUTIVE DIRECTOR, REPUBLICAN CAUCUS
MEREDITH BIGGICA, EXECUTIVE DIRECTOR, DEMOCRATIC CAUCUS**

**JEAN M. DAVIS, REPORTER
NOTARY PUBLIC**

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1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN TAYLOR: Good morning,
4 everyone.

5 Sorry. I'm told I'm two minutes late or so. At
6 yesterday's hearing I kept announcing that tomorrow's
7 hearing is at 10:30. I said it not once, not twice, but
8 three times. None of our crackerjack staff corrected me. I
9 hope we're not in violation of some sort of Sunshine Act
10 because we're starting at 10 o'clock.

11 Welcome to everyone that is here and to our
12 audience on TV. I want the members to be advised that we're
13 being audiotaped and videotaped.

14 Folks, today we're here to talk about the
15 authorization and use of radar devices. Many of you in the
16 audience have done a good job notifying your respective
17 State Representatives that it's a good idea.

18 At one point I talked to their Mayor who was
19 worried that I was holding up the bill. And then the last
20 three months, suddenly this unbelievable progress for radar
21 was being held up when, in fact, this issue has been around
22 as long as I've been a member.

23 That's a long time, isn't it, Mr. Chairman?

24 MINORITY CHAIRMAN KELLER: Yes, it is.

25 MAJORITY CHAIRMAN TAYLOR: And even way before.

1 So it's not an easy issue, but it's one that this
2 Committee is going to take up in the two bills that we see
3 today. I'm certainly probably going to guess that we're not
4 going to use that a whole lot in Philadelphia in terms of
5 local police.

6 So I'm indifferent to it, other than whatever
7 safety provisions that it can provide. And I think that
8 you'll hear throughout this hearing and when we debate this
9 bill, at least for me, that is the only issue that I'm
10 concerned about.

11 We have red light cameras in the city of
12 Philadelphia. I don't care how critical you are of those.
13 No one can dispute that they work. We're interested in
14 speed-timing devices as well in the city, on our Turnpike,
15 on our state roads.

16 If this provides another measure of safety and
17 can gain the confidence of the communities in which it's
18 used, we'll be all for it.

19 I think your members are going to have a little
20 more difficult time than you think with this issue compared
21 to, say, issues we talked about yesterday, which was really
22 distracted driving.

23 What this indicates today that we're doing is
24 we're going to kick off this debate. We're going to put out
25 a bill and it will enjoy the full debate of the full House

1 as well as hopefully the Senate.

2 Mr. Chairman, do you have any comments? And
3 we'll have the members then introduce themselves.

4 MINORITY CHAIRMAN KELLER: Thank you, Mr.
5 Chairman.

6 I just want to let you know when I walked in
7 today I had flashbacks of my youthful days in South
8 Philadelphia with the audience out here.

9 MAJORITY CHAIRMAN TAYLOR: You have dreams that
10 look like this, huh?

11 MINORITY CHAIRMAN KELLER: Yes, I do.

12 MAJORITY CHAIRMAN TAYLOR: People chasing you.

13 MINORITY CHAIRMAN KELLER: Exactly.

14 And I agree with you, Mr. Chairman. This is one
15 of the few bills that I really have no opinion on. I
16 usually come in here with a predisposition of how you want
17 the outcome to be.

18 Like you say, it's been around a long time.
19 There's no set opinion. So I think today with the hearing
20 we'll be able to understand more and, as you say, we'll do
21 whatever makes Pennsylvania more safe.

22 I can't wait to hear Representative Rothman and
23 his explanation.

24 Thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN TAYLOR: Just one final point,

1 Mr. Chairman. When John Perzel was Majority Leader, he put
2 me in charge -- this was a long time ago -- of long-term,
3 unresolvable issues. And here we go, you know, 30 years
4 later and we're dealing with long-term, unresolvable issues.

5 I'll look over to my left and have our members
6 start from there and introduce themselves, please.

7 REPRESENTATIVE BROWN: Good morning. State
8 Representative Rosemary Brown, 189th District, Monroe and
9 Pike Counties.

10 REPRESENTATIVE CORBIN: Good morning, Becky
11 Corbin, State Representative in the 155th District in
12 Chester County.

13 REPRESENTATIVE FEE: Hi, Mindy Fee, Northern
14 Lancaster, 37th District.

15 REPRESENTATIVE HEFFLEY: Doyle Heffley, 122nd
16 District, Carbon County.

17 REPRESENTATIVE MARSHALL: Good morning, Jim
18 Marshall, 14th District, Beaver and Butler Counties.

19 REPRESENTATIVE MARSICO: Good morning. Ron
20 Marsico, parts of Dauphin County, 105th Legislative
21 District.

22 MR. BUGAILE: Good morning. Eric Bugaile, I'm
23 the Executive Director of the Transportation Committee for
24 the House Republicans.

25 MS. BIGGICA: Meredith Biggica. I'm the

1 Executive Director for the Transportation Committee for the
2 House Democrats.

3 REPRESENTATIVE KORTZ: Good morning, everyone.
4 My name is Bill Kortz, State Representative, 38th District,
5 Allegheny County.

6 REPRESENTATIVE NEILSON: Good morning. Before I
7 introduce myself, I'd like to thank all the men and women in
8 blue for everything you do to protect our families
9 throughout the Commonwealth.

10 I'm Ed Neilson, Philadelphia County, 174th
11 District.

12 REPRESENTATIVE HARPER: Kate Harper, Montgomery
13 County, 61st.

14 REPRESENTATIVE SCHLOSSBERG: Good morning. Mike
15 Schlossberg, 132nd District, Lehigh County.

16 REPRESENTATIVE LAWRENCE: John Lawrence,
17 Southwestern Chester County and part of Lancaster County.

18 REPRESENTATIVE SCHLEGEL CULVER: Lynda Culver
19 representing the people of Northumberland and Snyder
20 Counties.

21 MAJORITY CHAIRMAN TAYLOR: Thank you, everyone,
22 for being here, both our members and our audience.

23 We're going to turn first to Representative Greg
24 Rothman, who is going to talk about House Bill 2148, which
25 is legislation that he has authored, as well as draw us some

1 comparisons with the Senate Bill from Senator Vulakovich.

2 Greg.

3 REPRESENTATIVE ROTHMAN: Thank you, Mr. Chairman.
4 Chairman Taylor, Chairman Keller, colleagues, I
5 also am a member of the Transportation Committee. I
6 represent Cumberland County, the 87th District.

7 Other than -- I spent some time in the Marine
8 Corps -- when I was away with the Marine Corps, I lived in
9 Pennsylvania virtually all my life. There was four years in
10 college in Massachusetts. But when I got here, I'd like to
11 say I knew a lot about real estate, spending 28 years in
12 real estate, and a little bit about baseball.

13 But there were a lot of things I didn't know
14 about the State of Pennsylvania and the laws and the State
15 Government. And one of the things I didn't know is that
16 municipal police, local police, could not use radar.

17 That does not mean I didn't receive any speeding
18 tickets in the last 35 years of driving, but I didn't know
19 that our local municipalities weren't using radar.

20 So it has been to me a mystery why we give our
21 local full-time police officers all the other tools and
22 technology that exist today, including guns and tasers and
23 handcuffs and the most high technological advancements in
24 cars, and yet we do not give them the ability to use radar.

25 35,000 people are killed on our highways in

1 America every year. That's the equivalent of two 747s
2 falling out of the sky and crashing every week. If we had
3 two airplanes crashing every week with everyone onboard
4 dying, we would immediately probably ground every plane in
5 the country.

6 And yet we accept 35,000 deaths a year in traffic
7 fatalities. Speed is a huge cause of traffic fatalities.
8 And I believe that the use of radar will be a deterrent. It
9 won't just give fines to people and tickets to people. It
10 will change the way they drive, that they know if driving
11 through this part of Cumberland County, there will be radar,
12 that they could get a speeding ticket, they'll slow down.

13 My bill takes some of the objections that I've
14 heard in the last two and a half years being here why we
15 don't have radar and has incorporated those into the bill.
16 I do support the Senate Bill. But listening to my
17 colleagues and the interest on both sides and trying to come
18 up with a compromise, I tried to address that in the bill.

19 No. 1, radar will only be able to be used by
20 full-time police officers, full-time municipal forces. They
21 have to be employed full time -- they're full-service police
22 agencies -- and only following an approved course of
23 training and a refresher course every three years.

24 Only accredited regional police and cities of
25 first- and second-class will be able to use radar. This is

1 a six-year pilot program. So after six years if this
2 Legislature or the Legislature in six years feels that there
3 has been abuse or that the system is not working and not
4 deterring people and changing their driving habits, they
5 don't have to renew it.

6 It provides for a defense against prosecution if
7 the radar is being used solely to generate revenue. The
8 revenue is 1 percent of the municipal budget. We certainly
9 heard stories in other places where radar is being used to
10 generate income for the local municipality. That will be
11 prohibited in this case beyond 1 percent of the municipal
12 budget.

13 It provides for periodic testing and calibration
14 of all devices. There will be no points issued for the
15 tickets. There will be a 10-mile-per-hour cushion and it
16 can only be used by accredited police forces. The roads
17 must be posted with radar enforced signs. And there will
18 have to be local ordinances established.

19 So we are giving as a state the local
20 municipalities the authority, if they want to have radar in
21 their communities, to have radar.

22 The speed limits must be certified by engineering
23 and traffic studies when the ordinance is passed and every
24 three years after that. And there will be an outlaw against
25 ticket quotas. And also there will be the ability for the

1 local community to certify the speeds and to pass their own
2 ordinance about when this is done.

3 I had the opportunity, thanks to the police
4 chiefs in my municipalities, to see how the ENRADD system
5 worked to use the system they use now and saw the flaws and
6 heard the stories of why the current methods they use are
7 not working and believe that our local municipal police
8 forces deserve all the help they can get to keep our roads
9 safe.

10 Thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN TAYLOR: Questions for
12 Representative Rothman?

13 Representative Kortz.

14 REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.
15 Thank you, Representative, for your testimony
16 today.

17 REPRESENTATIVE ROTHMAN: Sure.

18 REPRESENTATIVE KORTZ: Several questions, sir.
19 You mention in here that only full-time police can use this.
20 Why only full-time?

21 REPRESENTATIVE ROTHMAN: Again, I'm not sure what
22 the rationale was for the objection. But that was one of
23 the objections that this not be -- you know, that we're
24 having the system being used by professionals who are
25 accredited. And that's why I put it into the bill, because

1 that was an objection that part-time forces would be able to
2 use them as well.

3 I don't know why that's an objection, but it was.
4 So that's why I addressed it that way.

5 REPRESENTATIVE KORTZ: Are you aware of any other
6 laws that are not allowed to be enforced by part-time police
7 versus full-time police or would this be the one and only?

8 REPRESENTATIVE ROTHMAN: It's not the law,
9 Representative. It's the device. So part-time police would
10 still be able to enforce the laws. But using the radar
11 device in order to enforce that law is what the bill does.

12 REPRESENTATIVE KORTZ: But it's an infraction.
13 So if someone is going 100 miles an hour in a
14 40-mile-an-hour zone, they can't do anything, part-time
15 police can't do anything?

16 REPRESENTATIVE ROTHMAN: Well, they can still use
17 the ENRADD. They can still use excessive speed or driving
18 at an unsafe speed. There will be other ways they can still
19 cite them for the infraction.

20 I don't think this necessarily changes any of the
21 laws about speed. This just gives us an idea that -- which
22 right now, just gives them an extra tool or additional tool.

23 And to add, we're the only state in the United
24 States that doesn't allow municipal police to use radar.

25 REPRESENTATIVE KORTZ: If I may, one more

1 question, Mr. Chairman.

2 MAJORITY CHAIRMAN TAYLOR: Sure.

3 REPRESENTATIVE KORTZ: You mentioned also that
4 you have to certify every road. So you're going to have to
5 do a road study on every municipal road where you want to
6 use the radar; is that correct?

7 REPRESENTATIVE ROTHMAN: That's correct.

8 REPRESENTATIVE KORTZ: What's that going to cost?

9 REPRESENTATIVE ROTHMAN: I don't know.

10 REPRESENTATIVE KORTZ: Okay. I think that's a
11 little bit prohibitive. I don't believe that's in any other
12 bill.

13 But thank you, Mr. Chairman. I won't take up all
14 the time.

15 MAJORITY CHAIRMAN TAYLOR: Thank you.

16 Representative Heffley.

17 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman.

18 I also want to thank all the officers from across
19 the state that are here today in support of this
20 legislation. I thank the sponsor of the bill for bringing
21 this issue forward.

22 And just to follow up on the earlier questioning,
23 when you talk part-time police officers, so in rural areas
24 like Carbon County, many of our police departments employ
25 part-time officers. Some of these part-time officers are

1 full-time officers in other municipalities and they work
2 part time in adjoining municipalities as well.

3 So if you're saying part-time officers, would
4 that apply just to that police department? I think the bill
5 -- I want to see it moving forward. But I think we should
6 maybe look at that a little bit to say if there's part-time
7 officers, they have the same training and everything, I
8 would like to maybe kind of expand upon that a little bit.

9 REPRESENTATIVE ROTHMAN: I'd be happy to work
10 with you on that, Representative.

11 REPRESENTATIVE HEFFLEY: Thank you.

12 MAJORITY CHAIRMAN TAYLOR: Thank you,
13 Representative. You're going to join us on this side of the
14 table. I'm sorry. Representative Neilson.

15 REPRESENTATIVE NEILSON: Thank you, Mr. Chairman.

16 Representative, just a couple quick questions.

17 When you said no points, I saw a lot of people
18 shaking their heads. Is there a reason behind that?

19 REPRESENTATIVE ROTHMAN: It's one of the
20 objections. It was one of the objections to having radar
21 that -- I mean, there will be a fine. But the points, it's
22 just an additional punishment. We're trying to come up with
23 a compromise.

24 REPRESENTATIVE NEILSON: We talked about the fine
25 a little bit and you talked about 1 percent. Can you

1 explain that more? Like, 1 percent of the entire. But
2 where does the rest of the money go? Is it limited what
3 they can spend that 1 percent on and stuff like that?

4 REPRESENTATIVE ROTHMAN: Not necessarily. This
5 is a deterrent also to having the abuse of the system where
6 you have quotas or you have speed traps set up all day long
7 just to generate revenue. That's the reason there's a
8 prohibition.

9 REPRESENTATIVE NEILSON: So say they end up doing
10 that in a municipality like Philadelphia or something like
11 that and it exceeds that 1 percent. Is there somewhere
12 where the rest of the money gets dumped to?

13 REPRESENTATIVE ROTHMAN: Yeah.

14 REPRESENTATIVE NEILSON: You know what I mean?
15 Say it goes over, say it's 1.3 percent, just because the --
16 they're not abusing it. They're actually using it. And
17 they're using it effectively but they have major highways
18 going through and there's a lot of speeding. I mean, there
19 is.

20 REPRESENTATIVE ROTHMAN: They would have to come
21 up with a way to keep it at 1 percent to monitor that.

22 REPRESENTATIVE NEILSON: So they would have to
23 stop writing tickets? I mean, I'm just asking. Because
24 maybe we should put something in there to dump it somewhere,
25 the same we do with the red light commerce and stuff like

1 that, maybe put it in that fund.

2 REPRESENTATIVE ROTHMAN: You know, there was a
3 proposal where all the revenue would go to the State so none
4 of the revenue would stay in the municipality. But my bill,
5 it does. The revenue stays in the municipality or most of
6 it stays in the municipality. But it cannot be used as a
7 revenue generator. That's not what the purpose of this is.

8 REPRESENTATIVE NEILSON: Thank you.

9 REPRESENTATIVE ROTHMAN: But I'd be happy to work
10 with you on addressing concerns.

11 REPRESENTATIVE NEILSON: That would be great.

12 Thank you, Representative.

13 Thank you, Chairman.

14 MAJORITY CHAIRMAN TAYLOR: Thank you,
15 Representative Rothman.

16 We're going to now ask Captain Beth Readler,
17 Director of Policy and Legislative Affairs with the
18 Pennsylvania State Police.

19 Captain, good morning.

20 CAPTAIN BETH READLER: Good morning.

21 MAJORITY CHAIRMAN TAYLOR: Whenever you're ready.

22 CAPTAIN BETH READLER: Good morning, Chairman
23 Taylor and Keller and members of the House Transportation
24 Committee. I'm Captain Beth Readler, Director of the Policy
25 and Legislative Affairs Office of the Pennsylvania State

1 Police, and I'm pleased to be testifying before you on the
2 topic of the use of speed-timing devices by municipal and
3 regional police departments.

4 The ability for police officers to utilize the
5 most advanced technology to ensure compliance with speeding
6 laws is of paramount importance in the efforts to reduce
7 deaths and serious bodily injuries attributed to crashes
8 caused by excessive speed. According to PennDOT crash
9 statistics, speed was a factor in 31,083 crashes, of which
10 458 were fatal, in 2016.

11 Radar, also known as Radio Detection and Ranging,
12 and lidar, or Light Detection and Ranging, are two common
13 tools available to the nation's law enforcement officers to
14 attempt to prevent deaths and serious injuries caused by
15 traffic crashes resulting from excessive speed.

16 The use of radar is not new to Pennsylvania, nor
17 is lidar unfamiliar throughout the nation. Radar's
18 utilization has been a large component of the Pennsylvania
19 State Police's speed enforcement program since 1961 in large
20 part because of its accuracy and ease of use.

21 A trooper utilizing radar would point the unit in
22 the general direction of the target vehicle. Radio beams
23 are emitted from the device in a cone shape covering
24 approximately 80 yards at a range of approximately 1,000
25 feet and are then reflected off the target vehicle.

1 The unit displays the speed from the strongest
2 return signal received, and an audible tone confirms the
3 reading coming from the target vehicle. This, along with
4 the officer's visual estimation of speed, ensures the
5 correct vehicle is being targeted.

6 In addition, the portability of a radar unit
7 presents an advantage over some other types of
8 speed-detection devices in that it allows an officer to
9 quickly set up enforcement operations or move to another
10 location efficiently. Conversely, some other methods of
11 speed detection require a more lengthy process and require
12 an officer to leave costly equipment unsupervised while they
13 pursue a violator.

14 With lidar, ease of operation is another asset.
15 An infrared laser beam is sent out from the unit. Speed is
16 calculated by the length of time it takes for the beam to
17 reflect off the vehicle and return to the unit. The laser
18 beam is very narrow. At approximately 1,000 feet, a laser
19 beam is approximately 3 to 4 feet wide. At shorter
20 distances, the beam's width is even less.

21 Lidar allows officers to pinpoint specific
22 vehicles because of the narrow beam emitted by the device.
23 Thus an officer can observe the vehicle he or she thinks is
24 traveling the fastest, target that vehicle, and immediately
25 obtain a speed reading, virtually eliminating any doubt of

1 interference from other vehicles. It should be noted,
2 however, that one limitation of lidar is that it cannot be
3 utilized when a patrol vehicle is in motion, where radar
4 can.

5 Since 2014, PSP has cited over 650,000
6 individuals for speeding. And approximately 93 percent of
7 these citations involved the use of radar as the speed
8 detection type.

9 Even though PSP is aggressively enforcing
10 violations for speeding using radar, Pennsylvania is ranked
11 fourth in the nation behind Texas, California, and North
12 Carolina for most speeding-related traffic fatalities,
13 according to a recent report by the National Highway Traffic
14 Safety Administration.

15 Therefore, it's crucial that all of the
16 Commonwealth's police officers have the most efficient and
17 commonly accepted technology and equipment at its disposal
18 to attempt to keep its communities safe.

19 Under current law within Title 75, all
20 Pennsylvania police officers are authorized to determine the
21 rate of a vehicle's speed using a mechanical or electronic
22 speed timing device . All police officers may also use
23 electronic devices that calculate speed by measuring the
24 elapsed time between measured points on a road surface.

25 However, though speed enforcement initiatives by

1 police departments in Pennsylvania may be conducted through
2 the utilization of stopwatches, speedometers, and electronic
3 timing devices such as VASCAR, Pennsylvania has the
4 distinction of being the only state in the country that
5 expressly prohibits the use of radar in speed detection by
6 any police agency except the PSP.

7 In addition, Pennsylvania is the only state in
8 the nation that does not allow its police officers or state
9 troopers to use lidar for speed enforcement.

10 Furthermore, even though PSP is authorized to use
11 radar for speed enforcement, it must only be conducted in a
12 stationary mode, as that is the only method currently
13 authorized for use by PSP.

14 PSP believes the most effective speed enforcement
15 programs would use a combination of radar, moving radar and
16 lidar. The Pennsylvania State Police is fully supportive of
17 the use of radar and lidar by the Commonwealth's municipal
18 and regional police departments. This would enable
19 Pennsylvania to join the rest of the nation in using the
20 latest technology to augment its enforcement programs. The
21 acquisition of the most modern speed timing equipment
22 available will greatly enhance Pennsylvania police officers'
23 ability to detect and enforce speeding violations, thereby
24 reducing the number of serious injury and fatal crashes in
25 which excessive speed is the primary causal factor.

1 In closing, PSP would like to thank the
2 committee for its interest in the safety of citizens in the
3 Commonwealth and I would be happy to answer any questions
4 that you may have.

5 MAJORITY CHAIRMAN TAYLOR: Thank you, Captain. I
6 have a few and some of them may be for our audience to
7 clarify. Speed enforcement cameras would be a version of
8 lidar; is that correct?

9 CAPTAIN BETH READLER: Within the speed camera
10 bill, lidar would be used in that realm.

11 MAJORITY CHAIRMAN TAYLOR: Would the State Police
12 as an entity support speed cameras in our bills that we have
13 for the Turnpike and Reservoir Boulevard and the city of
14 Philadelphia?

15 CAPTAIN BETH READLER: We're supportive of the
16 concept.

17 MAJORITY CHAIRMAN TAYLOR: We receive mainly via
18 e-mail all sorts of criticism of all of this, most of which
19 has to do with speed limits and things. But one point that
20 I saw recently was if we just used points and not fines,
21 nobody would be interested in this bill.

22 Can you respond to that for our critics?

23 CAPTAIN BETH READLER: PSP actually has no -- we
24 have no position on whether you decide to assign points
25 within this bill. We believe, though, that this is a tool

1 that will save lives.

2 MAJORITY CHAIRMAN TAYLOR: Thank you.

3 Representative Brown.

4 REPRESENTATIVE BROWN: Thank you, Captain, for
5 your testimony.

6 CAPTAIN BETH READLER: You're welcome.

7 REPRESENTATIVE BROWN: Thank you, Mr. Chairman.

8 Quick question for you. In your testimony you
9 mentioned about some other methods of speed detection the
10 municipalities are currently using and the lengthy process
11 and all the different variables with that.

12 So can you just give us a little bit more detail
13 as far as what you do know about the accuracy of that type
14 of speed enforcement that they're using versus radar, lidar?
15 You know, is there something there you can tell us as far as
16 the accuracy and then also the utilization of manpower?

17 CAPTAIN BETH READLER: PSP does not use VASCAR so
18 I'll defer any questions to the other testifiers as far as
19 the use.

20 REPRESENTATIVE BROWN: Okay.

21 CAPTAIN BETH READLER: But we do get a lot of
22 concerns from municipal officers in their lack of ability to
23 fully enforce speeding violations, specifically because they
24 don't have radar. And as far as with regard to manpower,
25 could you clarify your question?

1 REPRESENTATIVE BROWN: You know, I've heard from
2 some of my municipalities that it often takes two officers
3 to set up the type of speed enforcement that they're
4 currently using. Obviously, the manpower on the police
5 force is just not there. And when they should be working
6 maybe in some other measures and that the use of radar may,
7 you know, obviously help them with not only the accuracy but
8 also on the manpower and the utilization of their force in
9 many different ways.

10 CAPTAIN BETH READLER: Certainly if the speed
11 detection device requires more than one individual to
12 operate, it's going to cause -- it could cause manpower
13 issues where a radar unit only requires one officer to use
14 it. It's easy to use. It's accurate.

15 So it would not cause the manpower issues that a
16 device which would require multiple officers to use would
17 need.

18 REPRESENTATIVE BROWN: Thank you so much. And
19 I'll definitely refer the question. I appreciate you trying
20 to answer.

21 Thank you.

22 CAPTAIN BETH READLER: Thank you.

23 REPRESENTATIVE BROWN: Thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN TAYLOR: Chairwoman Harper.

25 REPRESENTATIVE HARPER: Thanks.

1 I'm glad you're here. And I'm glad you testified
2 that the State Police have no trouble with allowing local
3 officers to use radar because the rumor for years around the
4 Capitol was that that was the problem. So I'm glad you're
5 here and cleared that up.

6 But you seem to suggest that maybe we should fix
7 the law regarding the State Police use of radar to allow
8 them to be used differently than it's currently allowed,
9 like moving vehicles and stuff like that.

10 Do I hear you correctly on that?

11 CAPTAIN BETH READLER: Absolutely. We would like
12 to be able to use moving radar, which, as I testified, we
13 don't have that tool at our disposal right now. And in
14 addition, lidar would be very helpful in our efforts.

15 REPRESENTATIVE HARPER: Thank you very much.

16 Thank you.

17 MAJORITY CHAIRMAN TAYLOR: Representative Kortz.

18 REPRESENTATIVE KORTZ: Thank you, Captain
19 Readler, for your testimony today.

20 CAPTAIN BETH READLER: Sure.

21 REPRESENTATIVE KORTZ: Could you take us through
22 when a State Police trooper is trained in the use of radar?
23 Could you take us through that? Do they have to get
24 recertified every several years? Is there ongoing training?
25 What's the process there? Can you explain that?

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CAPTAIN BETH READLER: Sure.

REPRESENTATIVE KORTZ: Thank you.

CAPTAIN BETH READLER: Cadets receive 40 hours of training for radar in their basic training as cadets. Part of that training is a hands-on practicum. But after that, there's no recertification process. If there's any changes within speeding laws, that would be addressed in our update training, but once they're trained as cadets, there's no recertification process required.

REPRESENTATIVE KORTZ: Okay. So the one and done, right, unless there's new equipment or there's changes?

CAPTAIN BETH READLER: Correct. If there's new equipment, a new type of radar device, then there would be an update training, a familiarization training.

REPRESENTATIVE KORTZ: Okay. And if I could follow up if you don't mind, Mr. Chairman.

Chairwoman Harper mentioned about the mobile use. Is it the position of the State Police that you would like to see that happen?

CAPTAIN BETH READLER: Absolutely.

REPRESENTATIVE KORTZ: Okay. Thank you.

CAPTAIN BETH READLER: Sure.

REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.

MAJORITY CHAIRMAN TAYLOR: Representative Fee.

1 REPRESENTATIVE FEE: Thank you, Captain, for your
2 testimony.

3 CAPTAIN BETH READLER: You're welcome.

4 REPRESENTATIVE FEE: In it you said that
5 Pennsylvania ranks fourth in the nation behind Texas,
6 California, and North Carolina for the most speeding-related
7 traffic fatalities.

8 Those states all have municipalities that also
9 help with radar, correct?

10 CAPTAIN BETH READLER: Correct. Pennsylvania is
11 the only state that does not.

12 REPRESENTATIVE FEE: Yeah. I mean, to me I would
13 think that that would help if we had more police officers
14 being able to help with using radar to help save lives.

15 CAPTAIN BETH READLER: We believe if all of
16 Pennsylvania's municipal and regional officers have this
17 tool, that it would be a great help in reducing these types
18 of crashes.

19 REPRESENTATIVE FEE: Thank you.

20 CAPTAIN BETH READLER: Sure.

21 MAJORITY CHAIRMAN TAYLOR: Chairman Marsico.

22 REPRESENTATIVE MARSICO: Thank you, Mr. Chairman.
23 Good morning, Captain.

24 CAPTAIN BETH READLER: Good morning.

25 REPRESENTATIVE MARSICO: Good to see you again.

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CAPTAIN BETH READLER: Thank you.

REPRESENTATIVE MARSICO: First of all, I'd like to say also what the Chairman said about the fact that we finally got a clear answer whether the State Police would support radar for local police. So I'm glad to hear that.

Over the years we heard, like they said before, there was no clarification there. But as far as the Rothman bill, which only has radar and not lidar, but the Senate bill has both, would you rather see the Rothman bill have both as well? Is that what you're suggesting?

CAPTAIN BETH READLER: We would like both PSP and municipal and regional officers to have as many tools available as possible. So a bill that would have radar, moving radar, and lidar would be something that we would find most favorable.

REPRESENTATIVE MARSICO: I just wanted to get clarification on that.

Thank you.

CAPTAIN BETH READLER: You're welcome.

REPRESENTATIVE MARSICO: Thank you, Mr. Chairman.

MAJORITY CHAIRMAN TAYLOR: Anyone else?

Captain, thank you very much.

CAPTAIN BETH READLER: You're welcome.

MAJORITY CHAIRMAN TAYLOR: Our next witnesses are two folks from the Pennsylvania State Troopers Association,

1 Dave Kennedy, their President, and Sean Welby, their
2 counsel.

3 Good morning, gentlemen.

4 PRESIDENT DAVE KENNEDY: Good morning.

5 ATTORNEY SEAN WELBY: Good morning.

6 PRESIDENT DAVE KENNEDY: Good morning, Chairman
7 Taylor, Chairman Keller, members of the Committee.

8 I have the honor and privilege to represent the
9 outstanding women and men who serve our Commonwealth as
10 state troopers.

11 My name is Dave Kennedy. I'm the President of
12 the Pennsylvania State Troopers Association. With me this
13 morning is Sean Welby, PSTA counsel.

14 Thank you for the opportunity to share with you
15 our perspectives on legislation to authorize local
16 jurisdictions to utilize speed enforcement technology,
17 typically referred to as radar.

18 Let me highlight some key points of my submitted
19 testimony. PSTA has been neutral on the authorization of
20 radar by municipal and regional police departments.
21 However, we do have recommendations on how such legislation
22 should be implemented.

23 They are as follows: First, we believe radar
24 should be restricted to full-time police officers employed
25 within a full-time police department.

1 Second, proposed legislation includes provisions
2 that would restrict or prohibit speed enforcement by State
3 Police, specifically local municipalities wouldn't pay for
4 required engineering and traffic studies as well as signage
5 making it no longer possible for our department to conduct
6 radar enforcement.

7 Third, we're concerned with the penalty
8 provisions of House Bill 2148. We would prefer limitations
9 only apply to the first two speeding offenses. Habitual
10 offenders shouldn't escape the consequences of repeated
11 violations. Speed kills, as been testified to this morning,
12 and it endangers other drivers and our troopers. We need to
13 get frequent speeders off the roadways.

14 Finally, we would like legislation to include
15 moving radar for the State Police. We are one of the few
16 states that doesn't permit this. Currently, troopers must
17 enter into the flow of traffic from a stopped position and
18 then use high rates of speed to catch up to the offender.
19 Moving radar would allow troopers to be in the traffic flow
20 and more safely gain on the violator.

21 Thank you for your consideration of these
22 comments. We'd be happy to answer any questions you may
23 have.

24 MAJORITY CHAIRMAN TAYLOR: Sean, do you have
25 anything?

1 ATTORNEY SEAN WELBY: Mr. Chairman, I am here if
2 there's any technical questions with the bill. There has
3 been a concern or at least in reading House Bill 2148 that
4 that not be read as imposing any restrictions on the
5 Pennsylvania State Police as to their authority that's
6 authorized by law now.

7 As long as it is made clear in the legislation
8 that what we are doing is providing additional enabling
9 legislation for certain local police departments and not
10 restricting the use of radar by the Pennsylvania State
11 Police in any way, that plus the question of lidar and
12 moving radar. Those are the concerns that we have.

13 Now, with respect to this bill particularly, it
14 would be very easy to make that clear. Pennsylvania State
15 Police have been using radar successfully and in a
16 responsible manner since 1961.

17 From the Association's viewpoint and 4,500
18 members of the Pennsylvania State Police, radar is a tool.
19 Like any tool, it has to be used responsibly. The position
20 of the Pennsylvania State Police is that imposing various
21 restrictions upon usage, not by police officers but
22 employing those by municipal employers such that it be used
23 as a revenue tool, is the most appropriate way to address
24 utilization of a tool responsibly.

25 I look around this room today. I see many police

1 officers, municipal police officers, many of whom I actually
2 represent. I can tell you that each of them are members and
3 individuals of outstanding honor and integrity.

4 We are talking about a tool here. And what we
5 look for in the legislation is to ensure that the tool is
6 being used responsibly, not by these individuals but by
7 those who direct their actions.

8 Thank you.

9 MAJORITY CHAIRMAN TAYLOR: Chairman.

10 MINORITY CHAIRMAN KELLER: Thank you, Mr.

11 Chairman.

12 Mr. Kennedy, I'm sorry. I wasn't clear on your
13 testimony. Do you support moving radar just for State
14 Police or for all?

15 PRESIDENT DAVE KENNEDY: If it's going to be a
16 pilot program, sir, I would support it for the State Police
17 just so we can do a study.

18 MINORITY CHAIRMAN KELLER: Okay. Thank you.

19 PRESIDENT DAVE KENNEDY: Sure.

20 MAJORITY CHAIRMAN TAYLOR: Representative
21 Heffley.

22 REPRESENTATIVE HEFFLEY: Thank you.

23 Just a question on the moving radar. Now, my
24 understanding -- and I'm somewhat familiar with it.
25 Generally, if a vehicle is coming towards you, moving radar

1 you would be able to clock a vehicle. If you're going
2 north, the vehicle is going south, you'd be able to clock
3 that vehicle and their speed.

4 How does moving radar work if you're both
5 traveling in the same direction? Would you be able to judge
6 that speed moving in the same direction?

7 PRESIDENT DAVE KENNEDY: Yes, sir, we would.

8 REPRESENTATIVE HEFFLEY: And that's accurate? I
9 mean, I know it's accurate. I got caught already.

10 PRESIDENT DAVE KENNEDY: Our brothers and sisters
11 in other states will testify that, yes, it's absolutely
12 accurate.

13 REPRESENTATIVE HEFFLEY: Okay. All right. That
14 was my question.

15 And going back to the points and fines piece of
16 legislation. My take on it -- I know somebody said, well,
17 people aren't concerned about the points. They're only
18 concerned about the fines. And I would disagree
19 tremendously on that. I mean, your points on your driver's
20 license affects everything from your insurance to your
21 employment and especially if you're, you know, a commercial
22 or over-the-road driver. That's your livelihood. So I
23 think it is important that points are rolled in there.

24 And I'll have some questions later on for the
25 municipal governments on how that could be effected.

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Thank you.

PRESIDENT DAVE KENNEDY: Yes, sir.

MAJORITY CHAIRMAN TAYLOR: Representative Corbin.

REPRESENTATIVE CORBIN: Thank you, Mr. Chairman.

I appreciate your indulgence in letting a non-committee member ask a question.

Sergeant Kennedy, you can't see me but I have a question involving any safety issues you might elaborate on regarding law enforcement using motor moving radar.

PRESIDENT DAVE KENNEDY: Yes, Representative.

Thank you for the question.

Currently the way radar works is you're stationary on the side of a highway. I'll use the Schuylkill Expressway. There are very narrow shoulders and at times you get high rates of speed with a large conglomerate of traffic. You identify the violator. You have to go from a stopped position, enter into traffic safely, and then identify that driver and catch up to him at a high rate of speed. That puts both the trooper's life and the lives of the motoring public in danger.

We've managed to do it as safely as we possibly can. However, it will be a tool. The moving radar will be a tool that would help us to do that more safely.

REPRESENTATIVE CORBIN: Thank you.

MAJORITY CHAIRMAN TAYLOR: Representative Culver.

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REPRESENTATIVE SCHLEGEL CULVER: Good morning. Thank you for your testimony. I don't know who to ask this question to so you guys are the winners.

All the information we're receiving by e-mail, one of the things I keep hearing or reading is Pennsylvania's speed limits are too low.

It's a little confusing for me. We spend a lot of time with PennDOT. I have a lot of hidden driveways. I live in rural Pennsylvania. And, you know, I guess we set our speed limits on those roadways which are, you know, no stop signs, no traffic lights, based upon the sight distance, the safety of people pulling out onto the roadway.

Your thoughts on either rural roads or the interstate system? I know the Secretary of Transportation reviews those regularly. Thoughts on the speed limit?

ATTORNEY SEAN WELBY: Well, the job with the Pennsylvania State Police is to enforce whatever speed limit is set.

REPRESENTATIVE SCHLEGEL CULVER: I know.

ATTORNEY SEAN WELBY: However, we would always defer to the expertise that people at PennDOT have. They have studied these issues.

REPRESENTATIVE SCHLEGEL CULVER: Right.

ATTORNEY SEAN WELBY: They understand how our roads and highways were designed. They will understand how

1 they were designed for what speeds. They review those on a
2 regular basis. And really at some point we do have to trust
3 the experts to show us what is safe and what is not.

4 We all know that speed does contribute to
5 crashes. We all know that the higher the speed, the more
6 incidents of injuries in crashes or the more severe those
7 injuries.

8 However, the question is, what makes the road
9 safe? Speed is also a contributor. But what is -- if some
10 people had our way, we would all be going 5 miles an hour
11 and no one would ever get anywhere. We have to defer to
12 PennDOT for that.

13 REPRESENTATIVE SCHLEGEL CULVER: Okay. Thank
14 you.

15 MAJORITY CHAIRMAN TAYLOR: Representative Kortz.

16 REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.

17 Thank you, gentlemen, for your testimony.

18 Mr. Kennedy, I'd like to come back to the
19 full-time versus part-time. Why is it the position that it
20 must only be full-time? If a part-time person is trained in
21 the 40 hours or whatever it's designated to be and they're
22 qualified, certified to do this, and maybe they work at
23 several different municipalities because small areas, they
24 just don't have the money -- I have officers that work in
25 multiple different municipalities -- but if they are trained

1 to do this, why would you not want them to do it if they're
2 fully trained?

3 PRESIDENT DAVE KENNEDY: Well, Representative,
4 thank you.

5 Since this is going to be a pilot program as the
6 bill is written, I think it would be easier to track it if
7 they're full-time police officers and full-time police
8 departments. If you have an officer that's working at
9 multiple departments, which I did, sir -- I was a prior
10 local police officer -- it's very difficult to track if
11 you're citing the same person in two different boroughs or
12 one borough over, which would skew the numbers, I think, for
13 the pilot program.

14 REPRESENTATIVE KORTZ: If I could follow up, Mr.
15 Chairman, if you don't mind.

16 MAJORITY CHAIRMAN TAYLOR: Okay.

17 REPRESENTATIVE KORTZ: You mentioned something
18 about signage.

19 PRESIDENT DAVE KENNEDY: Yes, sir.

20 REPRESENTATIVE KORTZ: And concern of signage and
21 concern of speed studies on the roads. Could you elaborate
22 on that?

23 PRESIDENT DAVE KENNEDY: Well, the way the bill
24 is written, sir, it requires each municipality to do a
25 survey and do a study and post signs. We cover a lot of

1 municipalities, sir, a lot of rural municipalities in your
2 district. And for small boroughs and townships to conduct
3 those studies, it's quite expensive. And I just don't know
4 that they would, which would hamper our ability to use radar
5 as a tool to enforce speed in those areas.

6 REPRESENTATIVE KORTZ: So it's cost-prohibitive
7 the way it's written?

8 PRESIDENT DAVE KENNEDY: I would believe so, sir.

9 REPRESENTATIVE KORTZ: Okay. One last question
10 if I may, Mr. Chairman.

11 Under the 2148 Bill, the person, the police
12 officer, has to be recertified every three years. We heard
13 the Captain mention the State Police one and done.

14 What do you think about recertifying every three
15 years?

16 PRESIDENT DAVE KENNEDY: Since it's a pilot
17 program, sir, anytime that you can get any sort of
18 re-education for a police officer, I think it's a good
19 thing. I support that. The State Police, when we get new
20 equipment, we're retrained on it. So as technologies
21 advance, I think people should be retrained.

22 REPRESENTATIVE KORTZ: Okay. Thank you.

23 PRESIDENT DAVE KENNEDY: You're welcome.

24 REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN TAYLOR: Representative

1 Stephens.

2 REPRESENTATIVE STEPHENS: Thank you, Mr.

3 Chairman.

4 Thank you, gentlemen, for your testimony.

5 Just a quick question. A couple of years ago I
6 saw a map that indicated the State Police had primary
7 jurisdiction over, I believe, 85 percent of the land of
8 Pennsylvania. Is that still true?

9 PRESIDENT DAVE KENNEDY: I believe that is
10 accurate, sir, yes.

11 ATTORNEY SEAN WELBY: Actually, that might have
12 grown.

13 REPRESENTATIVE STEPHENS: It may have grown?

14 PRESIDENT DAVE KENNEDY: It could have.

15 ATTORNEY SEAN WELBY: Yes.

16 REPRESENTATIVE STEPHENS: So, I mean, just
17 following that one step further, in essence, what that means
18 is 85 percent of the land of Pennsylvania already has radar
19 in use. Am I really talking about the remaining 15 percent?

20 ATTORNEY SEAN WELBY: That would be accurate.

21 REPRESENTATIVE STEPHENS: All right. Thank you.

22 MAJORITY CHAIRMAN TAYLOR: Representative
23 Stephens wants us to get in on a whole other topic there,
24 right?

25 Representative Rothman.

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REPRESENTATIVE ROTHMAN: Thank you, Mr. Chairman.

I just wanted to address your two objections to 2148. The one is you made a statement that, in your opinion, the bill would prohibit State Police from actually using radar, which I think we had this conversation before. But you understand it's not the intent of the bill to do that. It was not the intent, as the person who drafted the bill.

Do you understand that's not the intent of the bill?

PRESIDENT DAVE KENNEDY: Yes, sir, I do. Absolutely.

ATTORNEY SEAN WELBY: Yes.

REPRESENTATIVE ROTHMAN: And the second question, the second objection, which I don't necessarily agree with you but just wanted to point out that it's not the intent, the language that says that the roads need to be -- there needs to be some kind of engineering would apply to the municipal use of radar. It would not affect -- in my opinion, the intent of the bill would not affect the State Troopers from continuing to use radar on those roads.

It refers to this particular bill and this particular change in the statute. I just wanted to make that clear, too.

But as I said before, if we need to do something

1 to improve it, to assuage your concerns, we'll do that,
2 because neither is the intent of this bill.

3 ATTORNEY SEAN WELBY: We will always work with
4 the Representative to make it as clear as possible. As you
5 know, in Pennsylvania they really don't let us look at
6 legislative history of the bill too much when we get to
7 court. So we really have to make things clear. That's our
8 concern. And we would be happy to work with you.

9 REPRESENTATIVE ROTHMAN: And I do agree with you,
10 sir. And we did provide some language in our -- in my
11 written testimony that would cover that.

12 PRESIDENT DAVE KENNEDY: I do understand it
13 wasn't your intent, sir.

14 REPRESENTATIVE ROTHMAN: Thank you.

15 MAJORITY CHAIRMAN TAYLOR: Well, thank you. We
16 will certainly make that point clear in anything we move on.
17 Hopefully, both of you, as well as our Captain, will be
18 available as the process moves forward. If we have
19 questions, we'll forward them to you and share with you what
20 we're doing so if you have any comments or concerns, we'll
21 try to address them.

22 PRESIDENT DAVE KENNEDY: Thank you.

23 ATTORNEY SEAN WELBY: Thank you.

24 MAJORITY CHAIRMAN TAYLOR: Could our next group
25 of municipal government officials assemble, please. We have

1 Mr. Jim Nowalk, Amy Sturges, Mayor Chuck Mummert, and Mr.
2 Herr.

3 Good morning.

4 MAYOR JIM NOWALK: Good morning.

5 MS. AMY STURGES: Good morning.

6 MAYOR CHUCK MUMMERT: Good morning.

7 ASSISTANT EXECUTIVE DIRECTOR HERR: Good morning.

8 MAJORITY CHAIRMAN TAYLOR: I don't think in any
9 particular order except the order that I have on my sheet,
10 I'm going to ask Mr. Nowalk to start.

11 MAYOR JIM NOWALK: Thank you.

12 Good morning, Chairman Taylor, Chairman Keller,
13 and members of the House Transportation Committee. Thank
14 you for scheduling this hearing and the opportunity to speak
15 today.

16 I'm here not as the Mayor of Whitehall, which is
17 on the schedule. I'm here as the President of the
18 Pennsylvania State Mayors' Association. I've been its
19 President for 12 years now.

20 And I'm also a spokesperson for the radar
21 coalition, which consists of all the major municipal
22 associations, the FOP, State Lodge, and the Pennsylvania
23 Chiefs of Police Association.

24 All of you should have a copy of my remarks.
25 I've given it a title. And that title is Confronting a

1 Decades-Old Public Policy Resulting in Uneven Enforcement of
2 Maximum Speed Limits, Disrespect for Municipal Police, and
3 Unnecessary Deaths on Pennsylvania Roadways.

4 For many decades this has been the public policy
5 on the enforcement of maximum speed limits on roadways in
6 the Commonwealth of Pennsylvania.

7 For the safety of motorists and pedestrians on
8 Pennsylvania roadways, the Commonwealth of Pennsylvania
9 establishes maximum speed limits. However, these speed
10 limits are only to be fully enforced by the Pennsylvania
11 State Police on the roads and in the municipalities that
12 they patrol and enforced to a much lesser degree by
13 municipal police on the roads in the municipalities over
14 which they exercise jurisdiction.

15 The means by which this public policy shall be
16 carried out is that municipal police shall be prohibited by
17 law from using the most accurate and cost-effective speed
18 timing equipment available to law enforcement, radar, and
19 instead must only use speed-timing devices that require more
20 human resources and are more prone to human error.

21 This public policy has resulted in uneven
22 enforcement of the law, disrespect for municipal police, and
23 unnecessary deaths on Pennsylvania roadways. Continuing
24 this public policy, instead of ending it with the passage of
25 Senate Bill 251, raises many difficult and awkward questions

1 for legislators who would perpetuate the status quo.

2 So the first question. Why is there a
3 legislative fixation in Pennsylvania on one nonlethal piece
4 of law enforcement equipment that is used by municipal
5 police in every state in the United States of America?

6 Here is the law enforcement equipment commonly
7 used by Pennsylvania police regardless of whether their
8 employer is the Commonwealth or its municipal subdivisions:
9 .45 Calibre Glock with rounds and magazines of ammunition,
10 taser with cartridges, collapsible baton, handcuffs, pepper
11 spray, flashlight, tourniquet, ballistic vest, back-up
12 weapon, gas mask, knife. I could go on and on.

13 This equipment is used without any legislative or
14 regulatory restrictions other than training. Moreover, this
15 equipment is utilized by police in every state in the United
16 States of America.

17 So with one exception, State Legislatures across
18 the country do not tell the law enforcement in their states
19 what equipment to use or how to enforce the law. They do
20 not condition the use of a piece of law enforcement
21 equipment based on the uniform the officer is wearing, how
22 the officer is paid, whether they're paid full time or part
23 time or whether the officer's employer is unable to provide
24 police protection 24 hours a day and has to rely on backup.
25 These Legislatures trust their police officers to make the

1 right decisions when it comes to enforcing the law. And
2 they do not show partiality among law enforcement
3 organizations doing the exact same job.

4 The one exception is the Commonwealth of
5 Pennsylvania where the State Legislature prohibits the use
6 of one piece of nonlethal law enforcement equipment for one
7 group of law enforcement personnel but allows it for another
8 group of law enforcement personnel. And that one piece of
9 equipment is a radar gun, which is prohibited for use by
10 municipal police but allowed to be used by State Police.
11 Radar guns are used by municipal police in every other state
12 in the United States of America.

13 If public safety is the prime objective of
14 maximum speed laws, then why are municipal police in
15 Pennsylvania prohibited from using radar, the most accurate
16 and versatile speed-timing device?

17 When police in 49 other states are charged with
18 measuring speed to enforce maximum speed laws, they have a
19 range of choices. These choices include stopwatches;
20 speedometers; Visual Average Speed Computer and Reporter,
21 VASCAR; Electronic Non-radar Device, ENRADD; and radar,
22 Radio Detecting and Ranging.

23 Stopwatches and VASCAR units measure the time
24 elapsed from the moment these speed-timing devices are
25 activated to the moment they are deactivated. By factoring

1 in the distance that a motor vehicle traveled between the
2 moment of activation and the moment of deactivation, the
3 average speed of the vehicle can be determined.

4 One limitation of these devices is that the
5 calculated speed is an average as opposed to instantaneous
6 speed. Additionally, police who use this equipment must be
7 visually able to identify the target vehicle, start and end
8 points, as well as activate and deactivate the device
9 precisely at the start and end points.

10 These limitations make these devices susceptible
11 to human error as well as restrict their use to certain
12 times of day and weather conditions.

13 Speedometers and ENRADD units measure
14 instantaneous speed, mechanically and electronically,
15 respectively, which reduces the chances for human error as
16 long as the devices are functioning properly. However, the
17 use of these devices raises safety and other concerns.

18 Using the speedometer to measure speed means that
19 two speeding vehicles are racing through residential
20 neighborhoods. The accuracy of speedometers can be affected
21 by wear on the tires, outside temperature, tire pressure,
22 tire size, and vehicle load.

23 The set-up of an ENRADD unit requires police
24 officers to be on the shoulder of the road dangerously close
25 to speeding traffic. An ENRADD unit is of limited value

1 when multiple cars are passing through the transmitters and
2 receivers in both directions. The ENRADD unit is tougher to
3 transport, expensive to buy, time-consuming to set up, and
4 prone to destruction by passing vehicles and theft.

5 A radar device is the most accurate of the
6 speed-timing devices referenced above because it measures
7 speed instantaneously through radio waves. It has none of
8 the safety concerns of a speedometer or an ENRADD unit. And
9 because it does not have the set-up requirements and
10 transportation challenges, it's more versatile.

11 The accuracy of radar as a measure of speed means
12 that its determination of speed is more likely to be
13 accepted by motorists and less likely to be subject to an
14 officer to appear in court.

15 In sharp contrast to the 49 other states, the
16 Commonwealth of Pennsylvania prohibits municipal police from
17 measuring speed using radar but allows stopwatches, VASCAR
18 units, speedometers, and ENRADD units to be used. And only
19 the Pennsylvania State Police are permitted to use all five
20 speed-timing devices.

21 If the provisions of the Motor Vehicle Code are
22 to be uniform throughout the Commonwealth of Pennsylvania,
23 what is the justification for a public policy which provides
24 for full enforcement of the maximum speed laws in only 60
25 percent of the municipalities in Pennsylvania?

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Section 103 of the Motor Vehicle Code provides that the Code shall be interpreted and construed as to effectuate its general purpose to make uniform the law through this Commonwealth and all political subdivisions.

The Pennsylvania State Police enforce the maximum speed laws in over 60 percent of the 2,560 municipalities of Pennsylvania using radar. Section 3368(c)(4) of the Motor Vehicle Code allows the maximum speed laws to be enforced using a radar gun after a motorists exceeds the speed limit by 6 miles per hour.

So because of the versatility of a radar gun, the State Police can enforce the maximum speed laws on more roadways than they could if they were limited to other types of speed-timing equipment.

In 40 percent of municipalities where municipal police enforce the maximum speed laws with equipment other than radar guns, municipalities must by law wait until a motorist exceeds the maximum speed limit by 10 miles per hour because their speed-timing equipment is less accurate than radar.

And again, because of the limitation of the speed-timing equipment to which municipal police must resort, the number of roadways where municipal police can enforce the maximum speed laws are more limited than those patrolled by State Police.

1 It is undeniable that the maximum speed laws set
2 forth in the Motor Vehicle Code are not being enforced
3 uniformly throughout the Commonwealth of Pennsylvania and
4 all political subdivisions. And the sole reason for this
5 lack of uniformity is the public policy which prohibits
6 municipal police from using a radar gun to enforce speed.

7 How can a public policy that hinders the
8 enforcement of maximum speed in 40 percent of Pennsylvania
9 municipalities be allowed to continue when the statistics of
10 the National Highway Traffic Safety Administration suggests
11 that the policy is the primary reason why Pennsylvania has
12 the worst record for speeding-related fatalities in the
13 United States of America?

14 The latest traffic safety facts of the National
15 Highway Traffic Safety Administration were published in July
16 2017 based upon 2015 data. In 2015, Pennsylvania had the
17 fourth-highest number of speeding-related fatalities, the
18 second-highest percentage of speeding-related fatalities to
19 total fatalities in the nation, and the second-highest
20 number of speeding fatalities on local roadways.

21 There were three states which were on the top ten
22 lists of all three statistical measures of speeding-related
23 fatalities for 2015. Pennsylvania was not only one of those
24 states, it led all three states in two of these three
25 statistical measures. Furthermore, the numbers of

1 speeding-related fatalities on roadways where municipal
2 police often enforce the maximum speed laws but are
3 prohibited from using radar, were on average five times
4 higher than the number of speeding-related fatalities on
5 roadways where the State Police primarily enforce the same
6 maximum speed laws but are allowed to use radar.

7 It is a fact that in order for Pennsylvania to
8 bring its percentage of speeding-related fatalities to total
9 fatalities under the national average for one year, 293
10 fewer speeding-related fatalities would need to be
11 prevented. This number is up from the 277 fewer
12 speeding-related fatalities that would have been needed in
13 2016. Pennsylvania simply cannot live with a public policy
14 that results in high numbers of speeding-related fatalities
15 and unspecified physical injuries and property damage.

16 How can supporters of a public policy that
17 prohibits municipal police from fully enforcing the maximum
18 speed laws claim that municipal police would abuse the
19 equipment to raise revenue when this claim has been
20 thoroughly debunked? And it is disrespectful to municipal
21 police to suggest otherwise.

22 Maximum speed limits were not instituted to raise
23 revenue. They were established to protect the public. The
24 general public wants to be protected from speeding motorists
25 who threaten the safety of their neighborhoods, commercial

1 areas, and roadways. When police officers enforce the
2 maximum lawful speeds, they are carrying out their duty to
3 protect and to serve. Only lawbreakers and those who would
4 seek to break the law would ever characterize the
5 enforcement of the maximum lawful speeds as revenue-raising.

6 It is the legislative branch of municipal
7 government that's responsible for raising revenue, not the
8 Executive Branch of government, of which police officers are
9 a part. In Pennsylvania, it is illegal for any legislative
10 body to even suggest that the police officers enforce the
11 maximum speed laws for the purpose of raising revenues.

12 The law reads as follows: No political
13 subdivision or agency of the Commonwealth shall have the
14 power or authority to order, mandate, require, or in any
15 other manner, directly or indirectly, suggest to any police
16 officer or any other officer employed by such political
17 subdivision or agency of the Commonwealth that said police
18 officer or any other officer shall issue a certain number of
19 traffic citations, tickets, or any other type of citation on
20 any daily, weekly, monthly, quarterly, or yearly basis. And
21 any tickets or citations issued in violation of this act
22 shall be unenforceable, null and void.

23 So given that it would be illegal for any member
24 of the legislative branch of municipal government to even
25 suggest to a police officer that he or she issue a traffic

1 citation and furthermore that a police officer has no
2 incentive to enforce a law for any other reason other than
3 he witnessed or she witnessed an infraction of the law, it
4 is disrespectful and insulting to municipal police officers
5 for anyone to suggest that the officer would use a piece of
6 law enforcement equipment for a reason other than to enforce
7 the law.

8 When members of the General Assembly are
9 perceived to disrespect municipal police officers, it
10 invites the general public to do the same. If the General
11 Assembly does not show respect to municipal police officers,
12 why should the public?

13 Every day we ask police officers to put their
14 lives on the line. Last year 134 police officers died in
15 the line of duty in our country. And of those deaths, 52
16 were traffic related. So when you're pondering how to vote
17 on Senate Bill 251, I would ask you to seriously reflect on
18 this question. How can any member of the General Assembly
19 ask municipal police officers to put their lives on the
20 line, time and time again, and then ignore them when they
21 ask for equipment to enable themselves to protect and to
22 serve the public and to carry out the oath that every one of
23 them has taken to discharge the duties of a police officer
24 with fidelity?

25 The leaders of the House of Representatives,

1 Speaker of the House Mike Turzai, Majority Leader Reed,
2 Minority Whip Bryan Cutler, are all supportive of Senate
3 Bill 251. They are only waiting for the House
4 Transportation Committee to release the bill.

5 And the vast majority of Representatives with
6 whom we have been working are waiting for Senate Bill 251 to
7 be reported out of the House Transportation Committee.

8 Please give them the opportunity to vote on
9 Senate Bill 251.

10 Thank you for your time and attention.

11 MAJORITY CHAIRMAN TAYLOR: Thank you, Jim.

12 (Applause)

13 MAJORITY CHAIRMAN TAYLOR: I wish every witness
14 had the same enthusiasm. It seemed like you were dying to
15 give that testimony.

16 So the leaders are just waiting for us to report
17 a bill out, huh? We will give them that opportunity. And
18 you can direct all your questions next-door.

19 MAYOR JIM NOWALK: I want to be fair to them and
20 say that they have expressed their support. But they also
21 respect your role, Chairman Taylor.

22 MAJORITY CHAIRMAN TAYLOR: We will fulfill our
23 duty.

24 Amy.

25 MS. AMY STURGES: Thank you.

1 Good morning. That's a tough act to follow. But
2 I will condense my testimony a little bit.

3 My name is Amy Sturges. I am the Director of
4 Governmental Affairs for the Pennsylvania Municipal League
5 and the State Association of Township Commissioners.
6 Together those associations represent more than 160
7 full-service municipalities all with paid police.

8 And they all support the local option to utilize
9 radar as a public safety device to control speeding in their
10 communities.

11 We have been working on this issue for decades as
12 we have heard numerous times this morning. Our most recent
13 efforts have been as part of a broad-based radar Coalition.
14 They have proved successful. The Senate's vote to pass
15 Senate Bill 251 was overwhelmingly supportive. And we are
16 now urging the Transportation Committee to allow the
17 momentum to continue by moving to the full House for a vote.

18 Public safety is the major responsibility of
19 local government, protecting the public's health, safety,
20 and welfare. Speeding motorists on local roads are
21 jeopardizing public safety and breaking the law. When we
22 are talking about radar with our elected officials, they
23 tell us that the No. 1 complaint they hear from their
24 constituents is speeding on local roads.

25 And when I'm having conversations with our

1 elected officials about the issue of radar and why it's not
2 moving, the only question they ask is, what is the holdup?
3 We don't understand why this tool is not given to local
4 government.

5 We've heard that radar is a more accurate tool,
6 more effective, more economical. We've also heard this
7 morning that radar has been used by the State Police since
8 the 1960s and that in communities where the State Police are
9 patrolling, they are using radar now.

10 So we echo the argument that not having radar in
11 paid departments is leaving those departments at a
12 disadvantage in terms of enforcement and as a deterrent.

13 There are many protections for motorists in
14 Senate Bill 251. No one is disputing the fact that officers
15 should be trained. The bill also includes protection such
16 as the certification of radar devices and the accuracy that
17 they were calibrated for accuracy, that each governing body
18 must pass a local ordinance, must put up signage to notify
19 the motoring public. There's a 90-day warning period.
20 There's also a cap on the amount of fine revenue that may be
21 generated.

22 And if I can speak to the fine-revenue-generation
23 argument for a moment. If there is a fear that local
24 municipalities will be able to generate money from fines,
25 that is completely unfounded. The amount of money that a

1 municipality receives from a citation is very small,
2 approximately \$25. We have statistics from -- and I should
3 step back and say that in addition to the cost of using a
4 speed-timing device, we have the officers' salary and
5 personnel. We have the cost of the equipment and that
6 overhead. And we have the cost of officers making court
7 appearances when there's an appeal.

8 We have statistics from 2014-'15 from the U.S.
9 Bureau of Labor Statistics that help us to determine that
10 the median income of a police officer in Pennsylvania is \$50
11 an hour, which means that an officer would have to cite two
12 speeders an hour just to cover the cost of their salary and
13 benefits. And that doesn't include, as I said, the cost of
14 overhead for the equipment and the cost of court time.

15 So it's nearly impossible to make money from
16 radar. This is strictly a public safety device.

17 Again -- and also, as we've heard the Mayor say,
18 that it is illegal in Pennsylvania for there to be the order
19 or even the suggestion that officers use radar or use
20 speed-timing devices and try to maintain a quota.

21 In conclusion, public safety is the No. 1 goal at
22 the local level. And Pennsylvania should not continue to
23 withhold this effective tool from paid police officers. It
24 sends a message that speeding motorists are more valued than
25 law-abiding pedestrians and motorists.

1 We again thank you for the opportunity to be
2 heard today. We look very much forward to you considering
3 Senate Bill 251 and moving that to the full House.

4 Thank you.

5 MAJORITY CHAIRMAN TAYLOR: Thank you.

6 Mayor.

7 MAYOR CHUCK MUMMERT: Thank you very much.

8 Good morning, Chairman Taylor and Chairman Keller
9 and all the members of the Committee. I sit before you not
10 only as the Mayor of Elizabethtown in Lancaster County but
11 also as the past President of the Pennsylvania State
12 Association of Boroughs.

13 I understand that we all agree that the
14 technology of radar is there. There's no question about the
15 technology. In fact, in Elizabethtown, we have the speed
16 signs that indicate -- as we put them out on the street that
17 indicate how fast an individual is going down the municipal
18 streets. And we found that people slow down and are a
19 little more apt to maintain the posted speed limit if those
20 signs will be out there.

21 I reflect back for a second. I tell you that I'm
22 in Lancaster County. And some of you in the western part or
23 eastern part of Pennsylvania or maybe even the northern part
24 think that when we talk Lancaster County, we're talking just
25 Amish buggies and just running around.

1 But actually we're talking cars with engines and
2 transmissions and things. And they are apt, when they're in
3 the municipalities -- in fact, I will drill down and say in
4 my town in streets that are near my house, people will go by
5 in a 35 zone. They will go much more than 35 miles an hour.

6 In fact, we have some 25 zones in Elizabethtown
7 that people just blow off the speed limit and they disregard
8 and just go whatever speed they want to go.

9 Another thing that doesn't fit into what we're
10 talking right now, but the elimination of stop signs. They
11 just go through the stop signs. But it's often the case
12 that they're exceeding the speed limit. So I ask you to
13 consider House Bill 251.

14 And as I may close, I would like to tell you that
15 when I was President of the Pennsylvania State Association
16 of Boroughs, our theme was service with integrity. And I
17 know that you all are looking at this very seriously. And
18 we ask you to consider Bill 251 and to move it forward.

19 Thank you.

20 MAJORITY CHAIRMAN TAYLOR: Mr. Herr.

21 MR. ELAM HERR: Thank you, Mr. Chairman.

22 Chairman Taylor, Chairman Keller, I want to thank
23 you for having us here today on this issue.

24 My name is Elam Herr. I'm the Assistant
25 Executive Director for the State Association of Township

1 Supervisors. We represent the 1,454 townships of the second
2 class throughout the Commonwealth. We are a non-partisan
3 and non-profit organization.

4 As I said, I want to thank you for having not
5 only myself but this panel and the other speakers today. I
6 won't read my testimony. I only ask that you take the time
7 at your convenience to read it. I will just hit some of the
8 highlights.

9 You have already heard a lot about the need for
10 municipal police to have the ability to use radar. So I'll
11 try not to repeat too much of what has already been said. I
12 will state, as Representative Taylor said about his time
13 being here, that since the late '70s and early 80s, I can't
14 count how many times I have testified on this issue only to
15 hear the same arguments raised without any verification.

16 I also was here when we worked to get municipal
17 police officers the use of VASCAR and ENRADD, which are two
18 tools that you've heard about today. But radar is a tool
19 that is desperately needed.

20 This is really just totally a safety issue. It
21 is ironic that all other states trust their municipal
22 officers yet PA does not. Yet they are trained, certified
23 to the standards established by the State. They can carry a
24 gun, a taser, a nightstick, but not a radar gun.

25 I might not always agree with the policies that

1 the FOP pushes for police. But I will tell you I support
2 and look up to the police departments for what they are
3 doing for our communities in Pennsylvania.

4 It is stated numerous times that this is a
5 money-making measure. I will contend that it is not. If
6 you look at the law, it says municipalities get to retain
7 one-half of the ticket. That is not the full ticket. That
8 is the speeding portion of a ticket, whether it's by the
9 stopwatch, the officer following you in a car, or using
10 ENRADD or VASCAR. It would also be the same if radar is
11 used.

12 If you look at it, municipalities do retain
13 approximately \$17.50 to \$21.25 per ticket. The rest of the
14 cost of that ticket goes back to the State to cover other
15 programs. It does not go or stay with the municipality.

16 In other testimonies on this subject in the last
17 couple years, it was stated that an officer can while using
18 radar issue one ticket per every 15 minutes. So if you put
19 that together and take the average of \$17.50 to \$21.25, say
20 \$20 a ticket, four tickets an hour, that's \$80.

21 You just heard Amy talk about the cost, that it's
22 not only the amount of money to pay salaries and benefits,
23 but there's other costs involved in putting an officer on
24 the street.

25 Also, if a ticket is questioned and the officer

1 has to go to court to justify that ticket, that is a cost.
2 That is also added to the municipality. PSATS supports
3 Senate Bill 251. We worked with the sponsor and the other
4 groups on this legislation as we have in the past. It
5 requires a municipality to adopt an ordinance authorizing
6 the use of radar. We have no problem with that. We think
7 that's just a normal activity of the municipality.

8 It means that the municipality will have to do
9 advertising, hold a public meeting, and have public comment.
10 Every municipality that wants to have radar, we'll hear from
11 their constituents. It requires the officers to be trained
12 to standards established by the State.

13 Again, no problem with that. They should be
14 trained. They are already trained in all other aspects of
15 their employment. They should be trained in the use of this
16 equipment. And they should also be trained if the equipment
17 is replaced by newer models.

18 It spells out the equipment must meet the
19 National Highway Traffic Safety Administration
20 specifications. It must be tested within one year of the
21 ticket being issued. Again, makes it better for the
22 municipality to have justification that the equipment is
23 working properly.

24 It requires no tickets may be issued in the first
25 90 days of implementation. Even though we will have a

1 public hearing, have public comment, it's still a good idea
2 to have that out there in the beginning. Provides
3 notification at the major arteries entering a municipality.
4 This is not done for other forms of equipment that the
5 municipality may use, VASCAR or ENRADD. But again, we have
6 no problem with giving notification to anybody out there.

7 It has a limit on the amount of funds a
8 municipality can keep from tickets issued by radar. Again,
9 with the amount of money that we're taking in, that's not an
10 issue. The issue is safety, not only for the traveling
11 public, the pedestrians, but also for the police officers.

12 On the other hand, we do oppose House Bill 2148.
13 And although some of the provisions are similar to 251 and
14 have no problems, as I stated earlier, it is nothing more
15 than what we have seen in the past with a few minor changes
16 and nothing to improve the ability for municipalities to use
17 radar.

18 The pilot program is a non-starter and a no-win
19 situation. If a municipality or I should say if the police
20 officers or police department issues too many tickets, the
21 opponents to radar holler it is a money-maker. On the other
22 hand, if two few tickets are being issued, the same
23 opponents will say it isn't needed.

24 The limitation on which officers can use the
25 equipment, this is a ridiculous provision, as I've already

1 spoke to the issue of training, training that all municipal
2 police officers have to take, whether part-time or
3 full-time. The requirement for a traffic and engineering
4 study, which has been discussed earlier, this is
5 cost-prohibitive and a waste of taxpayers' money.

6 It's nothing more than a poison pill. Think
7 about it. It's not just the major roads going through.
8 It's not necessarily like the State Police have out on the
9 interstate. What you're saying is every road in a municipal
10 subdivision, every road within the city would have to have a
11 traffic and engineering study done, which is costly, for the
12 municipal police officers to run radar.

13 We hear, again as Amy has stated from our
14 constituents that there's speeding within a subdivision.
15 Well, then for the municipality to enforce it with radar,
16 that road would have to have the study done. And then it
17 would have to be done every three years. If you don't use
18 radar, you use VASCAR, it doesn't have to be done every
19 three years.

20 Finally, the provision an individual who is cited
21 by radar use the defense that the municipality is using
22 radar as a revenue-raiser is really just a defense
23 attorney's dream. I mean, you cannot use that defense on
24 any other form of device being used. But in this case it
25 states it in the law that it can be used. Definitely we

1 have problems with that.

2 Mr. Chairman, I could go on. But we've taken
3 enough time and we've already passed our time limit. So I
4 will stop here and attempt to answer any questions you have.

5 But again, thank you for this opportunity.

6 MAJORITY CHAIRMAN TAYLOR: Well, thank you, Elam.
7 You did eliminate at least a good portion of one of my
8 questions about House Bill 2148.

9 I would like to just start off by saying that we
10 are required to look at every element of every bill. And I
11 think in this particular Committee, we draft legislation and
12 vote on legislation that's released from this Committee that
13 has the goal of becoming law.

14 So we don't just throw bills out there and let
15 them float around in cyberspace or, you know, have them so
16 flawed that they can't possibly become law. That's not the
17 history of this Committee. And that's not the history of
18 these members. But we have a lot to consider.

19 And I don't want anybody to think -- and I'm
20 going to speak for everybody that's sitting on this side of
21 the table -- that any theory about whether this is proper or
22 not has anything to do with disparaging a police officer or
23 their intent or their motives.

24 You know, there have been problems in the past in
25 certain municipalities across the United States and in PA.

1 And in many cases, they're not the fault of the police
2 officer at all. They may be the fault of an over-aggressive
3 local government. But there's nothing that anybody here has
4 said or insinuated that would be considered disrespecting
5 our police.

6 I would just say that, you know, every single
7 bill that we pass is a pilot program in effect because we
8 can repeal it the next day after we pass it. I mean, you
9 put the words pilot program in. That just means it has to
10 be looked at before it's renewed.

11 But, you know, I would say let's say we
12 eliminated -- and I'm going to ask this for anybody that
13 wants to answer it -- eliminate the term pilot program. I'm
14 interested to hear your opinion on the local option strictly
15 in 2158.

16 MR. ELAM HERR: Well, Mr. Chairman --

17 MAJORITY CHAIRMAN TAYLOR: As in Philadelphia, I
18 think sometimes if we don't build those things in, we get
19 criticized for not allowing local government to have their
20 say in what we do. So a lot of what we do is sort of
21 enabling. But I would like your opinion on that.

22 MR. ELAM HERR: Well, as I said, there is a
23 number of things in 2148 similar to 251 about passing the
24 ordinance and all that. We have no problems with that.

25 I think that if you take out the pilot program

1 and you allow municipalities to decide whether they want to
2 do it, whether it's one of my townships or the police
3 department or the city of Philadelphia that may want to use
4 radar, that's a local decision. I think they would do that.
5 They would take it into consideration.

6 I think 2148, as I stated, has some other poison
7 pills that would make some of them decide not to do it. I
8 can't picture the city of Philadelphia wanting to do traffic
9 and engineering studies on all their roads if they want to
10 use radar. So if they only do it on certain roads in the
11 city, then they could only use radar there. Those are the
12 type of things that have to be looked at.

13 I just say for myself, I hope that nobody on the
14 Committee takes it that I was being disparaging against the
15 Committee members. I understand how the process works and
16 everything has to be looked at.

17 But the idea is that, you know, municipal
18 officials do a good job in the police department, whether
19 it's the municipal police department in a township or the
20 city of Philadelphia or the State Police. Again, the
21 majority of all those do what they're supposed to do. I do
22 appreciate this opportunity.

23 MAJORITY CHAIRMAN TAYLOR: And I was only
24 referring to your collective testimony.

25 So go ahead. Some of you want to further answer.

1 MAYOR JIM NOWALK: I was going say, are you
2 referring when you -- Chairman Taylor, when you referred to
3 the local option, you're talking about each municipality
4 having to adopt an ordinance. It's in both bills.

5 I think you have all the protections --

6 MAJORITY CHAIRMAN TAYLOR: Wait. Is that true?

7 MAYOR JIM NOWALK: It is true. Yes.

8 MAJORITY CHAIRMAN TAYLOR: I thought there was
9 hearings required.

10 MAYOR JIM NOWALK: No, no, no. You have to adopt
11 an ordinance.

12 MAJORITY CHAIRMAN TAYLOR: Okay.

13 MAYOR JIM NOWALK: So the local option is in the
14 House Bill. Think about the protections here. Okay. No. 1
15 is a municipality has to decide we want to allow our local
16 police to use radar. So the local elected leaders have to
17 pass a law giving an opportunity for people to come in and
18 weigh in.

19 The second thing is signs have to be put out
20 letting anybody who is not part of the community know. But
21 the third thing is -- think about this -- they have to go 10
22 miles over the speed limit. We're talking about 25 miles
23 per hour in a school zone . We're talking about 35 miles
24 per hour on a residential street. Think about all of you
25 who live on residential streets. And that's before we can

1 write a ticket.

2 And you know that police officers are going to
3 err on the side of -- they're not going to go at 10 because
4 of the -- so all the protections for residents are built
5 into 251. It really balances the public safety issue with
6 the need for people to know.

7 I tell everybody that I don't even need to buy a
8 radar gun. All I need to do is put up a sign in my
9 community that this community is enforced by radar and that
10 will slow people down.

11 I think that, you know, being able to have this
12 bill will be wonderful in terms of public safety.

13 MAJORITY CHAIRMAN TAYLOR: Well, thank you. And
14 here's the fun one for all of you, which I'll ask of our
15 other panels.

16 You know, from what you're saying, at least for
17 me personally and as Chairman of the Committee, I'm for
18 allowing radar. And that will be so reflected in what our
19 actions will be. But I'm also interested in what many of
20 you refer to as the best technology out there for speed
21 enforcement.

22 What is your thought? Every argument that all of
23 you have made, including the State Police, the State Police
24 Officers' Association, and all of you, is also an argument
25 for speed-enforcement cameras. I'd like your thoughts on

1 that.

2 MAYOR JIM NOWALK: I'll speak. I know it's of
3 great interest to you so I'm not speaking --

4 MAJORITY CHAIRMAN TAYLOR: And I'll tell you why
5 it is. I mean, I have a highway in our community that's the
6 most unique highway in all of America. I can't expect the
7 Philadelphia Police to spend their time on that roadway as
8 it was indicated by the State Police Officers' Association.

9 That's a very dangerous thing. It's dangerous
10 for where they set up. It's dangerous if they were chasing
11 people. When in fact you have something that's about the
12 size of this which just snaps a picture and issues a
13 violation, I would predict and I would say -- I'd bet my
14 career on it, but I don't have much more to go -- that that
15 will slow people down. And we have other uses for our
16 police officers just like everybody else does. So it really
17 wouldn't affect the number of police officers. But, you
18 know, police officers across this Commonwealth have very
19 important things to do.

20 MAYOR JIM NOWALK: I would like to answer but I
21 would like to condition my answer on saying that we make a
22 decision as a Board usually on the positions we take. So
23 these are the positions of Jim Nowalk.

24 I think that there are some roads that are just
25 so dangerous that red light cameras may be the only way to

1 enforce the law. You don't want to create other safety
2 problems trying to slow people down. So if the berms are
3 narrow and there's a lot of great volume of traffic and a
4 lot of speed, it may not make any sense to try to pull cars
5 over, have a car try to, you know, chase a speeding car
6 down. If they're speeding, now they have to, you know,
7 start all the way down. So I think that, you know, that it
8 makes sense personally.

9 MS. AMY STURGES: If I could add, PML, the
10 Municipal League, and the township commissioners would be
11 supportive of being able to use that as another tool at the
12 local option.

13 MAJORITY CHAIRMAN TAYLOR: I agree with that.

14 I think we should move into modern times with
15 that. But why not leave technology off the table.

16 Chairman Marsico -- before I do that, Ronny.

17 REPRESENTATIVE MARSICO: Go ahead.

18 MAJORITY CHAIRMAN TAYLOR: We were also joined
19 right after our introductions of members by Representative
20 Briggs, Representative Donatucci, and I believe
21 Representative Warren.

22 Anybody else who was here since we started? No.
23 Okay.

24 REPRESENTATIVE MARSICO: Mr. Chairman, I believe
25 the Mayor wanted to say something.

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MAJORITY CHAIRMAN TAYLOR: Hold on a second, Ron. Chairman Keller.

MINORITY CHAIRMAN KELLER: Yes. I just want to make a quick comment to follow up on what you said, Mr. Chairman.

I don't know if everybody is aware of how the process works around here. But what the Chairman is doing is our job. He's holding hearings. He's going to hold committee meetings. He's just committed to you that he's moving forward.

So I don't think the suggestion that by us doing our job we're disrespecting police officers is fair. This guy is doing a great job. And he's going to get this done. And I don't think that's a right comment to make.

MAJORITY CHAIRMAN TAYLOR: Chairman Marsico.

REPRESENTATIVE MARSICO: Thank you, Mr. Chairman.

This is for all the groups to think about, not just the panel before us now. The Senate Bill authorizes any police officer in the Commonwealth to be able to use radar and lidar if the Senate Bill is passed. And that means Sheriffs, that means Park Rangers, that means Transit Police, that means Port Authority Police, etc.

So I don't know if you all realize that. But that bill gives those police officers, any police officer in the Commonwealth, that authorization to use radar and lidar.

1 So just for you to think about. If you want to comment,
2 fine.

3 MAYOR JIM NOWALK: Yeah, I'll comment on that.

4 I'm not sure. I have to check on this. I don't
5 think the sheriffs are considered police officers except in
6 Allegheny County. Allegheny County is the only county that
7 I know of that the sheriffs are also trained to be police
8 officers.

9 But I think it needs to be pointed out that this
10 is the current law. I mean, currently if there are police
11 officers who enforce speed, then it would apply to those
12 police officers. I don't know that the groups of police
13 officers that you mentioned enforce speed, that that's their
14 job to enforce speed.

15 So I would say that we are just taking the
16 current law. The way that this started out, Representative
17 Marsico, is we just took the current law that said that only
18 the State Police can use it and we changed it. Well, when
19 it went through the Senate process, they added all those
20 other things in.

21 But nothing in Senate Bill 251 changes the
22 present law. If you're a police officer and you're
23 currently enforcing speed, it applies to you. If you are
24 the groups that you named and you're not enforcing speed, it
25 doesn't apply to you. So we haven't made any changes that

1 way to try to broaden the groups.

2 REPRESENTATIVE MARSICO: Well, we'll look at that
3 further. But it's a matter of interpretation so we'll look
4 into that. Thanks.

5 MR. ELAM HERR: Representative Marsico, if you're
6 correct -- and I'm not sure and I have to look into it also
7 -- we would agree with you that it should be strictly
8 limited to the use of radar by the Pennsylvania State Police
9 and municipal police officers who are, you know, city, the
10 borough, the township police officers, not sheriffs, not
11 constables, not fire police, or any of those.

12 REPRESENTATIVE MARSICO: Thank you.

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN TAYLOR: Representative
15 Rothman.

16 REPRESENTATIVE ROTHMAN: I just want to be clear
17 because I heard in quite a few of your testimonies that the
18 bill that I proposed, 2148, will not allow radar in
19 Pennsylvania. You used words like, no-win solution, no
20 logical poison pill. I guess my first question is, how long
21 have you been working on getting a bill to be considered in
22 the Legislature?

23 MR. ELAM HERR: Since the late '70s.

24 REPRESENTATIVE ROTHMAN: And 2148, your position
25 is, will not allow radar, will not make any changes to the

1 radar?

2 MR. ELAM HERR: No, 2148 does allow radar but it
3 has some provisions in there that are totally unacceptable.
4 And the reason the poison pill was, from the standpoint that
5 the cost for municipalities to do traffic and engineering
6 studies to implement it first and then every three years,
7 it's just totally cost-prohibitive. Municipalities won't
8 use it.

9 REPRESENTATIVE ROTHMAN: So then it wouldn't
10 allow radar?

11 MR. ELAM HERR: Excuse me?

12 REPRESENTATIVE ROTHMAN: So then it won't result
13 in radar?

14 MR. ELAM HERR: In those municipalities, no. I
15 would say, no, it will not allow radar.

16 MAYOR JIM NOWALK: If I could follow up on that,
17 Representative Rothman.

18 REPRESENTATIVE ROTHMAN: Sure.

19 MAYOR JIM NOWALK: I think three-quarters of the
20 police officers in this realm -- I'm just guessing; we could
21 have a show of hands -- how many are in a non-accredited
22 police department? I know my mine is not accredited. How
23 many are non-accredited police departments? It's not going
24 to apply to any of these police departments.

25 You know, I talked to my Chief about

1 accreditation. And we really wanted to do it but it is so
2 costly compared to the benefit that you're supposed to get.
3 We've decided not to do it. We have an excellent police
4 department. So it's not going to -- your bill is not going
5 to apply to three-quarters of, you know -- well, how many
6 police departments are not accredited.

7 REPRESENTATIVE ROTHMAN: Mr. Chairman, one more
8 question.

9 MAJORITY CHAIRMAN TAYLOR: Yes.

10 REPRESENTATIVE ROTHMAN: Mayor, you said if you
11 put a sign up, it would change people's --

12 MAYOR JIM NOWALK: Yes, it would.

13 REPRESENTATIVE ROTHMAN: So I'm just curious.
14 When I introduced my bill, the story in PennLive, there were
15 186 comments. 184 were saying oppose the bill, that people
16 didn't want it. There's a reason why we haven't -- there
17 wasn't a political will to do it and there weren't enough
18 people in the Legislature that wanted radar for
19 municipalities.

20 This bill I do believe moves the ball forward and
21 it at least gets radar for local municipalities. So I don't
22 agree there's a poison pill in here. And I don't agree that
23 it's illogical. And I don't agree that it doesn't change
24 our laws in Pennsylvania dealing with municipal police using
25 radar.

1 MAYOR JIM NOWALK: Well, that's -- I apologize to
2 Representative Taylor for raising Mike Turzai and Dave Reed.

3 But it was precisely, Chairman Taylor, to address
4 this idea that if it goes out onto the Floor that it
5 wouldn't be overwhelmingly approved. The Senate was 46 to
6 3. The leaders, you know, are supportive. We've been
7 talking to our representatives. You put Senate Bill 251 out
8 on the Floor and I guarantee you -- remember that you have a
9 short legislative session. It's going to end November 6th.
10 You're all going to want to go out and keep the session days
11 down if you're running for office.

12 It's not -- we'll start all over again if we have
13 to go to House Bill 2148. You have an opportunity now that
14 you've never had before to give -- to enable municipal
15 police to protect the people with Senate Bill 251.

16 (Applause)

17 MAJORITY CHAIRMAN TAYLOR: I wish I could tell
18 you that if a bill comes out of the Senate overwhelmingly
19 that it's guaranteed. That's not the case.

20 So my job is to figure out how to get it out of
21 the House, right? And I think what Representative Rothman
22 is suggesting is that, you know, we talked yesterday about
23 bills not being perfect or they never are.

24 But we want to get to the goal line. Our goal
25 line is to get it out of the House. We're going to get a

1 product out of Committee that we think is thoughtful enough
2 that it will be acceptable.

3 Now, for our Republican members, we sit in this
4 room to discuss bills. That is in many cases the time
5 when -- you know, where a bill is going or not going. And
6 leaders are listening in these seats to members complaining
7 about bills.

8 So we want a bill that survives that and that can
9 get to the Floor and make our leaders comfortable that it's
10 a bill that's going to be supported. If it makes everybody
11 a little uncomfortable but it moves the bill along, I think
12 that's the kind of bill that ultimately gets to the
13 Governor's desk.

14 That's what we're faced with. I'm sorry for the
15 monologue.

16 Chairman Harper.

17 REPRESENTATIVE HARPER: Okay. Hi.

18 As Chair of the House Local Government Committee,
19 I understand the frustration. I get it. I heard it for
20 years myself. I do know that the most frequent complaint in
21 a township meeting is cut-through traffic, speeding through
22 my neighborhood. Then the governing bodies send the police
23 out. And then they come back and say, we did speed
24 enforcement. And most of the speeders lived in the
25 neighborhood. And that also happens. And I get it. Okay?

1 And it took them a lot of work. Maybe they had
2 four guys on and they had two of them on the speed
3 enforcement on some local road. So I'm in favor of whatever
4 bill we can get passed to give local radar to the police. I
5 get it. I understand it.

6 Now, specifically though -- and I'm hoping
7 somebody on the panel or the staff can answer this -- I do
8 think the engineering study for every road could be a
9 problem. In many municipalities, the local police enforce
10 speed limits not just on local roads but also on state roads
11 because they cut right through the middle.

12 And I thought that the way you set a speed limit
13 was by an ordinance and that you needed a traffic study
14 except if it fell into a classification. Like you could
15 make a local road that was residential in nature 25 miles
16 per hour because PennDOT allows you to do that. Am I right
17 or wrong?

18 Because I'm thinking to have an engineering study
19 just to do the enforcement is an extra cross that may
20 discourage some local governments from using the radar. And
21 if you've already done it to set the speed limit or have a
22 PennDOT-approved speed limit anyway, why do we need it? Am
23 I right or wrong on that?

24 MR. ELAM HERR: Basically, you're correct. The
25 way the law is written is that you need a traffic and

1 engineering study to set a specific speed limit. If you do
2 not set one on urban roads, it's 35 miles an hour. Anything
3 else is 55 miles an hour. So if you want to set a limit,
4 you have to have a traffic and engineering study.

5 There is another provision that allows for 25
6 miles an hour in residential areas without a traffic and
7 engineering study done. The majority of the roads do have
8 that study done.

9 Another provision is for the State dealing with
10 roads that are 65 and above. The Department of
11 Transportation has regulations that they have to go through
12 to set the speed limits for those. Municipalities we have
13 55 and less.

14 REPRESENTATIVE HARPER: Okay. So essentially an
15 engineering study has already been done except for those
16 roads which PennDOT agrees have some sort of a
17 characteristic that we know what we should set the speed
18 limit at. As long as you stick to that PennDOT-approved
19 speed limit, it's done, right?

20 MR. ELAM HERR: Right.

21 REPRESENTATIVE HARPER: Okay. So I just want to
22 say that I do respect Representative Rothman putting in
23 House Bill 2148 and taking the criticism for doing that.
24 Politics is the art of the possible. And I appreciate that
25 he's trying to get something that we can get passed.

1 However, it may be that the engineering part of
2 this is unnecessary because the speed limits were already
3 set in accordance with the engineering standards to begin
4 with.

5 So I just throw that out for the Committee's
6 consideration.

7 Thanks.

8 MAJORITY CHAIRMAN TAYLOR: Thank you, Chairwoman.
9 Representative Heffley.

10 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman.

11 And I just want to respond to a couple of
12 comments that were made earlier. I can tell you that -- I
13 mean, I don't have a problem supporting local radar. But
14 the general public is not all on board with it. I get a lot
15 of calls in my office that they're not supportive.

16 And the biggest complaints that I get to my
17 office are about local government. And we can -- if you
18 want to talk about unanimous bills coming out of the Senate,
19 we can talk about a UCC bill that came unanimous out of
20 Senate, which PSATS is blocking.

21 But because of those issues, because you've
22 proven to not always have the best interests of the people
23 on your side, that's why some people are skeptical.

24 Now, I think the police do an awesome job. And I
25 think that we should give them every tool that's necessary.

1 I think one of the concerns that the general public has is
2 it's one thing that I drive out I-78 on my way to Harrisburg
3 and cross 81. And I think the speed limit is 65. I don't
4 think there's anybody going 65 or you'll get run over on
5 that road.

6 But when you go through your small municipalities
7 -- and there's some areas where the speed limit seems to be
8 25. There's roads where the speed limit is 25 and everybody
9 is traveling 40 miles an hour because the speed -- and I've
10 been in the room with the State Police and PennDOT when they
11 have done studies because people have come and tried to
12 lower speed limits on certain roads.

13 And they do studies on the average speed of the
14 car and how safely they're operating. So really I think
15 that's what the general public has some concerns with when
16 they see these speed limits at 25 miles an hour and somebody
17 is going to get a ticket for going 30 or 35.

18 So I would say that I am hearing that from my
19 constituency. I do support radar for local police. But
20 that is, you know, what some of the feedback that we're
21 hearing from some of the constituents that are out there.

22 And I would -- just to reiterate, we had a
23 project in the district and had a detour set up and a lot of
24 traffic going through a small town. Everybody complained
25 because everybody was speeding. We contacted the local

1 authority, the local State Police. They came out and set up
2 some speed traps. And we must have got a half-dozen calls
3 the next day over everybody complaining that they got a
4 speeding ticket trying to get around the traffic jam. So it
5 does go both ways for us.

6 Thank you.

7 MAYOR CHUCK MUMMERT: May I jump in just real
8 quickly?

9 MAJORITY CHAIRMAN TAYLOR: Sure.

10 MAYOR CHUCK MUMMERT: It seems like we're all
11 confusing township interstate highways, municipality
12 highways, and we're kind of throwing that all into one big
13 vat. We need to be very careful.

14 Interstate highways have one speed limit. My
15 goodness, the Pennsylvania Turnpike is now 70. We can check
16 out our speed on that. 65 on the interstate highways. The
17 townships, many of them are 35, 55. We get into
18 municipalities and we're looking at 25 or 35.

19 We can't paint with a broad brush. We've got to
20 be careful with our expectations there.

21 Thank you.

22 MAJORITY CHAIRMAN TAYLOR: Representative Kortz.

23 REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.

24 Thank you all for your testimony today.

25 I just wanted to say, Mr. Chairman, thank you for

1 bringing this to the Committee today.

2 MAJORITY CHAIRMAN TAYLOR: Thank you.

3 REPRESENTATIVE KORTZ: I think it's a very
4 important subject. I know we have some issues with 2148.
5 And no matter where we end up, it's time that we bring radar
6 to local government. We have to do something. We are the
7 only state left in the nation that doesn't allow local
8 municipalities to use radar. It's time to end that.

9 And I'm sure hopeful that we can get something
10 out of Committee that will work and get it done this year
11 with this session.

12 Thank you, Mr. Chairman.

13 MAJORITY CHAIRMAN TAYLOR: Representative
14 Marshall.

15 REPRESENTATIVE MARSHALL: Thank you, Mr.
16 Chairman.

17 I support and respect all law enforcement in
18 Pennsylvania. And I certainly believe that we should have
19 that -- every department have the opportunity to utilize the
20 tools that unable them to do their work as safely and as
21 efficiently as they can.

22 I think that radar is an important part of that
23 and municipalities should have that option. If we're
24 looking at the two pieces of legislation we discussed today,
25 it seems that this panel favors Senate Bill 251.

1 So the question for the panel, are there any
2 provisions in 251 that you believe should be removed from
3 the bill or, on the other hand, if there's an important
4 policy or tool that you think should be included?

5 If the bill was amended in our Committee, is
6 there any way that we can improve the bill, in your eyes, or
7 do you believe that it should run as it is?

8 MAYOR JIM NOWALK: We're very concerned about
9 getting this through before the end of the year. So
10 anything we add to this bill, it has to go back to the
11 Senate. We're worried about November 6th being the last
12 legislative day.

13 I would say this: When we started out, all we
14 wanted to do was change that the State Police could use
15 radar and municipal police could. That's how the bill got
16 started. It was just a simple couple-word change in the
17 bill.

18 In the Senate, all the other parts got added,
19 some of which we had to swallow. We are strongly opposed to
20 either the fact that -- or we were at that time opposed to
21 the idea that we would use it, a public safety tool, to
22 raise revenue. But the Senate felt that that needed to be
23 in there.

24 So I think there's been a lot of work that's been
25 done to try to balance public safety with the public's

1 interest. And I would say, don't touch the bill. Send it
2 out on the floor. Let it go to the Governor's desk as it is
3 and next year, you know, if you find that there are
4 problems, then deal with the problems then.

5 But don't do anything that will cause it to get
6 caught up in the legislative process because we ran out of
7 time the last time. You know, we got it to the House
8 Transportation Committee. It wasn't enough time to do it.
9 We have it to you this time in good time.

10 But again, this is an election year, short year.
11 You know, a lot of people are going to want to campaign. We
12 want to get it out of here in a form that will not require a
13 lot of effort on the part of anyone else.

14 REPRESENTATIVE MARSHALL: Elam, anything?

15 MR. ELAM HERR: Basically, I agree with Mr.
16 Nowalk. But again, as Representative Marsico raised that
17 question, if he is correct, and I offer to look at it, then
18 the bill does need to be changed. It's imperative on our
19 part then to convince the Senate -- if the bill passes the
20 House, convince the Senate to concur on the House amendments
21 before November.

22 But definitely Representative Marsico's comments
23 never popped into my mind. And he may be correct. And if
24 he is, it needs corrected.

25 MAYOR JIM NOWALK: But it may be a problem in

1 search of a solution -- or a solution in search of a
2 problem. I mean, meaning that if county -- you know, if
3 sheriffs are not enforcing speed now in municipalities and
4 others are not enforcing speed, then it's not a problem.

5 And again, anything that you do to this bill is
6 going to cause it to go back to the Senate and tie it up
7 again. So I would say wait until the next legislative
8 session and then define police officer if you want to define
9 it.

10 REPRESENTATIVE MARSHALL: Okay. Thank you.

11 Thank you, Mr. Chairman.

12 MAJORITY CHAIRMAN TAYLOR: Jim, you know that's
13 not how it works. I mean, we could close our eyes. We
14 wouldn't even need to be here today if we would just close
15 our eyes and take, you know, whatever the Senate sent over.

16 There's plenty of time. That's an excuse more
17 than it's a reality. All right. I mean, we're going to be
18 here more times in June than we are all the months prior to
19 it. So we have plenty of time to do this.

20 And it's very unlikely that this is not going to
21 get amended by us before it even comes out. And that's the
22 purpose of today. There's a lot of elements in both bills.
23 But the chances of the Senate Bill being voted out of
24 Committee and through the House without being touched, very
25 small.

1 But that doesn't mean it couldn't be done in two
2 weeks. So the fear of worrying about this not getting done
3 this year will have nothing to do with the timing. I can
4 guarantee you that. Sometimes that's used as a reasoning
5 for not doing it but it's not real.

6 With that, folks, that was fun. I hope you
7 enjoyed it as much as we did.

8 MAYOR JIM NOWALK: Thank you.

9 MAJORITY CHAIRMAN TAYLOR: We appreciate it.
10 And, you know, we'll be back to all of you as we move
11 forward.

12 The next panel is going to be even more fun. So
13 nobody leave. Folks, we're not concluded in any way. If
14 you want to hear real criticism of your legislation, you
15 should sit and listen because here it comes.

16 Gentlemen, how are you?

17 ATTORNEY JOHN MANCKE: Fine. Thanks.

18 MR. JEFFREY WILLIAMS: Good.

19 MR. EARLE DRACK: Good.

20 MAJORITY CHAIRMAN TAYLOR: Thanks for being here.
21 I'll just allow everyone to introduce themselves and go
22 right into their testimony.

23 John, you have a few books, right, that you can
24 reference that you wrote; am I correct?

25 ATTORNEY JOHN MANCKE: Thank you.

1 MAJORITY CHAIRMAN TAYLOR: All right. Well, I'll
2 let you start.

3 ATTORNEY JOHN MANCKE: Thank you, Chairman.

4 Chairman Taylor, Chairman Keller, members of the
5 Committee, thank you for this opportunity to present my
6 testimony here today to discuss the issue of local police
7 using radar for speed enforcement. I will also comment on
8 House Bill 2148 and Senate Bill 251.

9 My name is John Mancke and I'm a licensed
10 attorney, having retired from active law practice in 2013.
11 For 43 years my legal practice consisted primarily of
12 defense of motor vehicle violations throughout the
13 Commonwealth.

14 I've been a licensed radar operator for over 30
15 years and have defended thousands of speeding cases
16 throughout my career.

17 I've had the opportunity to lecture on speeding
18 and motor vehicle matters extensively, written about motor
19 vehicle law, authored over 50 articles, including, It's all
20 in the Timing: A Look at the New Speed Timing Devices,
21 published in Trooper Magazine and the book, Defense of
22 Speeding Cases in Pennsylvania.

23 While it's tempting to suggest that it's simply
24 pointing and shooting a radar gun at a moving target, a
25 quick review of how radar works suggests otherwise. Most

1 specifically, the term radar is an acronym for Radio
2 Detection and Ranging.

3 A police radar system is comprised of a
4 transmitter and a receiver, which uses a Doppler principle
5 that compares the shifted frequency of the reflection of the
6 moving object to the original frequency of the transmitted
7 beam. From the difference, the radar unit calculates speed
8 which is then displayed on the screen.

9 In a perfect world, that would be it. And I
10 heard a lot of people talking perfect world. We can
11 conclude that any police officer could use radar. The world
12 we live in is not perfect, however, and radar remains a far
13 from perfect tool for traffic enforcement.

14 For example, there is no sight on a radar gun.
15 There's no sight anywhere on here. It can't be aimed
16 specifically at a specific target. A radar gun has a
17 loosely defined beam width, up to 12-18 degrees, depending
18 which manufacturer numbers you use. In the simplest terms,
19 a cone-shaped beam is created, but the pattern of
20 sensitivity is an elliptical pattern.

21 Identification of a target vehicle is complicated
22 and can be influenced by target size, by target shape, by
23 target composition, target position, target speed.

24 Echoing the challenges of correct target vehicle
25 identification, the Northwestern University Traffic

1 Institute suggests that the radar operator should use a
2 minimum of three seconds in vehicle spacing and that a radar
3 operator, quote, should not attempt to take readings where
4 the vehicles are spaced less than three seconds apart or
5 when vehicles are traveling side by side, end quote. This
6 problem is magnified in urban congested areas.

7 In addition to the vehicle identification issue,
8 radar is affected by interference, which generally can be
9 divided into two groups, natural or manmade interference.
10 For example, birds in flight -- and I did that experiment in
11 front of a Judge.

12 Now, the bird wasn't a real fast bird but we got
13 him going 22 miles an hour on a radar unit. You have this
14 additional problem of heavy rain or snow. Air conditioning
15 and heating and fans in a patrol vehicle can cause a reading
16 to be displayed.

17 Radar, as it's been used in Pennsylvania, has not
18 always been used in accordance with State Police field
19 regulations or in accordance with acceptable radar
20 principles. For example, radar has been incorrectly used in
21 the following ways: Transmitting through closed windows,
22 creating the possibility of reflection; transmitting in
23 close proximity to active heating and air-conditioning fans
24 in the police vehicle, creating interference and a reading;
25 transmitting in congested areas without that three-second

1 interval we talked about, creating target identification
2 problems; transmitting into side- or rear-view mirrors,
3 bouncing the beam back to obtain a reading from a vehicle
4 approaching from the rear, creating refraction and
5 identification problems.

6 These remarks highlight that any legislation must
7 include a specific and detailed curriculum for training for
8 all officers using radar to protect the public from misuse
9 of radar. In a PSP department radar operations directive
10 regarding courtroom testimony, the following appears:

11 Quote, when establishing an accurate tracking
12 history, members shall include the following: An estimate
13 of the target vehicle speed, observations from the radar
14 zone of influence, the unit's audio pitch, and the speed
15 display on the digital readout.

16 But then it goes on to say this: Members shall
17 not provide testimony regarding the theory of radar,
18 internal electronics, or the science involved in the
19 operation of radar. This requires scientific, technical, or
20 other specialized knowledge.

21 However, without requiring knowledge of the
22 theory of radar or any understanding of the science involved
23 in the operation of radar, it is impossible to protect the
24 public from misuse.

25 The Pennsylvania Superior Court has said radar

1 contains inherent dangers of inaccuracy if not carefully
2 used. It is subject to interference by objects in the
3 environment or by power sources other than the moving
4 vehicle being checked. Thus, the measurement of speed by
5 radar can be, and frequently is, distorted by objects in the
6 environment or by another moving vehicle, end quote.

7 At a minimum, the parameters of training should
8 be established by statute, not by a commission, not by
9 regulation, but statute to include, one, a minimum number of
10 hours of training; a set curriculum of relevant training
11 topics; required hands-on training; requirements for hiring
12 instructors which would prevent any conflict of interest,
13 for example, should be independent experts in their field,
14 not current law enforcement officers, in order to eliminate
15 any tie to financial gain for the employer of the training
16 officer; a required written test with a minimum score needed
17 to pass; public access to training/instruction manuals, as
18 well as public access to field regulations or user
19 instructions; and a prohibition against intentional
20 concealment applicable to all police officers.

21 Previously I provided a suggested 17-hour radar
22 training course, which I have attached to the testimony I
23 have given.

24 Many, including some municipal police officers,
25 feel there are adequate speed-timing devices currently

1 available to local police departments. Additionally, I
2 believe there is no need to make lidar part of the
3 discussion. The additional costs, including equipment and
4 training, are not worth the benefit of lidar.

5 If, however, radar is to be added to the local
6 police, then House Bill 2148 is far better than Senate Bill
7 251 in protecting the public from abuse and misuse of radar.
8 House Bill 2148 provides for a pilot program with defined
9 standards and criteria for radar use. Compliance with these
10 standards will also be monitored.

11 Part of any speed enforcement program requires
12 public confidence in its integrity. Any legislation should
13 provide for this. For example, the protection against
14 station averaging provided in House Bill 2148 is important
15 to protect the motorists from misuse of speed-timing
16 enforcement. Senate Bill 251 lacks many of the protections
17 afforded to the public that are provided by House Bill 2148.

18 I, however, renew my earlier requests that
19 legislation include specific statutory language dictating
20 the length of training, the topics to be covered,
21 requirements for hiring instructors, a written test with a
22 minimum score to pass, and providing public access to any
23 and all training and instruction and user manuals and access
24 to any field regulations.

25 These additional requirements enhance public

1 confidence in the police use of radar. I hope that my
2 comments will assist the Legislature in your review of the
3 various proposals involving local police achieving the
4 ability to use radar for traffic enforcement.

5 Thank you.

6 MAJORITY CHAIRMAN TAYLOR: Thank you, John.

7 Jeffrey.

8 MR. JEFFREY WILLIAMS: I want to thank the
9 Committee for the opportunity to speak in front of you. I
10 also want to extend my thanks for the officers and State
11 Police for their service to our communities. Our
12 communities are safer because of their efforts.

13 I'd like to represent the National Motorists
14 Association in my views that we really feel that the speed
15 limits on the big roadways -- we understand the difference
16 between residential and some local subdivision speed limits.
17 But we'd really like to recommend that the speed limits be
18 set to 85 percentile of free-flowing traffic. And this is
19 an engineering standard that allows you to set the speed
20 limits to reflect the majority of the traffic flowing in
21 that particular area.

22 And as we know from traveling on the Turnpike or
23 some of our roads, sometimes the speeds are in the realm of
24 the speed limit. Sometimes they may be a little bit below
25 because of the traffic density. So I'd really recommend

1 that.

2 Also, relative to some of the Senate and House
3 bills -- the majority of the Pennsylvanians that I've talked
4 to look at radar and look at speeding citations as
5 revenue-enhancement opportunities for their communities.
6 And I really think that we need to make sure that we
7 understand that if we set the speed limits to reasonable
8 amounts that are the 85 percentile, we'll have safer roads.

9 Also, I'd like to say that the deployment of
10 radar to the municipalities really is the best way to engage
11 with the local communities. We understand today that our
12 police are being challenged by video cameras and people and,
13 you know, scofflaws. And I think that -- I personally have
14 a dog. I walk the dog. When I see my local police in
15 patrols, we stop. We say hello. We chat. So I really
16 appreciate the efforts of the police patrolling our local
17 communities.

18 A lot of things about these bills are outlined in
19 my talking notes. But I'm just going to focus on a couple
20 of things. Our local roads in western Pennsylvania do not
21 allow operation of radar in a very easy fashion. They're
22 not like an interstate with shoulders and flat directions.

23 Where I live in western Pennsylvania, we have
24 hills. I have an 80-foot elevation change in my front yard
25 to my backyard. So when you try to operate a radar around a

1 corner or you try to operate radar over a hill or over a
2 crest, people are going to get the impression that it's a
3 speed trap. So I just really think that our local roads in
4 western Pennsylvania are not conducive for radar
5 enforcement.

6 And then again, I'd like to just reiterate the
7 fact that I understand the idea of giving the local police
8 and the municipal police and the State Police additional
9 tools to do their job. But again, I'll reflect back to if
10 we set our engineering standards correctly and we set our
11 speed limits correctly, we'll have very safe roads and very
12 comfortable roads to drive on.

13 From my perspective, I'll agree with John that
14 radar is not infallible. We understand there are some
15 issues, technical issues, with radar operation. Lidar
16 operation also has some technical issues. And I believe
17 that we've seen over the years since the national speed
18 limit was 55 miles an hour, for those of us that have been
19 around for a little bit, as the speed limits have increased
20 because of good engineering practice and the design of the
21 roads and the operation of our modern automobiles, we found
22 that our per-mile death fatality rate has gone down.

23 And I think in my write-up -- I have my notes for
24 you -- I have a link to the information saying that our
25 per-mile-driven safety in Pennsylvania is one of the record

1 lows in deaths. So I know we want to prevent any and all
2 deaths due to traffic fatalities.

3 But today, in summary, I'd like to say that I
4 think distracted driving is our biggest issue.

5 Thank you.

6 MAJORITY CHAIRMAN TAYLOR: Thank you, Jeff.

7 Earle. Good to see you again.

8 MR. EARLE DRACK: Good to see you, too.

9 Thank you very much for having me today.

10 Chairman Taylor, Chairman Keller, members of the
11 State House Transportation Committee, my name is Earle
12 Drack. I appreciate this opportunity to participate in
13 today's hearing and to testify on behalf of what I consider
14 the interest of Pennsylvania citizens and motorists.

15 I was invited today to testify, I believe, based
16 on my previous testimony related to speed-timing devices and
17 similar issues before both the Pennsylvania Senate and House
18 Transportation Committees. And I accepted that invitation
19 as a concerned citizen who simply wishes to ensure that
20 Pennsylvanians are not forced to choose between fairness and
21 safety.

22 And I'm sure everyone here attending today agrees
23 that we should and can have both and that it is one of the
24 responsibilities of this Committee to help ensure that
25 outcome. While today's hearing is nominally focused on

1 consideration of new legislation authorizing the use of
2 radar as a speed-timing device for local police, the fact
3 that I was invited to testify suggests to me that the
4 Committee is also interested in better understanding the
5 speed-measurement devices currently used by local police in
6 Pennsylvania.

7 Therefore, my testimony will center on a specific
8 non-radar device called the ENRADD EJU-91 wireless device.
9 It's been referenced a few times earlier today. It's a
10 beam-break device that spaces two infrared beams 3 feet
11 apart across the road from each -- or the beams are -- the
12 beams across the road and the 3-foot distance is along the
13 distance of travel.

14 It measures the time between beam breaks when a
15 target car passes and then uses the simple form of a speed
16 equals distance over time to compute the speed.

17 And again, as Mr. Mancke said, it sounds very
18 straightforward and it is. But the key there is, in that
19 calculation, it assumes that the distance traveled by the
20 car is that same 3 feet that defines the spacing of those
21 beams. The device is now widely used by local police across
22 Pennsylvania.

23 So I'm going to discuss today briefly -- and I
24 won't go into all the details that's in my written
25 testimony, but I'll discuss some issues with this that I

1 believe were likely leading to unfair citations for
2 motorists, including many of your constituents, and likely
3 in large numbers.

4 My testimony will briefly cover the following
5 topics: The ENRADD EJU-91 wireless approval issues,
6 accuracy issues, and calibration issues.

7 As you may be aware, all non-radar devices must
8 currently be approved by PennDOT before they can be used as
9 the basis for a citation. And PennDOT has a written
10 procedure for such approval. I've attached that as Figure 1
11 in my written testimony. That's the procedure that was in
12 place at the time that the ENRADD EJU-91 wireless device was
13 approved and that was in August of 2003.

14 That's going back a while. I think it's
15 important to realize that these issues have been brought up
16 since 2007. There have been no improvements or changes to
17 the design of the device.

18 When I first got access to this procedure -- and
19 it took a while. It took some right-to-know requests -- the
20 problem is really clear. Instead of PennDOT performing its
21 own critical independent and objective technical analysis
22 and testing of the device, they allow the device
23 manufacturer to specify what testing is and therefore what
24 testing is not performed.

25 While PennDOT does choose an independent lab from

1 among three that are proposed by the manufacturer to perform
2 the testing, the lab does not decide what testing is done.
3 The lab, the independent lab, only does what testing the
4 manufacturer has specified and tells it to do. And while
5 PennDOT is required -- or was required, at least at the time
6 of those written procedures, by its own written procedure,
7 approval procedure, to review the testing that was done and
8 issue an approval or denial report in the case of this
9 device which is used widely across Pennsylvania to this day,
10 that step was not performed and it's still not clear whether
11 -- it's not clear whether PennDOT even has someone qualified
12 to do a real thorough technical review and analysis of that
13 type of testing. But in that case, it wasn't independent.
14 It was the manufacturer's testing.

15 What's more, PennDOT says it has no record of a
16 written instruction that the wireless ENRADD be included in
17 the Pennsylvania Bulletin list of approved devices. And
18 therefore, to this day, it's unclear even now on what basis
19 and on whose authority the wireless ENRADD EJU-91 was
20 approved and how it came to show up on that list.

21 In the case of this device, only laboratory tests
22 were specified by the manufacturer. And those tests could
23 not and did not reveal certain significant design flaws.
24 Now let me reiterate that. Based on the information I was
25 provided on the Open Records Law, the wireless ENRADD EJU-91

1 was never even road-tested prior to approval, certainly not
2 road-tested by PennDOT or the laboratory charged with
3 writing the report.

4 And this approval by PennDOT is very significant
5 because in Pennsylvania if a device is on that approved list
6 and it's been calibrated in accordance with the PA Code,
7 which is another issue that we'll get to, that's considered
8 prima facie evidence of accuracy. And the burden of proof
9 shifts to the defendant, as we all know.

10 So while it may be tempting to say, well, you
11 know, no device is perfect -- and that's true. That's why
12 you're allowed to challenge it in court.

13 I'd just like to respectfully point out that as a
14 practical matter, only folks with a technical background or
15 the stubbornness or I guess time on their hands or whatever
16 the combination of traits is to track down the information
17 which is not really easily available have any chance of
18 successfully challenging an ENRADD citation.

19 And it's much more likely that people will just
20 plead guilty or will show up to court unprepared and be
21 found guilty or, in many cases, be offered a deal where they
22 accept a guilty plea for a lesser offense with no points.

23 I won't go into all the details of the ENRADD
24 accuracy issues because it gets kind of technical and it's
25 all written out in my written testimony. But basically

1 there's a significant issue with any kind of beam-break
2 device where the accuracy depends on the distance that it
3 travels, that the vehicle travels between the two beam
4 breaks, to be known accurately.

5 In the case of ENRADD, that distance is just
6 assumed to be the 3-foot beam spacing. But it's easy to see
7 that if the beams are triggered by two different parts of
8 the car, say by the tires for the start beam and the bumper
9 for the stop beam, then the distance traveled is not 3 feet
10 but less, resulting in an artificially high speed rating.
11 And we can show that diagram and, you know, work through the
12 math.

13 Now, of course, that could work in the other
14 direction, too. If the bumper triggers the start beam and
15 the tires trigger the stop beam, it will give an
16 artificially low reading.

17 Now, it's been implied that a test drive of the
18 police vehicle through the ENRADD is a good way to ensure
19 proper alignment. And that's certainly a good thing to do.
20 It helps. But if the beams are set to a height that
21 corresponds a little to the center of the police vehicle
22 bumper, even if they're not exactly at the same height as
23 each other, the device might read correctly for that vehicle
24 and similar vehicles even if there are several inches of
25 height difference. But it only takes a little bit of height

1 difference between the beams to cause an error.

2 It's a particularly troublesome error mechanism
3 because it's not like you would get a really clear feedback
4 that this device is inaccurate because it will read many
5 times very accurately and then all of a sudden with a
6 particular type of vehicle or under a particular set of
7 circumstances give a very erroneous reading.

8 That's a very troubling way for an error
9 mechanism to exist in a device that's being used to accuse
10 people of a violation.

11 Now, even if it were possible to align the beams
12 at the exact same height with respect to the roadway, errors
13 can still result from any balance or road unevenness or even
14 slight changes in the vehicle height as brakes are tapped or
15 something like that.

16 The other part of this is that roads are not
17 flat. They're designed with a crown. They're designed for
18 different engineering requirements. And so, you know, I
19 think a couple people mentioned, you know, the world is not
20 like a laboratory and things are not always so clean . It
21 leads to errors.

22 And I guess the troubling thing, one of the
23 troubling things, is the manufacturers are aware of this
24 problem. And if you look at the manual, which I was also
25 able to get through right-to-know, it tells the officers,

1 via the Training and Operating Manual, to avoid triggering
2 the middle range. You may trigger off different points in
3 the car. And I included some excerpts from the manual for
4 that device.

5 But the problem is that the middle range for one
6 device isn't the middle range for another. You can easily
7 be at the lower edge of a bumper where you're more
8 susceptible to error for one type of vehicle, when you're in
9 the middle of a bumper for another type of vehicle and it
10 would read very accurately.

11 So again, I've been bringing up these issues
12 since 2007. They have never really been, I guess,
13 challenged or, you know, it's never been said that they're
14 false. So it's just not clear how the manufacturer can
15 continue to say that the device is accurate to within plus
16 or minus one mile per hour on the front of the manual. And
17 it's unclear how they come to the conclusion that avoiding
18 this 6- to 12-inch beam height will result in accurate
19 readings.

20 I don't see any basis for that, especially
21 because there are clearly vehicles where if you're outside
22 of that range, you're still at the problematic bottom edge
23 of the bumper.

24 So it's not just my theory. It's been reported.
25 There was a TV segment on it a while back. Recently in

1 PennLive just in the last couple months there was a story on
2 it. In each case, there's really no evidence that any of
3 this is wrong. It just continues to be the case.

4 Another issue is opposite lane rejection. The
5 manual says that any vehicles passing through the detection
6 zone in the direction opposite to the lane setting will be
7 ignored if the speed is greater than 20 miles per hour.
8 This function is known as opposite lane rejection.

9 And I think any of the officers here will tell
10 you that that's not entirely true. If the target vehicle
11 breaks the start beam but then an interfering vehicle breaks
12 the stop beam before the target vehicle has broken it,
13 you'll get an artificially high reading.

14 I think probably everyone here is familiar with
15 the 120-mile-per-hour readings, you know, that are clearly
16 wrong. But the problem is all wrong readings are not that
17 wrong. The errors can be anywhere between zero and 120
18 miles an hour in error.

19 That leads to the fact that I'm convinced that
20 the local police are interested in both safety and fairness.
21 And the local police that I've spoken to over these ten-plus
22 years from time to time regarding this error, they
23 clearly -- No. 1, they don't need to give out bad tickets.
24 There's plenty of speeders who deserve tickets. And they're
25 happy to just ticket them. I don't think anybody would

1 disagree with that.

2 Moreover, a lot of people, the only time they're
3 ever going to interact with a police officer in any given
4 year or sometimes in their entire lives is going to be with
5 a speeding ticket. And so no police officer wants to give a
6 bad speeding ticket and have that be the impression that
7 that particular, you know, motorist or citizen has of
8 police.

9 So I don't think there's any question that, you
10 know, the folks out there who are tasked with using this
11 equipment don't want to give bad tickets. And I would
12 expect that they all assume that because the device has been
13 approved by PennDOT, it's accurate. I think folks are aware
14 of certain shortcomings and deal with them.

15 But, you know, I think we need to get a little --
16 I think we've become a little desensitized to this idea
17 that, well, you know, all devices have problems, so it's
18 fine if it's got a problem. There's got to be some
19 standards here.

20 And the combination of the lack of any clear --
21 or the problems, the issues with the approval in the first
22 place, and then these clear accuracy problems that, you
23 know, there's more than one of them and they're very glaring
24 and they're very obvious. And yet we -- and they're known.
25 They've been known now for over a decade. And it's still

1 being used. It's just hard to understand.

2 And that leads me to a third point here, which is
3 the calibration issue. So even if you accept that, okay,
4 you know, there's going to be some problems with any device,
5 which, you know, again, there's got to be some standards I
6 think, but if you just go by the technical requirements for
7 the calibration, it's very clear in the Pennsylvania Code
8 that any ENRADD EJU-91 has to be calibrated assuming a
9 5-foot spacing. It's right there in the Code. It couldn't
10 be any more clear. And this was brought up over a decade
11 ago.

12 This wireless ENRADD EJU-91 uses a 3-foot beam
13 spacing. It's done that since 2003. And so I assume that
14 it must be being calibrated assuming 3-foot spacing. If it
15 was calibrated assuming 5-foot spacing, it wouldn't be
16 accurate at all.

17 So it can't possibly, as far as I can see -- and
18 if anyone can help me understand how it could be, being
19 calibrated according to the Pennsylvania Code, I'd love to
20 understand how that can be. I don't think it's possible.

21 And so, again, this is approval issues, accuracy
22 issues, and clear calibration issues. It's hard to
23 understand. What's going on here? What does it take to get
24 something to be, I guess, removed from that list, No. 1, but
25 what does it say about the way that we're handling something

1 as important?

2 I mean, it's easy to think, well, okay, speeders,
3 you know, are going to be speeding and nothing's perfect.
4 But this is. This is important. We can do better than this
5 and we should. We don't have to choose between fairness and
6 safety. If there were some standards applied to this, I
7 think that Pennsylvania's local police officers would have
8 more accurate equipment right now.

9 Now, that's not to say -- you know, I'm not going
10 take a position on radar or no radar but just enforcing some
11 level of accuracy consistent with what's at stake. I mean,
12 these are not cheap fines. And when you put on top of that
13 the points, this is a pretty big deal, especially for
14 someone who is not well off.

15 I think everybody here would agree that
16 regardless of what we decide on radar, this device should
17 not be used in Pennsylvania. It should be taken off the
18 list.

19 And so my recommendation is, you know, based on
20 this, what I respectfully recommend -- you know, you didn't
21 ask for my recommendation. You just asked for my testimony.
22 But I'm going to respectfully recommend that the Committee,
23 in its oversight role with respect to PennDOT, I know you
24 can't take something off the list. But I would ask that you
25 -- respectfully ask that you work to see that this wireless

1 ENRADD EJU-91 approval is suspended immediately pending a
2 thorough evaluation of the problems, the accuracy problems,
3 an investigation of how the approval came to be and just,
4 you know, an understanding of how for all these years now
5 folks have been signing off saying these calibrations have
6 been done every 60 days when I don't see how that can
7 possibly be the case.

8 So I'll just finish with even if radar is
9 eventually allowed for local police, the immediate
10 suspension of ENRADD approval is necessary to stop unfair
11 citations from being written.

12 Now, when I did bring this up back as early as
13 2007, some folks said, oh, don't worry about it. They're
14 going to pass radar anyway. That's going to go away. So
15 here we are over a decade later and God knows how many bad
16 citations later and, you know, even if it gets -- even if
17 radar for local police was passed tomorrow, this is still a
18 problem because it's still capable of being used. There's
19 still municipalities that have it. I don't think any of the
20 police officers want to give bad tickets. I think they go
21 out of their way to try not to give bad tickets. But in the
22 end if the device isn't reading accurately, what are we
23 doing with it?

24 So regardless of whether radar is approved, I
25 think the suspension of that approval for ENRADD needs to

1 take place. And I think it's also important in the context
2 of some of the questions about speed cameras to note that if
3 this, not only the legislative but also the regulatory
4 apparatus in place, were treated with the care that's
5 required when you're going to be accusing people of a
6 crime -- I think we already had an incremental improvement
7 in the technology that exists -- that's the way it's
8 supposed to work.

9 If the folks who have the responsibility for
10 ensuring that only accurate technology is used, the
11 gatekeepers, and, you know, to a large extent, it seems
12 legislatively, that role is given to PennDOT. And I know in
13 some of the bills that are proposed for speed cameras, that
14 role is given to PennDOT. It needs to be handled in a very
15 careful way. It needs to be handled in a way that doesn't
16 assume that any measurement device that's marketed is
17 automatically accurate. And it certainly needs to take the
18 manufacturer out of the role of handling the approval or the
19 regular calibration.

20 So thank you very much for your time.

21 MAJORITY CHAIRMAN TAYLOR: Thank you, Earle.

22 Look, what we will certainly do in terms of
23 ENRADD is try to get closer to a standard where -- and I
24 think you're arguing for more inhouse expertise in the
25 department rather than just relying on an outside party.

1 I think in so many ways they do that.

2 MR. EARLE DRACK: I think that's one possibility.

3 But it also occurred to me during the course of looking into
4 this that when you think about things like gasoline pumps
5 that are regulated that are supposed to be accurate, what's
6 at stake there is much less than a \$100 speeding ticket.
7 Those are regulated and tested regularly by the Bureau of --
8 I guess Weights and Measures or Standards or something like
9 that.

10 So it's not even entirely clear to me that even
11 though it's transportation-related, that because it's a
12 technology and it's a measurement technology, I'm not even
13 so sure that the responsibility for that belongs with
14 PennDOT. Maybe it belongs with another group that has some
15 technical expertise.

16 MAJORITY CHAIRMAN TAYLOR: We'll look at that
17 moving forward. I can't tell you that that's going to be in
18 these bills.

19 MR. EARLE DRACK: And I understand this is a
20 complicated issue. But I would just respectfully suggest
21 that while there's a lot of moving parts and there's a lot
22 of different things going on, something that's very simple
23 to happen right now to really improve the fairness with
24 respect to traffic -- speed enforcement is to suspend that
25 approval of ENRADD, not that it's in your power to do that

1 unilaterally.

2 MAJORITY CHAIRMAN TAYLOR: I don't know if that
3 will happen.

4 Look, I also think that -- we all see it. I
5 mean, I don't know what level of mistake you're talking
6 about. But I don't know that the average police officer in
7 any municipality really needs equipment. They can visually
8 tell if somebody is really going too fast. It's just a
9 matter of trying to prove it to a court.

10 You know, I think the words Jeff used -- and I
11 think you said it a few times -- about public confidence, I
12 think they're really important words for all of us.

13 MR. EARLE DRACK: Respectfully, I agree they are.
14 And it's just surprising to hear after all this clear
15 information, even this issue of the calibration that can't
16 possibly be done according to Code, if that's not enough to
17 have anything happen, then what are we doing here?

18 MAJORITY CHAIRMAN TAYLOR: Well, I just told you
19 I'll try to make it happen.

20 MR. EARLE DRACK: You sound like it's something
21 that's --

22 MAJORITY CHAIRMAN TAYLOR: You're the only person
23 that brings this up in the entire Commonwealth. I just want
24 to be clear on that as well.

25 MR. EARLE DRACK: Well, anyone can look at the

1 Pennsylvania Code and see it for themselves.

2 MAJORITY CHAIRMAN TAYLOR: I'm glad someone is
3 looking.

4 John, thank you. And, Jeff, thank you.

5 Representative Kortz, do you have a question?

6 REPRESENTATIVE KORTZ: Yes, sir.

7 MAJORITY CHAIRMAN TAYLOR: Okay.

8 REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.

9 Thank you, gentlemen, for your testimony.

10 Mr. Williams, National Motorists' Association, is
11 completely opposed to radar. And in your statement you talk
12 about it's much ado about nothing but collecting revenue.
13 You also have a quote, policing for profit.

14 Sir, Senate Bill 251 caps at 20 percent and 2148
15 at 1 percent. Doesn't that debunk your argument?

16 MR. JEFFREY WILLIAMS: Potentially it could. But
17 the big question would be, who would enforce those
18 percentage revenues? Would that be the police enforcing the
19 police or would that be -- who are you going to have enforce
20 the revenue targets?

21 REPRESENTATIVE KORTZ: They would be mandated by
22 law to put that money back to the General Fund here. That's
23 what's in the bill. So I mean, that takes your argument
24 away, policing for profit, doesn't it?

25 MR. JEFFREY WILLIAMS: I'd have to look at that a

1 little bit more. I'm not an expert on how the government
2 manages the money internally from those collections or those
3 revenues.

4 REPRESENTATIVE KORTZ: Okay. Further, in your
5 testimony, you talk about by supporting these bills,
6 lawmakers sanction ticket quotas. Sir, I do not sanction
7 ticket quotas. And it's against the law to do that. You
8 heard that earlier today.

9 MR. JEFFREY WILLIAMS: I did hear that today.

10 REPRESENTATIVE KORTZ: I think that's a very
11 inaccurate statement.

12 How would you respond to this, sir? The National
13 Highway Traffic Safety Administration published a report
14 July of 2017 based on 2015 data that Pennsylvania had the
15 fourth-highest number of speeding-related fatalities, the
16 second-highest percentage of speeding-related fatalities to
17 total fatalities of the nation, and the second-highest
18 number of speeding fatalities on local roadways, second
19 highest.

20 MR. JEFFREY WILLIAMS: When you mention the --

21 MAJORITY CHAIRMAN TAYLOR: Jeff, bring that mike
22 closer to you, please.

23 MR. JEFFREY WILLIAMS: Sure. Thank you.

24 When you mention the term speeding-related --

25 REPRESENTATIVE KORTZ: Fatalities.

1 MR. JEFFREY WILLIAMS: -- and when you have a
2 speeding-related fatality --

3 REPRESENTATIVE KORTZ: That's information given
4 by the National Highway Traffic Safety Study.

5 MR. JEFFREY WILLIAMS: If someone is impaired at
6 the wheel or someone is driving and they're tired, they're
7 fatigued and they go off the road and they crash, that's a
8 speeding -- that can be considered a speeding-related crash.

9 That had nothing to do with speeding. It had to
10 do with the driver's condition to be able to manage that
11 automobile.

12 When we run into -- if I hit a deer and it causes
13 a fatality, is that speeding related? I really don't think
14 those --

15 REPRESENTATIVE KORTZ: You think these numbers
16 are false then is what you're saying?

17 MR. JEFFREY WILLIAMS: You have to look at the
18 numbers in the way that they are meant to be presented. For
19 instance, if we look at a fatality rate on a per miles
20 driven, then you'll get a more realistic position on that.
21 That's my opinion.

22 REPRESENTATIVE KORTZ: Right now in Pennsylvania,
23 the number of speeding fatalities to total fatalities is
24 over the national average by 293. 293 people are dying over
25 the national average in speeding-related fatalities but

1 you're totally against radar use?

2 MR. JEFFREY WILLIAMS: Yeah. I think we need to
3 figure out what's causing these people to crash.

4 REPRESENTATIVE KORTZ: Are you against radar use
5 by the Pennsylvania State Police?

6 MR. JEFFREY WILLIAMS: No, sir. I think they
7 have been -- it's obvious that they have been doing that for
8 a number of years in a very effective fashion.

9 REPRESENTATIVE KORTZ: Okay. Thank you.

10 Thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN TAYLOR: Chairman Marsico.

12 REPRESENTATIVE MARSICO: Thank you.

13 I'm just curious. We understand what you feel
14 about radar, your concerns about radar. Could you give me a
15 yes or no or unsure answer? In the interest of time, what
16 are your concerns? Are you in favor of lidar, which the
17 Senate Bill would allow authorization of lidar and radar?
18 If it would be lidar only in both bills, would you be in
19 favor? Yes, no, or unsure, John?

20 ATTORNEY JOHN MANCKE: I have to bring along,
21 just in case questions --

22 REPRESENTATIVE MARSICO: Give us yes or no or
23 unsure.

24 ATTORNEY JOHN MANCKE: I'm against lidar.

25 REPRESENTATIVE MARSICO: You're against lidar as

1 well?

2 ATTORNEY JOHN MANCKE: Here's their training
3 manual right here. They don't need it. This is theirs, not
4 mine. This is put out by the National Highway Technical
5 Information Service, United States Commerce. We don't need
6 all this. We simply don't.

7 REPRESENTATIVE MARSICO: Earle?

8 MR. EARLE DRACK: You know, I haven't really
9 researched those in-depth. I think everybody agrees that
10 these are not very, very simple technologies. But a trained
11 person can operate them well. I think lidar -- but the fact
12 that it can be aimed seems to have been developed in
13 response to some of the concerns about radar not being able
14 to identify the targets.

15 REPRESENTATIVE MARSICO: Thanks.

16 MR. EARLE DRACK: I'd have to look at it more
17 closely to make a strong recommendation one way or the
18 other. But it seems like we should always be carefully
19 evaluating the best technology using the best standards and
20 making sure that we don't give the manufacturers the leeway
21 to decide what's accurate and what's not.

22 REPRESENTATIVE MARSICO: So, Jeff, what are your
23 thoughts?

24 MR. JEFFREY WILLIAMS: As a representative of the
25 National Motorists' Association, I think they oppose the use

1 of lidar.

2 REPRESENTATIVE MARSICO: Okay. Thank you.

3 Thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN TAYLOR: Representative
5 Lawrence.

6 REPRESENTATIVE LAWRENCE: Thank you, Mr.
7 Chairman.

8 Thank you, gentlemen, for your testimony. I
9 appreciate you making time to be here today.

10 Mr. Williams, when a representative of a private
11 organization appears before a Committee of the House for
12 testimony, I think it's helpful for the Committee to know
13 how many folks in Pennsylvania that organization represents.

14 Can you give me an idea of how many citizens in
15 the Commonwealth the National Motorists' Association counts
16 among its membership?

17 MR. JEFFREY WILLIAMS: I don't have access to
18 that information because of the nature of -- they're
19 protecting our privacy in joining that organization. I
20 would not have that information at hand.

21 REPRESENTATIVE LAWRENCE: I'm not asking you to
22 guess. But, I mean, are we talking about, you know, a
23 million people? 1,000 people? two people?

24 MR. JEFFREY WILLIAMS: I really don't know. I
25 can find out.

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REPRESENTATIVE LAWRENCE: Well, it can be very few?

MR. JEFFREY WILLIAMS: Fundamentally, yes, it could be less than 1 percent of the population, sure.

REPRESENTATIVE LAWRENCE: The bulk of your written testimony revolves around the idea that underposted speed limits are a major issue and a major issue in the Commonwealth.

In fact, in the conclusion part of your testimony, your entire opposition is predicated upon the argument that speed limits in Pennsylvania are set artificially low.

It says, making sure speed limits -- and this is your testimony. It says, making sure speed limits are set properly based on established engineering standards is a critical yet often overlooked public safety issue. Enforcing artificially low speed limits by local police through radar and lidar devices unfairly targets safe drivers. And then you go on, National Motorists' -- or your testimony goes on. National Motorists' Association therefore urges this Committee not to support this legislation that allows local police to use radar.

So in your view, since this is the bulk of your testimony, what is the process the Commonwealth should be using to set speed limits?

1 MR. JEFFREY WILLIAMS: The ability to use an 85
2 percentile study or survey the traffic and establish the 85
3 percentile levels is the ideal process.

4 REPRESENTATIVE LAWRENCE: So I'm not trying to be
5 argumentative. I'm just trying to get to the nut of the
6 issue here.

7 Prior to joining the Legislature, I worked at a
8 bank and I'll be candid with you. I didn't know anything
9 about how speed limits were set. But it's an issue that
10 comes up frequently. When constituents contact you, often
11 people want the speed limits lowered on certain roads.

12 And I was somewhat surprised to find out the
13 process by which PennDOT goes through to set speed limits on
14 the road. And I'm just going to read this. This is right
15 out of a PennDOT manual here, which jibes with the
16 experience I've had as a legislator.

17 PennDOT Publication 212.108(b) authorizes the
18 established speed limits based on either the 85th percentile
19 speed or safe running speed. Safe running speed is
20 calculated by seeing how fast folks are going on the
21 roadway.

22 My experience is that when we've had folks who
23 want to see the speed limit lowered on a road in my
24 district, PennDOT District 6 sends out a team to clock
25 people, how fast they're going on the road. And then they

1 adjust the speed limit, if they need to, based off of the 85
2 percentile of what people are traveling.

3 So it seems to me that the process in the
4 Commonwealth currently being used, both in my personal
5 experience and in writing, is exactly what your organization
6 testifies is the best practice. Would you agree with that?

7 MR. JEFFREY WILLIAMS: I haven't seen that happen
8 locally. But I would say if it is in the Legislature and is
9 in part of their procedures, that's excellent. I would
10 agree that that would be the best practice.

11 REPRESENTATIVE LAWRENCE: I would suggest that
12 this information is not secret. And I'm not trying to put
13 anyone on the spot. But this is -- I mean, I pulled it up
14 on my phone here after searching for about 30 seconds.

15 Let me ask you this: If the National Motorists'
16 Association came to the conclusion that PennDOT, in fact,
17 was, as your testimony goes through in great length, setting
18 speeds at the 85 percentile speed, would your organization
19 have any problem with local police enforcing that 85th
20 percentile speed?

21 MR. JEFFREY WILLIAMS: Not at all.

22 REPRESENTATIVE LAWRENCE: Thank you.

23 Thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN TAYLOR: Thank you, John.

25 Gentlemen, thank you very much. I'm sure we'll

1 be talking as this process moves forward.

2 Thank you.

3 ATTORNEY JOHN MANCKE: Thank you.

4 MR. JEFFREY WILLIAMS: Thank you.

5 MR. EARLE DRACK: Thank you.

6 MAJORITY CHAIRMAN TAYLOR: Could we have Jim
7 Cowden and Lou Staccone step up, please.

8 Gentlemen, good morning.

9 MR. JIM COWDEN: Good morning.

10 MR. LOU STACCONE: Good morning.

11 MAJORITY CHAIRMAN TAYLOR: This Committee may
12 have had more signs than we're capable of absorbing in the
13 last couple presentations, but welcome. Thanks for being
14 here.

15 I have Jim beginning.

16 MR. JIM COWDEN: Yes.

17 I'm Jim Cowden. And it's a pleasure, Chairman,
18 to be here.

19 I'm one of the owners of YIS/Cowden Group. And
20 we are the manufacturer of the ENRADD that has been
21 discussed here today.

22 MAJORITY CHAIRMAN TAYLOR: Pull your mike a
23 little closer, Jim.

24 MR. JIM COWDEN: We've included in our handout
25 for you some timing devices that are typical in

1 Pennsylvania. It's a sampling of what's approved in
2 Pennsylvania.

3 We aren't here for any particular radar bill. We
4 are here specifically to try and give the Committee an idea
5 of the timing devices. We support our local police having
6 access to all modern technology, including lidar, moving
7 radar, and radar.

8 We support that for our State Police. We
9 currently do calibrations. We're an inspection station, an
10 approved inspection station. We do calibrations for
11 approximately half the municipalities in Pennsylvania, about
12 one-third or a little better of the Pennsylvania State
13 Police.

14 So we're very familiar with this. We've been
15 doing this for 20-some years. We've been a manufacturer for
16 over 20 years. I want to just take a minute today and turn
17 most of this over to a gentleman that works for us, Mr.
18 Staccone, Lou Staccone. He's a retired police chief.

19 He has been involved in the radar industry
20 throughout his career as a police officer. He has also
21 dealt in radar with all the different manufacturers' repair.
22 He's very familiar with each of the manufacturers' devices.
23 He does training for us on the average speed-timing devices,
24 which we gave you copies of there, which include the
25 stopwatch, the V spec VASCAR tracker-type devices, the

1 ENRADD wireless device, which is similar to the ESP device.

2 And just real briefly, I've been patient in
3 listening to some of the accuracy questions. All these
4 devices are accurate. I've clocked tens of thousands of
5 vehicles personally as a manufacturer with all these
6 different types of devices.

7 The infrared systems have been approved and used
8 in Pennsylvania since 1989. So infrared is nothing new.
9 The ENRADD is nothing new. The only change that happened
10 with the ENRADD was taking it from a 5-foot system to a
11 3-foot system and removing a cable that tied the officer to
12 the device.

13 Just a real short history on why that happened is
14 we were looking for a radar bill back in the '90s when I was
15 beginning in this business. We couldn't find one. I talked
16 with our engineer and said, what can we do to give these
17 guys a little more freedom of movement?

18 Currently any infrared device they could only sit
19 within 75 to 100 feet of the device along the roadway. By
20 going wireless it allowed them to have the freedom to move
21 around a little bit, allowed them to get away from traffic a
22 little bit more. The device can be set back off the roadway
23 a little bit more. So we made improvements and enhancements
24 to that with officer safety in mind.

25 But we're here today to talk about radar. And we

1 believe they should have that. Lou is going to give you a
2 little bit of history on radar. Again, he's done radar
3 training. He does our training currently for our
4 organization. While training is not mandatory for the other
5 timing devices, we still do it. I would say the majority of
6 our police departments have their young officers trained.

7 So at this time, I'll turn it over to
8 Mr. Staccone.

9 MR. LOU STACCONE: Good afternoon.

10 Thank you for allowing us to be here. We
11 appreciate the opportunity to share with you some of the
12 knowledge that we have.

13 Not only have I been a police officer in Florida,
14 I've been in Pennsylvania most of my life and I've been a
15 police officer in Florida. We use radar, both stationary
16 and moving radar, in Florida, as most states do.

17 If you look back at the history in the early
18 '60s, '61, when the Pennsylvania State Police started using
19 radar, they were the only police agency in the Commonwealth
20 of Pennsylvania required to be trained. There was no
21 training standard for municipal police officers back then.
22 That's the fact. Okay.

23 So the legislators decided that that probably
24 made the most sense to grant them because there is a
25 training in place. There was an Academy in place. And they

1 were trained officers and they should know how to use the
2 equipment. Very good idea.

3 A lot has changed since '61. A lot of devices
4 have changed since '61. The technology has changed since
5 '61. We have not really kept up with it from the lawmaking
6 standpoint on the radar side of it.

7 Example: We have kept up with it on putting all
8 of the things in place in the law to avoid the small-town
9 speed-trap mentality. Written into the law is the
10 10-mile-per-hour rule in anything less than a 55. Okay.
11 You cannot cite a person for speeding, municipal police,
12 unless they're doing 10 or more over the limit.

13 It's not because of accuracy. It's because they
14 didn't want the small-town mentality, going after people
15 that are just going home. They wanted some stop-gap measure
16 in there to protect it so there will be no abuse. That's
17 the fact.

18 In addition to that, they enacted into the law
19 that you cannot set any speed reduction unless you're 500
20 feet into that new speed reduction. So if you're coming out
21 of a 45 zone into a 35 zone, a lot of places used to sit
22 right on the line and they didn't get a chance to slow down
23 and you got a ticket.

24 That was changed. The law was changed. You have
25 to be 500 feet into the new speed-timing zone before you can

1 issue a citation for speeding. Okay. And that's a
2 10-mile-an-hour reduction rule. Okay.

3 There's been a lot of things said about revenue
4 generating. But the craziest part of it is, nothing has
5 been said about the case law. Nothing has been said about
6 the lack of mandatory training for any of these devices.
7 And nothing has been said about the Magisterial District
8 Judges hearing the cases and can throw them out if they
9 think there's abuse.

10 There are measures in place that prevent all of
11 this from happening currently. This is the truth. You
12 know, we can talk about bad things if we want. But the
13 reality is, the men and women of law enforcement have been
14 asking for years to give us the tools we need.

15 Many jurisdictions probably won't pay for it and
16 won't buy it. Superior Court has ruled time and time again
17 you don't need ordinances. You don't need signs telling you
18 you're using something.

19 We already have something called speed limit
20 signs that tell you what you need to do. Obey the speed
21 limits. That's what they are there for . Not only are they
22 there for that, but PennDOT tells you what they need to look
23 like, what color they are supposed to be, the size, shape,
24 and the height from the ground they are supposed to be.
25 These rules are all right in place. This is not something

1 new. Traffic safety studies are nothing new. Okay.

2 You can't just decide that the Mayor gets a phone
3 call, okay, well, somebody is complaining on my street and
4 he's a good voter. Okay. We're going to change the speed
5 law. You can't just do that. You never have been able to
6 just do that.

7 And there's this presumption that all of us have
8 no intelligence. And there's even more of a presumption
9 that the police in this room can't tell the difference
10 between a 35-mile-an-hour target and a 50-mile-an-hour
11 target. Are you serious? This is the presumption that I
12 just heard here? They don't know the difference.

13 Well, let me tell you who does know the
14 difference, the Superior Court, because they've already
15 ruled on it. Okay. And just the very argument.

16 Now case law. Is that important? You betcha.
17 You know what the radar case law says? Stand by. You're
18 going to hear it. It says this: You cannot be convicted
19 solely based on a radar reading. You have to first visually
20 track the car. You must estimate its speed, determine that
21 it is out in front closest to the beam of influence. Okay.
22 Then, and only then, after you follow all this, then you can
23 trigger the radar.

24 The same thing the State Police have adopted in
25 the rules and regulations. Okay. They're no fools. They

1 know what the laws are. They know what the case laws are.
2 Okay. That's why they write policies, to avoid issues.
3 They've always had this internal policy, you don't shoot
4 through windshields, you don't shoot through the interior of
5 the car. That's why when you're going past a trooper you
6 see him with a handheld out the window. That's why. It's
7 complying with the requirements to avoid all this.

8 That all started back in Miami/Dade, Florida,
9 with trees going 80 miles an hour that weren't going 80
10 miles an hour at all. All they did is turn the heater fan
11 on high, the air conditioning, waved it in front of the
12 heater fan, up pops 80 miles an hour. There's the tree
13 going 80 miles an hour. That's the Miami/Dade rule. Okay.
14 That's what set the standards for training. That's what
15 changed all the case law. Okay.

16 We need to educate our people. Every police
17 officer in this room, whether they work an hour a week or
18 ten hours a day, are required to be trained the same way.
19 There's no difference. Okay. But yet -- but yet some
20 should or shouldn't have it based on what? Abuse. The
21 abuse that hasn't already been reported.

22 Let me tell you something. If they wanted to
23 abuse something, folks, they could do it with everything
24 they currently have. You just heard a guy here say that.
25 They can abuse it. But you didn't hear him say they were.

1 In fact, you heard him saying that they're pretty honest and
2 they want to do the right thing. And that's what they're
3 doing every day, the right thing. They're just trying to do
4 it with all the tools.

5 And something else that hasn't been said.
6 Technology from the '60s in radar to technology today is
7 amazing, what digital signal processors have created in
8 technologies.

9 State Police purchase six, seven hundred, eight
10 hundred units maybe that are directional. What does that
11 mean? That means that you can select when the car is coming
12 towards you or going away from you or both. That avoids any
13 of this cross-traffic business. Well, how do I know it
14 wasn't the guy on the other side of the road? Because I
15 wasn't watching the guy on the other side of the road.

16 The Doppler shift changes. It's a high tone or a
17 low tone. And the computer knows if it's a high tone or a
18 low tone and it knows if its direction is either towards you
19 or away from you. That's what it does. Technology has
20 gotten so much better.

21 There's a read-through lock window. They can
22 lock the target in one window, continue to track it in the
23 other window to see if the speed changes or to see if
24 outside interference has come into play.

25 None of this has been discussed. Okay. I just

1 wanted to give you a brief overview of this. I'm an FCC
2 technician. I certify radar every day. I fix radar every
3 day. Yeah, I've been a cop all my life. I'm really here to
4 support the police. But I'm here to represent the truth,
5 not some version of somebody else's belief based on nothing
6 more than what I believe because I decided to believe it. I
7 want to base my decision, just as you do, on facts of what
8 exists.

9 And I've got to tell you, I commend every one of
10 you for trying to come up with a bill for years and years
11 and years. Some of you have been doing it for 20, 25 years.
12 Now some of the junior people have stepped in and they're
13 trying to get it done. I commend you all. This has been
14 going on forever.

15 And, you know, the reason why I'm convinced a lot
16 of these things are in this bill or both bills or both those
17 that we're here discussing is because each person listens to
18 their people that they represent. This is a concern. This
19 is a concern. This is a concern. This is a concern. So
20 they try to create a bill that covers all those concerns.

21 How could you possibly find fault with that? And
22 is it going to take people coming together to maybe change
23 this or that? Sure. Do you need an ordinance or signs?
24 Superior Court, Supreme Court says you don't. But if you
25 guys think you should, then that's fine. Many of these

1 cases have already been answered. Many of these questions
2 have already been answered. Okay.

3 If you want to do it again and require it, that's
4 fine. Just require the training bill, have a minimum
5 training bill that exists, okay, before they can use it,
6 just like the State Police currently have.

7 There's all sorts of policies and procedures
8 already established. We have a 16-hour training program for
9 stationary radar. We have a 40-hour training program for
10 moving radar. Moving radar, stationary radar, you know,
11 State Police should have had moving radar years ago.

12 You know, that's another decision you need to
13 determine. But there's nothing wrong with it. Okay.
14 There's issues potentially with anything that's used if it's
15 misused or abused. Okay. It's like any other device. If
16 you abuse it, you can have a negative effect. If you use it
17 properly, you have a positive effect.

18 All of our training consists of this: If in
19 doubt, you take no enforcement action. It's real simple.
20 These guys aren't paid commission on tickets. They don't
21 get free trips and stuff if they write more tickets. In
22 fact, all they do is probably get in trouble more because
23 there's more complaints against them when they go out and do
24 their job.

25 So, you know, in essence, they do their job and

1 they get complaints filed because they're doing their job.
2 All I'm asking is they do their job with the best equipment
3 that's suitable for their municipality that exists. That's
4 it. Nothing more.

5 Thanks.

6 MAJORITY CHAIRMAN TAYLOR: Thank you, Lou.

7 I thought I would not hear it in such practical
8 terms, but we appreciate that.

9 MR. LOU STACCONE: Thank you.

10 MAJORITY CHAIRMAN TAYLOR: Representative Kortz.

11 REPRESENTATIVE KORTZ: Thank you, Mr. Chairman.

12 Thank you, gentlemen, for your testimony.

13 The radar gun itself, is there a requirement that
14 it be brought back to your shop every so many years for a
15 checkout and re-calibration?

16 MR. LOU STACCONE: Yes, every year.

17 REPRESENTATIVE KORTZ: It's every year, once a
18 year?

19 MR. LOU STACCONE: That's Pennsylvania law that
20 radar needs to be checked for accuracy once a year.

21 REPRESENTATIVE KORTZ: Do you find that they
22 drift at all? Do you get a lot of these that are out of
23 calibration?

24 MR. LOU STACCONE: No. We find they either come
25 in working or not working. They either work or they don't

1 work. We don't find -- I haven't found one in a long time
2 that actually didn't work properly. They either turn on or
3 they don't turn on. That's pretty much what happens.

4 There's internal time crystals and internal
5 software that crosscheck each other to make sure they're
6 working properly. And if they detect anything that doesn't
7 jive with the software, they wouldn't work. They do not
8 work. That's technology today. That's not what it was 30
9 years ago. But that's today.

10 And it's not just our shop that calibrates them.
11 There are other radar shops in Pennsylvania.

12 REPRESENTATIVE KORTZ: When a trooper goes out on
13 patrol at the beginning of the shift, is there something he
14 has to do to check the calibration?

15 MR. LOU STACCONE: The case law is pretest and
16 posttest. There's a tuning fork, which is an external
17 device that vibrates at a special frequency of whatever it's
18 stamped on. It can be any speed, 35, 40, whatever it is,
19 okay. It's stamped. And that device is also certified.
20 That tuning fork is also certified for accuracy with the
21 unit when it comes in, with the radar unit.

22 So they do the internal test, which checks the
23 crystal accuracy. Then they do the tuning fork test, which
24 is the external test. They check that for accuracy. Then
25 they go out and do their job. They do that pre- and

1 posttest basically. So before and then after. Some
2 troopers do it all the time.

3 REPRESENTATIVE KORTZ: And those results are
4 written down in a log somewhere?

5 MR. LOU STACCONE: There are logs. Whether the
6 State Police uses logs, I don't know.

7 REPRESENTATIVE KORTZ: Okay. Thank you.

8 Thank you, Mr. Chairman.

9 MAJORITY CHAIRMAN TAYLOR: Anybody else?

10 Gentlemen, thank you. We'll get back to both of
11 you as we move forward. But that was great information.

12 Thank you.

13 MR. JIM COWDEN: We're happy to help. Thank you.

14 MR. LOU STACCONE: Thank you.

15 MAJORITY CHAIRMAN TAYLOR: Would our team of
16 municipal police come forward.

17 We have Steve Junkin, who is the Police Chief at
18 Hampden Township, Cumberland County; Mark Green, Police
19 Chief, East Pennsboro Township in Cumberland County; and our
20 friend Joe Regan, who likes us so much he came two days in a
21 row, Recording Secretary, Fraternal Order of Police.

22 Welcome, gentlemen. I hope you enjoyed some of
23 the testimony, as we did.

24 POLICE CHIEF STEVE JUNKIN: It was outstanding.

25 MAJORITY CHAIRMAN TAYLOR: Did you make notes so

1 you can respond to some of the things you heard?

2 POLICE CHIEF STEVE JUNKIN: Absolutely, sir.

3 MAJORITY CHAIRMAN TAYLOR: Steve, please proceed.

4 POLICE CHIEF STEVE JUNKIN: Thank you.

5 Chairman Taylor, Chairman Keller, I want to thank
6 you for the opportunity. I promise you I'm not going to lay
7 out a lot of scientific anything.

8 MAJORITY CHAIRMAN TAYLOR: We have it all now.

9 POLICE CHIEF STEVE JUNKIN: I think you do. And
10 I think I'm going to just dial that one back.

11 House members, staff, fellow witnesses, and
12 concerned citizens, my name is Steve Junkin of the Hampden
13 Township Police Department in Cumberland County and I wish
14 to express my sincere appreciation for the opportunity to
15 provide input at today's hearing.

16 I speak today as a Police Chief and member of the
17 Pennsylvania Chiefs of Police Association, a retired member
18 of the Pennsylvania State Police, and a sworn and certified
19 municipal police officer.

20 As you know, the Chiefs' Association represents
21 over 1,000 police leaders in Pennsylvania and is the
22 informed and respected voice of professional law enforcement
23 in the Commonwealth. I feel that my appearance today
24 represents not only the chiefs but the police officers that
25 faithfully perform the many tasks that we demand of them 24

1 hours a day, seven days a week.

2 Prior to joining the Hampden Township Police
3 Department in 2014, I was a member of the Pennsylvania State
4 Police for more than 25 years, retiring at the rank of
5 Captain. Throughout my career as a State Trooper, I was
6 trained and utilized radar at various station assignments
7 throughout the Commonwealth.

8 In my roles as a Patrol Trooper, Patrol
9 Supervisor, Station Commander, and Troop Commander, I fully
10 understood and took full advantage of radar as an effective,
11 reliable, and versatile tool in the department's mission to
12 enhance traffic safety in the communities I served with the
13 main emphasis being in reducing speed-related crashes,
14 injuries, and fatalities.

15 From 2006-2008, I was assigned to the PSP's
16 Bureau of Patrol and designated as the Commander of the
17 Patrol Services Division, which oversees the acquisition,
18 testing, and policy regarding the Department's use of radar.

19 I'm not here today, as anybody else has said,
20 seeking authorization to employ a new, untested type of
21 technology with unproven results or reliability. Radar has
22 been authorized and in use in the Commonwealth for more than
23 50 years by the State Police. Over those five decades, the
24 versatility and reliability of radar has been well
25 documented and proven as a tool for providing modern-day

1 technology in addressing the very real issue of traffic
2 safety.

3 Reducing highway crashes, injuries, and
4 fatalities is the mission of every sworn police officer and
5 trooper in the Commonwealth. It's a tool that I firmly
6 believe in, one that I've personally used thousands of
7 times, but a tool that I'm currently prohibited from
8 employing for my community because of a well-known provision
9 in the statute that prohibits the use of radar by municipal
10 police officers.

11 As you know and members of the committee fully
12 know, Pennsylvania is the only state that doesn't permit the
13 use of radar by municipal police agencies of any type. When
14 that prohibition was placed in the law more than 50 years
15 ago, the State Police had a much broader reach across the
16 Commonwealth, municipal police officers weren't trained and
17 certified annually by the Municipal Police Officers
18 Education and Training Commission as they are today, and the
19 problems associated with traffic safety weren't as
20 widespread as what all of our communities face now. We have
21 more congestion.

22 Today, the true difference between the training,
23 experience, and missions of the State Police and municipal
24 departments is almost indistinguishable, especially in the
25 area and realm of traffic safety.

1 At a time when law enforcement agencies are
2 trying to be as effective and efficient as possible, we're
3 stymied by an archaic provision of the law which seems to
4 establish two tiers of communities. Those that have State
5 Police coverage have the ability to tap into and use the
6 most effective tools in addressing a safety concern while
7 those communities that have invested their resources in
8 having their own police department do not have access to
9 those tools.

10 As the Chief Executive of a municipal police
11 agency and former State Police Commander who is often asked
12 why municipal police don't have access to radar, I'm
13 hard-pressed to state any reasonable, viable justification
14 for not providing the use of radar to all communities in the
15 Commonwealth.

16 The municipal police officers and fellow chiefs
17 I've known for the past 29 years are as devoted and
18 dedicated to their communities as any member of the
19 Pennsylvania State Police. Their integrity is not in
20 question. Their motivations are true, and the people they
21 serve deserve to have the equal protections under the law as
22 other communities in the state.

23 I believe the Commonwealth's public policymakers
24 and law enforcement professionals need to come together and
25 provide access to all available resources to enhance public

1 safety. And I believe that's what you're trying to get to
2 today, sir. Effective training, sound policy, and adherence
3 to the law will defuse any age-old apprehensions or concerns
4 and bring the Commonwealth into line with the standard
5 operating practices of law enforcement across North America.

6 I want to thank you for providing me this
7 opportunity and would be happy to answer any questions you
8 may have, technical or operational.

9 Thank you.

10 MAJORITY CHAIRMAN TAYLOR: And we'll be having
11 questions but we're going to go to Mark and Joe.

12 POLICE CHIEF STEVE JUNKIN: Sure.

13 MAJORITY CHAIRMAN TAYLOR: Thank you.

14 Mark.

15 POLICE CHIEF MARK GREEN: Thank you, Chairman.

16 House members, staff, concerned citizens, my name
17 is Chief Mark Green of the East Pennsboro Township Police
18 Department.

19 I wish to thank the members for allowing me to
20 speak on this important issue. I started my career here at
21 the Capitol in 1995 as a Capitol Police Officer. I began my
22 career in East Pennsboro Township in 1998. During my
23 career, I spent six years on the County SWAT Team.

24 East Pennsboro Township is a full-time,
25 full-service, municipal police department. We employ 24,

1 all full-time, sworn officers. Our police officers are
2 entrusted by your citizens to investigate and arrest
3 offenders who perpetrate the most heinous crimes our society
4 faces.

5 As new technologies such as DNA evidence, testing
6 equipment for drugs, crime scene processing chemicals,
7 police are expected to utilize these technologies because it
8 is what is fundamentally fair to prove or disprove those
9 accused of wrongdoing.

10 As municipal police officers we are entrusted by
11 the elected officials to utilize all the tools and equipment
12 that is available to every other police officer in this
13 nation for every aspect of our job except for one, and that
14 is the use of radar or lidar.

15 This has been a frustration of mine for my entire
16 career. Everything that occurs in East Pennsboro Township
17 is our police department's responsibility to address. I've
18 been to the scene of more fatal crashes in my 20 years in
19 East Pennsboro than I have been to homicide scenes but I am
20 not entrusted with the tools to prevent these tragedies.

21 The No. 1 citizen complaint I receive as a chief
22 from the residents is speeding in the neighborhoods.
23 Oftentimes this is where two-lane state roads travel through
24 our community neighborhoods. These neighborhood streets are
25 where children are playing, riding their bicycles, or

1 residents are walking their dogs. These complaints also
2 come from our school crossing guards who are trying to
3 safely cross the kids walking to and from school.

4 To me, it is equally if not more important to
5 deploy speed-reducing technologies to our neighborhoods than
6 to the interstates, which is what the current municipal
7 police ban does in this area.

8 The 1950s technologies that we're able to employ
9 to attempt to slow down traffic is not as accurate and is
10 hazardous for the officers to set up and utilize. Using
11 this technology adds to the public misconceptions of abuse.
12 For us to use an ENRADD device on the roadway, we need to
13 have an officer sit with the unit so it doesn't get stolen
14 or vandalized and then have to utilize chase cars. This
15 gives the public perception of a speed trap and appears to
16 be for revenue-generating purposes and not traffic safety.

17 If a single officer uses the equipment, it
18 requires him to have to make a difficult decision when that
19 active domestic assault call is dispatched. Does he risk
20 leaving the equipment on the highway and respond to the
21 person in distress or does he waste precious moments and
22 take the time to pick up the equipment?

23 Having the use of a radar/lidar unit would allow
24 the single officer to sit in varying locations to keep
25 traffic slow and not be seen as speed traps. And then when

1 that active emergency call is dispatched, the officer simply
2 lays the equipment on the passenger's seat and responds to
3 the emergency.

4 I'm speaking just for myself. But the \$17.50
5 that East Pennsboro receives for over 90 percent of our
6 speeding citations isn't important to me. My total traffic
7 and non-traffic citation revenue for all violations totaled
8 \$36,953 for all of 2017. Out of a \$2.7 million police
9 budget, if I lost all of my speeding revenues, it will make
10 little to no difference for my budget.

11 I'm just asking for the tools to respond to the
12 complaints of our residents and to make our communities as
13 safe as possible. Police officers in Pennsylvania are
14 highly educated, professional, and ethical. I think using
15 the best technology available to do any aspect of our job is
16 what is fundamentally fair for our residents.

17 I want to thank you for this opportunity to speak
18 and we'll answer any questions you may have.

19 Thank you.

20 MAJORITY CHAIRMAN TAYLOR: Thank you.

21 Joe, good afternoon. Good to see you again.

22 MR. JOSEPH REGAN: Likewise, Chairman Taylor.

23 Chairman Taylor, Chairman Keller, the rest of the
24 Committee members, thank you again. We're back following
25 yesterday's testimony. And we really appreciate you

1 allowing the FOP to testify about distracted driving. A lot
2 of those points really hit home yesterday. At least they
3 did for me.

4 Thank you for today, for allowing us to offer
5 testimony about radar. You have our written remarks. Just
6 a few comments. I'll keep it very brief.

7 The FOP supports Senate Bill 251, the use of
8 radar by local police under appropriate circumstances.
9 Utilization of MPOETC standards will ensure consistent use
10 of local radar statewide in those communities that elect to
11 use this new enforcement tool.

12 From the FOP's perspective, the goal for local
13 radar must be citizen and officer safety, not to enhance
14 local revenues. By limiting the local share of radar
15 revenues, Senate Bill 251 protects against the possibility
16 of abuses or overuse by overzealous municipalities.

17 In my 28 years with the Lower Merion Township
18 Police Department, I was an ENRADD operator, VASCAR, and
19 robic. It limited where you could enforce. That's the
20 problem. You have a much better tool out there with radar.
21 So I'm told. I don't use it. From what we hear, it's a
22 very accurate tool. It's safer for our male and female
23 officers to enforce. It's another tool for the toolbox.

24 We've been at this for some time, the FOP has,
25 with the Legislature. I've provided testimony before in the

1 Senate Transportation Committee and that's some time ago.

2 We have meetings throughout the year in the FOP
3 where we have members -- members are provided a legislative
4 report by me. And the question always comes up, what about
5 radar? Where are we with radar? I kind of shrug my
6 shoulders anymore and I say, contact your local legislator.
7 Talk to your Senator. Talk to your Representative.

8 These are pretty active guys. We represent
9 40,000 active and retired law enforcement officers. 21,000
10 are active. That's what I say. Who's active here at this
11 meeting? Raise your hand. Go talk to your Legislator. If
12 it's important to you, let them know.

13 And I think it is important to us. It's
14 important to all these officers that are here today that
15 took their time. A lot of them had to leave to probably go
16 back to work. It's important for municipal police officers
17 who we represent to have this tool. So we appreciate your
18 support on this topic.

19 Thank you.

20 MAJORITY CHAIRMAN TAYLOR: Well, Joe, I can
21 honestly say that they did talk to their Legislators.
22 That's the process that works.

23 Chairman Marsico, do I have an old list here or
24 did you want to talk?

25 REPRESENTATIVE MARSICO: That's an old list.

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MAJORITY CHAIRMAN TAYLOR: Okay.

Anybody else?

They're getting hungry, I guess.

I think your points are well-taken. As I said earlier, we will do a bill. Look, if we can get it to the point that Jim wants, everybody wants a piece of legislation to come out clean and go right through the process. If we can do that, we will.

But we have to make sure it doesn't, you know, create a -- there's not a lot of obstacles along the way. We try to do that ahead of time. We're not always successful but that will be our goal.

So thank you for being here today. We'll be in touch with all of you as well.

POLICE CHIEF STEVE JUNKIN: Thank you.

POLICE CHIEF MARK GREEN: Thank you.

MR. JOSEPH REGAN: Thank you.

MAJORITY CHAIRMAN TAYLOR: Thank you for your patience, too. I know you listened to a lot of testimony prior to speaking.

Is Tonyelle here from the Port Authority? Is there anybody here from the Port Authority? No. Okay.

Mr. Chairman, I had a lot to say. I'll let you go first.

MINORITY CHAIRMAN KELLER: Thank you, Mr.

1 Chairman.

2 I'd just like to point out again to maybe people
3 in this room who don't understand this is us doing our job.
4 This is the necessary procedures we need to do our job. I
5 want to thank Chairman Taylor once again for his leadership
6 these two days of very, very informative and good hearings.
7 And I'd like to thank him for his commitment that he's going
8 to move a bill out for distracting driving and on radar.
9 That's the first time in 30 years somebody has made that
10 commitment.

11 But I'd like to point out again, part of our job
12 is not to pass a bill that knowingly has flaws in it. So
13 that's the process we have to go through. And I would like
14 to thank you again for your commitment to getting this done.

15 Thank you.

16 MAJORITY CHAIRMAN TAYLOR: Thank you, Mr.
17 Chairman.

18 I also want to note that we have written
19 testimony that was submitted to the Committee from Nathan
20 Kirschman, a York County citizen, as well as Ronald G.
21 Harvey from Monroeville. All those pieces of testimony will
22 be reviewed.

23 I want to thank everybody at the State here who
24 participated, both members and the audience and the people
25 that testified. One of the drawbacks of being a Legislator

1 is that we do so many different things and change hats like
2 30 times a day. We really want to but cannot always dig
3 into a particular piece of legislation the way we have
4 today.

5 I'm certainly speaking for myself. But I think I
6 can speak for our members that we really enjoyed the
7 testimony both yesterday and today. And for those of you
8 who weren't here yesterday, we did distracting driving and
9 heard some horrific stories about people losing their lives
10 from distracted driving.

11 We want to give local police the same tools as
12 State Police. And we will try to put out the best bill
13 possible to see that that happens.

14 So thanks again, and on behalf of everybody, have
15 a good day. This hearing is adjourned.

16 (Whereupon, the hearing adjourned.)
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I hereby certify that the proceedings and
evidence are contained fully and accurately in the notes
taken by me on the within proceedings and that this is a
correct transcript of the same.

Jean M. Davis
Notary Public