

Testimony of Nathan F. Kirschman, Citizen of Shrewsbury Borough, PA
Before the PA House Transportation Committee
Public Hearing regarding Local and Regional Police Potential Use of Radar
Wednesday, April 4, 2018

Good morning, my name is Nate Kirschman. I'm a citizen of Shrewsbury Borough, PA.

I want to thank Chairman Taylor, Chairman Keller, and their fellow members of the House Transportation Committee for the opportunity to speak with you today regarding local and regional police using radar for speed enforcement.

I strongly support the use of radar for speed enforcement by local and regional police departments. While I am not a local elected official, I attend most of my Borough Council's meetings and the meetings of our Regional Police Commission, serving as their Secretary. I also have approximately 20 years of volunteer public safety service, as a firefighter, emergency medical technician, and emergency management team member, which has required close interoperation with our local and State law enforcement officers from time to time.

I'm as likely to receive a traffic citation for speeding as the next guy. To defend myself from receiving such a citation, I drive at the speed limit when it's safe to do so.

I understand that many of the constituents, when contacting their State Representative regarding local police radar, are voicing objection to it. The most common objection, heard from those representatives that I've spoken with, is the expressed fear that local government officials might see the use of radar as a revenue generator for their communities. Based on the information I've been able to glean on the subject, in Pennsylvania this would be an almost pointless directive for local government to give to their police department. The distribution of fine money is so diluted that, by the time the local municipality and police department get their share, it barely covers the costs of having issued the citation. If the citation is challenged in court, the financial results are likely negative for the municipality due, at least in part, to overtime costs for the issuing officer to go to court or having his/her patrol shift to be covered by another officer.

Several times a year, citizens attending our Borough Council meetings in Shrewsbury bring to the Council's attention there is speeding on our residential streets and traffic accidents that result from excessive speed on those streets. They ask us to bring more police speed enforcement into their neighborhood streets. Their well-founded concern is for the safety of their children who may be playing near the street as well as the avoidance property destruction due to the speed-related accidents that have occurred and will occur.

The current tools and technologies available to our local police department are risky, expensive and time-consuming to use. They include measuring and painting lines in the road and/or

setting up expensive-to-maintain equipment that requires more than one patrol unit to operate. Those patrol units and personnel are out of service for regular patrol and response duties while spending their time creating a “speed trap”. And it endangers our officers by requiring them to be in the street to paint lines, set up equipment, and so forth.

With the Doppler Radar or LiDAR that are currently available at very reasonable cost, it’s possible for a unit to continue patrol duties and enforce speed using radar. However, if the “speed trap” format of speed enforcement is chosen, one unit can be positioned to perform those duties without taking another one out of service to position equipment and or spend time measuring and painting lines in the street. They can also respond quick to other calls for service without having to retrieve expensive equipment that might have been deployed. Radar and LiDAR can also function after dark, which the other tools, other than a calibrated speedometer, can’t do well or at all.

Currently only Pennsylvania State Police are permitted to use radar for speed enforcement in this Commonwealth. While I was living in California, only Local Police were allowed to use radar for speed enforcement. The California Highway Patrol was finally authorized to use radar in 1999. This dichotomy with regards to why things are the way they are regarding who may use radar points out the senselessness of the current situation. There is no rational logic to this except when the characteristics of the individual lawmakers and influencers involved are taken into consideration. And, this Commonwealth is the last hold-out for local police radar.

With regards to currently proposed legislation that I’m aware of, SB251 and HB2148:

Our goal in speed enforcement with the use of radar should be to deter speeding, not issue citations. Both Bills require the posting of signs notifying the motoring public that radar is potentially in use in that municipality. Those signs are among the best deterrents we could use to make people think about their speed and control it.

Most motorists with any amount of common sense know that, if radar is potentially in use, it can be reliably and accurately determine their speed that could result in their receiving a citation. If they learn that the Doppler radar can ascertain their speed from a moving patrol vehicle without the presence of a “speed trap” setting that should further improve their awareness as a further deterrent. We can use newspaper articles, radio and TV PSA’s to make the public aware. It puts the onus on the potential speeder to take the necessary countermeasures to avoid citations, aka: driving the speed limit when it’s safe to do so.

I have been observing the mutation of the contents of SB251 over the last three years. As most of us know, a similar Senate bill from the previous session died of starvation due to inattention by this committee. In its current form, it appears to me that SB251 hits the mark for the requirements for a balance of enabling improved speed law enforcement while protecting of the rights of citizens, among other things.

With all due respect to Representative Rothman and the co-sponsors of HB2148, I have some issues with this bill.

With respect to our law enforcement officers, their fundamental task is to: Enforce the Laws. All of them: Local, State, and Federal. Nowadays that concept seems to be lost to many people in our land.

I'm not convinced that we need a pilot program. Law enforcement officers and agencies at all levels throughout the nation are using radar for speed enforcement. Pennsylvania is the last hold-out for allowing local law enforcement officers to use radar. This bill prohibits local politicians from bringing undue influence to bear regarding speed enforcement, as does existing law.

There's reference to full-time police officers being the only police officers that may use radar. I take issue with this. In the Southern Regional Police Department, we have a fully qualified part-time officer working for us who helps us with making the work schedule come out right, helps with vacation coverage, is called in when there's an illness, etc. He also works for another department. As long as that officer has submitted to the training and other qualification requirements to use the radar equipment safely, I see no reason that we have to make the streets in our community less safe just because that part-time officer is on duty.

§ 3369 (b) (3) requires that the clearly marked police vehicle be in a location that is readily visible to the motoring public. I should mention that SRPD's unmarked supervisor and investigator vehicles have certified speedometers in them and that speed is sometimes enforced when enforcement action is required with those vehicles. It's interesting to note that, in the speed trap environment that seems to be referenced in this section, negligible advantage is to be afforded to the law enforcement officer by requiring a marked vehicle. I guess that's in keeping with the current demoralizing thought process in our nation of mistrusting our police officers to do the right thing.

§ 3369 (d) requires that every street in the municipality have an engineering and traffic study, and that the study must be updated at least every three years. I don't know how other municipalities deal with it, but in Shrewsbury Borough our Public Works Superintendent has taken the training and has been certified by the Local Technical Assistance Program (LTAP) to perform the required traffic studies. He completes this study as part of his work for every new street before it is adopted and accepted by the Borough. All existing streets in the Borough have had traffic studies performed in the past and have speed limit signs posted as a result. I'm not sure what the word "update" implies in this section, but if it means do the whole study over again for every street every 3 years, even if we put all of our streets on a 3-year rotation, it would require parts of days for three months each year to complete these redundant studies. Currently, if something happens to a street, such as lengthening it or that an intersection is

created that connects it to another street such that it might create or attract more traffic, the study is redone for that, and the adjoining, street.

We feel that this 3 year traffic study requirement is an onerous additional expense on the municipality in addition to a distraction from the many other duties of our public works team such as keeping the water system maintained, the sewer flowing, the streets paved, the snow plowed, and a list of things too long for this presentation. If we have to hire the study out to a contractor to comply with this section in a timely manner, that will be even more expensive. If the goal is to create incremental employment opportunities for traffic engineers at the expense of already overstressed local tax payers, with this requirement in the resultant act you will have succeeded. If "update" means go out and make sure the speed limit signs are still standing and replaced when necessary, I think that we can handle that with minimal additional expense. Otherwise this re-study requirement is "make work" and superfluous.

§ 3369 (b) (2) requires that officers using radar be employed by full-service police departments as defined in § 3369 (n). I understand that none of us want a municipality starting a police department for the purposes of using radar as a revenue generator. If that's the purpose of this section, it should be re-written to so state: "No municipality may start, operate, or engage the services of a police department for the primary purpose of using radar to generate revenue for that municipality." Call it what it is. If the purpose of this section is to meet the request of someone's desire to have more full-time departments regardless of what the tax payers of a municipality can afford, this section should be stricken from the bill. People can only afford the government services, including police, that they can pay for. This is the very reason that volunteer fire and EMS departments and the men and women who serve in them continue to exist in our commonwealth. It works and it's the best deal that the residents can afford. I've spoken to Chief Quinan of the North Hopewell Township Police Department. They are a two-man department providing 80 hours per week of police services to their township and an adjacent Borough surrounded by their Township. They are fully qualified in every respect as police officers in this Commonwealth and will attend the training and maintain the equipment as otherwise required if they may have radar. The citizens of North Hopewell Township cannot afford a 24/7/365 department and know that they must accept the services that Pennsylvania State Police can deliver when their officers aren't available. Their part time department certainly beats what certain more populous municipalities are doing, who only have State Police services or who have fired their local or regional police in favor of "free" State Police services, as seems to be a trend for consideration by other municipalities.

My position is that SB251 is adequate. If the feeling of this legislature is that local officials can't be trusted to act in honest manner, add to SB251 "No municipality may start, operate, or engage the services of a police department for the primary purpose of using speed enforcement radar to generate revenue for that municipality." Your honest intent will have thus been stated and will make it clear to all.