

Authorization of Local Radar Legislation

House Transportation Committee Hearing

Wednesday, April 4, 2018

Good morning Chairman Taylor and Chairman Keller, and members of the committee. I have the honor and privilege to represent the outstanding women and men who serve our Commonwealth as State Troopers. My name is Dave Kennedy, President of the Pennsylvania State Troopers Association (PSTA). With me is Sean Welby, PSTA Counsel. Thank you for the opportunity to share with you our perspective on legislation to authorize local jurisdictions to utilize speed enforcement technology, typically referred to as radar.

PSTA has been neutral on the authorization of radar by municipal and regional police departments. However, that does not mean we do not have recommendations on how such legislation should be implemented. Both SB 251 and HB 2148 would authorize municipal and regional police departments to be able to use radar for speed enforcement. We recognize radar provides a greater level of accuracy than alternative means of speed enforcement, as well as greater safety for law enforcement officers.

In reviewing both bills we believe that HB 2148 best addresses some of our concerns with such authorizing legislation. Primarily we believe that the utilization of radar should be restricted to full time police officers employed within a full service police department. However, as written, we believe HB 2148 inadvertently excludes all police officers employed in any Borough or First Class Township with 3 or more full time officers (i.e., civil service municipalities) and police officers in the Cities of Philadelphia, Pittsburgh, and Scranton, and any police Department which is enrolled in the Pennsylvania Municipal Retirement System. What it would permit is a Borough, First Class Township or Second Class Township with a single full time police officer to use the device. Included with my testimony is suggested language that we believe gets to the intent of HB 2148, which is to authorize full time police officers employed within a full service police department to be able to use radar.

We also believe that both SB 251 and HB 2148 include provisions that unintentionally would severely restrict or prohibit speed enforcement by State Police officers in many of the jurisdictions and roadways on which we are the primary law enforcement agency. Specifically, the engineering and traffic study requirements, as well as the signage and local ordinance requirements, make it highly unlikely that many of the municipalities in which we provide speed enforcement would incur those costs or take such action. As currently written these requirements would apply to the Pennsylvania State Police if radar is being utilized for speed enforcement. We believe this could be corrected by adding the following language to either bill

Notwithstanding any provision of this part, this part shall not abrogate, limit, restrict, or diminish any authority granted by law to, and exercised by, the Pennsylvania State Police as of the effective date of this Act.

We are also concerned with the penalty provisions of HB2148 which prohibit penalties imposed under Section 3362 from being made a part of the drivers operating record, nor subject to merit rating. We would prefer those limitations only apply to the first two speeding offenses. Habitual offenders should not be able to escape the consequences of repeated speeding violations. Speed kills and it endangers other drivers and our enforcement personnel. We need to be able to get frequent speeders off the roadways.

Finally, as part of either the pilot program in HB 2148 or the enabling legislation in SB 251, we would like clear authorization for the Pennsylvania State Police to utilize "moving" radar. We are one of the few states that do not permit the utilization of this proven technology. When my members are required to be stationary when using radar for speed enforcement, it imposes greater danger to my members, as well as other drivers. We must enter into the flow of traffic from a stopped position, and then use high speed to catch up to the offender. The use of moving radar would allow State Troopers to be in the traffic flow and more safety gain on the violator.

Thank you for your consideration of these comments. Sean and I would be happy to answer any questions you may have.

"Full-time police officer." An employee of a political subdivision or regional police department who complies with all of the following:

(1) Is certified under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(2) Is empowered to enforce 18 Pa.C.S. (relating to crimes and offenses) and this title.

~~(3) Is a regular full time police officer under the act of June 15, 1951 (P.L.586, No.144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class."~~

~~(4) Is provided coverage by a police pension plan under:~~

~~(i) 11 Pa.C.S. Pt. V (relating to third class cities);~~

~~(ii) the act of May 24, 1893 (P.L.129, No.82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same";~~

~~(iii) the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law;~~

~~(iv) the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law;~~

or

~~(v) the act of July 15, 1957 (P.L.901, No.399),
known as the Optional Third Class City Charter Law.~~

~~The term does not include part-time or auxiliary police,
constables, sheriffs or their deputies, fire police, transit
police, airport police, park rangers, university or college
police, game wardens, fish commission officers or railroad
police or any employee of a police agency which does not
maintain continuous primary police coverage of its jurisdiction
twenty-four hours per day every day of the year.~~

As written, the current Bill would exclude all police officers employed in any Borough or First Class Township with 3 or more full time officers (i.e., civil service municipalities) and police officers in the Cities of Philadelphia, Pittsburgh, and Scranton, and any police Department which is enrolled in the Pennsylvania Municipal Retirement System. What it would permit is a Borough, First Class Township or Second Class Township with a single full time police officer to use the device.