

RADAR FOR MUNICIPAL POLICE IT IS *ALL* ABOUT PUBLIC SAFETY

Good Morning Members of the Senate Transportation Committee and a special thank you to your Chairman, Senator John Rafferty, for scheduling this hearing today and allowing the voices of municipalities all over Pennsylvania to be heard on the issue of radar for municipal police and to Senator Randy Vulakovich for sponsoring Senate Bill 1340.

My name is Jim Nowalk and I am addressing you today as the President of the Pennsylvania State Mayors' Association and a spokesperson for the Radar Coalition. The Radar Coalition is an organization composed of the Pennsylvania Chiefs of Police Association, the Pennsylvania Municipal League, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors and the Pennsylvania State Mayors' Association. Representatives of two of our members, the Pennsylvania Chiefs of Police Association and Pennsylvania State Association of Township Supervisors, will be addressing you this morning as well.

The goal of the Radar Coalition is to enable *all* Pennsylvania municipal police to use *any and all* of the law enforcement equipment available to the Pennsylvania State Police in enforcing the maximum speed limits mandated by the General Assembly in the Vehicle Code. Passage of Senate Bill 1340 by the Pennsylvania Senate and House of Representatives would accomplish that objective.

The reason why every member of the Senate and House of Representatives should support Senate Bill 1340 can be summed up in two words: "public safety." Public safety is secured, in part, through a rational system for protecting the public against speeding motorists that includes legislative standards, law enforcement, public notice and fair enforcement, and sanctions. Denying municipal police the law enforcement tools that they need to protect the public within this rational system is a deadly and costly aberration which must be corrected with all deliberate speed. That is why the Radar Coalition is urging passage of Senate Bill 1340 to allow municipal police to use radar to enforce the maximum speed limits on the roadways within their jurisdiction. My testimony today will first discuss the criminal justice system that the General Assembly has established to protect the public against speeding motorists and then articulate the reasons why radar for municipal police must be considered as an essential part of that system of public protection.

The Safety Standards Mandated by the General Assembly

Keeping the public safe from the dangers of speeding motorists begins with the standards articulated by the General Assembly in the Vehicle Code. Those standards are found primarily in Sections 3362 and 3365 of the Code and read as follows:

§ 3362. Maximum speed limits.

(a) General rule.--Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), **the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:**

(1) 35 miles per hour in any urban district.

(1.1) 65 miles per hour or 70 miles per hour for all vehicles on freeways where the department has posted a 65-miles-per-hour or 70-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by the department as a local highway.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

§ 3365. Special speed limitations.

(a) Bridges and elevated structures.--

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection. . .

(b) School zones.--When passing through a school zone as defined and established under regulations of the department, **no person shall drive a vehicle at a speed greater than 15 miles per hour.** An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(c) Hazardous grades.--The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. **If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill.** The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.

(c.1) Active work zones.--When passing through an active work zone, **no person shall drive a vehicle at a speed greater than the posted limit.** An official traffic-control device shall indicate the beginning and end of each active work zone to traffic approaching in each direction.

Enforcement of the General Assembly's Safety Standards by Municipal Police

Section 8952 of the Judicial Code authorizes Pennsylvania municipal police to enforce the General Assembly's safety standards set forth in Sections 3362 and 3365 of the Vehicle Code. It reads:

§ 8952. Primary municipal police jurisdiction.

Any duly employed **municipal police officer shall have the power and authority to enforce the laws of this Commonwealth** or otherwise perform the functions of that office anywhere within his primary jurisdiction **as to:**

- (1) **Any offense which the officer views or otherwise has probable cause to believe was committed within his jurisdiction.**
- (2) Any other event that occurs within his primary jurisdiction and which reasonably requires action on the part of the police in order to preserve, protect or defend persons or property or to otherwise maintain the peace and dignity of this Commonwealth.

Public Notice and Fair Enforcement of the General Assembly's Standards

With respect to the maximum speed limits mandated in Sections 3362 and 3365 of the Vehicle Code, the General Assembly has provided for the motoring public to have adequate notice of the maximum speed limits which they have determined to be safe. Consequently, they required in the Vehicle Code, that the maximum speed limits be posted. Subsection (b) of Section 3362 of the Vehicle Code reads:

(b) Posting of speed limit.

- (1) No maximum speed limit established under subsection (a)(1), (1.2) or (3) shall be effective **unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.**
- (2) No maximum speed limit established under subsection (a)(1.1) shall be effective **unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.**

Section 3365 of the Vehicle Code contains additional posting restrictions. They read:

(a) Bridges and elevated structures.--

- (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure **when the structure is posted with signs as provided in this subsection.**
- (2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated

structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, **and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.** . . .

(b) School zones.--When passing through a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. **An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction.**

Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(c) Hazardous grades.--The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill. **The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.**

(c.1) Active work zones.--When passing through an active work zone, no person shall drive a vehicle at a speed greater than the posted limit. **An official traffic-control device shall indicate the beginning and end of each active work zone to traffic approaching in each direction.**

The General Assembly also recognized that, in order to fairly implement their maximum speed limits, the speed-timing equipment used by the State Police and municipal police must be accurate. As a result, the General Assembly included a Section 3368 within the Vehicle Code, entitled "Speed Timing Devices" in which they detailed the requirements for testing of speed-timing equipment. The requirements for the testing of speedometers are located in subsection (b) of Section 3368 which reads:

(b) Testing of speedometers.--The [Pennsylvania Department of Transportation] may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of one year prior to the alleged violation and immediately upon change of tire size. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

The requirements for the testing of mechanical, electrical and electronic devices (i.e., VASCAR and radar) are located in subsection (d) of Section 3368 as follows

(d) Classification, approval and testing of mechanical, electrical and electronic devices.--The [Pennsylvania Department of Transportation] may, by regulation, classify specific devices as being mechanical, electrical or electronic. All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The certification and calibration of

electronic devices under subsection (c)(3) shall also include the certification and calibration of all equipment, timing strips and other devices which are actually used with the particular electronic device being certified and calibrated. Electronic devices commonly referred to as electronic speed meters or radar shall have been tested for accuracy within a period of one year prior to the alleged violation. Other devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period and that the device was accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

Not only did the General Assembly seek to ensure the *accuracy* of speed-timing equipment in the "Vehicle Code," but they also sought to introduce reasonable allowances for motorists in the *use* of such equipment. In subsection (a) of Section 3368 of the Vehicle Code, the General Assembly placed the following condition on the use of speedometers:

(a) **Speedometers authorized.**

... In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

In subsection (c)(4), the General Assembly put these conditions on the use of radar and VASCAR equipment:

(4) No person may be convicted upon evidence obtained through the use of [radar and VASCAR] **unless the speed recorded is six or more miles per hour in excess of the legal speed limit.** Furthermore, no person may be convicted upon evidence obtained through the use of [VASCAR] in an area where the legal speed limit is less than 55 miles per hour **if the speed recorded is less than ten miles per hour in excess of the legal speed limit.** This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (2) or (3) within a school zone or an active work zone.

It should be noted that the General Assembly's allowances for motorists when the State and municipal police use various speed-timing equipment is that they effectively *increased* the maximum speed limits depending upon the speed-timing equipment used by law enforcement. For example, a motorist can legally travel up to 35 miles per hour in a residential area, unless a police officer is using radar (in which case the maximum speed limit drops to 31 miles per hour) or the police officer has followed the motorist for a distance of three-tenths of a mile using a speedometer.

The Penalties for Breaking the General Assembly's Safety Standards

As both a punishment for and a deterrent to motorists who break their mandated safety standards, the General Assembly has determined that motorists who exceed their "maximum speed limits" will be guilty of a summary criminal offense that has the following penalty set forth in subsection (c) of section 3362 of the Vehicle Code:

(c) **Penalty.--**

(1) **Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of:**

- (i) **\$42.50 for violating a maximum speed limit of 65 miles per hour or higher; or**
 - (ii) **\$35 for violating any other maximum speed limit.**
- (2) Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.**

Apparently, the penalty in section 3362 was not punishment enough, as the General Assembly imposed additional charges and costs on speeding motorists in other sections of Pennsylvania law. The additional charges and costs are:

- 1. \$7.50 to the Emergency Medical Services Operating Fund to support emergency medical service systems serving rural areas without Pennsylvania;**
- 2. \$2.50 to the Catastrophic Medical and Rehabilitation Fund for victims of trauma;**
- 3. \$10.00 for the Judicial Computer System Restricted Receipt Account;**
- 4. \$37.00 for court costs without a hearing; \$45.00 with a hearing; and**
- 5. A surcharge of \$45.00 to \$75.00, based upon the violation, for the State General Fund**

To put these charges and costs in perspective, the total cost for a motorist travelling 36 miles per hour in a 25 mile per hour residential district would be \$149.00.

Pennsylvania's Irrational and Contradictory Public Policy Regarding the Use of Radar by Municipal Police

Mandating public safety standards, empowering State and municipal police to enforce those standards, requiring adequate notice to the motoring public of maximum speed limits, insuring that speed-timing equipment is accurate; providing reasonable allowances in the use of such equipment, and imposing penalties as both punishment for violations of the maximum speed laws and a deterrent to future violation of those laws are all measures commonly taken by states throughout the nation to protect the public from speeding motorists. *What is not done anywhere in the United States of America except in the Commonwealth of Pennsylvania is to condition the use of the speed-timing device known as radar based upon a police officer's employer.* Subsection (c)(1),(2) of Section 3368 of the Vehicle Code reads:

(c) Mechanical, electrical and electronic devices authorized.--

- (1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.
- (2) Except as otherwise provided in paragraph (3), **electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police.**

This means that if a police officer's employer is the Commonwealth of Pennsylvania, then that police officer may use radar to enforce the maximum speed limits mandated by the General Assembly; however, if that same police officer changes employers, as did Coleman McDonough, from the Commonwealth of Pennsylvania to the Municipality of Mt. Lebanon (and many other State Troopers to other municipalities), then that police officer is limited to using less accurate speed-timing equipment such as VASCAR or less practical speed-timing equipment such as ENRADD.

One of the best expressions of the absurdity of this public policy was communicated to me in an email from Officer Brad Davis, a police officer who worked in the State of Florida and then relocated to take a job with the City of Hermitage in Mercer County. Here is what he had to say about Subsection (c)(1),(2) of Section 3368 of the Vehicle Code:

...I am advanced radar certified in the state of Florida where I previously served, so, needless to say, when I moved here to PA and became employed with a city police department I was shocked when I was handed a stop watch to enforce the speed law...

The irrationality of subsection (c)(1),(2) of Section 3368 of the Vehicle Code has also been expressed in the judicial system in the case of Commonwealth v. DeFusco, 549 A.2d 140 (1988). This case involved a municipal police department which was prohibited from presenting evidence of a motorist's speed because it used radar as the speed-timing device. What the Pennsylvania Superior Court essentially held in this case is that if the municipal police department wanted to prevail against this motorist for exceeding the maximum speed limits mandated by the General Assembly in the Vehicle Code, it would have had to present evidence of speeding using a *less accurate* speed-timing device.

The COST of a Public Policy Which Conditions the Use of Radar Based upon a Police Officer's Employer

The hilly topography of Pennsylvania with its winding roads and the functional limitations of VASCAR and ENRADD as speed-timing equipment, combine to make it physically or practically impossible to enforce the maximum speed limits on many Pennsylvania roadways without using radar equipment. Consequently, a statute which conditions the use of a speed-detection device such as radar upon the police officer's employer creates areas where the maximum speed limits mandated by the General Assembly are being fully enforced and others areas where they are not.

The areas where the maximum speed limits mandated by the General Assembly are being fully enforced are obviously those areas patrolled by the State Police. It is estimated that of the 2,561 municipalities in Pennsylvania, 1,270 municipalities rely upon the State police for all of their police services. This means that, in approximately one-half of the municipalities in Pennsylvania, the maximum speed laws are capable of being fully enforced. It is estimated that another 444 municipalities utilize the State Police as a back-up to their municipal police departments. Thus, in another 17% of municipalities, the maximum speed laws are capable of being fully enforced, *part of the time*. Conversely, in 847 municipalities (33%), the maximum speed limits mandated by

the General Assembly are not capable of being fully enforced because of the limitations of speed-timing equipment other than radar.

There is also an unequal enforcement of the law brought about by the allowances that the General Assembly has legislated based upon the speed-timing equipment being used. In municipalities patrolled by municipal police, a speeding motorist can travel up to 10 miles over the General Assembly's mandated maximum speed limits whereas in municipalities patrolled by the State police, speeding motorists can travel up to 6 miles over the General Assembly's mandated maximum speed limits.

Because the General Assembly's maximum speed laws are unable to be fully enforced in Pennsylvania due to a public policy which conditions the use of radar based upon a police officer's employer, one would expect that Pennsylvania would have a high number and percentage of traffic fatalities related to speed. Secondly, one would expect that a disproportionate number of these speed-related fatalities would occur on roadways where municipal police are responsible for speed enforcement. When the National Highway Traffic Safety Administration released its Traffic Safety Facts for 2011 and 2012, both of these expectations proved to be true.

Here are the statistics for 2011 and 2012. In 2011 and 2012, Pennsylvania had 615 and 614 speed-related fatalities, respectively, which were the third highest number in the nation for both years behind the states of Texas and California, two more populous states. In 2011 and 2012, the percentages of speed-related fatalities to total fatalities were 47.8% and 46.9% which were second and fourth highest in the country respectively, for those years, behind states with far fewer *total* speed-related fatalities. For the sake of comparison, the average percentage of speed-related fatalities nationwide for 2011 and 2012 was 30.7% and 30.4% respectively.

The National Highway Traffic Safety Administration categorizes roadways from local to rural interstate with the former being more likely to be patrolled by the municipal police and the latter more likely to be patrolled by the State Police. Below are tables which summarize the statistics for 2011 and 2012

**SPEEDING-RELATED TRAFFIC FATALITIES IN PENNSYLVANIA
BY ROADWAY FUNCTION CLASS IN 2011
FROM LOCAL ROADS TO RURAL INTERSTATES**

<u>Function</u>	<u># of Fatalities</u>	<u>% of Fatalities</u>
Local	127	20.6
Collector	140	22.8
Minor Arterial	143	23.2
Other Principal Arterial	124	20.2
Freeway/Expressway	19	3.1
Urban Interstate	38	6.2
Rural Interstate	24	3.9
Totals	615	100

**SPEEDING-RELATED TRAFFIC FATALITIES IN PENNSYLVANIA
BY ROADWAY FUNCTION CLASS IN 2012
FROM LOCAL ROADS TO RURAL INTERSTATES**

<u>Function</u>	<u># of Fatalities</u>	<u>% of Fatalities</u>
Local	120	19.5
Collector	162	26.4
Minor Arterial	141	23.0
Other Principal Arterial	106	17.3
Freeway/Expressway	18	2.9
Urban Interstate	37	6.0
Rural Interstate	30	4.9
Totals	614	100

Clearly, there are many more fatalities occurring on roadways that are within the jurisdiction of municipal police than the State Police

To put the 2011 and 2012 statistics in human terms, there would have needed to be 318 fewer speed-related fatalities in 2011 and 311 fewer speed-related fatalities in 2012 in order to bring Pennsylvania below the national average for those years. It is the contention of the Radar Coalition that this loss of life plus undetermined personal injuries and property damage represent the cost of a legislative public policy where the ability to use radar as a speed-timing device is based upon the police officer's employer.

Furthermore, while the cost in human life, personal injury and property damage are obviously of prime concern, there is also an unnecessary cost being imposed upon municipal governments by this public policy. Forcing municipal governments to use less efficient equipment to enforce the law increases personnel costs and raises the overall costs of local government.

**The Notion That Municipal Police Would Use Radar to
Raise Municipal Revenues Has Been Debunked**

When the Radar Coalition first became aware that there were some legislators who believed that municipal police could somehow use radar to raise revenue, it analyzed this notion and concluded that even if a municipality tried to raise revenue on the incidences of this illegal behavior, it could not succeed because the *cost* of enforcing the maximum speed limits is so high and the *revenue* received by the municipality from the issuance of a ticket is so low. Attached is that analysis of the Radar Coalition entitled, "Debunking the Notion that Municipal Police Would Use Radar to Raise Revenues."

Knowing that a municipality only receives \$17.50 on a \$149.00 ticket and recognizing that the amount of that ticket is as high as it is because the General Assembly has attempted to fund the Emergency Medical Services Operating Fund, the Catastrophic Medical and Rehabilitation Fund, the Judicial Computer System Restricted Receipt

Account, the state and county court systems and the State General Fund with the monies of speeding motorists, it is difficult to understand how any member of the General Assembly, could ever in good conscience, compromise public protection because of an assertion that the municipality *might* derive some revenue.

The Option of a Municipal Police Department or Police Officer to Use the Most Accurate and Efficient Speed-timing Equipment Should NOT Be Based upon Economic Conditions

There are some members of the General Assembly who believe that only full-time police departments and/or full-time police officers should be allowed to use radar and that part-time police departments and part-time officers should continue to use less accurate and less efficient speed-timing equipment. Allowing full-time police departments or full-time officers to use radar but not part-time police departments or part-time officers would merely perpetuate the current system of the public safety "haves" and "have nots." The only difference would be that the "employment conditions" of the municipal police department or the "employment status" of the police officer would determine which municipal police officers can use radar and which cannot. There would still be an unequal enforcement of the law throughout Pennsylvania as well as areas of Pennsylvania where the speed limits are effectively higher because radar is prohibited from being used in those areas.

Making an artificial distinction between full-time and part-time police departments and officers would result in an endless number of absurd situations which would expose such a distinction as bad public policy. Here are some examples:

- a. The first line of inquiry for every criminal defense attorney in a motor vehicle speeding case where radar is used, will be to inquire as to the employment status of the police officer who used radar and the staffing levels of the officer's police department in an attempt to create reasonable doubt as to whether radar was allowed to be used by law.
- b. A full-time police officer who uses radar for a full-time police department would not be capable of using radar when he/she works part-time for another police department even though the officer is fully capable and experienced in using radar.
- c. If a police department employs both full-time and part-time police officers, the decision as to who will be assigned to traffic control will be based upon employment status and not be based on competency or seniority.
- d. A full-time police department whose officers used radar to monitor motor vehicle speed would be forced to abandon its radar equipment, if, for economic reasons, the municipality reduced the number of police officers below that which is statutorily considered to be a full-service department.

- e. Radar would continue to be the *only piece* of law enforcement equipment that is authorized for use in some police departments and by some police officers but specifically prohibited for other departments and officers.

Conclusion

Senate Bill 1340 would make a simple change in the Vehicle Code to allow Pennsylvania municipal police the same option as the Pennsylvania State Police to use the most accurate and efficient speed-timing equipment available to enforce the maximum speed limits mandated by the General Assembly of Pennsylvania in the Vehicle Code. Giving municipal police the option of using radar is all about public safety. On behalf of the Mayors of Pennsylvania and the members of the Radar Coalition, I urge the Senate Transportation Committee to support Senate Bill 1340.

My final thought to you is this. With 702 speed-related fatalities in 2010, 615 in 2011 and 614 in 2012, you are bound to pick up the newspaper some day in your home in your Senatorial District and read about a tragic automobile accident in which the investigating police officer reports that speed was a factor in the deaths of the victims. If you support Senate Bill 1340, you will never have to wonder at your breakfast table, "was there something that I could have done to prevent this terrible loss of life from occurring?" You did something about it. You gave law enforcement the tools that they needed and requested to enforce the maximum speed limits that *you* enacted to protect the people of Pennsylvania.

DEBUNKING THE NOTION THAT MUNICIPAL POLICE WOULD USE RADAR TO RAISE MUNICIPAL REVENUES

The notion that municipal police would use radar to raise municipal revenues is an unfounded concern that has little basis in municipal reality. Here are some of the reasons why:

- There is nothing in the training or compensating of a municipal police officer that would cause a police officer to *relate* the apprehension of a speeding motorist with revenue received by the municipality. The Municipal Police Officers' Education and Training Commission has mandated that the basic police training course curriculum include instruction on "patrol *procedures* and *operations*" but nowhere on the list of sixteen other course subjects is municipal budgeting. Furthermore, the compensation paid to a police officer is not affected by the number of tickets for moving violations that he/she issues. Consequently, it is absurd to suggest that police officers would view law enforcement as a revenue-raising activity. This would mean they would be incentivized *not* to prevent crime or discourage speeding, which is the opposite of what they have been trained to do. In short, the mindset of a police officer confronted by a speeding motorist is to enforce the law, not to assist the municipal government in raising revenue.
- Likewise, the police chief would not view enforcing maximum speed limits as a revenue-raising activity. The reason is that all of the powers and duties of the chief of police are executive in nature, not legislative. Under the elected officials of the municipality to whom the police chief reports, the chief's duties include: preserving order, enforcing ordinances and regulations, removing nuisances, and handling emergencies. These are legal responsibilities that often require decisive action in response to a perceived threat to the social order of the community. These are not instances where a response is being evaluated for its fiscal impact. Raising revenue for the municipality is the responsibility of the municipal council, commissioners or supervisors. Conversely, municipal finances are not the responsibility of the chief of police.
- Even if a police chief were inclined to try to raise revenue through the issuance of traffic tickets by the police force, it would be extremely difficult, if not impossible to do so. The reason is because the *cost* of enforcing the maximum speed limits is so high and the *revenue* received by the municipality from the issuance of a ticket is so low. The *cost* of issuing a speeding ticket can be estimated by determining the hourly cost of a police officer (or officers) on traffic duty and multiplying that cost by the percentage of an hour that it takes to issue one ticket. In May 2011, the United States Bureau of Labor Statistics reported that the median hourly wage of a police officer in Pennsylvania was \$27.12. For 2010, the Employee Benefit Research Institute estimated that the 34.4% of the total compensation paid to state and local government employees was for "benefits." Using these two statistics, the median hourly cost of a municipal police officer would be \$41.34 per hour. Municipal police

have estimated that the minimum amount of time for a police officer to put himself in a hidden location to monitor speed; detect the speed of a speeding motorist; turn on the sirens and lights; pull the motorist off the roadway; request the driver's license and owner's card; check the ownership information; write a speeding ticket; issue the speeding ticket to the motorist; and convert the speeding ticket to a citation at the police station for transmittal to the district magistrate is estimated to take a minimum of 25 minutes. Consequently, the minimum cost for a municipal police to issue one speeding ticket would be \$17.22 ($25/60 \times \41.34). If two police officers are involved (one to detect a motorist's speed and the other to apprehend the motorist), the cost would be \$34.44. If the motorist chooses to appeal the speeding citation, the overall cost of issuing the ticket would triple or quadruple depending on whether the police officers are being paid overtime and/or are paid a minimum number of hours for a "call-out."

- The *revenue* that a municipality derives from the issuance of a traffic ticket depends upon how fast a motorist travels over the speed limit. When a motorist travels 10 to 15 miles over the speed limit, and does not appeal the citation, the cost of the traffic citation is \$114.50. Of that amount, the district magistrate will pay \$80.30 to various agencies and funds of the Commonwealth of Pennsylvania, \$19.20 to the County, and \$15.00 to the municipality. A motorist travelling 16 to 25 miles over the speed limit would increase the amount of the citation to \$124.50 and enable the municipality to receive another \$5.00 or \$20.00 total. If the motorist travels 26 or more miles above the speed limit, the amount of the speeding ticket would grow to \$134.50 and the municipality would receive an additional \$5.00 or \$25.00 total.
- With the minimum *cost* for writing a speeding ticket ranging from \$17.22 to \$34.44 (depending upon the number of police officers involved) and the *revenue* from writing a speeding ticket ranging from \$15.00 to \$25.00, it is extremely difficult for a municipality to "make money." Whenever one police officer issues a ticket to a motorist travelling 10 to 15 miles over the speed limit, the costs will exceed the revenue received. When two officers are involved, the costs will always exceed the revenue received regardless of the motorist's speed. When motorists appeal their speeding citations to the district magistrate, the costs will greatly exceed the revenue received.
- Based on the above calculations, there are instances in which the revenue received for issuing a speeding ticket *could* exceed the costs; however, mitigating against any sustained revenue excesses are at least three factors. Firstly, enforcement of the maximum speed limits will have a deterrent effect on other motorists causing a decrease in the number of motorists speeding as well as the amount by which the speed limits are exceeded. Secondly, most municipal police departments do not have a dedicated traffic unit so if there is a traffic accident or crime that needs to be investigated in the municipality, enforcement of the maximum speed laws will terminate or be curtailed when the police officer works on another assignment. Thirdly, the faster a motorist is travelling the higher the cost of the ticket and the cost

the more likely it is that the motorist will appeal the speeding citation causing any revenue excesses to disappear.

- The irony of a legislator believing that a municipality may use radar to raise revenue is that the only entity which will benefit from increased enforcement of the legislature's maximum speed limits is the Commonwealth of Pennsylvania itself. The Commonwealth receives \$80.30 to \$90.30 per ticket and does not directly participate in the cost of enforcement.
- Even if it were possible for a municipality to profit from speed enforcement, this should not be an overriding concern of the General Assembly. From a public policy standpoint, it is more important to protect the public by encouraging enforcement of the maximum speeds that the General Assembly has determined to be safe to drive; rather than hinder enforcement of public safety laws for fear that some municipalities may derive revenue from enforcement. As evidence that the people of Pennsylvania support such a public policy, when the business community of Shamokin Dam Borough in Snyder County was asked to rate the importance of various proposals for improving their community, the highest rated proposal was "aggressive enforcement of the traffic laws on Routes 11 & 15." This priority is consistent with the experience of many municipal officials who have found that the number of times that residents have demanded *enforcement* of maximum speed laws far outnumbers complaints, if any, that traffic enforcement has been too aggressive.