



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE TRANSPORTATION COMMITTEE**

**PRESENTED BY

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Chairman Rafferty and members of the Senate Transportation Committee:

Good morning. My name is Elam M. Herr and I am the assistant executive director for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of the 1,454 townships in Pennsylvania represented by the Association.

Townships comprise 95 percent of the Commonwealth's land area and are home to 5.5 million Pennsylvanians — 44 percent of the state's population. These townships are diverse, ranging from rural communities with fewer than 200 residents to more populated communities with more than 60,000 residents. Thank you for the opportunity to testify today on this safety issue that is of importance to townships across the state.

Today our society is moving at a faster pace and more people seem to be speeding in an attempt to keep up with their busy lives. Township supervisors frequently hear complaints from their residents that cars are traveling at excessive speeds and causing dangerous conditions on township roads. Residents worry about the safety of their children, their pets, and themselves on roads where speeding is prevalent. In fact, speeding and traffic related conditions are the most frequent complaints received by the board of supervisors in many townships.

In 2011, which is the most recent data currently available, Pennsylvania ranked third amongst all states for speeding fatalities and had the second highest percentage of speeding fatalities to total fatalities at 48 percent. What is even more startling about these statistics is that only 13 percent of these fatalities occurred on interstates, freeways, and expressways where speed limits are enforced by the Pennsylvania State Police using radar. In other words, 87 percent of speeding fatalities in Pennsylvania occur on other roadways where municipal police are prohibited from enforcing speed limits with radar. Simply put, local radar would save lives.

Allowing municipal police to use radar would greatly increase the ability to enforce speed limits on local roads and therefore improve safety for our communities. While municipal police currently possess several tools to enforce speed limits, all are inferior in terms of cost and flexibility to radar which is one of the most commonly used tools by state police nationally and local police in the 49 other states. However, this critical safety tool is currently denied to local police in Pennsylvania.

Today, local police in Pennsylvania may use limited Visual Average Speed Computer and Recorder, or VASCAR, and other speed timing devices such as Electronic Non-Radar Devices, commonly known as ENRADD. While accurate, these techniques have significant drawbacks.

VASCAR is inefficient because at least two officers are needed to use it. One car takes the speed measurements and remains stationary, while a second officer is needed as a chase car. With radar, one officer could both take the speed measurements and stop the driver for exceeding the posted speed limit. Radar would allow a municipal police department to improve the efficiency of its staffing while enhancing safety.

Additionally, VASCAR requires specific site distances in order for the device to be used. And on many municipal roads where a speed timing device would be used to control excessive speeds, this unit just does not work. On these roads, radar and laser are the only method that municipal police could use to enforce speed limits and improve the safety of the residents and traveling public due to inability to obtain the required sight distances on said roads.

ENRADD has become a commonly used municipal speed enforcement tool in Pennsylvania. These units are accurate and eliminate the human error factor that is present in other systems. It is more reliable than VASCAR and is currently the next best thing to radar for Pennsylvania municipal officers. This system allows enforcement of speed limits in areas of the municipality where officers are unable to use VASCAR.

ENRADD, although good, still has a number of drawbacks that makes radar a superior tool. The equipment is cumbersome and the units must be manually set up beside the road. Aligning the transmitter and receiver bars can be dangerous if it is being set up by one officer, who must run back and forth across the road to align the beams. The crown of the road can interfere with aligning the beams, making the units unusable on hilly or mountainous terrain, as well as during inclement weather. Because they are battery operated, the ENRADD units can only be used for a limited time before the power source needs recharged. In other states where radar is available to local officers, ENRADD is rarely used.

SB 1340 (*PNI972*) would permit all police officers in Pennsylvania to utilize radar. It would require municipal police to meet and adhere to all of the same standards as the Pennsylvania State Police when utilizing this equipment. Municipal police would be able to enforce speed limits in the same manner and with the same restrictions as the state police, and would not be afforded any additional powers. PSATS supports this proposal and ask that it be voted upon favorably.

You will hear that municipalities would use radar as a revenue tool to balance their budgets. We take exception to these comments since several statutes already make the reality of that happening virtually impossible. 42 Pa. C.S.A Section 3573(b)(2) stipulates that prosecution under Title 75 by local police results in the municipality retaining half of the fine (not the total ticket). 75 Pa. C.S.A. Section 3362 establishes the minimum fines at \$35 for violating the limit of 65 miles per hour or less, and \$42.50 for exceeding a posted speed limit of 65 miles per hour. This would equate to \$17.50 and \$21.25 per ticket for a municipality, not an amount that will balance a municipal budget.

Also, Act 114 of 1981 stipulates that local governments and Commonwealth agencies cannot directly or indirectly instruct their officers to issue a number of traffic citations or tickets. If proven the citation will be thrown out and fine money returned.

If radar is authorized for use by municipal police, we would argue that the existing standards in the Vehicle Code relevant to posted speed limits and the enforcement of those limits by timing devices should remain the same. Current law allows a six mile per hour allowance for roads with speed limits of 55 miles per hour and a 10 mile per hour allowance for roads with speed limits less than 55 miles per hour. We believe the allowances for any timing device,

including radar, should be uniform for all police enforcing speed limits. Plus it would be confusing to the motoring public if the system is not uniform on the same road since one could be stopped at two different rates based on the timing devices used.

Again, while VASCAR and ENRADD can be useful tools, both are inferior to radar. Additionally, these devices must be calibrated every 60 days to ensure accuracy, where radar can be calibrated yearly, saving both time and money. We believe that authorizing the use of radar for municipal police would greatly enhance traffic safety in the commonwealth and give municipalities the tools they need to make the best use of their officers' valuable time.

Finally, Pennsylvania is the only state that prohibits municipal police from using radar. Municipal police should be given the ability to use radar to enforce speed limits. Traffic safety is increasingly cited as a major concern by township residents, and the currently authorized speed control devices are unwieldy and ineffective. Municipal police officers are professionals who receive substantial training that is approved and provided by the Pennsylvania State Police and the Municipal Police Officers' Education and Training Commission (MPOETC) and should be permitted to use radar to improve the safety of their communities. Certification for local police for the use of radar by the PSP should stem fears that municipal police are not competent in the use of radar. Radar is a tool that municipalities need to enforce speed limits and improve public safety.

Thank you for the opportunity to appear before you today to comment on this issue. I'll be happy to answer any questions you may have at this time.