



# Rally for Road Safety

Tuesday, April 5<sup>th</sup> at 9:30 am

## Capitol Rotunda

### Radar Coalition

- Pennsylvania Chiefs of Police Association
- Fraternal Order of Police Pennsylvania State Lodge
- Pennsylvania Municipal League
- Pennsylvania State Association of Boroughs
- Pennsylvania Association of Township Commissioners
- Pennsylvania Association of Township Supervisors
- Pennsylvania State Mayors' Association

Stopping Unnecessary Deaths on  
Pennsylvania's Roadways  
Begins with the Passage of  
Senate Bill 535 or House Bill 71.

**A SUMMARY OF REASONS FOR THE SWIFT  
ENACTMENT OF SENATE BILL 535 OR HOUSE BILL 71**

- 1. The General Assembly of Pennsylvania has mandated the safety standards for motor vehicle speed in the Vehicle Code.**
- 2. The General Assembly of Pennsylvania has charged *all police officers* with the responsibility for enforcing its safety standards for motor vehicle speed. *Their* speed timing device of choice is *radar*.**
- 3. The General Assembly of Pennsylvania has enacted into law an irrational, contradictory public policy in which State Police are *enabled* in enforcing its safety standards because the Vehicle Code permits them to use radar and municipal police are *hindered* in enforcing its safety standards because the Vehicle Code denies them the ability to use radar.**
- 4. The latest statistics published by the National Highway Traffic Safety Administration indicate that *Pennsylvania has the worst record in the United States of America for speeding-related fatalities*. These same statistics strongly suggest that Pennsylvania's irrational and contradictory public policy on radar is to blame.**
- 5. The purpose of the *Rally for Road Safety* is to end this irrational and contradictory public policy which is causing unnecessary deaths, physical injuries and property damage on Pennsylvania's roadways. Passage of either Senate Bill 535 or House Bill 71 will accomplish this life-saving objective.**

**THE GENERAL ASSEMBLY OF PENNSYLVANIA HAS MANDATED THE SAFETY STANDARDS FOR MOTOR VEHICLE SPEED IN THE VEHICLE CODE.**

The General Assembly of Pennsylvania has determined the maximum speeds that a motorist may *safely* drive a motor vehicle. The general rule is found in Section 3362 of the Vehicle Code which reads:

Except when a special hazard exists that requires lower 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 for all vehicles on freeways where the department has posted a 65-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.**

In Section 3365, the General Assembly has established special speed limitations for **bridges and elevated structures, school zones, hazardous grades and active work zones**. For all of these special circumstances, the speed limits are what are posted, with the exception of school zones. **When passing through a school zone ..., *no person* shall drive a vehicle at a speed greater than 15 miles per hour.**

**THE GENERAL ASSEMBLY OF PENNSYLVANIA HAS CHARGED ALL POLICE OFFICERS WITH THE RESPONSIBILITY FOR ENFORCING ITS SAFETY STANDARDS FOR MOTOR VEHICLE SPEED. THEIR SPEED TIMING DEVICE OF CHOICE IS RADAR.**

The General Assembly of Pennsylvania has placed the responsibility for enforcing its safety standards for motor vehicle speed upon the Pennsylvania State Police and the municipal and regional police departments of the boroughs, cities and townships of Pennsylvania.

In order for these Pennsylvania law enforcement officers to insure that all motorists comply with the General Assembly's safety standards for Vehicle speed, they must use a speed timing device.

The speed timing device of choice for Pennsylvania law enforcement officers is overwhelmingly a radio-microwave device known as **radar**.

**Radar is acknowledged by law enforcement officers throughout the country as one of the safest, most accurate, and most economical speed timing device for enforcing legislative safety standards for motor vehicle speed.**

Radar can be used on any type of terrain whether it is a hill or curving. All of the other speed timing devices are limited to straighter, flatter roadways.

Speed-timing devices other than radar are more limited in inclement weather. For instance, VASCAR, which requires the painting of white lines on a roadway, cannot be used when snow is on the roadway surface.

The use of radar is safer for law enforcement officers and the public because the officers are deployed at a safer distance and they are not required to race through residential neighborhoods to chase speeding motorists.

**THE GENERAL ASSEMBLY OF PENNSYLVANIA HAS ENACTED INTO LAW AN IRRATIONAL, CONTRADICTIONARY PUBLIC POLICY IN WHICH STATE POLICE ARE *ENABLED* IN ENFORCING ITS SAFETY STANDARDS BECAUSE THE VEHICLE CODE PERMITS THEM TO USE RADAR AND MUNICIPAL POLICE ARE *HINDERED* IN ENFORCING ITS SAFETY STANDARDS BECAUSE THE VEHICLE CODE DENIES THEM THE ABILITY TO USE RADAR.**

The General Assembly of Pennsylvania has established maximum lawful speeds that *all Pennsylvanians* must obey. It has charged *all police officers* with the responsibility for enforcing its maximum lawful speeds. Radar is the equipment of choice for *all police officers* because of its accuracy, safety and versatility. Inexplicably, in Section 3368(c)(2) of the Vehicle Code, the General Assembly permits State Police to use radar and conversely, denies the use of radar to municipal police.

**A public policy in which the use of police equipment to enforce maximum lawful speeds is predicated upon the uniform the police officer is wearing is irrational and contradictory for many reasons.**

Here are a few of those reasons:

- *State Police and municipal police are trained by the same law enforcement agency – the Pennsylvania State Police. The Pennsylvania State Police train municipal police through the Municipal Police Officers' Education & Training Commission.*
- *State Police and municipal police are authorized to use all of the same equipment to enforce the Crimes Code and the Vehicle Code with one exception - radar.*
- *Both the State Police and municipal police are capable of using radar.*
- *Every state in the United States of America permits its municipal police to use radar to protect the public from unlawful speeding.*
- *Because of Pennsylvania's hills and winding roads, there are many roadways where it is impossible for a police officer to enforce the maximum lawful speeds unless that officer uses radar.*
- *State Police are the primary law enforcement officers in*

approximately 1,535 of the 2,562 municipalities in Pennsylvania comprising 27% of the population of Pennsylvania. This means that in 60% of all municipalities and for 27% of Pennsylvania's population, the maximum speed laws are capable of being *fully* enforced because the State Police have access to radar. **Conversely, 1,026 municipalities comprising 73% of Pennsylvania's population are being denied the full protection of Pennsylvania's public safety laws because their municipal police are prohibited from using the equipment necessary to fully enforce those laws.**

- In 1,535 municipalities, State Police can enforce the maximum speed laws whenever motorists drive 6 miles over the speed limit because their speed timing device is radar. In 1,026 municipalities, police officers must wait until motorists drive 10 miles over the speed limit before they can enforce the maximum speed laws because their speed timing device is one other than radar. **Having to wait until motorists speed faster in those 1,026 municipalities increases the safety risks in those municipalities as well as insures that the maximum speed laws are not being uniformly enforced.**
- What is even more absurd is that there are approximately 452 municipalities which utilize *both* State Police and municipal police. Within the boundaries of these municipalities, there are *two* unequal levels of public protection in the enforcement of maximum speed laws.
- The General Assembly's public policy which enables State Police to enforce the maximum speed laws and hinders municipal police from doing the same is contradictory to the uniformity provision expressed in Section 103 of the Vehicle Code. It states: the Vehicle Code "shall be so interpreted and construed as to effectuate **its general purpose to make uniform the law throughout this Commonwealth and all political subdivisions.**"
- **Most importantly, the General Assembly's public policy which enables State Police to enforce the maximum speed laws and hinders municipal police from doing the same is contradictory to all of the provisions in the Vehicle Code establishing maximum lawful speeds.**

**THE LATEST STATISTICS PUBLISHED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) INDICATE THAT PENNSYLVANIA HAS THE WORST RECORD IN THE UNITED STATES OF AMERICA FOR SPEEDING-RELATED FATALITIES. THESE SAME STATISTICS STRONGLY SUGGEST THAT PENNSYLVANIA'S IRRATIONAL AND CONTRADICTIONARY PUBLIC POLICY ON RADAR IS TO BLAME.**

One would expect that a public policy which hinders police officers from enforcing the maximum speed laws would have two outcomes. The first is that the total number of speeding-related fatalities would be higher compared to other states. The second is that the location of the speeding-related fatalities would be on the roadways where the enforcement of maximum speed laws was being hindered. That is exactly what the latest statistics of the NHTSA indicate.

The latest *Traffic Safety Facts on Speeding* were published by NHTSA in June 2015 using data collected in 2013. The NHTSA has two statistical measures of motor vehicle speeding within each state. One is "the number of speeding-related fatalities" and the other is "the percentage of speeding-related fatalities to total fatalities."

In 2013, the Commonwealth of Pennsylvania had the third highest number of speeding-related fatalities in the United States of America. (See Table 1) That same year, Pennsylvania also had the third highest percentage of speeding-related fatalities to total fatalities in the nation. (See Table 2) **There were four states which were on the top ten lists of both statistical measures of speeding-related fatalities for 2013. Pennsylvania was not only one of those states, it lead all four states in both statistical measures *making Pennsylvania arguably the worst state in the United States of America for speeding-related fatalities.*** (See Table 3)

In its *Traffic Safety Facts on Speeding*, the NHTSA also publishes the number of *speeding-related fatalities by roadway function class* for each state. From the busiest roads to the least busy roads, the classes are: (a) interstate rural; (b) interstate urban; (c) non-interstate freeway and expressway; (d) non-interstate other principal arterial; (e) non-interstate minor arterial; (f) non-interstate collector; and (g) non-interstate local.

An analysis of the speeding fatalities in Pennsylvania by roadway function in 2013 shows: the rural and urban interstates and the non-interstate freeways and expressways, *where the maximum speed limits are almost exclusively enforced by Pennsylvania State Police using radar*, account for only 12.9 percent of the speeding-related fatalities. Conversely, on all other classes of roadways, *where municipal police, to varying degrees, enforce the maximum speed limits using speed-timing equipment that is inferior to radar and unusable on many roadways because of their slopes and curvatures*, the speeding-related fatalities were, on average, five times higher. (See Tables 4 and 5)

While there may be a number of ways to quantify the cost in human life of a public policy that hinders municipal police from enforcing the maximum speed laws determined by the General Assembly of Pennsylvania to be safe speeds, the following is considered to be as good as any. It compares the percentage of speeding-related fatalities to total fatalities in Pennsylvania, which is 45.53 percent, and asks the question how many fewer speeding-related fatalities would there need to be to bring the Commonwealth of Pennsylvania under the national average of 29.38 percent. *The answer is 277 lives.*

If the Commonwealth of Pennsylvania had 277 fewer speeding-related fatalities, it would have 931 total fatalities (1,208 - 277) and 273 speeding-related fatalities (550 - 277). This would result in a percentage of speeding-related fatalities to total fatalities of 29.32 (931/273) which is slightly less than the national average. ***In 2013, the cost of a public policy which hinders municipal police officers from enforcing the maximum speed laws is estimated to be 277 human lives and unknown related physical injuries and property damage.***

**The purpose of the *Rally for Road Safety* is to end this irrational and contradictory public policy which is causing unnecessary deaths, physical injuries and property damage on Pennsylvania's roadways. Passage of either Senate Bill 535 or House Bill 71 will accomplish this life-saving objective.**



**Table 1.**  
**STATES WITH THE HIGHEST SPEEDING-RELATED FATALITIES IN 2013**

<b>Ranking</b>	<b>State</b>	<b>Speeding-Related Fatalities</b>
1	Texas	1,175
2	California	961
3	Pennsylvania	550
4	Illinois	421
5	North Carolina	413
6	New York	358
7	Florida	344
8	Missouri	308
9	South Carolina	306
10	Arizona	290

**Table 2.**  
**STATES WITH THE HIGHEST PERCENTAGES OF SPEEDING-RELATED FATALITIES TO TOTAL FATALITIES IN 2013**

<b>Ranking</b>	<b>State</b>	<b>Percentage Of Speeding-Related Fatalities to Total Fatalities</b>
1	New Hampshire	48.89
2	Wyoming	45.98
3	Pennsylvania	45.53
4	Hawaii	43.14
5	Alaska	43.14
6	Illinois	42.48
7	Washington	41.51
8	Missouri	40.69
9	South Carolina	39.90
10	North Dakota	39.86

<b>Table 3.</b>			
<b>STATES IN THE TOP TEN LISTS FOR BOTH</b>			
<b>HIGHEST SPEEDING-RELATED FATALITIES AND HIGHEST PERCENTAGES</b>			
<b>OF SPEEDING-RELATED FATALITIES TO TOTAL FATALITIES IN 2013</b>			
<b>Ranking</b>	<b>State</b>	<b>Speeding-Related Fatalities</b>	<b>Percentage Of Speeding-Related Fatalities to Total Fatalities</b>
1	Pennsylvania	550	45.53
2	Illinois	421	42.48
3	Missouri	308	40.69
4	South Carolina	306	39.90

<b>Table 4.</b>		
<b>SPEEDING-RELATED TRAFFIC FATALITIES IN PENNSYLVANIA</b>		
<b>BY ROADWAY FUNCTION CLASS IN 2013</b>		
<b>Function</b>	<b># of Fatalities</b>	<b>% of Fatalities</b>
Collector	134	24.4
Minor Arterial	124	22.5
Local	113	20.6
Other Principal Arterial	108	19.6
Rural Interstate	36	6.6
Urban Interstate	20	3.6
Freeway/Expressway	15	2.7
Totals	550	100

<b>Table 5.</b>		
<b>SPEEDING-RELATED TRAFFIC FATALITIES IN PENNSYLVANIA</b>		
<b>BY ROADWAY FUNCTION CLASS IN 2013</b>		
<b>FROM LOCAL ROADS TO RURAL INTERSTATES</b>		
<b>Function</b>	<b># of Fatalities</b>	<b>% of Fatalities</b>
Local	113	20.6
Collector	134	24.4
Minor Arterial	124	22.5
Other Principal Arterial	108	19.6
Freeway/Expressway	15	2.7
Urban Interstate	20	3.6
Rural Interstate	36	6.6
Totals	550	100

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 535 Session of  
2015

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INTRODUCED BY VULAKOVICH, ALLOWAY, AUMENT, BAKER, BLAKE,  
BREWSTER, BROWNE, COSTA, EICHELBERGER, FONTANA, HAYWOOD,  
MENSCH, PILEGGI, SCAVELLO, SCHWANK, SMITH, SMUCKER, STEFANO,  
TEPLITZ, WHITE AND YUDICHAK, FEBRUARY 20, 2015

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REFERRED TO TRANSPORTATION, FEBRUARY 20, 2015

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in rules of the road in general, further providing  
3 for speed timing devices.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3368(c) of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 3368. Speed timing devices.

9 \* \* \*

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

12 (1) Except as otherwise provided in this section, the  
13 rate of speed of any vehicle may be timed on any highway by a  
14 police officer using a mechanical or electrical speed timing  
15 device.

16 (2) Except as otherwise provided in paragraph (3),  
17 electronic devices such as radio-microwave devices (commonly

1 referred to as electronic speed meters or radar) may be used  
2 [only by members of the Pennsylvania State Police] by any  
3 police officer.

4 (3) Electronic devices which calculate speed by  
5 measuring elapsed time between measured road surface points  
6 by using two sensors and devices which measure and calculate  
7 the average speed of a vehicle between any two points may be  
8 used by any police officer.

9 (4) No person may be convicted upon evidence obtained  
10 through the use of devices authorized by paragraphs (2) and  
11 (3) unless the speed recorded is six or more miles per hour  
12 in excess of the legal speed limit. Furthermore, no person  
13 may be convicted upon evidence obtained through the use of  
14 devices authorized by paragraph (3) in an area where the  
15 legal speed limit is less than 55 miles per hour if the speed  
16 recorded is less than ten miles per hour in excess of the  
17 legal speed limit. This paragraph shall not apply to evidence  
18 obtained through the use of devices authorized by paragraph  
19 (2) or (3) within a school zone or an active work zone.

20 \* \* \*

21 Section 2. This act shall take effect in 120 days.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 71 Session of  
2015

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INTRODUCED BY READSHAW, FREEMAN, BARRAR, SAMUELSON, SCHLOSSBERG,  
COHEN, BOBACK, D. MILLER, CAUSER, MULLERY, DEASY, STURLA,  
DeLUCA, MURT, SCHWEYER, CARROLL, CONKLIN AND HICKERNELL,  
JANUARY 21, 2015

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 21, 2015

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in rules of the road in general, further providing  
3 for speed timing devices.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3368(c) of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 3368. Speed timing devices.

9 \* \* \*

10 (c) Mechanical, electrical and electronic devices  
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12 (1) [Except as otherwise provided in this section, the]  
13 The rate of speed of any vehicle may be timed on any highway  
14 by a police officer using a mechanical or electrical speed  
15 timing device.

16 (2) [Except as otherwise provided in paragraph (3),  
17 electronic] Electronic devices such as radio-microwave

1 devices (commonly referred to as electronic speed meters or  
2 radar) may be used [only by members of the Pennsylvania State  
3 Police] by any police officer.

4 (3) Electronic devices which calculate speed by  
5 measuring elapsed time between measured road surface points  
6 by using two sensors and devices which measure and calculate  
7 the average speed of a vehicle between any two points may be  
8 used by any police officer.

9 (4) No person may be convicted upon evidence obtained  
10 through the use of devices authorized by paragraphs (2) and  
11 (3) unless the speed recorded is six or more miles per hour  
12 in excess of the legal speed limit. Furthermore, no person  
13 may be convicted upon evidence obtained through the use of  
14 devices authorized by paragraph (3) in an area where the  
15 legal speed limit is less than 55 miles per hour if the speed  
16 recorded is less than ten miles per hour in excess of the  
17 legal speed limit. This paragraph shall not apply to evidence  
18 obtained through the use of devices authorized by paragraph  
19 (2) or (3) within a school zone or an active work zone.

20 \* \* \*

21 Section 2. This act shall take effect in 60 days.

**NEWSPAPERS THROUGHOUT PENNSYLVANIA HAVE  
CALLED UPON THE GENERAL ASSEMBLY TO END ITS  
PUBLIC POLICY WHICH HINDERS MUNICIPAL POLICE  
FROM ENFORCING ITS MAXIMUM SPEED LAWS  
HERE ARE SOME OF THEM**

*“State law gives speeders a dangerous edge over local police”*

PennLive Editorial Board  
May 12, 2014

*“Give cops the tools”*

Lancaster Online  
May 14, 2014

*“Arm local police with radar guns”*

The Express Times  
June 17, 2014

*“Radar absurdity  
Only in Pennsylvania are local police not trusted”*

Pittsburgh Post-Gazette  
June 25, 2014

*“On the Radar: Editorial –  
Time for Pennsylvania local police to join the radar club”*

Community Newspapers Holdings, Inc.  
May 27, 2015