

RESOLUTION NO. 16-20

**A RESOLUTION IN SUPPORT OF SENATE BILL 535 AND HOUSE BILL 71  
ENABLING ALL MUNICIPAL POLICE TO USE THE SAME MOTOR VEHICLE  
SPEED-TIMING EQUIPMENT AS THE PENNSYLVANIA STATE POLICE**

**Whereas**, public protection is a principal reason why municipalities are established and exist; and

**Whereas**, municipal police and the Pennsylvania State Police are statutorily authorized to protect the public, primarily through the enforcement of the Crimes Code and Motor Vehicle Code; and

**Whereas**, all of the tools of law enforcement available to the Pennsylvania State Police are also available to municipal police, with one notable exception, that being radar; and

**Whereas**, Pennsylvania is the only state in the United States of America that gives its municipal police a law enforcement mandate and then prohibits them from using a common and effective piece of speed-timing equipment that the Pennsylvania State Police are permitted to use; and

**Whereas**, the inability of municipal police to use radar has resulted in uneven enforcement of the maximum speed laws across Pennsylvania, as well as contributed to Pennsylvania's distinction as the state with the 3<sup>rd</sup> highest number of speeding-related fatalities and the 3<sup>rd</sup> highest percentage of speeding-related fatalities to total fatalities in the country.

**Now therefore be it resolved** this 4<sup>th</sup> day of May 2016, that the Supervisors of the Township of Amity calls upon the Members of the Senate and House of Representatives of the General Assembly of Pennsylvania, and specifically, Senator Rafferty and Representative Maloney to support Senate Bill 535 and House Bill 71 which bills would enable all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police.

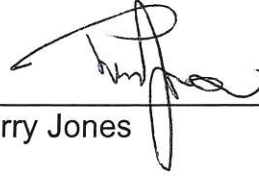
**DULY ADOPTED AND APPROVED** this 4<sup>th</sup> day of May, 2016.

AMITY TOWNSHIP  
BOARD OF SUPERVISORS


  
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Kim McGrath, Chairman



Richard Gokey, Vice Chairman



Terry Jones



Paul Weller



David Hackett

Attest:

  
Secretary of Amity Township

I, Pam Kisch, Secretary of the Board of Supervisors of the Township of Amity, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, on May 4<sup>th</sup>, 2016.

Witness my hand and the seal of said Township this 4<sup>th</sup> day of May, 2016.

  
Pam Kisch, Secretary

## THE RADAR COALITION

A "Coalition to Eliminate the Prohibition Against Municipal Police Using Radar" has been formed among the major law enforcement and municipal associations affected by this legislative prohibition. The associations participating in this coalition are: the Pennsylvania Chiefs of Police Association, the Fraternal Order of Police Pennsylvania State Lodge, the Pennsylvania Municipal League, the Pennsylvania State Association of Boroughs, the Pennsylvania Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors and the Pennsylvania State Mayors' Association. The Coalition anticipates that other non- governmental organizations concerned about public safety on Pennsylvania's highways will be joining the Coalition.

The focus of the Coalition is to change one sentence in Section 3368 (c),(2) of the Motor Vehicle Code. That sentence currently reads:

*[E]lectronic 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.*

For reasons which follow, Section 3368 (c),(2) should read:

*[E]lectronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used by any police officer.*

The reasons for making this change are many and include these eleven:

1. **Pennsylvania is the only state in the United States of America that does not allow its municipal police to use radar.** Click [HERE](#) to read the Memorandum of Rick Koch, the PSMA's legal intern on the "The Use of RADAR by Pennsylvania Municipal Police Officers." His research proves without a doubt that Pennsylvania is *the only state* in the United States of America that does not allow its municipal police to use radar.
2. **The maximum speed limits in over two-thirds of all of the municipalities in Pennsylvania are presently being enforced using radar because those municipalities are patrolled by the Pennsylvania State Police.** To be more specific, the Pennsylvania State Police enforce the maximum speed laws in 1,714 of the 2,562 municipalities of Pennsylvania.
3. **Because Pennsylvania law allows motorists to travel faster in municipalities where radar is prohibited from being used and because the curvatures and slopes of roadways limit the locations where speed can be enforced by means other than radar, there is an unequal enforcement of the maximum speed laws in Pennsylvania.** Unequal enforcement of the maximum speed laws is in direct conflict with the spirit, if not the letter, of Section 103 of the "Motor Vehicle Code" entitled "Uniformity of Interpretation." It reads: "This title shall be so interpreted and construed as to effectuate its general purpose to make *uniform the law* throughout this Commonwealth *and all political subdivisions.*"
4. **Radar is acknowledged by law enforcement personnel to be the safest, most accurate, and most economical speed-timing device.**
5. **The notion that municipalities will use radar to raise revenue is an unfounded concern that has little basis in municipal reality.** Among other reasons, the cost of enforcing the maximum speed limits is high relative to the revenue received by the municipality from the issuance of a citation. Click [HERE](#) to read the analysis entitled "Debunking the Notion That Municipal Police Would Use Radar to Raise Municipal Revenues" which addressed this unfounded concern in detail.
6. **Prohibiting municipal police officers from using a radar gun when those same officers are permitted to use a 40 caliber Glock or a taser is illogical and absurd.**
7. **For most mayors, the number of times that residents have demanded enforcement of maximum speed laws far outnumbers the complaints, if any, that traffic enforcement has been too aggressive.** In support of this proposition, 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." Click [HERE](#) to read to the "Media Release from Shamokin Dam Borough" and [HERE](#) to peruse the "Economic Development Survey of Shamokin Dam Borough - August/ September 2012."
8. **The multiple restrictions in the Motor Vehicle Code on the use of radar as a speed-timing device would be applicable to municipal police in the same way that they currently apply to the Pennsylvania State Police.** For instance, "no person may be convicted upon evidence obtained through the use of [radar] unless the speed recorded is six or more miles per hour in excess of the legal speed limit." Click [HERE](#) to read all of the restrictions applicable to the Pennsylvania State Police when they use radar to enforce Pennsylvania's maximum speed laws.

9. **According to the Insurance Institute for Highway Safety, speeding is a safety problem.** "Nearly 10,000 deaths - 29 percent of all crash fatalities - occurred in speed-related crashes in 2013. Enforcement of speed limits helps keep speeds down." Click [HERE](#) to be connected to the Insurance Institute's website where it discusses this issue in depth.

10. The General Assembly of Pennsylvania enacted Subchapter F of the Motor Vehicle Code entitled "Speed Restrictions" which includes Section 3362 entitled "Maximum Speed Limits" to protect the public from the dangers of speeding, as a matter of public policy. **To specifically legislate that municipal police are restricted in their enforcement of these public safety laws when the State Police, who are enforcing the exact same laws, are not so restricted is an indefensible contradiction in public policy.** Public safety should not be compromised in the absence of a compelling reason. The type of uniform a police officer is wearing is not such a reason. Click [HERE](#) to read Section 3362 of the "Motor Vehicle Code" in its entirety.

11. The latest *Traffic Safety Facts* published by the National Highway Traffic Safety Administration (NHTSA) on *Speeding* strongly suggest that Pennsylvania has the worst record in the United State of America for speeding-related fatalities *and* that Pennsylvania's public policy which hinders and prevents municipal police from enforcing the maximum speed laws is the cause. Click [HERE](#) to read the NHTSA's *Traffic Safety Facts* published in June 2015 based upon 2013 data. In 2013, Pennsylvania had the 3rd highest number of speeding-related fatalities and the 3rd highest percentage of speeding-related fatalities to total fatalities in the nation. 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. Furthermore, the numbers of speeding-related fatalities on roadways where municipal police often enforce the maximum speed laws, *but are prohibited from using radar*, were on average 5 times higher than the number of speeding-related fatalities on roadways where the State Police primarily enforce the same maximum speed laws, *but are allowed to use radar*. It is a fact that in order for Pennsylvania to bring its percentage of speeding fatalities to total fatalities under the national average for one year, 277 fewer speeding-related fatalities would need to be prevented. Click [HERE](#) for more details. Pennsylvanians simply cannot live with a public policy that results in high numbers of traffic fatalities and unspecified physical injuries and property damage.

The Radar Coalition has drafted a bill to amend Section 3368 (c),(2) of the Motor Vehicle Code to give municipal police the option of using radar to enforce the maximum speed limits established by the General Assembly. In this legislative session, Senator Randy Vulakovich introduced the Radar Coalition's bill in the Senate along with 20 bi-partisan co-sponsors and Representative Harry Readshaw introduced the same bill in the House of Representatives along with 17 bipartisan co-sponsors. Those bills are Senate Bill 535 and House Bill 71 respectively.