

RESOLUTION NO. 22-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF AMITY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DANIEL BOONE AREA SCHOOL DISTRICT GOVERNING THE USE OF THE STOP ARM SIGNAL ENFORCEMENT SYSTEM ON THE DANIEL BOONE AREA SCHOOL DISTRICT BUSES.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Amity Township, Berks County, Pennsylvania ("Amity Township"), as follows:

1. The Intergovernmental Agreement between the Daniel Boone Area School District ("School District") and Amity Township governing the use of the stop arm signal enforcement system on the School District school buses pursuant 75 Pa. C.S.A. Section 3345 *et seq.*, is approved as attached hereto as Exhibit "A".
2. The appropriate officers of the Board of Supervisors of Amity Township are hereby authorized to execute same.
3. This Resolution shall become effective as provided by applicable law.

DULY ADOPTED, this 21st day of September, 2022, by the Board of Supervisors of Amity Township, Berks County, Pennsylvania.

Attest: Pamela Kisch
Pamela Kisch, Secretary

[SEAL]

BOARD OF SUPERVISORS OF
AMITY TOWNSHIP
Berks County, Pennsylvania

Kim McGrath
Kim McGrath, Chairperson

David Hackett
David Hackett, Vice Chairperson

Paul Weller
Paul Weller, Supervisor

Terry Jones
Terry Jones, Supervisor

Kevin Keifrid
Kevin Keifrid, Supervisor

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT is entered into by and between the **Daniel Boone Area School District**, with its principal offices located at 501 Chestnut Street, Birdsboro, PA 19508, hereinafter referred to as -----the “District”

AND

The **Amity Township Police Department**, collectively referred to hereinafter as -----the “Law Enforcement Agencies.”

WHEREAS, at its regularly scheduled meeting held on September 21, 2022, the District’s Board of School Directors approved an agreement with BusPatrol America, LLC to provide a stop arm signal arm enforcement system on each bus pursuant to 75 Pa.C.S.A. §3345.1(g) for the purpose of enforcing violations of 75 Pa.C.S.A. §3345, which prohibits the driver of a vehicle from meeting or overtaking any school bus stopped on a highway or trafficway flashing its red signal lights. This agreement is referred to hereinafter as the “BusPatrol Agreement”; and

WHEREAS 75 Pa.C.S.A. §3345.1(h,1) further authorizes the District to enter an intergovernmental agreement with the Law Enforcement Agencies to enforce violations of 75 Pa.C.S.A. §3345 captured using an automated stop signal arm enforcement system (“the BusPatrol System”) through the issuance of a civil penalty; and

WHEREAS the District and Law Enforcement Agencies mutually desire to enter into such an intergovernmental agreement pursuant to 75 Pa.C.S.A. §3345.1(h.1).

NOW THEREFORE, intending to be legally bound hereby, the parties agree as follows:

1. Authority/Jurisdiction to Enforce Violations
 - A. For any violation of 75 Pa.C.S.A. §3345 captured by the BusPatrol System that occurs within the boundaries of the Amity Township shall have primary authority/jurisdiction to enforce the violation and the Pennsylvania State Police shall have secondary authority/jurisdiction.

B. For any violation of 75 Pa.C.S.A. §3345 captured by the BusPatrol System that occurs within the boundaries of Amity Township shall have primary authority/jurisdiction to enforce the violation and the Pennsylvania State Police shall have secondary authority/jurisdiction.

C. For any violation of 75 Pa.C.S.A. §3345 captured by the BusPatrol System that occurs within the boundaries of Amity Township shall have primary authority/jurisdiction to enforce the violation and the Pennsylvania State Police shall have secondary authority/jurisdiction.

D. For any violation of 75 Pa.C.S.A. §3345 captured by the BusPatrol System that occurs in any area that does not have its own local police department, the District, itself or through delegation to its stop arm signal arm enforcement system vendor, may request the Pennsylvania State Police to review the evidence package and enforce the violation. The Pennsylvania State Police shall also have the authority/jurisdiction to enforce a violation that is witnessed by an officer of the Pennsylvania State Police.

E. Amity Township Police Department only has the authority/jurisdiction to enforce a violation of 75 Pa.C.S.A. §3345 if the Sheriff or a Sheriff's Deputy witnesses the violation.

2. Responsibilities of Law Enforcement Agencies

The law enforcement agency enforcing a civil violation of 75 Pa.C.S.A. §3345 captured by the BusPatrol System shall adhere to the requirements of 75 Pa.C.S.A. §3345.1, as well as any other applicable laws or rules of procedure. As part of its responsibilities, the law enforcement agency enforcing the violation shall:

A. Prepare and file the evidence certificate and package identified in 75 Pa.C.S.A. §3345.1(d).

B. Adhere to 75 Pa.C.S.A. §3345.1(e)(2)(i), (e)(2)(ii), and (e)(2)(iii) regarding the use and disclosure of information relating to violations.

C. Pursuant to 75 Pa.C.S.A. §3345.1(h.2):

(i) Review submitted evidence from the manufacturer or vendor of the automated stop signal arm enforcement system to determine if there is sufficient evidence that a violation under section 3345 occurred and electronically certify the notice of violation.

- (ii) Provide information to a school district related to the police or police department's capacity to view and authorize the notice of violation.
- D. Comply with the “notice of violations, fines, and contests” provisions stated in 75 Pa.C.S.A. §3345.1(i.1) and Section 1.8 of the BusPatrol Agreement.
- E. Appear as needed at all court proceedings held before a Magisterial District Judge or any other court regarding a violation and ensure that the law enforcement receives its \$25 share of the civil penalty.
- F. Adhere to the requirements of 75 Pa.C.S.A. §3345.1(c)(4) that the civil violation shall not
 - (i) be deemed a criminal conviction.
 - (ii) be made part of the operating record of the individual upon whom the penalty is imposed under section 1535 (relating to schedule of convictions and points).
 - (iii) be the subject of merit rating for insurance purposes; or
 - (iv) authorize imposition of surcharge points in the provision of motor vehicle insurance coverage.
- G. Adhere to the provisions in the BusPatrol Agreement that pertain to the responsibilities of law enforcement including, but not limited to, Sections 1.8, 4.1.9, and 5.2.

3. Responsibilities of the District

The District shall work with BusPatrol to meet all requirements imposed on the District and BusPatrol pursuant to 75 Pa.C.S.A. §3345.1. As part of its responsibilities, the District shall:

- A. Coordinate with BusPatrol to provide the law enforcement agency enforcing the violation with written documentation that the side stop signal arm enforcement system was operating correctly at the time of the alleged violation and a copy of any video evidence of the alleged violation.
- B. Pursuant to 75 Pa.C.S.A. §3345.1(h), coordinate with Bus Patrol to provide the following to the law enforcement agency enforcing the violation:

- (i) A copy of the recorded image showing the vehicle.
- (ii) The license plate number and state of issuance of the motor vehicle.
- (iii) The date, time and place of the alleged violation.

4. Criminal Proceedings

75 Pa.C.S.A. §3345.1(c)(3) provides that the vehicle operator shall not be liable for the civil penalty if the operator is also criminally convicted of the same violation under 75 Pa.C.S.A. §3345. Therefore, the Law Enforcement Agencies agree that a vehicle operator's first offenses for a violation of 75 Pa.C.S.A. §3345 shall be enforced as a civil penalty only pursuant to 75 Pa.C.S.A. §3345.1. Any subsequent offenses by the same operator may, at law enforcement's discretion, be enforced through a civil penalty or through criminal proceedings.

5. Term & Termination


This Agreement shall remain in effect so long as the BusPatrol Agreement remains in effect and shall automatically terminate upon the expiration of the term, or the termination of, the BusPatrol Agreement.

6. Amendments

This Agreement may be amended, modified, or waived only by written agreement signed by all of the parties hereto.


Daniel Boone Area School District

ATTEST:




9-26-22
Date

Amity Township Police Department


Chief J. Smith #112

9/22/22
Date


Pamela L. Kisch, Secretary

9/22/2022