



Text File

Introduced: 4/9/2002

Bill No: 2001, Version: 1

Committee: Committee on Public Safety  
Services

Status: Passed Finally

Presented by Mr. O'Connor

A Resolution conveying a sense of Council to the Pennsylvania House of Representatives and Senate requesting an amendment to the PA Statutes., Speed Timing Devices, to allow City of Pittsburgh police officers the right to utilize radio-microwave devices to provide effective traffic management and enforcement of posted speed limits.

**WHEREAS**, the City of Pittsburgh, a city of the second class within the Commonwealth of Pennsylvania, is a major destination point for vehicular traffic in the western portion of the Commonwealth of Pennsylvania; and,

**WHEREAS**, vehicular traffic within the City of Pittsburgh has reached a point where the safety of the citizens of Pittsburgh has been compromised due to regular and consistent violation of posted speed limits on city streets; and,

**WHEREAS**, the City of Pittsburgh must at great cost - on a daily basis - devote a significant amount of its police resources to the management of vehicular traffic flow and enforcement of the vehicular code of the Commonwealth; and,

**WHEREAS**, due to a long standing and unsupportable prohibition by the Commonwealth against the city's use of radar as a speed enforcement tool, the City is severely limited in what it can do to effectively enforce posted speed limits on streets within its jurisdiction. Due to this prohibition, the City is forced to utilize more expensive and cumbersome technologies that are far and away more limited in its use and application.

**Be It Resolved by the Council; of the City of Pittsburgh as follows:**

**Section 1.** The Council of the City of Pittsburgh does respectfully convey to the city's state legislative delegation, for the above stated reasons, its request to have the Pennsylvania Statutes at Title 75 - PART III. Operation of Vehicles, Chapter 33. Rules of the Road, Subchapter F - Speed Restrictions. § 3368(a)(2), Speed Timing Devices, amended to allow police officers of the City of Pittsburgh, a city of the second class, to utilize radio-microwave devices (commonly referred to as electronic speed meters or radar) in order to provide for effective traffic management and enforcement of posted speed limits.

The Council conveys to its state legislators a proposed amendment to the Commonwealth's vehicle code that would allow a city of the second class to utilize radio-microwave devices.

**PART III. OPERATION OF VEHICLES**

**CHAPTER 33. RULES OF THE ROAD IN GENERAL**

**Subchapter F - Speed Restrictions.**

**§ 3368. Speed timing devices.**

**(a) Speedometers authorized.**--The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. 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.

**(b) Testing of speedometers.**--The department 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 60 days prior to the alleged violation. 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.

**(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 **OR POLICE OFFICER EMPLOYED BY A CITY OF THE SECOND CLASS.**
3. Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.
4. No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) 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 devices authorized by paragraph (3) 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 (3) within a school zone.

**(d) Classification, approval and testing of mechanical, electrical and electronic devices.**--The department 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. The 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.

**(e) Distance requirements for use of mechanical, electrical and electronic devices.**--Mechanical, electrical or electronic devices may not be used to time the rate of speed of vehicles within 500 feet after a speed limit

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sign indicating a decrease of speed. This limitation on the use of speed timing devices shall not apply to speed limit signs indicating school zones, bridge and elevated structure speed limits, hazardous grade speed limits and work zone speed limits.