



Text File

Introduced: 11/8/2021

Bill No: 2021-2174, Version: 2

Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control, by adding a new section, Section 503.17: "Equitable and Fair Enforcement of Motor Vehicle Laws."

Whereas, in a recent series published by the *New York Times*, "Why So Many Police Traffic Stops Turn Deadly", the authors state: "Traffic stops are by far the most common police encounters with civilians..."; **and**,

Whereas, this series went further to state: "'All you've heard are horror stories about what could happen,' said Sarah Mooney, assistant police chief in West Palm Beach. 'It is very difficult to try to train that out of somebody.' The overemphasis on danger has fostered tolerance for police misconduct at vehicle stops, some argue..."; **and**,

Whereas, a group of researchers posited, in a report published in *Nature: Human Behavior*, that "Our results indicate that police stops and search decisions suffer from persistent racial bias and point to the value of policy interventions to mitigate these disparities." Pierson, E., Simoiu, C., Overgoor, J. et al. *A large-scale analysis of racial disparities in police stops across the United States. Nat Hum Behav* 4, 736-745 (2020).; **and**,

Whereas, this same report found that, "Applied to our data, the threshold test indicates that black and Hispanic drivers were searched on the basis of less evidence than white drivers, both on the subset of searches carried out by state patrol agencies and on those carried out by municipal Bureau of Polices."; **and**,

Whereas, many of these traffic stops are conducted on the basis of "secondary" violations of the Motor Vehicle Code, such as temporary registration permits being affixed to the wrong side of the rear window, a single burnt-out headlamp or taillamp bulbs, etc.; **and**,

Whereas, other municipalities, noting these and other disparities in traffic and motor vehicle enforcement, have begun changing their enforcement policies to ensure that policing resources are used to protect public safety and not to penalize people for being poor, who, in all too many cases, are people of color; **and**,

Whereas, the Pennsylvania Motor Vehicle Code, ("Motor Vehicle Code", or "MVC"), 75 Pa.C.S.A. § 6102, states: "Local authorities may exercise the powers granted in this chapter only by duly **enacted ordinances of their governing bodies.**"; **and**,

Whereas, the Motor Vehicle Code, 75 Pa.C.S.A. § 6109, additionally states that: "The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following

Committee: Committee on Public Safety Services

Status: Passed Finally

are presumed to be reasonable exercises of police power: ... (2) Regulating traffic by means of police officers or official traffic-control devices.; and further, ... (20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.”; and,

Whereas, § 23161 of the Second Class Cities Law, Act of April 29, 1911, P.L. 105, § 1, as amended, 53 P.S. § 23161, states, in pertinent part: *“every city of the second class, ... is authorized and empowered **to enact ordinances** regulating, in the interests of public safety, ... convenience, the movement of ... vehicular traffic, of every kind, in streets, parks, bridges, squares, and public places in such cities.”; and,*

Whereas, § 23163 of the Second Class Cities Law, Act of April 29, 1911, P.L. 105, § 3, as amended, 53 P.S. § 23163, states, in pertinent part: *“The regulation of traffic in such cities of the second class, as provided for in this act, shall be vested in the Department of Public Safety of such cities... ”; and,*

Whereas, § 4(A) of “Working Agreement Between The City of Pittsburgh and the Fraternal Order of Police - Fort Pitt Lodge No. 1”, effective January 1, 2019, states: *“The City and the Director of the Department of Public Safety, through the Chief of Police shall have the exclusive right to manage, administer, and supervise the employees including the right to schedule and assign work... ”; and,*

Whereas, City Council does hereby find and declare that a change in traffic enforcement policy is in the best interest of the public and police officers alike; **and,**

Whereas, such changes will aid the City in living up to its affirmative obligation to obey Article I, §§ 8, 26, 28 and 29 of the Constitution of the Commonwealth of Pennsylvania and § 204(j) of the City’s Home Rule Charter.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control is hereby supplemented as follows:

§ 503.17: Equitable and Fair Enforcement of Motor Vehicle Laws.

a. Legislative Intent

It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

b. Definitions

1. **Primary Violation.** A violation of the Pennsylvania Vehicle Code, 75 Pa.C.S. Section 101, et. seq., observed within the city of Pittsburgh, that does not constitute a secondary violation.

2. **Secondary Violation.** Violations of the following provisions of the Pennsylvania Vehicle Code, and such other violations as are identified by the Bureau of Police by regulation:
 - i. Title 75 Pa. C.S. § 1301. Registration of Vehicles, when the vehicle had been previously registered within the Commonwealth within sixty days of the observed infraction.
 - ii. Title 75 Pa. C.S. § 1310.1 (c). Temporary Registration Permits, where the violation is related to the location of the permit but the permit is otherwise clearly displayed in the rear window.
 - iii. Title 75 Pa C.S. § 1332 (a). Display of Registration Plate, where the violation pertains to a plate not securely fastened to the vehicle but such plate is otherwise clearly displayed.
 - iv. Title 75 Pa. C.S. § 4302. Periods For Requiring Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light required by 75 Pa. C.S. § 4302.
 - v. Title 75 Pa. C.S. § 4524 (c). Other Obstruction.
 - vi. Title 75 Pa. C.S. § 4536. Bumpers.
 - vii. Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection, where the inspection certificate was valid within sixty days of the observed infraction.
 - viii. Title 75 Pa. C.S. §4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection, where the inspection certificate was valid within sixty days of the observed infraction.

c. **Compliance and Enforcement of the Pennsylvania Vehicle Code**

1. **Compliance with the Pennsylvania Vehicle Code.** So long as such conduct is prohibited by the Pennsylvania Vehicle Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with

the provisions of the Vehicle Code.

2. **Enforcement of Primary Violations.** A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation of a primary violation observed within the City of Pittsburgh without observing any other Pennsylvania Vehicle Code violation.
 3. **Enforcement of Secondary Violations.** Notwithstanding the provisions of any contrary ordinance, resolution, regulation, procedure or order of the City or any of its departments or agencies, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation, enumerated in § 503.17(b)(2), observed within the City of Pittsburgh only where there is a simultaneously-observed primary violation for which an officer, at their discretion, could issue a citation.
- d. **Construction.** This section shall not be construed to supersede and state or federal law.
 - e. **Severability.** If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.
 - f. **Conflict with other Ordinances or Resolutions.** All Ordinances or Resolutions inconsistent with these provisions are hereby repealed to the extent of their inconsistency.
 - g. **Annual Review.** *The Bureau shall provide the Department of Public Safety and City Council with an annual report on this Ordinance for purposes of review.*
 - h. **Effective Date.** *This Ordinance shall take effect one hundred twenty (120) days following after it becomes law.*