

Local Police Radar Can Enhance Community Safety And Deter Excessive Speed

This writing is in response to an email sent to Pennsylvania Legislative Representatives by Mr. Thomas McCarey, claiming to be a member of the National Motorists Association, www.motorists.org, dated March 17, 2022. The writer takes a position that RADAR is not a safety tool, but rather is a revenue raising tool. He also addressed some other concerns relating to the establishment of speed limits.

I am copying each item from his email and putting his words in this document in Italics. My responses are in the not-italicized font style.

1. *RADAR is not a safety tool. RADAR is a revenue raising tool.*

This statement is grossly misleading. There are two major groups where safety is an issue: (1) Citizens in general and (2) law enforcement officers

- Citizens: Regarding the safety of pedestrians, bicyclists, children and so forth who may share the roadway, driving at a safe speed with consideration for current conditions, including housing density, parking density, and variables such as weather. Real property and other vehicles would remain undamaged due driver's poor judgement resulting in speed-related accidents.
 - Many of our communities have no, or incomplete, sidewalks for pedestrians who then have to walk on the highway or adjacent to it if it's safe to do so. Children are especially vulnerable due, often, to their seeming inability to follow parent's safety instructions. I'm familiar with this condition, I was a child once long ago and made those mistakes.
- Police Officers: With the current tools available to local law enforcement in Pennsylvania, they must paint and measure lines on the road, or get their friends from municipal public works to paint the lines. Regardless of who paints the lines, the persons will have endangered themselves in a way that wouldn't be required if Radar was available. The police officer must measure the distance between the lines when they use them, further exposing themselves to injury. Other systems currently available require manual deployment of expensive equipment by the police officer and then two officers and vehicles to conduct the traffic observation effectively.
 - Additional hazards for officers including painting lines or setting up equipment during inclement weather. Even when the lines exist, it's required that the distances be verified. Limited visibility also takes a role, as well as impaired line of site, during inclement weather. Consideration should be taken regarding the increase in traffic accidents that occur during inclement weather due to increased stopping distances and lacks of precaution by drivers at published speeds as well as excessive speeds.

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Darkness makes the lines difficult or impossible to see as well as snow covering the lines prior to the end of the snow storm and complete plowing.

- It should be noted that while we expect police officers to protect the citizens and enforce our laws, a task that at times requires them to take prudent risks, their primary mission is to go home to their spouse and children as they safely complete their shift. Radar supports officer safety.
- Radar is not a fund-raising tool for local governments who compensate our local police departments and officers for having done their jobs. The statement is completely misleading. The breakdown of how the fine revenue is distributed to the Commonwealth General Fund, the EMS fund, the courts, and so forth leaves very little for the local municipality who pay the local police to enforce our laws. Simply put, the incremental financial results do not exist, at the local level, to support the hypothesis of revenue raising as an incentive for local police to use of Radar in this Commonwealth.

Giving RADAR to municipal police will result in an epidemic of speed traps. Speed limits are not set using highway safety engineering standards. Instead, they are set by local bureaucrats who use their feelings to set speed limits. They think they are so smart that they know which speed is the safest.

In their wisdom, 90% of the time the bureaucrats post limits 8 to 16 mph below prevailing speeds [FHWA data]. The result of this is that in driving 90% of our roads you are automatically "speeding" and liable for a \$170+ ticket plus points that will increase the cost of your insurance.

- The statements contained in these two paragraphs are completely misleading and totally wrong.
 - The intent of providing our municipal and regional police departments with speed enforcement radar is to deter excessive speed in our neighborhoods and on our local highways. We are setting the speed limits in accordance with mandated traffic engineering practices as reference later in this document.
 - Our police officers have plenty to do with reference to investigations for retail theft, domestic violence, use and sale of illicit drugs, increasing violence in our schools, and the occasional murder, among other things.
 - We have tools to gather information to determine when our police officers must place speed enforcement as a priority activity. We would rather take steps to deter speeding and allow our officers to focus time on those other important issues.
 - The presence of the signs at the roadway entrance to the communities stating that radar is being used for speed enforcement would, by themselves, be a deterrent to speeding. The signs let the potentially

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speeding motorists know that this community is serious about speed enforcement and provides them with a reminder of the greater likelihood of their speed being accurately measured for enforcement, and that the potential for forfeiture of funds in the form of fines for speeding is quite real.

- If a community can afford it, signs with the words “Enforced by Radar,” affixed immediately below each speed limit sign, would enhance the deterrent quality of a radar program.
- Excessive speed and distraction in driving also occurs with the increased use of “Interactive Wireless Communications Devices”, most commonly hand-held cellular telephones. Drivers often are using most of their mental faculties while operating the vehicle, and when operating a hand-held communications device their attention is distracted and often their visible site field being somewhat impaired due to holding the device next to their head and communicating. HB37 attempts to address the safety issues but most of the time the improper use of the communications device isn’t the first thing a police officer observes. It’s erratic or apparently distracted driving, that often includes inattention to speed, that the officer notices. Radar can help support the safety intent associated with rules attempting to be clarified by HB37.

The proper way to set a speed limit is to do a traffic study to determine the prevailing speed of the free flow of vehicles. The prevailing speed is called the 85th Percentile Speed, the safest speed with the most compliance, a highway safety engineering concept that has been proven effective for 70 years. Posting 85th Percentile Speeds results in less speed differential smoothing the flow of traffic, reducing accidents and injuries.

- Speed limits in our municipalities are currently set according to the requirements set forth in 75Pa. C.S § 3362. It should be noted that the default speed limit on roads identifiable as Un-numbered Resident Streets is 25 miles per hour. Residential streets make up a majority of the roadways that our local police are held accountable by our citizens for enforcing speed limits. We have yet to have any resident living on a street so defined attend a Borough Council meeting to request that the speed limit on their street be increased to greater than 25 MPH. We have had requests to reduce the posted speed limit along with increased speed enforcement and speed mitigation devices being placed in the roadway. We have been able to accommodate some of those citizen requests involving citizen input and concurrence in the form of polls by mail, scheduled public meetings, in-person interviews, and within the applicable limits of 75Pa. C.S § 3362 following accepted traffic engineering principals mandated by 75Pa. C.S § 6109 and PennDot LTAP Technical Information Sheet #165 as well as PennDOT

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highway engineering staff guidance. In other words, we currently establish speed limits within our municipalities, as contended by Mr. McCarey, in accordance with the complete guidelines that result in the 85th Percentile Speed being used as the posted speed limit, and concur with his position that speed limits shall be established after completion of the requisite traffic studies. This, in no way, makes enforcement obsolete or unnecessary.

- Courts have requested that municipalities submit their traffic study documentation, gathered in accordance with the above-referenced codes, for specific roads when a motorist, who has received a traffic citation, defends their actions in Court. That information is used as part of the evidence-gathering process to help determine guilt or innocence. The failure of the municipality to produce that evidence in a method satisfactory to the Court may lead to the dismissal of charges or a not-guilty verdict. It is, therefore, to the municipality's advantage to have completed the requisite traffic studies, conducted in accordance with the referenced Pennsylvania Code, for every street and highway they're responsible for and have the reports and other information available for submission when requested. When we do our traffic engineering studies correctly, the reports make it more likely that the requested information will result in convictions.

In part of NMA's website, in one of the sections mentions protecting the rights of motorists. Driving is a privilege. Conflating these concepts may promote a misunderstanding regarding the rights and privileges of everyone else relative to the motorist or driver.

In summary, the best way for a driver or motorist to avoid receiving a citation for excessive speed is to drive no faster than it is safe and in compliance with the posted speed limits keeping in mind, as a priority, the rights and privileges of others.