

## Legislation Details (With Text)

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**Title:** Adding a new Chapter 12-3400 of The Philadelphia Code, entitled "Use of An Automated Speed Enforcement System to Improve Safety on Roosevelt Boulevard," to provide for the use of automated cameras to determine speeding violations on Roosevelt Boulevard and to establish a system of enforcement and administration; and amending Section 12-2405 of The Philadelphia Code, entitled "Removal and Immobilization of Parked Vehicles; Notice," to include among the violations subject to boot and tow enforcement delinquent violation notices under such new Chapter 12-3400; all under certain terms and conditions.

**Sponsors:** Councilmember Parker, Councilmember Bass, Council President Clarke, Councilmember Quiñones Sánchez

**Indexes:** USE OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM TO IMPROVE SAFETY ON ROOSEVELT BOULEVARD

**Code sections:** 12-2405 - Removal or Immobilization of Parked Vehicles; Notice

**Attachments:** 1. Bill No. 19018400.pdf, 2. CertifiedCopy19018400, 3. 190184 - Finance Director's Certification Pursuant to Section 4 of Bill No. 190184.pdf

| Date      | Ver. | Action By                         | Action | Result | Tally |
|-----------|------|-----------------------------------|--------|--------|-------|
| 6/5/2019  | 0    | MAYOR                             | SIGNED |        |       |
| 5/16/2019 | 0    | CITY COUNCIL                      |        |        |       |
| 5/9/2019  | 0    | CITY COUNCIL                      |        |        |       |
| 5/9/2019  | 0    | CITY COUNCIL                      |        |        |       |
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| 5/2/2019  | 0    | Committee on Streets and Services |        |        |       |
| 5/2/2019  | 0    | Committee on Streets and Services |        |        |       |
| 5/2/2019  | 0    | Committee on Streets and Services |        |        |       |
| 3/14/2019 | 0    | CITY COUNCIL                      |        |        |       |

Adding a new Chapter 12-3400 of The Philadelphia Code, entitled "Use of An Automated Speed Enforcement System to Improve Safety on Roosevelt Boulevard," to provide for the use of automated cameras to determine speeding violations on Roosevelt Boulevard and to establish a system of enforcement and administration; and amending Section 12-2405 of The Philadelphia Code, entitled "Removal and Immobilization of Parked Vehicles; Notice," to include among the violations subject to boot and tow enforcement delinquent violation notices under such new Chapter 12-3400; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 12 of The Philadelphia Code is hereby amended to add a new Chapter 12-3400 as follows:

TITLE 12. TRAFFIC CODE

\* \* \*

CHAPTER 12-3400. USE OF AN AUTOMATED SPEED ENFORCEMENT  
SYSTEM TO IMPROVE SAFETY ON ROOSEVELT BOULEVARD

§ 12-3401. Definitions.

(1) “Automated Speed Enforcement System.” An electronic traffic sensor system that: is approved by the Pennsylvania Department of Transportation; is able to automatically detect vehicles exceeding the posted speed limit with a type of speed timing device; and produces a recorded image which shows:

- (a) a clear and legible identification of the vehicle's license plate;
- (b) location; and
- (c) date and time.

(2) “The Vehicle Code.” Title 75 of the Pennsylvania Consolidated Statutes.

(3) “Recorded Image.” An image recorded on a photograph, a digital image or any other image-capture technology.

§ 12-3402. Speed Limit Violations Using Automated Enforcement.

The owner of a vehicle that is recorded by an automated speed enforcement system exceeding the posted speed limit established under Section 3362 of the Vehicle Code (relating to maximum speed limits) by 11 miles per hour or more at a location designated and equipped pursuant to this Chapter is in violation of Section 3370 of the Vehicle Code (relating to a pilot program for use of an automated speed enforcement system on Roosevelt Boulevard) and this Chapter, and subject to the fines and penalties established herein.

§ 12-3403. Locations at Which An Automated System May Be Installed.

(1) An automated speed enforcement system may be used to enforce this Chapter on U.S. Route 1 (Roosevelt Boulevard) at any location between Ninth Street and the Philadelphia County line shared with Bucks County that is approved by the Department of Streets, the Pennsylvania Department of Transportation and the Philadelphia Parking Authority.

(2) No automated system shall be used unless:

- (a) warning signs are conspicuously posted as follows:

(i) two signs warning that an automated speed system is in use shall be posted at the beginning, and two such signs shall be posted at the end, of the stretch of U.S. Route 1 at which camera locations may be installed;

(ii) two signs warning that an automated speed enforcement system is in use shall be posted at no greater than two-mile intervals along such stretch of U.S. Route 1; and

(iii) at least one sign shall be posted before the area in which each automated speed enforcement device is used, providing notification that a device is in use immediately ahead; and

(b) a notice identifying the location of the automated speed enforcement system is posted on the publicly accessible Internet website of the Department of Transportation.

§ 12-3404. *Role of the Philadelphia Parking Authority.*

*The Philadelphia Parking Authority is designated as the System Administrator to supervise and coordinate the administration of notices of violation issued under Section 3370 of The Vehicle Code and this Chapter.*

§ 12-3405. *Notification of Violation.*

(1) *The Philadelphia Parking Authority shall prepare and mail a notice of violation addressed to the registered owner of a vehicle identified in a recorded image produced by an automated speed enforcement system as evidence of a violation of Section 3370 of the Vehicle Code and this Chapter.*

(2) *The notice of violation must include:*

(a) *the name of the registered owner of the vehicle;*

(b) *registration number and state of issuance of the vehicle registration;*

(c) *the date, time and place of the alleged violation;*

(d) *a statement that the violation charged is under Sections 3362 and 3370 of the Vehicle Code and this Chapter;*

(e) *the penalty for the violation;*

(f) *a copy of the recorded image showing the vehicle;*

(g) *the date on which the notice was mailed; and*

(h) *instructions for return of the notice of violation, which shall read: "This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner. Failure to return this notice or to request a hearing within 30 days of mailing of this notice shall be considered an admission of liability."*

(3) *The notice of violation must be authenticated by a City police officer who swears or affirms that he or she has inspected the recorded images evidencing the violation and the information set forth in the notice of violation and that he or she has reason to believe the information contained in the notice of violation is true and correct.*

(4) *In the case of a violation involving a motor vehicle registered under the laws of Pennsylvania, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner as listed in the records of the Department of Transportation.*

(5) *In the case of motor vehicles registered in jurisdictions other than Pennsylvania, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the jurisdiction having charge of the registration of the vehicle. A notice of violation under this Section must be provided to an owner within 90 days of the commission of the offense.*

(6) *The provisions of Chapter 12-1400 shall not apply to this Chapter.*

§ 12-3406. *Fines and penalties.*

(1) *Fines for a violation under this Chapter are as follows:*

(a) *When the vehicle exceeds the posted speed limit by 11 miles per hour or more, but by less than 20 miles per hour, \$100.*

(b) *When the vehicle exceeds the posted speed limit by 20 miles per hour or more, but by less than 30 miles per hour, \$125.*

(c) *When the vehicle exceeds the posted speed limit by 30 miles per hour or more, \$150.*

(d) *No more than three violation notices establishing fines shall be issued for violations occurring within any thirty-minute period, provided that the notices issued shall be for the violations within such period with the highest corresponding fine amounts.*

(2) *Additional Penalties.*

(a) *Additional penalties for failure to answer a notice of violation by payment of the fine or requesting a hearing regarding the notice of violation are as follows:*

(i) *\$20.00 for each notice which remains unanswered for more than 30 days from issuance;*

(ii) an additional \$25.00 for each notice which remains unanswered for more than 60 days from issuance; and

(iii) an additional \$30.00 for each notice which remains unanswered for more than 90 days from issuance.

§ 12-3407. Admission of Responsibility and Payment of Fine.

An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine set forth in the notice, and any applicable penalties, pursuant to payment terms set forth in the notice. Payment of the established fine and any applicable penalties shall operate as a final disposition of the case.

§ 12-3408. Defenses to Liability.

(1) No vehicle owner shall be liable pursuant to this Chapter if he or she has been issued a violation notice pursuant to Section 3362 of the Vehicle Code for the same incident of conduct.

(2) It shall be a defense to a violation under this Chapter that:

(a) the person receiving the notice of violation was not the owner of the vehicle at the time of the offense;

(b) the person named in the notice of the violation was not operating the vehicle at the time of the violation, based on the submission of evidence. To raise such a defense, the owner is not required to disclose the identity of the operator of the vehicle at the time of the violation;

(c) the vehicle was reported stolen to a state or municipal police department prior to the time the violation occurred and was not recovered before the violation; or

(d) the device being used to determine speed was not in compliance with Section 3368 of the Vehicle Code (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

§ 12-3409. Request for a Hearing.

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the Parking Authority during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the matter shall be scheduled before a hearing officer appointed by the Director of Finance. Written notice of the date, time and place of hearing must be sent by first-class mail to the owner.

(3) Hearings pursuant to this Chapter shall be conducted pursuant to 2 Pa. C.S. Ch.5 (relating to practice and procedure) and will be subject to appeal pursuant to 2 Pa. C.S. Ch. 7 (relating to judicial review).

(4) *At a hearing pursuant to this Chapter, no evidence of violation need be submitted other than the following, which shall be admissible in such hearing:*

(a) *the notice of violation, including the recorded image evidencing the violation, which shall be prima facie evidence of the facts contained in it, provided that: (i) it contains the required authentication of the City police officer; and that (ii) written documentation is provided that the automated speed enforcement system was operating correctly at the time of the alleged violation and has been tested for accuracy at regular intervals as designated by the Department of Transportation; and*

(b) *information from a state department of transportation or motor vehicles identifying the owner of the vehicle.*

(5) *The police officer who signed the authentication shall not be required to appear at the hearing unless the hearing officer determines that the officer's presence is required. The hearing officer may grant a reasonable continuance if the officer is not available at the time of hearing.*

(6) *The Parking Authority shall provide the owner with notice of the decision of the hearing officer, together with any reasons provided by the hearing officer, and advise the owner of his or her right to appeal the decision of the hearing officer in court.*

(7) *The Director of Finance has the authority to provide by regulation for additional rules for the hearing and determination of cases involving violations under this Chapter.*

§ 12-3410. *Limitations.*

*Use and maintenance of: an automated speed enforcement system; the images obtained in the use of such a system; and registered vehicle owner information obtained in connection with use of such a system shall be subject to the protections and limitations set forth in subsection 3370(f) of The Vehicle Code.*

SECTION 2. Section 12-2405 of The Philadelphia Code is hereby amended to read as follows:

§ 12-2405. *Removal or Immobilization of Parked Vehicles; Notice.*

(1) Any vehicle may be removed, by means of towing to the nearest Official Towing Station or immobilized for up to seventy-two (72) hours by means of applying a boot and then towed to the nearest Official Towing Station if not reclaimed, by or under the direction of a member of the Department, or its designated agent whenever any vehicle is:

\* \* \*

(c.1) parked on a public street and has any combination of three or more delinquent parking tickets or violation notices issued pursuant to Section 12-3007, relating to an automated red light enforcement system, or Section 12-3405, relating to an automated speed enforcement system, for which appropriate notice has been sent to the registered owner; provided that a boot may be applied only after a delinquency notice on the third such ticket or notice has been issued for at least thirty days (for purposes of determining whether three tickets have been issued to a vehicle for this subsection, all tickets issued to the same owner shall be counted.);

or

\* \* \*

### SECTION 3.

A. No notice of violation reflecting the imposition of a fine pursuant to this Ordinance shall be issued pursuant to Chapter 12-3400 until 60 days after a notification transmitted by the Secretary of Transportation of the Commonwealth has been published in the Pennsylvania Bulletin stating that the automated speed enforcement system is operational on Roosevelt Boulevard (the “liability start date”).

B. After the system becomes operational, no notice of violation reflecting the imposition of a fine pursuant to this Ordinance shall be issued in connection with a violation captured by a device at a particular location that occurs prior to the later of the liability start date or 60 days after the particular enforcement device becomes operational.

C. For violations that occur between the time any speeding detection device becomes operational and the date on which notices of violation reflecting imposition of a fine may be issued pursuant to the terms of this Section 3, a warning notice shall be sent to the registered owner of any vehicle in violation of this Chapter.

SECTION 4. This Ordinance shall not be effective unless and until the Director of Finance certifies to the Chief Clerk of Council that the Philadelphia Parking Authority has entered into an agreement with the City to reimburse the City for its costs associated with implementation and administration of the automated speed enforcement system.

SECTION 5. Pursuant to subsection 3370(q) of Title 75 of the Pennsylvania Consolidated Statutes (The Vehicle Code), the provisions of Section 1 of this Ordinance shall expire on December 19, 2023, unless the expiration date of Section 3370(q) of the Vehicle Code is extended beyond that date, in which case the provisions of Section 1 of this Ordinance shall remain in effect until expiration of that Section.