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CITY OF PHILADELPHIA

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RINA CUTLER
Deputy Mayor for Transportation and Utilities

August 26, 2009

Via Overnight Mail

Glenn C. Rowe, P.E., PTOE
Acting Director
Bureau of Highway Safety and Traffic Engineering
Department of Transportation
Commonwealth Keystone Building
400 North Street, 6th Floor
Harrisburg, PA 17120-0064

Dear Mr. Rowe:

I am writing on behalf of the City of Philadelphia with respect to the Department of Transportation's Proposed Rulemaking regarding "Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues," published at 39 Pa.B. 4435 on Saturday, August 1, 2009.

The City objects to a basic aspect of the proposed rules: that funding derived from penalties assessed against drivers violating traffic rules solely at 16 intersections located in Philadelphia may be granted for highway improvement projects located anywhere in the state. (As noted in the Department's Preamble to the proposed rulemaking, the state Vehicle Code authorizes use of the automated red light enforcement system, the mechanism through which violations at the 16 intersections are detected, only in Philadelphia.) It would be fundamentally unfair to use funding derived from serious traffic violations that endanger only Philadelphia residents and visitors, and which fine money is paid entirely by Philadelphia residents and visitors, for the development of traffic safety improvements throughout the Commonwealth. I would ask you to respect the intent of this legislation.

Pursuant to authorization provided by state law (75 Pa.C.S. § 3116), the City of Philadelphia and the Department of Transportation have authorized use of an automated red light enforcement system at 16 specified intersections, pursuant to which fixed cameras take still pictures of cars passing through such intersections at the time when the light turns red. See Philadelphia Code Chapter 12-3000 (Use Of An Automated Red Light Enforcement System To Prevent Red Light Violations).

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The state law authorization provides for \$100 fines for violations of the state prohibition against driving through a red light determined through the automated camera system. 75 Pa. C.S. § 3116(d)(1). Pursuant to state law, fine payment is sent to the Philadelphia Parking Authority, which deducts its operating and maintenance costs, and which sends the balance to the Department of Transportation for deposit in the Motor License Fund. 75 Pa. C.S. § 3116(l)(2). "Fines deposited in the fund under this paragraph shall be used by the department to develop, by regulation, a Transportation Enhancements Grant Program." *Id.*

The Rulemaking proposed by the Department of Transportation sets forth the proposed method of making such transportation enhancement grants.

Under Section 233.3 of the proposed rules, grants may be awarded for any project involving "improvement to highway safety and mobility within this Commonwealth" (with the exception of "transportation impact studies" and "highway improvements that are the responsibility of the applicant for a Department Highway Occupancy Permit"). The term "highway" in the proposed rules is defined very broadly, to include most, if not all public roadways in the Commonwealth. Section 233.2 (definition of "Highway").

Section 233.5 of the proposed rules would permit any "sponsor" to apply for such a grant. A sponsor is defined under the proposed rules as "[a] local authority, metropolitan planning organization, rural planning organization, county planning organization, or Commonwealth agency applying for, or receiving, a transportation enhancement grant under this chapter." Section 233.2 (definition of "Sponsor"). A local authority is defined in the proposed rules as "County, municipal, and other local boards or bodies having authority to enact laws relating to traffic." Section 233.2 (definition of "Local authorities").

The Commonwealth contains literally hundreds of local government bodies and planning organizations that meet the definition of a "sponsor" eligible to apply for a grant under this system, dispersed throughout the entire Commonwealth. Accordingly, hundreds of local entities would be eligible to apply for grants related to roadway improvements in every corner of the Commonwealth – all based on funding derived from red-light violators at 16 intersection in the City of Philadelphia (at least eight of which are intersections of City Streets, not state highways).

George Kenney, the former State Representative from Philadelphia who sponsored the original legislation, introduced the bill on behalf of the City and the Philadelphia Parking Authority to address serious safety concerns along Roosevelt Boulevard. The original draft of the bill proposed use of fine money for pedestrian overpasses along the Boulevard. In my capacity as Deputy Secretary for Administration at PennDOT, I worked with Representative Kenney to broaden the language to permit use of money developed through the program for safety enhancements generally, and not just for pedestrian overpasses. I also worked with the Philadelphia delegation to gather support for this project because it was earmarked for safety improvements in Philadelphia.

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As part of a multi-agency effort to improve safety and reduce pedestrian deaths on the Roosevelt Boulevard corridor, a press conference was held, including the Philadelphia General Assembly delegation, where it was announced that the City and State had formed a Task Force to develop safety programs along Roosevelt Boulevard and that the "Kenney" Red Light Camera bill had been introduced, proposing use of fine money generated by the program for safety improvements along the Boulevard. At no point in the discussion of these issues was there any indication that anybody thought these dollars would or should be used outside of the City of Philadelphia.

This proposed use of money from fines derived solely from violations in Philadelphia is fundamentally unfair. First, the human costs of the violations of law at issue here are borne almost entirely by Philadelphians and visitors to Philadelphia, *i.e.*, pedestrians and motorists in Philadelphia threatened by those committing violations in Philadelphia. Accordingly, as a matter of equity, highway improvement grants should be focused on making improvements to roadways *in Philadelphia* that will make pedestrian and vehicle traffic safer for those same individuals who are threatened by the very unlawful conduct that is generating the pool of grant money.

Second, the payers of the fine money that is the source of the grant pool are entirely Philadelphia residents and visitors. Indeed, more than half of those fined on a yearly basis under this law have been Philadelphia drivers. Of the Pennsylvania drivers who have been fined under the law, a full two-thirds are from Philadelphia. Again, as a matter of equity, funding that is generated far more from Philadelphia residents than other Pennsylvanians should be used to promote pedestrian and traffic safety in Philadelphia.

For these reasons, the City of Philadelphia objects to the basic premise of the proposed rulemaking – that grants from funding derived from this solely Philadelphia-based enforcement scheme may be spread to jurisdictions throughout the Commonwealth. Rather, grants from such funding should be made solely for roadway and safety improvements in Philadelphia.

Sincerely,



Rina Cutler, Deputy Mayor
Transportation and Utilities
City of Philadelphia

cc: The Honorable Edward G. Rendell, Governor of Pennsylvania
The Honorable Michael A. Nutter, Mayor of Philadelphia
The Honorable Allen Biehler, Secretary, PennDOT
Vincent Fenerty, Executive Director, PPA