

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LARRY KRASNER, in his official
capacity as the District Attorney of
Philadelphia;

OFFICE OF THE DISTRICT
ATTORNEY, CITY OF
PHILADELPHIA

Petitioner,

vs.

MICHELLE A. HENRY, in her
official capacity as Attorney
General of Pennsylvania,

Respondent.

Docket No. 8 MD 2024

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STATEMENT OF INTEREST OF *AMICI CURIAE*

The Applicants here, collectively identified as Democratic Senators, are members of the Democratic Caucus of the Pennsylvania Senate who represent various portions of the City and County of Philadelphia. The Senate Democratic Caucus is currently comprised of twenty-two state senators, seven of whom have districts that include portions of the City and County of Philadelphia.

State Senator Vincent J. Hughes is a duly elected member of the Senate of Pennsylvania representing the 7th Senate District, that is, in part, within the boundaries of the City and County of Philadelphia.

State Senator Christine M. Tartaglione is a duly elected member of the Senate of Pennsylvania representing the 2nd Senate District, that is wholly within the boundaries of the City and County of Philadelphia.

State Senator Anthony H. Williams is a duly elected member of the Senate of Pennsylvania representing the 8th Senate District, that is, in part, within the boundaries of the City and County of Philadelphia.

State Senator Art Haywood is a duly elected member of the Senate of Pennsylvania representing the 4th Senate District, that is, in part, within the boundaries of the City and County of Philadelphia.

State Senator Sharif Street is a duly elected member of the Senate of Pennsylvania representing the 3rd Senate District, that is wholly within the boundaries of the City and County of Philadelphia.

State Senator Nikil Saval is a duly elected member of the Senate of Pennsylvania representing the 1st Senate District, that is wholly within the boundaries of the City and County of Philadelphia.

Amici Curiae file this brief pursuant to Pa. R.A.P. 531(b)(1)(i). *Amici Curiae* disclose that no other person or entity other than the *Amici Curiae* or counsel paid, in whole or in part, for the preparation of this *Amici Curiae* brief or authored, in whole or in part, this *Amici Curiae* brief. See Pa. R.A.P. 531(b)(2).

INTRODUCTION

On May 9, 2022, the Senate Transportation Committee conducted a public hearing on “Safety and Sustainability of Public Transportation in Pennsylvania” (“2022 Transportation Committee hearing”). That public hearing included testimony from multiple witnesses including representatives of SEPTA and the Department of Transportation. (Testimony attached as Exhibit 1). The testimony centered on issues of sustainability of public transportation including funding, ridership and safety issues impacting the overall well-being of the five-county transportation system. The testimony also highlighted the need for increased safety to help the transit system recover from the impacts of the Covid pandemic and

associated issues as well as the need for increased law enforcement resources and public safety personnel. Further, as demonstrated by the testimony of those appearing before the committee, issues relating to homelessness, mental illness and substance abuse contribute significantly to the number of incidents that SEPTA personnel and riders encounter. Despite SEPTA's efforts to provide multi-disciplinary response to these problems, the system is overwhelmed because of constraints on resources. However, not once did any of the testifiers mention in their testimony how the operation of the Philadelphia District Attorney's Office ("DAO") impacts or affects safety on the state's largest, multi-county transit system. In fact, none of the testimony includes any reference to a district attorney's office in any of the five-county footprint of SEPTA.¹

Despite the absence of any expressed connection between SEPTA safety and the Philadelphia DAO, House Bill 140 was amended on October 25, 2022 in the Senate to include, in part, provisions for the appointment of a "Special Prosecutor" who would be authorized to prosecute all crime occurring "with a public transportation authority that serves as the primary provider of public passenger transportation in the county of the first class." *See* House Bill 140, Printer's No.

¹ Video Recording: Pa. S. Transportation Comm. Public Hearing on "Safety and Sustainability of Public Transportation in Pennsylvania," May 9, 2022, at: <https://transportation.pasenategop.com/trans-050922/>.

3601, p. 10, lines 1-6. (Attached as Exhibit 2). Eventually, this bill was vetoed by Governor Wolf as Veto No. 12. (Attached as Exhibit 3).²

Undaunted, Senator Langerholc introduced Senate Bill 140 in the following legislative session. (Attached as Exhibit 4). This legislation authorized the appointment of a “Special Prosecutor” again for the purposes of prosecuting all crime occurring “with a public transportation authority that serves as the primary provider of public passenger transportation in the county of the first class” despite lack of an expressed need in the legislative record based on the 2022 Transportation Committee hearing. This version called for the Special Prosecutor to be appointed by the Attorney General rather than a three-judge panel. As the legislative history reflects, the bill was considered by the Senate on May 2, 2023, at which time extensive debate occurred on the Senate Floor. Senators Hughes, Haywood and Street, all of whom represent portions of the City-County of Philadelphia expressed their strong disapproval of the proposed legislation. The three Democratic Senators expressed concerns that the legislation needlessly did the following: First, it thwarted the will of the voters of Philadelphia by stripping the elected district attorney of the full authority of his office despite the approval of the City’s voters. Second, the legislation was specifically tailored to the particular

² Interestingly, the effort to appoint a special prosecutor in Philadelphia coincided with the House of Representatives’ Impeachment efforts concerning the prosecutorial functions of the Philadelphia DAO.

individual holding the office of district attorney at this time by including language that effectively repealed the law after DA Krasner’s term expired. The Senators intimated that such a statute likely violated constitutional norms for the enactment of legislation as provided in Article III, Section 32 of the Pennsylvania Constitution.

The bill was considered by the House of Representatives in the final days of the 2023 legislative session and signed by the Governor on Dec. 14, 2023. The position of Special Prosecutor authorized by Act 40 of 2023 was advertised on various platforms and sources by the Office of the Attorney General on or about January 8, 2024. (Advertisement attached as Exhibit 5).

Thereafter, DA Krasner instituted this action on January 11, 2024 challenging Act 40-2023. *Amici* Democratic Senators join this action for Declaratory Judgment and Injunctive Relief to present argument on issues of special legislation, equal protection in elections and unconstitutional removal of a public officer.

ARGUMENT

I. ACT 40 VIOLATES THE PROHIBITION AGAINST THE PASSAGE OF LOCAL OR SPECIAL LAWS UNDER ARTICLE III, SECTION 32 OF THE PENNSYLVANIA CONSTITUTION BECAUSE IT CREATES A SPECIAL CLASS OF ONE - PHILADELPHIA.

All enactments of the General Assembly are presumed constitutional and will only be invalidated where the challenger has established “that the enactment

clearly, palpably, and plainly violates the Constitution.” *Robinson Twp. v. Commonwealth*, 83 A.3d 901, 943 (Pa. 2013). While the burden is indeed heavy, it is not insurmountable. Act 40 creates a special law in violation of Article III, Section 32.

The procedures for the enactment of laws as well as the prohibitions against the passage of certain types of laws for this Commonwealth are provided for under Article III of the Pennsylvania Constitution. One of the enumerated prohibitions provided under Article III is the prohibition against the passage of local or special laws in Section 32. Article III, Section 32 provides in pertinent part:

The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly shall not pass any local or special law:

1. Regulating the affairs of counties, cities, townships, wards, boroughs or school districts . . .

Pa. Const. art. III, § 32.

When reviewing violations of Article III, courts often consider the historical significance of its inclusion 150 years ago to protect against corrupt legislative practices. *Harrisburg Sch. Dist. v. Hickok*, 781 A.2d 221, 227 (Pa. Cmwlth. 2001); *see also Commonwealth ex rel. Fell v. Gilligan*, 46 A. 124, 125-126 (Pa. 1900); *Robinson Twp.*, 147 A.3d at 572. The specific inclusion of Article III, Section 32, “was to prevent the General Assembly from creating classifications in order to

grant privileges to one person, one company or one county.” *Wings Field Pres. Assoc.’s, L.P. v. Com., Dep’t of Transp.*, 776 A.2d 311, 316 (Pa. Cmwlth. 2001).

While Article III, Section 32 expressly prohibits the passage of local or special laws regulating the affairs of counties and cities, it does not preclude the legislature from passing general laws. Special laws are distinguished from general laws because they are not uniform throughout our Commonwealth nor do they apply uniformly to a class. *Id.* Act 40 is a special law that regulates the affairs of Philadelphia because it regulates law enforcement powers in Philadelphia through the appointment of a special prosecutor thereby removing certain duties of DA Krasner and the DAO. *See Morrison v. Bachert*, 5 A. 739, 740 (Pa. 1886).

A. Act 40 creates a special legislative class only applicable to Philadelphia and does not provide for the addition of other members to be added to the class.

Act 40 provides in pertinent part:

(a) Special prosecutor.--Within 30 days of the effective date of this section, the Attorney General shall appoint a special prosecutor to investigate and institute criminal proceedings for a violation of the laws of this Commonwealth occurring within a public transportation authority that serves as the primary provider of public passenger transportation in the county of the first class in accordance with this section.

74 Pa. C.S. § 1786(a).

Act 40 creates a special class of one, by providing for the special treatment of the City of Philadelphia as it relates to the exercise of law enforcement powers. While classification is a legislative function, classification is subject to judicial review for the purposes of determining whether the classification is based on real not artificial distinctions for the purpose of evading the prohibitions in Article III. *Freezer Storage, Inc. v. Armstrong Cork Co.*, 382 A.2d 715, 718 (Pa. 1978). When making this determination about a classification, courts have often employed a good faith test not wisdom. *Id.* Article III, Section 20 expressly gives the General Assembly the power to classify counties and cities according to population and deems all laws passed in accordance with this section as general legislation.³

Historically, legislative classification of municipalities was limited to population, but now legislative classification beyond population is permissive so long as the legislative classification does not create a class of one. *Harrisburg Sch. Dist.*, 781 A.2d at 227. Additionally, where the classification created under an act “consists of one member and it is impossible or highly unlikely that another member can join the class” the classification creates a closed class of one and is therefore per se unconstitutional. *Harrisburg Sch. Dist. v. Hickok*, 761 A.2d 1132, 1136 (Pa. 2000).

³ Pa. Const. art. III, § 20.

As enacted the classification created under Act 40 is applicable only to Philadelphia because it is the one county of the first class in this Commonwealth serviced by SEPTA and subject to the appointment of a Special Prosecutor to prosecute crimes within Philadelphia on SEPTA property rather than the DA.⁴ In *Perkins v. Philadelphia*, our Supreme Court reiterated that legislation is local if it was only intended to be applicable to “but one particular . . . county . . . and was not intended to and could never apply to any other” as is the case with Act 40. *Perkins v. Philadelphia*, 27 A. 356, 359 (Pa. 1893). Pursuant to Act 40, Philadelphia is the only member of the class in existence and will be the only member subject to Act 40 because the duration of its provisions is time-limited.

Id. Specifically, Section 1786(a)(8) of Act 40 states:

No new action or proceeding may be initiated by a special prosecutor under this section after December 31, 2026. Notice of final disposition of the last remaining action or proceeding initiated under this section prior to December 31, 2026, shall be transmitted to the Legislative Reference Bureau for publication

74 Pa. C.S. § 1786(a)(8). In fact, Act 40 expires once the provisions of Section 1786(a)(8) are satisfied. Here, as was the case in *Perkins*, there is no denial. Act 40 was intended to apply solely to Philadelphia and only transfers the duties of the Philadelphia DA to a special prosecutor thereby divesting them of their law

⁴ 53 P.S. § 101 (defines a county of the first class).

enforcement authority. This is demonstrated by the text of Section 1786(a)(2)

which states in part:

[A] special prosecutor shall have the authority to investigate and prosecute, and has jurisdiction over, any criminal matter involving an alleged violation of the laws of this Commonwealth occurring within a public transportation authority that serves as the primary provider of public passenger transportation in the county of the first class. The special prosecutor's prosecutorial jurisdiction shall include the power and independent authority to exercise all investigative and prosecutorial functions and powers of an office of the district attorney of a county of the first class and any other officer or employee of the office of the district attorney in the county of the first class.

74 Pa. C.S. § 1786(a)(2). In determining whether legislation is special, this Court has applied the standard laid out by the Colorado Supreme Court. *Harrisburg Sch. Dist. v. Hickok*, 762 A.2d 398, 408 (Pa.Cmwlth. 2000). Under this standard, when an enumerated prohibition is at question, the class may not be limited to one. *Id.* Here, Act 40 violates this standard because Article III, Section 32 is the enumerated prohibition at question and the class is limited to Philadelphia.

Act 40 establishes a closed class of one - Philadelphia - and is therefore per se unconstitutional.

B. Act 40 creates a classification that is not supported by a rational basis nor is the classification necessitated by manifest peculiarities of Philadelphia.

Article III, Section 32 permits the legislature to create legislative classifications so long as it does not create a special class of one if the classification has a rational relationship to a legitimate state purpose. *Wings Field Pres. Assoc. 's, L.P.*, 776 A.2d at 316. Further, the courts have allowed a classification to stand when it is established because of a “necessity springing from manifest peculiarities” of the legislative class. *Allegheny Cty. v. Monzo*, 500 A.2d 1096, 1105 (Pa. 1985) (quoting *Commonwealth v. Gumbert*, 100 A. 990 (Pa. 1917)).

There is public value in maintaining safe and sustainable public transportation throughout the entire Commonwealth as was the stated intent of the 2022 Transportation Committee hearing.⁵ The testimony made clear that the issues around public safety are not exclusive to SEPTA nor are they narrowly tailored to SEPTA services in Philadelphia. Passenger safety in all counties served by SEPTA is impacted by the lack of resources including a need for increased SEPTA police, tools to address drug addiction and other societal ills including homelessness.⁶ Consequently, the public value of sustainable public transit does

⁵ See *supra* Introduction at 2-3.

⁶ *Id.*

not establish a rational basis for singling Philadelphia out from other counties serviced by SEPTA. The fact that Philadelphia is a county of the first class is not a particularity that necessitates the appointment of a special prosecutor to oversee crimes in Philadelphia on SEPTA and not over crimes occurring on SEPTA in the other service counties.

The application of Act 40 to Philadelphia directly conflicts with precedent because it singles out DA Krasner. *DeFazio v. Civil Serv. Comm'n of Allegheny Cty.*, 756 A.2d 1103 (Pa. 2000). In *DeFazio*, our Supreme Court held that “one particular county officer may not be treated differently from the other similar officers throughout the commonwealth . . . merely because that officer is within a certain class of county.” *Id.* at 1106. Under Act 40, DA Krasner is the only district attorney with jurisdiction over crimes in a locality serviced by SEPTA who is divested of his authority. Further, in applying the *DeFazio* analysis the provisions effectively create a sub-classification, that of district attorneys in cities of the first class for which there is no relationship to the distinction of Philadelphia or any unique function of the office of district attorney. *Id.* Notably, there was also an attempt to remedy the issue of classification in Act 40 by making the legislation applicable to all district attorneys in the Commonwealth with responsibilities with respect to public transit systems.

Act 40 explicitly provides that the special prosecutor mandate including the preemptive prosecutorial authority applies solely to DA Krasner. *See* 74 Pa. C.S. §1786(a)(4)(iii). The unique treatment of DA Krasner related to his law enforcement powers over crimes on SEPTA in Philadelphia was raised during legislative debate on Act 40.⁷ The application of Act 40 divests DA Krasner of his mandated duties as district attorney. *See* 16 P.S. §§ 1401 and 1402. Throughout the legislative debate on Act 40, *Amici* pointed out that application of Act 40 was directed at DA Krasner.⁸

Act 40 is also a special law because it arbitrarily treats crimes in Philadelphia differently based on location. If the impetus for the legislation is addressing DA Krasner's job performance, the distinction of where a crime occurs within Philadelphia does not support the appointment of a special prosecutor only for crimes on SEPTA and not the rest of Philadelphia.

Act 40 is unconstitutional because the application creates a closed class. Further, there is no rational basis or manifest peculiarities that necessitate treating Philadelphia differently concerning law enforcement powers as it relates to crimes on SEPTA in Philadelphia over crimes on SEPTA in surrounding counties. Act 40

⁷ 2023 Pa. Leg. J. - Senate 357 at 363-64 (May 2, 2023) (statement of Sen. Haywood).

⁸ *Id.* at 365 (statement of Sen. Street).

violates Article III, Section 32, as unmistakably as the smile of Da Vinci's Mona Lisa.

II. ACT 40 UNCONSTITUTIONALLY SUPPRESSES THE VOTE BY PLUCKING FROM PHILADELPHIA'S CITIZENS BOTH THE RIGHT TO "FREE AND EQUAL" ELECTIONS AND THE RIGHT TO BE FREE FROM DISCRIMINATION IN THE EXERCISE THEREOF.

The motive behind Act 40 is clear: A simple majority in the General Assembly is unhappy with the Philadelphia voters' choice of district attorney.⁹ But the Pennsylvania Constitution guarantees that the will of the majority in the General Assembly cannot trample on the people's fundamental right to free and equal elections, Pa. Const. art. I, § 5, nor can it discriminate against a subset of the electorate for its exercise of a constitutionally protected right, Pa. Const. art. I, § 26. Act 40 denies the electorate of Philadelphia the whole office of district attorney for which it is entitled and thus disenfranchises the people of Philadelphia. It should be declared unconstitutional.

⁹ "The problem is he is not prosecuting; he is not doing his job." *Id.* at 364 (statement of Sen. Langerholc).

- A. Act 40 is a plain, palpable and clear abuse of the General Assembly’s power in violation of the right to “free and equal” elections under Article I, Section 5 because it disenfranchises Philadelphia voters relative to those of surrounding counties and denies them the whole office of district attorney.**

While the General Assembly has the authority to enact legislation that imposes duties upon certain constitutional officers, it has no power to dilute the votes of a subset of the electorate by supplanting their elected district attorney with an unelected special prosecutor. Act 40 denies the people of Philadelphia the whole constitutional office of district attorney to which they are entitled under Article IX, Section 4 of the Pennsylvania Constitution by mincing the duties of only their district attorney’s office. In doing so, it is a plain, palpable and clear abuse of the General Assembly’s power which infringes on the rights of Philadelphia’s electors in violation of the Free and Equal Elections Clause under Article I, Section 5.

- 1. Act 40 denies Philadelphia voters an equal opportunity to translate their votes into representation relative to the voters of the surrounding SEPTA-served counties.**

If for no other reason, Act 40 violates Section 5 by selectively rejecting Philadelphia voters’ equal opportunity to translate their votes into representation relative to other electors in SEPTA-served counties whose votes for district attorney remain undisturbed.

Acts of the General Assembly are presumed to be constitutional “absent a demonstration that the statute ‘clearly, palpably, and plainly’ violates the Constitution.” *Working Families Party v. Commonwealth*, 209 A.3d 270, 278 (Pa. 2019) (quoting *Konidaris v. Portnoff Law Associates, Ltd.*, 953 A.2d 1231, 1239 (Pa. 2008)). This is a heavy burden on the challenging party as “statutes are to be construed whenever possible to uphold their constitutionality.” *Id.* at 279 (quoting *In re William L.*, 383 A.2d 1228, 1231 (Pa. 1978)).

Article I, Section 5 of the Pennsylvania Constitution guarantees that all “[e]lections shall be free and equal.” Pa. Const. art. I, § 5. Legislative enactments “may be invalidated by our Court [under Section 5] ‘in a case of plain, palpable and clear abuse of the power which actually infringes [on] the rights of the electors.’” *League of Women Voters v. Commonwealth*, 178 A.3d 737, 809 (Pa. 2018) (quoting *Patterson v. Barlow*, 60 Pa. 54, 75 (Pa. 1869)).

In *League of Women Voters*, the Pennsylvania Supreme Court explained that the words “free and equal” under Section 5 “mandates that all voters have an equal opportunity to translate their votes into representation” free from state subversion or denial of any kind. *Id.* at 804. Elections are “free and equal” “when each voter under the law has the right to . . . have [their ballot] honestly counted” and “when no constitutional right of the qualified elector is subverted or denied him.” *Id.* at 810 (quoting *Winston v. Moore*, 91 A. 520, 523 (Pa. 1914)). Legislative schemes

that impermissibly dilute an individual's vote for elective office relative to other voters will violate Section 5. *Id.* at 809.

Act 40 infringes on the right of Philadelphia's electorate to a "free and equal" election of its DA relative to voters of the surrounding four counties also served by SEPTA. Similar to the congressional map struck down in *League of Women Voters* under Section 5 for its "partisan dilution of votes" in favor of one party's candidates, Act 40 dilutes Philadelphia's votes because it only strips the Philadelphia DAO of jurisdiction over SEPTA crimes and for the rest of the current DA's elected term. *See id.* at 821. Act 40 fully divests the Philadelphia DAO of any authority to investigate and prosecute SEPTA crimes that occur in Philadelphia and at the sole discretion of the unelected Special Prosecutor. 74 Pa. C.S. § 1786(a)(2) and (4)(i) and (ii). But for the four surrounding SEPTA-served counties, the Special Prosecutor may only supersede if their DAOs provide prior written approval. § 1786(a)(4)(iii). This selective jurisdictional transfer ends on December 31, 2026 - the same year DA Krasner's term ends. §1786(a)(8). Act 40 even removes Philadelphians' standing to challenge the Special Prosecutor's authority in any case it brings against them under this law. § 1786(a)(5). And even though DA Krasner was elected twice by Philadelphia voters for the purpose of deciding how and when to prosecute all Philadelphia crime, including SEPTA crimes, Act 40 hands that authority over to a Special Prosecutor appointed by the

Attorney General. *See* § 1786(a)(1) and (2) (giving the Special Prosecutor “the power and *independent* authority to exercise all investigative and prosecutorial functions” of the Philadelphia DAO).

For purposes of Section 5, it also makes no difference whether a legislative enactment intentionally or *inadvertently* infringes on the right to vote if the *effect* of the statute replaces one’s elected representation. *In re New Britain Borough School District*, 145 A. 597 (Pa. 1929). In *New Britain*, even though a statute creating new voting districts did not explicitly prevent certain electors in new districts from casting votes for their school directors, some could not and it “nevertheless operated to impair [the] right” to free and equal elections under Section 5. *Id.* at 599. This was particularly true because it effectively replaced their elected representatives who decided how their tax dollars were being spent. *See id.*

Act 40, like the statute struck down in *New Britain*, does just that: It holds Philadelphia taxpayers hostage to an unelected Special Prosecutor who will assume their elected DA’s duties and decide how their tax monies are spent in doing so, since they are required to pay for the Special Prosecutor. But the injury here is even more profound than in *New Britain*, because Act 40 also robs Philadelphia taxpayers’ opportunity for reimbursement of those dollars from the Commonwealth provided to all other counties with a full-time DA. *See* § 1786(a)(10) (requiring

Philadelphia to reimburse the Special Prosecutor and the Attorney General for expenses incurred under the act) and § 1786(a)(12) (prohibiting the Commonwealth from reimbursing Philadelphia for the DA’s annual salary, despite the Commonwealth’s obligation to reimburse sixty-five percent of the annual salary of the counties’ full-time DAs under 16 P.S. § 1401). Whether intentional or inadvertent, Act 40 “nevertheless operate[s] to impair” Philadelphia voters’ rights to “free and equal” elections under Section 5. *See id.*

For these reasons alone, Act 40 violates Section 5 because it denies an “equal opportunity” of Philadelphians “to translate their votes into representation” relative to the voters of the surrounding SEPTA-served counties. *See League of Women Voters*, 178 A.3d at 804.

2. Act 40 denies Philadelphia voters the whole office of district attorney for which they are entitled under Article IX, Section 4.

Act 40 even more clearly, palpably and plainly abuses legislative power by infringing on the right of Philadelphia’s electorate to have their votes “honestly counted” under Section 5 by denying them the whole office of district attorney for which they are entitled under Article IX, Section 4 of the Pennsylvania Constitution.¹⁰ *See id.* at 810 (quoting *Winston v. Moore*, 91 A. 520, 523 (Pa. 1914)

¹⁰ “County officers shall consist of commissioners, controllers or auditors, *district attorneys*” Pa. Const. art. IX, § 4 (emphasis added).

("[E]lections are free and equal within the meaning of the Constitution . . . when *no constitutional right of the qualified elector is subverted or denied him.*")).

Well over a century of jurisprudence confirms that "the people are entitled to the services of the [constitutional] officer during the entire term for which they elected him, unless he be removed in the way prescribed by the Constitution" *Commonwealth ex rel. Vesneski v. Reid*, 108 A. 829, 831 (Pa. 1919) (citing *Lloyd v. Smith*, 35 A. 199, 221 (Pa. 1896); *In re Bowman*, 74 A. 203 (Pa. 1909); and *Commonwealth v. Weir*, 30 A. 835 (Pa. 1895)). The Pennsylvania Supreme Court has consistently recognized this principle for county row officers, including "district attorneys," enumerated in Article IX, Section 4. *McGinley v. Scott*, 164 A.2d 424, 431 (Pa. 1960) (In holding the State Senate had no power to investigate the Philadelphia DA's conduct, the Court noted, "the legislature could not constitutionally enact any law to suspend or remove from office or otherwise punish in any way the district attorney of any county" as it is "a constitutional officer, elected by the people of the county in which he serves.")).

Act 40 impairs the duties of the Philadelphia DAO by transferring jurisdiction over SEPTA crimes in Philadelphia to a Special Prosecutor for the rest of DA Krasner's term. The General Assembly cannot simply rip duties from one elected constitutional officer and give it to another of its choosing. This is nothing like the statute upheld in *Lloyd v. Smith*, in which the General Assembly transferred

duties from certain elected county auditors to elected county controllers when the auditors' terms expired. *Lloyd*, 35 A. at 221 (holding the right to a constitutional officer belongs to the people). In *Lloyd*, the Pennsylvania Supreme Court allowed such a transfer because county controllers are the *constitutional alternate* to county auditors under Article IX, Section 4's language - "[c]ounty officers shall consist of . . . controllers *or* auditors." *Id.* at 201. This transfer of duties in Act 40 is more egregious because the "alternate" officer is an unelected one created by the legislature, not the constitution.

Instead, Act 40 is akin to the transfer of duties of another constitutional office that this Court deemed unconstitutional earlier this year in *Rogers v. Lycoming County Board of Commissioners*. In *Rogers*, the county commissioners reassigned the elected county controller's duties to the county's finance office, citing to its "general supervisory authority" over the controller's office under the County Code, 16 P.S. § 1701.¹¹ *Rogers v. Lycoming Cnty. Bd. of Comm'rs*, No. 161 C.D. 2023, 2024 WL 300859, slip op. at *1 (Pa. Cmwlth. Jan. 26, 2024) (unpublished disposition). And even though the transfer of statutory duties from the county controller's office in *Rogers* occurred by a county commission, rather

¹¹ "The county commissioners shall be the responsible managers and administrators of the fiscal affairs of their respective counties" 16 P.S. § 1701.

than the legislature, this Court cited the same precedent and stressed the same constitutional protections afforded to the people who elected them:

With minor exceptions[,] county row offices have constitutionally protected status. *They cannot, for example, be locally or even legislatively abolished.* They were established not by the legislature, but by the Pennsylvania Constitution One manifestation of this constitutional status is that their offices cannot be abolished. *See Lloyd v. Smith*, [35 A. 199, 201 (Pa. 1896)]. Section 1620 of [T]he County Code is written with the purpose and result of acknowledging and protecting the constitutional status of these officers.

Id. at 6 (quoting *Dauphin Cty. Comm’rs v. Teamsters Loc. No. 776*, 34 A.3d 864, 869 (Pa. Cmwlth. 2011) (citation omitted) (emphasis added)). Just as this Court held in *Rogers* that the statutory duties of a constitutional officer protected under Article IX, Section 4 “cannot be impaired or contravened by the [Commissioners’] general supervisory authority,” the General Assembly’s reassignment in Act 40 of the Philadelphia DAO’s statutory duties to a legislatively-created Special Prosecutor within the Attorney General’s Office is unconstitutional. *See id.* at *6 (concluding any other interpretation would be “unconstitutional under article IX, section 4 as beyond the General Assembly’s authority”).

Article IX, Section 4 confers upon the people of Philadelphia the right to the whole office of district attorney for the DA’s entire elected term. Act 40 subverts this right by transferring duties of the constitutionally-protected Philadelphia DA to a legislatively-created office. This infringes on the right of the Philadelphia

electorate to have their votes honestly counted under Section 5 in a clear, palpable and plain abuse of legislative power.

B. Act 40 violates Article I, Section 26 because it discriminates against Philadelphians in their exercise of the fundamental right to vote when there are less intrusive means to remove a district attorney from certain prosecutions.

The General Assembly has no power to discriminate against a subset of the electorate in its exercise of the fundamental right to vote when, as here, it cannot meet heightened constitutional scrutiny. This selective targeting of Philadelphia’s vote contravenes the non-discrimination provision in Article I, Section 26 of the Pennsylvania Constitution.

As one of the pillars of the state constitution’s equal protection guarantees, Section 26 prohibits the government from “discriminat[ing] against any person in the exercise of any civil right.” Pa. Const. art. I, § 26. Section 26 is implicated when the government acts with partiality:

[W]hen a court is presented with a legislative classification that touches on the exercise of a civil right and it is being challenged on the basis that it is discriminatory, the court shall determine whether the classification operates neutrally with regard to the exercise of that right. If it does not, the court shall then conduct a commensurate means-end review.

Allegheny Reprod. Health Ctr. v. Pa. Dep’t of Human Servs., No. 26 MAP 2021, 2024 WL 318389, at *105 (Pa. Jan. 29, 2024) (holding that Section 26 affords broader protections than the federal Equal Protection Clause because it is

implicated anytime individuals are not treated “neutrally” in the exercise of a civil right). When the right is fundamental, such as Philadelphia voters’ right to “free and equal” elections, the government carries a “heavy burden” to demonstrate the act is supported by a “compelling state interest” and it is “narrowly tailored to effectuate that interest,” such that no other less intrusive means exist to achieve the same goal. *Id.* at *106 (quoting *Hiller v. Fausey*, 904 A.2d 875, 885-96 (Pa. 2006)).

Since Act 40 treats Philadelphia voters differently than voters in the four surrounding SEPTA-served counties by denying them the whole DAO for which they elected, the statute does not operate neutrally in their exercise of the right to vote. *See id.* at 105. Given the right to free and equal elections under Section 5 is fundamental, Act 40 must satisfy strict scrutiny. *League of Women Voters*, 178 A.3d at 803 (“Article I, Section 5” is “within the Pennsylvania Constitution's ‘Declaration of Rights,’ which . . . is an enumeration of the fundamental individual human rights possessed by the people of this Commonwealth.”). It cannot meet this burden.

First, there is no evidence on the record supporting a compelling state interest. During debates, Act 40’s prime sponsor proffered state interests on the general “rise in violence” and a DAO that is “not prosecuting people”:

Hey, let us keep people safe. Is that not the core function of government? Someone is not doing their job, not prosecuting people, then, yes, we should provide the tools. . . . I will admit this is not just a Philadelphia issue, by no

means, when I talk about crime and the rise in violence. But keep in mind that this bill was born [sic] out of the Committee on Transportation dealing with Title 75.

2023 Pa. Leg. J. - Senate 357 at 364 (May 2, 2023) (statement of Sen. Langerholc).

Although the Commonwealth has a public interest in protecting its citizens from danger, the purported concern here is with public safety on all SEPTA property - not Philadelphia. Consider the statute increasing the grading of the offense of carrying a firearm without a license in Philadelphia. Our courts upheld it where the state interest was supported by statistics showing a higher risk of public safety in the City compared to the rest of the Commonwealth, but there are no supportive statistics here. *Cf. Commonwealth v. Scarborough*, 89 A.3d 679, 686 (Pa. Super. 2014) (recognizing “the level of gun violence in Philadelphia is staggeringly disproportionate to any other area of Pennsylvania” after reviewing statistics of gun-related crimes). Even the testifiers at the 2022 Transportation Committee hearing focused on crime on SEPTA property - not just crime in Philadelphia and not the need to take over DA Krasner’s duties.¹² No evidence supports a public interest in safety of only the Philadelphia DAO’s jurisdiction over SEPTA crime.

Alternatively, even if there is a purported interest in addressing the Philadelphia DAO’s alleged dereliction of duty, no case supports a compelling state

¹² *See supra* note 1.

interest in punishing an elected district attorney. *Cf. McGinley v. Scott*, 164 A.2d 424, 431 (Pa. 1960) (“[T]he legislature could not constitutionally enact any law to suspend or remove from office or otherwise punish in any way the district attorney of any county even if an investigation should happen to reveal that the particular district attorney was in some manner derelict in his duty.”).

Second, even if this Court were to find there is a compelling state interest in addressing public safety on Philadelphia SEPTA property, that is the beginning of the inquiry and not the end. Act 40 is not narrowly tailored to that interest because there are less intrusive means to achieve that goal without unconstitutionally infringing on Philadelphia voters’ rights. The General Assembly could reenact something similar to the now-expired Independent Counsel Authorization Act,¹³ providing for the appointment of a special prosecutor to oversee certain criminal investigations when there are conflicts of interest with a district attorney’s office. There is longstanding precedent supporting such an appointment when there are conflicts of interest or a hearing is provided on the appointment. *Compare In re Thirty-Fifth Statewide Investigating Grand Jury*, 112 A.3d 624, 629-30 (Pa. 2015) (allowing a supervising judge to appoint a special prosecutor under the Investigating Grand Jury Act¹⁴ when a grand jury is “considering potential criminal

¹³ Act of February 18, 1998, P.L. 102, No. 19 (previously 18 Pa.C.S. §§ 9301–9352) (applied to conflicts of interest within the Attorney General’s Office).

¹⁴ Act of October 5, 1980, P.L. 693, No. 142 (as amended 42 Pa.C.S. §§ 4541–4553).

conduct on the part of an Attorney General . . . or a closely affiliated official”), with *Smith v. Gallagher*, 185 A.2d 135, 151 (Pa. 1962), *overruled on other grounds by In re Biester*, 409 A.2d 848, 850 (Pa. 1979) (rejecting a judge’s appointment of a special prosecutor to take over the Philadelphia DA’s duties where there was no conflict of interest because it “would disfranchise the people of Philadelphia in the realm of their freedom to select a District Attorney of their own choice.”), and *Commonwealth v. Mayfield*, 247 A.3d 1002, 1003 (Pa. 2021) (refusing to allow judge to unilaterally appoint a private attorney because, “[w]hile the [Commonwealth Attorneys] Act allows for the substitution of one prosecutor for another in these three situations, all of those circumstances involve the replacement of one duly-elected public official with another” when a conflict of interest or a hearing is provided).

Less intrusive means to remove district attorneys from certain prosecutions already exist. Act 40 is not narrowly tailored to the purported state interest in public safety or a dereliction of duty and thus does not justify infringing on Philadelphia voters’ fundamental right to the services of their elected DA during his elected term in violation of Section 26.

Suppose this Court holds the voters of Philadelphia have no interest in the full services of an elected constitutional officer beyond the existence of a neutered office. Suppose their constitutional guarantees of “free and equal” elections under

Section 5 and non-discrimination under Section 26 fail to protect their votes after they are cast. It would send a clear message to our constituents: Don't bother voting in the next election because a simple majority in the General Assembly may take a hacksaw to it. After all, "one imagines that [voters] find cold comfort in their right to protest and advocate for change in an electoral system that they allege has been structurally designed to marginalize their efforts in perpetuity." *League of Women Voters*, 178 A.3d at 786 n. 56.

III. EVEN IF THE COURT FINDS THAT ACT 40 DOES NOT UNCONSTITUTIONALLY SUPPRESS THE VOTES OF PHILADELPHIANS, IT FALLS OUTSIDE THE CONSTITUTION'S EXCLUSIVE REMOVAL METHODS FOR A DISTRICT ATTORNEY.

At its core, Act 40 is borne of a simple majority in the General Assembly who disagree with Philadelphia's political choice to reelect DA Krasner. But the Pennsylvania Constitution forbids the removal of an elected district attorney unless it falls within one of the exclusive removal methods under Article VI, including impeachment,¹⁵ removal by the Governor for reasonable cause on the address of two-thirds of the Senate, or upon conviction of misbehavior in office or of any infamous crime. Pa. Const. art. VI, §§ 6 and 7.

¹⁵ The issue of whether a district attorney is a "civil officer" subject to impeachment was raised on appeal and is awaiting judgment before the Pennsylvania Supreme Court in *Krasner v. Ward et al.*, No. 2, 3 & 4 EAP 2023.

A long line of unbroken precedent holds that the General Assembly has no power to statutorily remove an elected constitutional officer except by these exclusive methods in the constitution. *Birdseye v. Driscoll*, 534 A.2d 548 (Pa. Cmwlth. 1987) (rejecting a statute creating cause of action to remove public officials from office for violating the Wiretap Act as void under Article VI, Section 7 of the Pennsylvania Constitution); *See also McGinley*, 164 A.2d at 431 (“[T]he legislature could not constitutionally enact any law to suspend or remove from office or otherwise punish in any way the district attorney of any county.”), and *In re Bowman*, 75 A. 203 (Pa. 1909) (holding that the legislature can only remove a constitutional officer by the “exclusive” methods prescribed in the Pennsylvania Constitution for removal of an officer, “prohibitory of any other mode the Legislature may deem better or more convenient”).

Similar to the statute struck down in *Birdseye v. Driscoll* that allowed causes of action to remove public officials for violating the state’s wiretap statute, Act 40 would remove DA Krasner from his duties outside the constitutionally-permitted methods of removal. According to the Petitioners, Act 40 “effectively allow[s] the Special Prosecutor to assert preemptive jurisdiction over approximately 89% of the territory of the City of Philadelphia” and “95% of criminal incidents in Philadelphia.” Pet. for Review ¶ 50. Like the Court ruled in *Birdseye*, because Act 40 “conflicts with our Commonwealth’s Constitution in providing an alternative

method of removing district attorneys from office, it must fail.” *Birdseye*, 534 A.2d at 551.

To be sure, a simple majority in the General Assembly may deem a statutory fix to be better or more politically expedient than meeting the heavy burden of a two-thirds vote, but the state charter is designed to prevent it from so easily thwarting the will of the people. The General Assembly has no authority to create an alternative extraconstitutional method for removal, and Act 40 should be declared unconstitutional.

CONCLUSION

Act 40 commits multiple state constitutional violations. It is special legislation that creates a closed class consisting of Philadelphia and fails to satisfy rational basis or meet any manifest peculiarities of the City in contravention of Article III, Section 32. By denying Philadelphia voters their right to the whole office of an elected constitutional officer, the statute also disenfranchises Philadelphia voters in violation of the Free and Equal Elections Clause under Article I, Section 5. Act 40’s blatant discrimination further contravenes the voters’ equal protection guarantee under Article I, Section 26. Petitioner’s request for declaratory and injunctive relief should be granted.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this Brief contains 6,994 words. In making this certification, I have relied upon the word count function of the word-processing system used to prepare this Brief.

I further certify that this Brief complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

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Date: March 1, 2024

EXHIBIT 1

Testimony

Of

Leslie S. Richards

Chief Executive Officer and General Manager

Southeastern Pennsylvania Transportation Authority

**Pennsylvania Senate Transportation Committee
Hearing on Safety and Sustainability of Public
Transportation in Pennsylvania**

May 9, 2022

Good afternoon, Chairman Langerholc, Chairman Flynn and Members of the Senate Transportation Committee, thank you for coming to Philadelphia and holding this important hearing on public transportation safety and sustainability. My name is Leslie Richards, General Manager and CEO of the Southeastern Pennsylvania Transportation Authority (SEPTA). I am pleased to appear before you together with our SEPTA Police Chief Thomas Nestel to discuss everything SEPTA is doing to keep the system safe for our customers and employees and sustain service to help drive the region and state through recovery from the coronavirus pandemic.

I am honored to lead a resilient and determined 9,000-person strong workforce who have seen their personal and professional lives upended over the past two years and who have continued working day and night to safely move the people of this City and region. If there is one thing the pandemic has taught all of us, it is the definition of essential, and I am extremely proud that SEPTA's essential workers have made it possible for other essential workers to do their jobs and support our region through this difficult time.

The SEPTA service area – Bucks, Chester, Delaware, Montgomery and Philadelphia Counties – is the economic engine of the Commonwealth of Pennsylvania. Together, our five counties generate 42 percent of the state's economic activity, with 32 percent of its population on just five percent of its land. Southeastern Pennsylvania produces 38 percent of annual General Fund revenues, and between 2010 and 2020, this region accounted for 133 percent of the state's population growth.

A region as dense and economically productive as southeastern Pennsylvania simply cannot function without high-capacity mass transit to keep people moving.

Since the passage of Act 89 of 2013 – Pennsylvania's transportation funding plan – SEPTA generates more than \$3.4 billion in annual statewide economic activity and has catalyzed additional growth and development in the southeast region. Additionally, each year, SEPTA construction projects and operations support more than 25,000 Pennsylvania jobs and earnings of more than \$1.8 billion.

Act 89 provided SEPTA a future and a path to eliminate its more than \$5 billion state of good repair backlog over a period of 20 years. SEPTA has made critical infrastructure investments to keep the existing system safe and reliable, and our state of good repair backlog now stands at \$4.6 billion. The benefits of those investments extend well-beyond southeastern Pennsylvania. Between 2015 – 2020, SEPTA purchased more than \$1.5 billion in goods and services from Pennsylvania companies in 40 of Pennsylvania's 67 counties.

These metrics underpin how investment in SEPTA pays dividends throughout the region and the state. The COVID-19 pandemic has significantly impacted patterns of activity and mobility over the course of the past two years; however, the region continues to maintain its leading role in

the statewide economy. Recovery will take time, but the region's fundamentals are strong due in large measure to SEPTA service and the level of commerce and mobility we support.

One of the greatest challenges of the post-COVID era is bringing workers and visitors back to offices and attractions and restoring the vibrancy of our great city and region. To achieve this, the region needs a strong mass transit system to support our recovery. Rebuilding SEPTA ridership is critical to meeting this moment, and we are doing everything we can to bring riders back.

We know, however, that personal safety considerations and perceptions are impacting how, and even if, people choose to ride SEPTA.

SAFETY

While the issues of violence, homelessness, and drug addiction reflect broader societal challenges, SEPTA has a responsibility to our customers and the communities we serve to provide the safest and most reliable service we can. Physical violence, sexual assault and ethnic intimidation are horrific crimes and cannot be tolerated on SEPTA.

In response, we are continually refining and strengthening safety and security strategies in order to preempt the conditions that contribute to illicit activity, respond to reported crime, and quickly apprehend suspects. Additionally, strong partnerships with the Philadelphia Police Department, other regional law enforcement agencies and victims' rights organizations allow SEPTA Transit Police Officers to coordinate crime prevention and response strategies.

After an increase in violent crime brought about by the pandemic, we are starting to see some encouraging signs that indicate incidents of violent crime reported on the system have gone down in the first quarter of the year, as ridership increased from January through March.

SEPTA's Transit Police Department is a leader in innovative policing strategies becoming the first department in the region to equip all officers with body worn cameras, supplying officers with Narcan to treat opioid overdoses, cross training officers as Emergency Medical Technicians, and establishing the Serving a Vulnerable Entity (SAVE) Unit – a national model co-responder program that pairs Transit Police Officers with social workers. The Transit Police Department deploys several special operating units, including a SORT team, plainclothes officers and K-9 units, and employs a variety of patrol and response tactics, including high intensity beats, operator safety checks, quality of ride checkpoints and undercover operations.

SEPTA currently has 210 sworn Transit Police Officers, and we work to deploy these officers strategically to protect our customers and employees throughout the service territory.

The challenges related to the recruitment and retention of qualified police officers is a national crisis, as departments across the country, including the Philadelphia Police Department, work to

reach required staffing levels. SEPTA is actively recruiting new officers all the time, and our Labor Relations team met with the Fraternal Order of Transit Police last Thursday to discuss options around how to make Transit Police compensation as competitive as possible in the current job market. Another meeting is scheduled for Monday, May 9 to continue these important discussions.

While we are focused on recruiting more officers and retaining those already on the force, we are also deploying a variety of supplementary personnel – civilian administrative staff, social workers and third-party security guards – which are a force multiplier that helps maximize our existing Transit Police force, freeing up officers to focus on law enforcement activities.

To be clear, none of these auxiliary programs are intended to replace law enforcement. However, the nature of the current challenges related to vulnerable individuals seeking shelter on the SEPTA system and evolving attitudes about policing require a holistic, service-based approach to safety on the SEPTA system.

- Beginning as a pilot in 2020, the **Transit Police SAVE Unit** now has seven teams of Police Officer-Outreach Specialist teams patrolling the SEPTA system to connect those in need to substance abuse treatment, behavioral health services and other assistance.
- This April marked the one-year anniversary of the creation of SEPTA’s **SCOPE program** – which stands for Safety, Cleaning, Ownership, Partnership and Engagement. The SCOPE team works closely with SEPTA Transit Police, Operations, and System Safety personnel to provide outreach services to members of the vulnerable community. And in a one-of-a-kind partnership with two local universities, first year medical students and undergraduates are now serving as “health navigators” on the system.

During 2021, SAVE and SCOPE together had nearly 5,000 engagements and made hundreds of referrals to social service providers, and last fall, the SEPTA Board authorized \$3.6 million in contracts to third-party providers to support the SCOPE and SAVE initiatives.

- Last week, SEPTA formally introduced another component of our safety program – our **SEPTA Outreach Specialists**. In February, the Board awarded \$6.6 million in contracts to third-party firms to provide a visible presence in high volume stations and on the Broad Street and Market-Frankford Lines. These additional personnel will notify SEPTA Transit Police of safety and quality of life issues, engage riders to provide direction and referrals to Customer Service, advise riders of behavior rules, and connect the vulnerable population with SCOPE and SAVE resources. Eventually, the Outreach Specialists program will add 88 additional “eyes and ears” to Broad Street and Market-Frankford Line stations and vehicles every day and will also assume station opening and closing duties.

By augmenting traditional policing strategies with social service partnerships, we can help preempt conditions for criminal activity to take place while building stronger relationships with the communities we are entrusted to serve.

SEPTA is also working to leverage existing technology, including our network of nearly 30,000 stationary and vehicle based cameras, to support Transit Police officers patrolling the system. These cameras will also be integral to the implementation of the Virtual Transit Police Patrol program that is currently being developed and also provide critical images of suspects that are distributed via BOLO notices.

We continue to heavily promote the Transit Watch App as an immediate, discreet way for customers to talk in real time with SEPTA Transit Police about an incident. The Transit Watch App is free to download to Apple and Android devices. Seconds matter in an emergency, and every SEPTA customer and employee with a smartphone should download it to their phone and become familiar with how to use it.

And to improve overall quality of life on the system, we are enhancing cleaning efforts throughout the system and hiring more personnel, providing them with new equipment and providing them with resources to serve as additional eyes and ears on the system. We recently completed hiring of 200 additional cleaners, and over the past two years SEPTA has invested \$400,000 in new heavy-duty equipment to improve cleaning and efficiency. Additionally, as part of our overall safety efforts, each cleaner is equipped with a SEPTA phone to communicate with Transit Police and other Operations personnel to quickly alert transit police and others when assistance is needed.

Following a successful effort last year, SEPTA is resuming its program of station cleaning and maintenance blitzes at high priority Broad Street and Market-Frankford Line Stations this spring and summer. Beginning this past weekend and continuing through September, SEPTA forces will perform intense cleaning and maintenance at targeted stations with work focused on elevators, as well as painting, power washing, and installing enhanced lighting and new signage.

SEPTA's commitment to safety is unwavering, and we are directing financial resources in this year's budget to support existing and new initiatives to provide a safe and welcoming experience for our customers and employees. In Fiscal Year 2023, SEPTA has increased spending on safety and security by 50 percent – from \$35 million in FY 2022 to \$53 million in FY 2023 – to bring on new partners and augment personnel, equipment and technology to support our policing efforts.

SUSTAINABILITY AND RIDERSHIP GROWTH

COVID-19 has also had a severe impact on SEPTA's financial position. At the peak of the pandemic – with prolonged stay-at-home orders and other restrictions in place – ridership fell 92 percent on Transit and 98 percent on Regional Rail, and SEPTA was losing \$1 million per day.

Despite increasing ridership, SEPTA is still experiencing operating revenue shortfalls of approximately more than \$800,000 every day and our operating budget continues to rely heavily on the federal COVID relief packages. These federal funds have been a lifeline for SEPTA allowing us to sustain operations, preserve all jobs and position SEPTA to support the region through recovery.

However, SEPTA has already expended 50 percent – or more than \$850 million – of its total coronavirus relief funds. A recent \$96 million grant from an American Rescue Plan’s discretionary grant program will stretch the availability of federal relief to cover operating shortfalls only through the end of FY 2024 – two years from now. In every financial scenario, though, current federal aid will run out before SEPTA’s farebox recovery can return to pre-pandemic levels.

This increased reliance on short-term federal subsidies is unsustainable and presents a fundamental fiscal challenge moving forward. Rebuilding ridership is fundamental to SEPTA’s long-term viability and the region’s economic success.

SEPTA has made tremendous progress in the face of unprecedented challenges, and we are now providing more than 500,000 daily passenger trips. In March we reached pandemic-era ridership records of 53 percent of pre-COVID ridership on Transit and 44 percent of pre-COVID ridership on Regional Rail.

This growing ridership confirms what we have long known: transit will play a critical role in our region’s recovery and future going forward. However, these ridership numbers also expose significant obstacles ahead: including slower than projected ridership recovery and telework policies permanently altering how people work and commute.

Additionally, SEPTA’s Fiscal Year 2023 Operating Budget proposal released last month is specifically designed to address our challenges and support the efforts of our outstanding workforce to continue serving our customers and the region. It will fund a number of initiatives that will allow SEPTA to maintain current service levels, introduce new fare and travel options to make SEPTA even more flexible, continue to prioritize customer and employee safety and security, support ridership recovery and growth, achieve a balanced budget and improve the SEPTA experience for our customers and the communities we serve.

Specifically, the budget:

- Funds the commitments made in the labor agreement reached last October between SEPTA and TWU Local 234. I am pleased that we were able to reach an agreement with union leadership on a contract that avoided a work stoppage and that is fair to our frontline workforce, our customers and funding partners. The two-year agreement included a one-time pandemic payment, wage increases, and paid parental leave.

- Provides full-year funding for 200 new cleaners that have been recently hired to support enhanced cleaning of high-priority locations and new, strategic deployments on the Market-Frankford and Broad Street Lines.
- Includes increased funding for the Transit Police Department to staff the new “virtual patrol” unit, contracts with third-party firms to support the SCOPE and SAVE programs, and the first year of three-year security guard contracts to staff the SEPTA Outreach Services initiative.
- Funds full implementation of SEPTA’s Authority-wide Efficiency and Accountability program. Under the direction of a permanent Transformation Office, SEPTA’s Efficiency and Accountability Program is working to develop strategies and put in place procedures to drive organizational efficiency, productivity, and accountability. These cost-saving and revenue-generating opportunities will help put SEPTA on more stable financial footing, and ensure SEPTA has the right capabilities, mindsets, and resources to deliver on our Strategic Plan.

SEPTA also convened a Ridership Recovery Task Force to bring riders back to the system as COVID recovery progresses. This group identified a series of fare enhancements that utilize pricing as an incentive to increase ridership and promote seamless travel. The fare inducements in SEPTA’s proposed budget include:

- Reduced pricing for one-day and three-day passes
- Creation of a new Neighborhood Flex DayPass, which improves the convenience and affordability of Regional Rail travel
- Full roll-out of the new SEPTA Key Advantage Program. SEPTA Key Advantage is an employer-based all-access benefit program that allows employers to enter into an agreement with SEPTA to load “all access” passes for eligible employees, with employers covering the cost of employee participation in the program. SEPTA began piloting the program last week with employees at Penn Medicine, Drexel, and Wawa, and we have been encouraged to see that 63 percent of eligible employees have signed up to participate in the program. Under the proposed budget, the program will be made permanent and open to broader network of employers.

And because having a workforce built for the 21st Century is critical to meeting the needs of our riders, SEPTA is making a significant investment in the capacity of its Human Resources Department, providing additional tools and resources for recruitment and training to help accelerate hiring and onboarding of new Transit Police Officers and other employees, with a goal to restore departments to as close to fully capacity as possible over the next several years, allowing SEPTA to maintain and grow service levels as ridership returns.

We continue to do everything we can to both reduce costs and to welcome riders back to support the region’s reopening efforts. We are working with major employers, chambers of

commerce, transportation management associations, rider groups and other stakeholders to support their return-to-office plans, including helping to lead the Chamber of Commerce's Recharge and Recovery Task Force, as well as the City's Ready.Set.Philly initiative.

We have also developed a number of resources to help employers and riders returning to SEPTA for the first time since the start of the pandemic, including:

- Developing an employer Toolkit with service, health and safety, and fare information to help employees returning to the office
- Creating extensive, multi-media "SEPTA is the Way to Go" marketing campaign
- Participating in numerous major employer webinars and town hall meetings to discuss the service we are providing and everything we are doing to keep the system safe.

These focused and coordinated efforts are helping to drive ridership growth, as the region emerges from the pandemic. The more than 500,000 daily trips we are now providing are the equivalent of five sold-out Beaver Stadiums and more than the daily cars on the Schuylkill expressway and jobs in center city Philadelphia.

We have seen traffic on area roads approaching and, in some areas, exceeding pre-pandemic levels. SEPTA's 500,000 daily passenger trips provide relief from productivity crushing congestion. Congestion functions like a tax on business and exacerbates economic inequality. Philadelphia is still among the nation's 10 most congested cities (according to a February 2022 report), and Philadelphia area residents spend an extra 50 hours annually sitting in traffic. Traffic caused by volume of cars, package delivery trucks and Transportation Network Companies (TNCs) such as Uber and Lyft adds hundreds of millions of dollars in costs each year to bus and car passengers. Buses are impacted by traffic three times worse than cars due to the inability to deviate from their routes. Slower buses also cost more money to operate – to maintain the same level of service, just at slower speeds.

Looking longer-term, under the banner of SEPTA Forward, the Authority's Five-Year Strategic Plan – SEPTA is advancing a number of initiatives that will help SEPTA to transform our organization and services to meet the changing needs of our riders. Over the past year, SEPTA has made tremendous progress on initiatives to create a unified network. To grow ridership and build a more equitable future, riders must be able to use services interchangeably, for any sort of trip, at any time.

Bus Revolution – SEPTA is now midway through its three-year Bus Revolution initiative, which is redesigning our City and Suburban bus network to create an interconnected network to make bus service more reliable, efficient, and simpler to use.

Wayfinding Master Plan – As part of the overarching Project Metro initiative – which is working to unify the Market-Frankford Line, Broad Street Line, Norristown High Speed Line, and trolleys

as a single, easy to use network with new maps, signage, and communication – SEPTA is advancing its Wayfinding Master Plan that will install new signage across the Metro system to make stations easier to navigate, improving real-time information with enhanced screens, and redesigning our mobile app and website.

Reimagining Regional Rail – SEPTA Forward envisions Regional Rail as part of a lifestyle network of frequent, all-day, and all-week services that connects people to a range of destinations across the region, and the SEPTA team is working with stakeholders to create a vision of what that looks like and identifying the infrastructure, equipment, operations, and policies needed to achieve this goal.

INFRASTRUCTURE INVESTMENT TO SUSTAIN SERVICE AND CATALYZE STATEWIDE GROWTH

Longer-term, SEPTA’s critical role moving the region, as well as its future capacity to support jobs and economic growth in the Commonwealth will be determined by its ability to address its \$4.6 billion backlog of infrastructure rehabilitation and vehicle replacement needs and invest in Projects of Regional Significance that will add capacity to propel our region.

Beginning in Fiscal Year 2023, the transition of Act 89 transit capital funding obligations from the Pennsylvania Turnpike Commission to the Motor Vehicle Sales and Use Tax will affirm Pennsylvania’s commitment to transit infrastructure and ensure that critical investments made possible by Act 89 will continue to support the state’s transit systems and broader recovery.

For SEPTA, this transition will provide bondable funding options to put the Authority on a sustainable path. SEPTA is able to leverage against forecasted state revenues to issue bonds to support critical capital investments to address our \$4.6 billion state of good repair backlog and plan for future service improvements.

Coupled with the recently passed Bipartisan Infrastructure Law – which will provide SEPTA with approximately \$500 million in additional capital formula funding over the five-year life of the bill, about \$100 million per year above current federal formula levels – SEPTA is able to move forward with a \$1.1 billion capital budget in Fiscal Year 2023. Over the next 12 years, we intend to invest \$11.4 billion to bring assets to a state of good repair, maintain safety, enhance accessibility, meet the Authority’s financial obligations, advance strategic objectives and implement system improvements to enhance transit service for the future.

While these are historic capital budgets for SEPTA, our investment levels continue to trail competitor regions, which are spending double SEPTA’s capital budget. As a result, Pennsylvania is losing out to competitor regions that are investing billions to attract companies and win new jobs.

SEPTA has worked with state and local stakeholders to identify and advance a program of Projects of Regional Significance – including King of Prussia Rail, Trolley Modernization and the

replacement of one of the oldest rail vehicle fleets in the nation – that will allow the Authority to meet the future mobility needs of our growing region. To achieve these infrastructure goals, new funding local funding options are needed to allow counties and regions to secure federal funding and invest in their priorities.

This is not a new concept, and legislative momentum exists to develop those options now. The Southeast and Southwest Partnerships for Mobility – two regional workgroups comprised of business and civic leaders – and the Pennsylvania Transportation Revenue Options Commission Report issued reports recommending local funding measures to meet Pennsylvania’s growing transportation needs. We were pleased that Chairman Langerholc’s DRIVE SMART Act and House Transportation Committee Chairman Hennessey’s HB 2366 both include local investment recommendations to ensure that Pennsylvania’s transportation network can support and drive economic growth.

With local funding supporting new federal investment, SEPTA’s new strategic plan – SEPTA Forward – and our Projects of Significance like Trolley Modernization and KOP Rail will accelerate regional employment growth, add Billions in increased state and local tax revenues and stimulate more than two times (2X) return on investment. Based on recent economic analysis, KOP Rail will create an estimated additional 5,400-6,300 local, family-sustaining construction related jobs in southeastern Pennsylvania, generating up to \$602 million in middle class worker earnings, and Trolley Modernization will catalyze over 38,000 permanent jobs across the region.

SEPTA is proud to support the ongoing recovery and maintain our region’s role as the engine of the entire state. We are making investments in operational and customer safety to create a safe environment for our customers to ride and for our employees to work, and our Ridership Recovery Taskforce is developing strategies to maximize efficiency, productivity and customer experience to grow ridership.

After two years of uncertainty, the pieces are coming together for SEPTA to advance a fresh vision for the future with transit at the core of a resilient, prosperous, and equitable community for everyone.

Significant challenges exist – including safety and security, sustainable funding, and evolving mobility needs – and we look forward to working with the members of this Committee, the General Assembly and all stakeholders to advance our priorities, meet our goals and overcome any obstacles – together.

The state’s continued support of public transportation and SEPTA’s Operating and Capital Budgets is greatly appreciated, and we appreciate your holding this important hearing. I am happy to answer any questions.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Testimony of

Jennie A. Louwerson, AICP, Deputy Secretary, Multimodal Transportation

Pennsylvania Department of Transportation

Public Hearing on Safety and Sustainability of Public Transit

Senate Transportation Committee

May 9, 2022

Good Afternoon. Thank you for inviting me to share my perspective on safety and security in public transportation systems across the Commonwealth. Our investments in public transportation across the state are critical to a safe, and reliable transportation network that is essential to the economic vitality of the state. The Pennsylvania Department of Transportation's (PennDOT) involvement plays a role in funding safety enhancements at facilities and on busses, technology investments, and training through a collaboration with the Pennsylvania Public Transportation Association through PennTRAIN. Additionally, we have provided technical support to transit agencies by developing an easy-to-use public transportation safety planning template that meets all federal criteria. We review transportation safety as a part of our mandated Transportation Performance Reviews, which are conducted every five years and share opportunities for improvement and best practices.

PennDOT provides nearly \$600 million annually in state capital funding to transit systems as part of our Asset Improvement program. Transit agencies are encouraged to maintain a state of good repair in both facilities and busses. Over 87 percent of that funding is directed specifically to SEPTA and Port Authority, which they use to maintain and improve safety in their systems. In FY 2021-22, PennDOT funded 10 separate projects (outside of SEPTA and Port Authority) totaling more than \$3 million in federal and state funds across Pennsylvania that will augment safety and security of public transportation.

Projects included new camera installation and upgrades on buses and throughout facilities, improved lighting at transit facilities, enhanced access control at facilities, and IT/server upgrades. Additionally, as part of our Fixed Route Intelligent Transportation System Project, additional camera systems are being installed separate from agency capital requests. In the prior fiscal year, PennDOT funded eight safety/security related projects. Many agencies installed driver barriers/shields as a result of the COVID-19 pandemic, using federal relief funds in 2020 and into 2021 which further protects drivers.

Agencies also receive over \$1.1 billion in state operating assistance to subsidize public transportation. This is just the state investment and does not include the millions of dollars in federal assistance that is used for operating and capital assistance. Driver training programs are funded using these operating dollars. Systems in larger urban areas can also use these funds for their own transit security or police departments. Public transit agencies often take advantage of nationally developed training for staff and operators to ensure their safety and that of the riding public.

One such training program is PennTRAIN, an award-winning collaboration between PennDOT and Pennsylvania Public Transportation Association (PPTA) to offer training on a variety of topics important to the public transportation industry. The curriculum is designed with public transit and PennDOT input to meet the needs of the transit industry. Training topics specific to safety run the gamut from conflict avoidance to Safety/Security/Evacuation procedures. As needs arise, PennTRAIN quickly adapts to offer additional coursework. The following is a sample of courses offered in the last year:

- De-escalation training;
- Awareness and assertiveness training;
- Conflict avoidance;
- CNG system inspector training;
- Accident investigation; and
- Certification training for Safety and Security Officers.

As a supplement to PennTRAIN, the State Association for Transportation Insurance (“SAFTI”), who represents 25 small urban and rural systems, provides additional training opportunities including partnering with PennTRAIN for accident investigation, catastrophic loss scenarios, de-escalation training, fatigue and other related safety issues. All members of the organization must meet robust risk management requirements to remain a member of good standing in the insurance pool- which includes annual safety inspections by a third-party risk management consultant.

Additionally, transit agencies have a long-standing partnership with the Transportation Security Administration (TSA) to conduct site visits and mock exercises, which provide real-world training on a variety of safety topics from minor workplace accidents to terrorism.

New federal regulations require urban transit agencies to develop a Public Transportation Agency Safety Plan, or PTASP. To assist our agencies, PennDOT researched and developed a federally approved template to help agencies understand how to create a Safety Management System. The planning document guides agencies to proactively create a safety culture through buy-in from employees. Agencies are encouraged to communicate their safety plans to stakeholders, including PennDOT and their local planning partners. PennDOT has also conducted one-on-one technical assistance to help agencies adopt the Safety Management System regime. While the federal rules only require agencies receiving federal urbanized area funding to implement the PTASP, PennDOT has encouraged all systems to adopt this strategy and culture.

Act 44 of 2007 requires PennDOT to implement a Transportation Performance Review (TPR) every five years at every transit system. PennDOT has identified safety as a critical review area. Each TPR has time devoted to exploring agency safety practices. PennDOT reviews specific safety data such as employee reporting systems, insurance claims, and worker’s compensation claims. The dollar values of claims are reviewed in comparison to other agencies. Outliers and atypical safety incidents are identified and discussed as part of the review process. These results are outlined in the agencies performance reports and agencies are required to report on areas of improvement.

PennDOT provides funding and technical assistance to transit agencies to deliver a service that is safe and reliable for the riders of Pennsylvania. In FY 20-21, they provided over 141 million trips on fixed route and nearly 2 million shared ride trips. At the worst point of the pandemic, ridership was down by 90 percent in some systems, yet transit agencies continued to offer service to the transit dependent, allowing people to continue to work, shop and receive healthcare services. Our transit workers are on the front line offering services to people who have no other options for transportation and for those who choose to ride to save money or improve the environment. Safety at our bus stops and stations, on our buses and in our facilities is everyone's responsibility.

Statement of Brian Pollitt, President Transport Workers Union, Local 234

City and SEPTA police need to establish an overwhelming presence in the subway to combat transit crime

Crime and violence in big city public transit systems is on the rise across the country, from New York, to Chicago to Washington, Los Angeles, Atlanta, the San Francisco Bay Area and Philadelphia. The increase in crime is caused, in part, by the pandemic, but also due to opioid addiction and rising levels of homelessness.

In Philadelphia, subway crime has been on the rise. In 2021, there were 86 aggravated assaults compared to 46 in 2019. Robberies increased to 217 from 118 during the same period. The problem is making it hard to get riders back on the SEPTA system. .

Over the past two and a half years, Local 234 members have kept SEPTA and the City moving in the face of two public health crises, COVID-19 and Opioid Addiction. During the pandemic, there has been fewer riders but a marked increase in hostility directed against our operators, over fares and masking. There has also been an increase in the number of homeless and drug addicted individuals seeking refuge in the subway and in SEPTA terminals and vehicles. Trains at the terminal points of the Broad Street and Market-Frankford lines have become hotels for the homeless. TWU members, operators, cashiers and maintenance employees are being threatened, assaulted and otherwise accosted while trying to perform their jobs.

These same security concerns are impacting SEPTA riders and making it difficult for the Authority to restore ridership beyond pre-pandemic levels—let alone increase ridership---critical to the recovery of the Philadelphia and Commonwealth economies. Unfortunately, due to either

the lack of effective strategies, resources, or training, the SEPTA Transit Police have been unable to address rising transit crime.

SEPTA needs to do more to solve the problem of transit crime---especially as it relates to the deployment of the transit police force. Although the transit police are short-handed by approximately 50 officers, the existing force can, but isn't, doing enough to address criminal activity in the system; activity that Transit Police *management* is fully aware. For example:

- On the Walnut-Locust concourse of the Broad Street line a gang is operating with impunity, openly dealing drugs, promoting prostitution and scaring the hell out of our members and the riding public. They're acting as if they own the location. SEPTA management knows what's going on, the Transit Police know what's going on, our members have reported the problem but the transit police appear to be looking the other way. No one has challenged the groups' operation in the subway!

- At the Frankford train and bus terminal in Northeast Philadelphia, homeless people and opioid users congregate on a daily basis using this SEPTA facility as if it's their home. During day time they hang out on the platform, from midnight to 5:00 a.m. they use SEPTA buses as mobile homes. They sleep, eat, and relieve themselves on SEPTA buses and trains. They also use and sell drugs. The same phenomena is occurring at the 69th Street terminal. On the Broad Street line a homeless *encampment* has been set up between Walnut Locust and City Hall.

The transit police patrol by car, foot or mobile cart to keep passengers and employees safe and secure on the SEPTA system. But, to date, these patrol units have been unable to address these problems. Why? This is not simply a matter of being short-handed of transit police officers, although that's a real problem that SEPTA must address. Instead, the ongoing

nature of the problems of homelessness, drug addiction and crime *in the subway* demonstrates a *lack of will* on the part of Chief Thomas Nestel, the head of the Transit Police, and top SEPTA management, to deploy the resources SEPTA has to drive crime out of the system. Perhaps SEPTA and the City Administration have decided that homeless encampments in the subway are the lesser of evils, that is, out of sight, out of mind; so long as the problem remains underground. If so, our transit system will never recover from the loss of ridership it experienced during the pandemic.

The TWU recognizes that transit crime is the product of a broader trend of rising crime and in the City. In 2021, there were over 2,000 victims of gun violence in Philadelphia and over 500 gun related deaths, a record. Our schools are being undermined by the proliferation of guns and the ever present threat of violence. Homelessness, opioid addiction and crime are not rooted in our transit system, but are citywide social problems that are *migrating to the subway*. Think about it this way, can we create a *safe haven* in the subway, while crime is running rampant in the City? No way!

Thus, enhanced security on SEPTA trains, buses and in the subway cannot be achieved in isolation from a concerted effort to address the underlying social problems that are outside of SEPTA's control. Accordingly, the Mayor, City Council and the State legislature need to develop policies and programs that deal with drug addiction, homelessness and crime. Moreover, if our elected officials expect SEPTA to do more, as they should, they must provide SEPTA with the resources to do so.

Public transit officials around the country recognize that more police alone cannot solve the problem of transit crime. As a result, transit agencies are employing other tactics to deal with the underlying social problems feeding rising crime rates.

In Atlanta, for example, MARTA initiated a program in which uniformed, unarmed security personnel help homeless people by directing them to shelters, counseling and treatment. SEPTA is trying a similar approach, but it's too early to say whether such tactics will produce tangible results. But here again, if SEPTA is going to successfully move the homeless population and opioid users out of the subway and off SEPTA buses, the City must provide safe shelters, professional counseling and effective drug treatment programs.

Taking firmer action against fare evasion is another tack, since fare evaders often engage in other criminal activity. However, this problem is, in part, the product of poor Philadelphians who desperately need to use public transit being priced out of the system, especially if they need a transfer to get to and from their final destinations. If fare evaders are going to be channeled into the criminal justice system, we cannot have poor, working class Philadelphians get swept up in the process. SEPTA needs to make transit more accessible to those who cannot afford its sky high fares.

There is no quick fix to the problem of transit crime, because it is not as easy problem to solve. However, since *the City's social problems* have migrated into the subway, it would be a good start for the City Police and the SEPTA Police to establish an overwhelming law enforcement presence in the subway, even if temporary, to relocate the problem back into the City at large.

---end---

Fraternal Order of Transit Police

FOP Lodge #109



Testimony of Omari Bervine, Fraternal Order of Police, PA State Lodge
Fraternal Order of Transportation Police, Lodge 109, Before Pennsylvania
Senate Transportation Committee

May 9, 2022 - Public Transportation Safety and Sustainability

Committee Chair Langerholc and other Committee members,

Good day. My name is Omari Bervine. I am a 15-year veteran of the SEPTA Transit Police Department, where I hold the rank of Transit Police Officer. In addition to my police duties with SEPTA, I serve as the elected President of the Fraternal Order of Transit Police, Lodge 109, and as a member of the Legislative Committee of the Fraternal Order of Police, Pennsylvania State Lodge, which represents over 40,000 law enforcement professionals throughout the Commonwealth of Pennsylvania.

I would like to extend my thanks to Committee Chair Langerholc, Minority Chair Flynn and the other Committee members for your attention to the critically important issue of safety and sustainability of Pennsylvania's public transportation systems. Because we all should know, and I can speak directly from my experience with SEPTA, if a public transportation system is not safe, it is not sustainable.

Sadly, "unsafe" and "unsustainable" are words that accurately describe SEPTA. Our Transit Police Officers are responsible for policing the entire regional SEPTA system, covering an area of five Pennsylvania counties and three states. We are sworn to protect and serve SEPTA's riders throughout the 2,200 square-mile SEPTA service area, which in 2021 logged almost 130 million passenger trips. It's a massive challenge, and SEPTA simply does not employ enough Police Officers to meet that challenge.

SEPTA's Police Department is budgeted for 260 sworn officers, which already isn't enough to do the job, but as I speak here today, our Police Department operates with fewer than 160 available patrol officers. Not long ago, this number was well in excess of 200.

The result? More crime, more danger, and more people deciding that taking public transportation just isn't worth the risk. It's no secret that the riders who left SEPTA during the pandemic are not coming back, especially to our Market-Frankford and Broad Street lines.

And who can blame them? The Philadelphia Inquirer recently reported that robberies and aggravated assaults on SEPTA property jumped by more than 80% from 2019 to 2021, even as the number of riders during that period of time was



cut in half. And 2022 is looking even worse. In recent days alone there have been several incidents in which SEPTA passengers were stabbed in one of our stations. In the last 3 weeks alone, multiple passengers were pushed onto train tracks by an unknown assailant. And just few weeks ago, a woman was reportedly raped at a Broad Street Line Station, on the very same day that a gunpoint robbery occurred at 15th Street Station, and a rider was stabbed at 34th Street Station. A rape, a robbery, and a stabbing all occurring in one day on SEPTA.

Not surprisingly, this spike in crime throughout the SEPTA system has been happening as the number of Police Officers has been reduced, leaving SEPTA woefully underprepared to face the current onslaught of violent criminal activity that is threatening to overrun our city's mass transit system.

The saddest thing about the recent turn of events is that it was so preventable. We are facing the problems we have today because SEPTA has refused to invest in its Transit Police Department and its Transit Police Officers. SEPTA struggles to keep the Police Officers we have right now, and to recruit new officers, because SEPTA does not provide a competitive pay and benefits package. In the last few years, my department has lost over 100 officers through resignations, most of whom left to pursue police jobs in departments offering higher salaries, better benefits, and safer working conditions. This has to change. Because if SEPTA continues to refuse to invest in the women and men who keep their riders safe, the system will continue to bleed riders and fail.

I am asking the members of this Committee to do your best to stop this from happening. Take the steps that are needed to recruit and retain qualified Transit Police Officers so that we can restore public confidence in the system. Provide funding, but require that the new funding be invested in a compensation package that will allow SEPTA to compete with neighboring departments for talent. Enhance collective bargaining rights for Transit Police Officers by providing for interest arbitration of our contract disputes, just like every other Police Department. Close the loopholes in the Heart and Lung Act that permit SEPTA to treat injured Transit Police Officers like civilians as opposed to police officers. Close the loophole that deprives SEPTA's Police Officers of Act 17 benefits that protect police officers everywhere else in the Commonwealth from the risks of contracting COVID-19 at work, but not us. Simply put, as long as SEPTA is permitted to treat its Transit Police Officers as second-class citizens, it will continue to lose talented officers to departments that treat them fairly and with the dignity they deserve. The transportation system will grow less safe, and less sustainable. Everybody loses.

I know that nobody in this room wants this to happen. That's why SEPTA's Transit Police Officers and the FOP are grateful for this Committee's attention to the issue of safety. We need your help so that we can do our best to protect the public in these dangerous times. Because if we cannot convince the public that public transportation is safe, at SEPTA and throughout the Commonwealth, then the entire system is doomed to fail.

Thank you for your continued support for the men and women in Pennsylvania's law enforcement community. We look forward to continuing to work with the Committee on this and other issues to provide for safer transportation and safer citizens throughout our Commonwealth.



Best regards,

Omari J Bervine
President/CEO
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Senate Transportation Committee Hearing: Safety and Sustainability of Public Transportation in Pennsylvania - Transit Forward Philly Testimony

Good afternoon Committee Chair Senator Langerholc, Senate Transportation Committee members, SEPTA staff, and other guests. My name is Yasha Zarrinkelk, and I am the Advocacy Director & Coalition Manager of Transit Forward Philadelphia, a coalition of over two dozen Greater Philadelphia organizations. We are made up of labor unions, businesses, community development corporations, environmental justice groups, senior, elderly, and disability rights advocates, and a collective of riders interested in advocating for a safe, accessible, and sustainable transit network that allows people, communities, and businesses to thrive. Our goal is to amplify riders' voices who have been historically underrepresented and left out of conversations regarding transit justice and transportation equity.

I am pleased to be here today, representing only a portion of the diverse group of riders, residents, and community groups throughout the transit-dependent but also transit-rich city of Philadelphia. Transit Forward Philadelphia believes that a livable, healthy, and safe Philadelphia is also a connected, transit-rich, and fully funded SEPTA network.

SEPTA'S IMPACT

SEPTA is a lifeline for all Philadelphians. The agency connects riders to family, community, and culture. With investments in SEPTA that support safe, frequent, and reliable service for riders, the state and the agency have an opportunity to enrich the lives of all Philadelphians by providing a lifestyle transit network that connects families, seniors, and youth to jobs, school, food, healthcare and commerce. SEPTA powers our institutions, fuels our small businesses, and generates the taxes that make our region run. I cannot stress enough how much Greater Philadelphia transit riders, workers, and systems are the engines of our economy and the backbone of our communities.

In addition, investments in SEPTA and public transit agencies across the state intersect the plethora of other major issues across the region and in the city such as affordable housing, access to healthcare, reducing greenhouse gas emissions, and most importantly keeping our communities safe from gun violence, physical assaults, traffic deaths, and the harmful consequences of urbanization and gentrification.

SAFETY ABOARD THE SYSTEM

After the recent events of violence, assault, and crime that have occurred aboard SEPTA and transit agencies across the country, the safety and well-being of riders and transit workers are at the top of everyone's mind. Transit Forward Philly has found that public safety is often a major obstacle to using the system through public outreach and surveying of riders for our Better Buses campaign. Former SEPTA riders went so far as to say that safety is the primary reason they have stopped using the system. This also includes SEPTA operators who need the support of management and the state to prioritize their safety and protect workers.

PROACTIVE STEPS & EQUITABLE SOLUTIONS

However, we are excited and pleased to see SEPTA utilizing federal infrastructure funding and employing creative, progressive, and equitable solutions to enhance riders' experience, provide reliable and dependable transit service, and try to prevent any service cuts for riders.

Transit Forward Philadelphia and SEPTA thankfully share a few goals for ways to encourage ridership to come back to the system and, in turn, make SEPTA safer for everyone. **This is a complex issue that can quickly become a slippery slope and cyclical cycle for ridership loss and lead to direct increases in crime. If riders feel unsafe aboard the system, fewer riders will utilize SEPTA services and, in turn, more opportunities for undetected and unsupervised crime.**

The answer to this cycle of crime and ridership loss is not to pull investments from the agency but rather fund our transit agencies to encourage riders back onto the system, cultivate a safe space for riders aboard the system and at SEPTA stations and stops, as well as make SEPTA a welcoming and useful mode of transportation for riders. The region needs a robust mass transit system to support the region's recovery, and rebuilding SEPTA ridership is critical.

It is important to note that these issues are not the sole responsibility of the transit agency; however, SEPTA does need to take proactive steps to mitigate crime and support the City's policies to reduce homelessness, drug addiction, and gun violence. Issues of violence, homelessness, and drug addiction reflect broader societal challenges. SEPTA has a responsibility to riders and the community to provide the safest and most reliable service they can.

Thankfully, encouraging signs indicate that incidents of violent crime reported on the system have gone down in the first quarter of this year, as SEPTA ridership has increased from January through March and this is due to the creative and progressive solutions the agency has taken to make riders feel safe aboard the system again.

SEPTA's SCOPE program, or the Safety, Cleaning, Ownership, Partnership and Engagement program, works closely with SEPTA Transit Police, Operations, and System Safety personnel to provide outreach services to vulnerable community members. And in a one-of-a-kind partnership with two local universities, first-year medical students and undergraduates are now serving as "health navigators" in the system.

In 2021, the Transit Police SAVE Unit and SCOPE program had nearly 5,000 engagements. It made hundreds of referrals to social service providers. In September of last year, the SEPTA board approved a \$3.6 million plan to allow the authority to deploy up to 57 new outreach workers to partner with SEPTA police in providing drug addiction and housing services. This is an excellent example of how SEPTA can ensure the public safety of riders. We at Transit Forward Philly applaud and encourage SEPTA and agency management for implementing alternative programs to address the issue of safety. By deploying a variety of additional personnel - civilian administrative staff, social workers and third-party security guards – SEPTA is putting all hands on deck to address the current challenges of vulnerable individuals seeking shelter in the SEPTA system. A holistic, service-based approach to safety on the SEPTA system is key to this issue and will significantly increase ridership aboard the system.

We have also heard that SEPTA will formally introduce SEPTA Outreach Specialists, which the Board approved in February of 2022. The Board awarded \$6.6 million in contracts to three minority-owned firms, including two Black-owned Philadelphia companies, to provide a visible presence in high volume stations and on the Broad Street and Market-Frankford Lines. This additional personnel will notify SEPTA Transit Police of safety and quality of life issues, engage riders to provide direction and referrals to Customer Service, advise riders of behavior rules, and connect the vulnerable population with SCOPE and SAVE resources. Eventually, the Outreach Specialists program will add 88 additional "eyes and ears" to Broad Street and Market-Frankford Line stations and vehicles every day and assume station opening and closing duties.

Again, the answer to this cycle of crime and ridership loss is a legislative policy that provides strong, sustainable, and bondable investments in SEPTA and public transit agencies across the state. Encouraging riders back onto SEPTA by cultivating a safe space for riders aboard the system, riders will become the eyes and ears of the network and help protect our communities and reduce crime aboard SEPTA.

Thank you again for this opportunity to speak to all of you about the future of SEPTA and keeping the system safe, sustainable, and reliable for riders, communities, and voters. I am happy to answer any questions from the committee, and thank you for your time.

EXHIBIT 2

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 140 Session of 2021

INTRODUCED BY MALONEY, LONGIETTI, SANCHEZ, SIMS, WHEELAND, D. WILLIAMS, MULLINS, KINSEY, HARKINS, HOHENSTEIN, SOLOMON, STEPHENS, DOWLING, WHITE, B. MILLER, DALEY, SCHMITT, T. DAVIS, INNAMORATO, KRAJEWSKI, O'MARA, HEFFLEY, KENYATTA, DELLOSO AND SAMUELSON, JANUARY 13, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 25, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for additional parking regulations.

4 This act may be referred to as Susan's and Emily's Law.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section ~~3354(d)(2.1)~~ and ~~(f)~~ 3354(D)(2.1), (F) <--
8 AND (H) of Title 75 of the Pennsylvania Consolidated Statutes
9 are amended and the section is amended by adding a subsection to
10 read:

11 § 3354. Additional parking regulations.

12 * * *

13 (b.1) Protected pedestrian plazas and pedalcycle lanes.--

14 (1) When there is an on-street pedestrian plaza or a
15 pedalcycle lane adjacent to the right-hand curb of a two-way
16 or one-way highway, a vehicle standing or parked upon the

1 right-hand side of the two-way or one-way highway shall be
2 positioned in the direction of authorized traffic movement
3 with the right-hand wheels of the vehicle parallel to and
4 within 12 inches of the outside line of the buffer area
5 between the pedestrian plaza or pedalcycle lane and parking.

6 (2) When there is an on-street pedestrian plaza or a
7 pedalcycle lane adjacent to the left-hand curb of a one-way
8 or median-divided, two-way highway, a vehicle standing or
9 parked upon the left-hand side of the highway shall be
10 positioned in the direction of authorized traffic movement
11 with the left-hand wheels of the vehicle parallel to and
12 within 12 inches of the outside line of the buffer area
13 between the pedestrian plaza or pedalcycle lane and parking.

14 (3) Nothing under this section shall be deemed to
15 prevent a local authority from enacting parking regulations
16 under section 6109 (relating to specific powers of department
17 and local authorities) to provide for a special, alternative
18 or temporary configuration and signage for parking on a
19 highway with an on-street pedestrian plaza or pedalcycle
20 lane.

21 (4) NOTHING UNDER THIS SECTION SHALL BE DEEMED TO APPLY <--
22 TO THE STOPPING OR STANDING OF SCHOOL BUSES OR SCHOOL
23 VEHICLES WHEN RECEIVING OR DISCHARGING SCHOOL STUDENTS. A
24 SCHOOL BUS OR SCHOOL VEHICLE MAY STOP OR STAND AS CLOSE AS
25 PRACTICABLE TO THE CURB OR SHOULDER.

26 ~~(4)~~ (5) PRIOR TO DESIGN OR CONSTRUCTION OF A PROTECTED <--
27 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS SUBSECTION,
28 THE POLITICAL SUBDIVISION AND DEPARTMENT SHALL PROVIDE
29 DEFERENCE TO THE FOLLOWING:

30 (I) BUSINESSES WHOSE FRONT OR REAR ENTRANCE IS

1 FACING THE HIGHWAY FOR THE PURPOSES OF LOADING AND
2 UNLOADING PROPERTY OR PASSENGERS.

3 (II) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

4 ~~(5)~~ (6) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF <--
5 THE SECOND THROUGH EIGHTH CLASS MAY DESIGN OR CONSTRUCT A
6 PROTECTED PEDESTRIAN PLAZA OR PROTECTED PEDALCYCLE LANE UNDER
7 THIS SUBSECTION, THE DEPARTMENT SHALL CERTIFY THAT THE
8 POLITICAL SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL
9 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL
10 APPLY:

11 (I) A POLITICAL SUBDIVISION THAT HAS AN ORDINANCE
12 THAT IS INCONSISTENT WITH THIS TITLE OR CAUSES A
13 VIOLATION OF THIS TITLE, INCLUDING ANY ORDINANCE THAT
14 CREATES TIERED VIOLATIONS OF THIS TITLE, INCLUDING, BUT
15 NOT LIMITED TO, PRIMARY OR SECONDARY VIOLATIONS, SHALL BE
16 CONSIDERED TO BE A VIOLATION OF THIS SECTION.

17 (II) A POLITICAL SUBDIVISION THAT DIRECTS A POLICE
18 OFFICER TO NOT ENFORCE THE PROVISIONS OF THIS TITLE SHALL
19 BE CONSIDERED TO BE IN VIOLATION OF THIS SECTION.

20 (III) A POLITICAL SUBDIVISION THAT IS IN VIOLATION
21 OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED
22 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
23 SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT THE
24 PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
25 SUBSECTION IF THE DEPARTMENT DETERMINES THAT THE
26 POLITICAL SUBDIVISION IS COMPLIANT WITH THIS PARAGRAPH.

27 ~~(6)~~ (7) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF <--
28 THE FIRST CLASS MAY DESIGN OR CONSTRUCT A PROTECTED
29 PEDESTRIAN PLAZA OR PROTECTED PEDALCYCLE LANE UNDER THIS
30 SUBSECTION, THE FOLLOWING MUST OCCUR:

1 (I) THE DEPARTMENT CERTIFIES THAT THE POLITICAL
2 SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL
3 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL
4 APPLY:

5 (A) A POLITICAL SUBDIVISION THAT HAS AN
6 ORDINANCE THAT IS INCONSISTENT WITH THIS TITLE OR
7 CAUSES A VIOLATION OF THIS TITLE, INCLUDING ANY
8 ORDINANCE THAT CREATES TIERED VIOLATIONS OF THIS
9 TITLE, INCLUDING, BUT NOT LIMITED TO, PRIMARY OR
10 SECONDARY VIOLATIONS, SHALL BE CONSIDERED TO BE A
11 VIOLATION OF THIS SECTION.

12 (B) A POLITICAL SUBDIVISION THAT DIRECTS A
13 POLICE OFFICER TO NOT ENFORCE THE PROVISIONS OF THIS
14 TITLE SHALL BE CONSIDERED TO BE IN VIOLATION OF THIS
15 SECTION.

16 (C) A POLITICAL SUBDIVISION THAT IS IN VIOLATION
17 OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED
18 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
19 SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT
20 THE PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE
21 UNDER THIS SUBSECTION IF THE DEPARTMENT DETERMINES
22 THAT THE POLITICAL SUBDIVISION IS COMPLIANT WITH THIS
23 PARAGRAPH.

24 ~~(II) THE ATTORNEY GENERAL HAS APPOINTED A SPECIAL~~ <--
25 ~~PROSECUTOR IN THE COUNTY OF THE FIRST CLASS TO~~
26 ~~INVESTIGATE AND INSTITUTE CRIMINAL PROCEEDINGS FOR A~~
27 ~~VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING~~
28 ~~WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES AS~~
29 ~~THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION~~
30 ~~IN THE COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL~~

1 ~~APPLY:~~

2 ~~(A) THE SPECIAL PROSECUTOR SHALL HAVE A MINIMUM~~
3 ~~OF THREE YEARS' EXPERIENCE IN CRIMINAL PROSECUTIONS~~
4 ~~WITHIN THIS COMMONWEALTH AND HAVE NOT BEEN EMPLOYED~~
5 ~~BY THE DISTRICT ATTORNEY'S OFFICE OF THE COUNTY OF~~
6 ~~THE FIRST CLASS WITHIN SIX YEARS OF THE ENACTMENT OF~~
7 ~~THIS SECTION.~~

8 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW~~
9 ~~OR REGULATION, THE SPECIAL PROSECUTOR SHALL HAVE THE~~
10 ~~AUTHORITY TO INVESTIGATE AND INSTITUTE CRIMINAL~~
11 ~~PROCEEDINGS FOR A VIOLATION OF THE LAWS OF THIS~~
12 ~~COMMONWEALTH. THE SPECIAL PROSECUTOR'S AUTHORITY~~
13 ~~SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:~~

14 ~~(I) PARTICIPATING IN COURT PROCEEDINGS AND~~
15 ~~ENGAGING IN ANY CRIMINAL LITIGATION, THAT THE~~
16 ~~SPECIAL PROSECUTOR CONSIDERS NECESSARY.~~

17 ~~(II) APPEALING ANY DECISION OF A COURT IN~~
18 ~~ANY CASE OR PROCEEDING IN WHICH THE SPECIAL~~
19 ~~PROSECUTOR PARTICIPATES IN AN OFFICIAL CAPACITY.~~

20 ~~(III) REVIEWING ALL AVAILABLE EVIDENCE.~~

21 ~~(IV) MAKING APPLICATION TO THE APPROPRIATE~~
22 ~~COURT FOR A GRANT OF IMMUNITY TO A WITNESS,~~
23 ~~CONSISTENT WITH APPLICABLE STATUTORY~~
24 ~~REQUIREMENTS, OR FOR WARRANTS, SUBPOENAS OR OTHER~~
25 ~~COURT ORDERS.~~

26 ~~(V) INITIATING AND CONDUCTING PROSECUTIONS~~
27 ~~IN ANY COURT OF COMPETENT JURISDICTION, FILING~~
28 ~~INFORMATION AND HANDLING ALL ASPECTS OF ANY CASE~~
29 ~~IN THE NAME OF THE COMMONWEALTH.~~

30 ~~(C) NO PERSON CHARGED WITH A VIOLATION OF THE~~

1 ~~LAW BY THE SPECIAL PROSECUTOR SHALL HAVE STANDING TO~~
2 ~~CHALLENGE THE AUTHORITY OF THE SPECIAL PROSECUTOR TO~~
3 ~~PROSECUTE THE CASE, AND, IF ANY CHALLENGE IS MADE,~~
4 ~~THE CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL~~
5 ~~BE AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO~~
6 ~~THE INDIVIDUAL MAKING THE CHALLENGE.~~

7 ~~(D) THE APPOINTED SPECIAL PROSECUTOR SHALL SERVE~~
8 ~~FOR THREE YEARS. THIS SUBSECTION SHALL NOT APPLY TO~~
9 ~~ANY CASE INSTITUTED THREE YEARS AFTER THE EFFECTIVE~~
10 ~~DATE OF THIS SUBSECTION.~~

11 ~~(E) THE COUNTY OF THE FIRST CLASS MUST COMPLY~~
12 ~~WITH THIS SUBSECTION FOR THE DURATION OF THE SPECIAL~~
13 ~~PROSECUTOR'S APPOINTMENT.~~

14 ~~(F) THE SPECIAL PROSECUTOR SHALL COMPILE A~~
15 ~~REPORT RELATED TO THE CRIMINAL ACTIVITY AND~~
16 ~~ADMINISTRATIVE PROCEEDINGS WITHIN A PUBLIC~~
17 ~~TRANSPORTATION AUTHORITY THAT SERVES AS THE PRIMARY~~
18 ~~PROVIDER OF PUBLIC PASSENGER TRANSPORTATION IN THE~~
19 ~~COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:~~

20 ~~(I) THE INITIAL REPORT SHALL BE SUBMITTED NO~~
21 ~~LATER THAN 90 DAYS FOLLOWING APPOINTMENT.~~
22 ~~FOLLOWING THE INITIAL REPORT, ANNUAL REPORTS~~
23 ~~SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY.~~

24 ~~(II) REPORTS SHALL BE SUBMITTED TO THE~~
25 ~~FOLLOWING:~~

26 ~~(A) THE PRESIDENT PRO TEMPORE OF THE~~
27 ~~SENATE.~~

28 ~~(B) THE SPEAKER OF THE HOUSE OF~~
29 ~~REPRESENTATIVES.~~

30 ~~(C) THE CHAIRPERSON AND MINORITY~~

1 ~~CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE~~
2 ~~SENATE.~~

3 ~~(D) THE CHAIRPERSON AND MINORITY~~
4 ~~CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE~~
5 ~~HOUSE OF REPRESENTATIVES.~~

6 ~~(E) THE CHAIRPERSON AND MINORITY~~
7 ~~CHAIRPERSON OF THE TRANSPORTATION COMMITTEE~~
8 ~~OF THE SENATE.~~

9 ~~(F) THE CHAIRPERSON AND MINORITY~~
10 ~~CHAIRPERSON OF THE TRANSPORTATION COMMITTEE~~
11 ~~OF THE HOUSE OF REPRESENTATIVES.~~

12 ~~(III) IF, AT ANY TIME, THE GENERAL ASSEMBLY~~
13 ~~FINDS THE CONTENTS OF THE REPORT TO BE~~
14 ~~UNSATISFACTORY, INCLUDING IF THE SPECIAL~~
15 ~~PROSECUTOR HAS BEEN FOUND NOT TO REDUCE CRIME OR~~
16 ~~RESULT IN SUCCESSFUL PROSECUTIONS, THE GENERAL~~
17 ~~ASSEMBLY SHALL PASS A CONCURRENT RESOLUTION IN~~
18 ~~OPPOSITION OF THE REPORT. FOLLOWING THE PASSAGE~~
19 ~~OF THE CONCURRENT RESOLUTION, THE DEPARTMENT~~
20 ~~SHALL PROHIBIT THE CONSTRUCTION OF PROTECTED~~
21 ~~PEDESTRIAN PLAZAS AND PEDALCYCLE LANES IN THE~~
22 ~~COUNTY OF THE FIRST CLASS UNTIL THE GENERAL~~
23 ~~ASSEMBLY PASSES A CONCURRENT RESOLUTION IN~~
24 ~~SUPPORT OF A SUBSEQUENT REPORT.~~

25 ~~(G) THE REQUIREMENTS UNDER THIS SUBPARAGRAPH~~
26 ~~SHALL EXPIRE THREE YEARS FOLLOWING THE APPOINTMENT OF~~
27 ~~THE SPECIAL PROSECUTOR.~~

28 ~~(II) THE SPECIAL PROSECUTOR SELECTION PANEL~~ <--
29 ~~ESTABLISHED UNDER CLAUSE (A) HAS APPOINTED A SPECIAL~~
30 ~~PROSECUTOR IN THE COUNTY OF THE FIRST CLASS TO~~

1 INVESTIGATE AND INSTITUTE CRIMINAL PROCEEDINGS FOR A
2 VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING
3 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES AS
4 THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION
5 IN THE COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL
6 APPLY:

7 (A) THE SPECIAL PROSECUTOR SELECTION PANEL IS
8 ESTABLISHED FOR THE PURPOSE OF SELECTING A SPECIAL
9 PROSECUTOR, TO WHICH THE FOLLOWING SHALL APPLY:

10 (I) THE PANEL SHALL BE COMPOSED OF ONE JUDGE
11 OF THE SUPERIOR COURT AND TWO JUDGES, WHICH MAY
12 INCLUDE SENIOR JUDGES, OF THE COURTS OF COMMON
13 PLEAS OF THIS COMMONWEALTH.

14 (II) THE MEMBERS OF THE PANEL SHALL BE
15 CHOSEN BY LOT.

16 (III) THE PROCEDURE FOR SELECTING THE PANEL
17 SHALL BE DETERMINED AND SUPERVISED BY THE COURT
18 ADMINISTRATOR OF PENNSYLVANIA IN THE
19 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.

20 (IV) THE ADMINISTRATIVE OFFICE OF
21 PENNSYLVANIA COURTS SHALL DISCLOSE TO THE PUBLIC
22 THE MEMBERSHIP OF THE PANEL BY POSTING THE
23 MEMBERSHIP OF THE PANEL ON THE OFFICE'S PUBLICLY
24 ACCESSIBLE INTERNET WEBSITE AND BY TRANSMITTING
25 NOTICE OF THE MEMBERSHIP OF THE PANEL TO THE
26 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN
27 THE PENNSYLVANIA BULLETIN.

28 (V) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF
29 THIS SUBSECTION, THE PANEL SHALL SELECT A SPECIAL
30 PROSECUTOR IN ACCORDANCE WITH THIS SECTION.

1 (VI) ALL DECISIONS OF THE PANEL SHALL BE BY
2 MAJORITY VOTE OF THE MEMBERS OF THE PANEL.

3 (VII) A MEMBER OF THE PANEL WHO PARTICIPATED
4 IN A FUNCTION CONFERRED ON THE PANEL UNDER THIS
5 SECTION INVOLVING A SPECIAL PROSECUTOR SHALL NOT
6 BE ELIGIBLE TO PARTICIPATE IN ANY JUDICIAL OR
7 DISCIPLINARY PROCEEDING CONCERNING A MATTER THAT
8 INVOLVES THE SPECIAL PROSECUTOR OR THE EXERCISE
9 OF THE SPECIAL PROSECUTOR'S OFFICIAL DUTIES,
10 NOTWITHSTANDING WHETHER THE SPECIAL PROSECUTOR IS
11 STILL SERVING IN THAT OFFICE.

12 (B) THE SPECIAL PROSECUTOR MUST:

13 (I) BE A MEMBER IN GOOD STANDING OF THE BAR
14 OF THIS COMMONWEALTH FOR A MINIMUM OF 10 YEARS.

15 (II) HAVE A MINIMUM OF FIVE YEARS OF
16 EXPERIENCE IN CRIMINAL PROSECUTIONS IN THIS
17 COMMONWEALTH.

18 (III) NOT HAVE BEEN EMPLOYED BY THE DISTRICT
19 ATTORNEY'S OFFICE IN A COUNTY OF THE FIRST CLASS
20 WITHIN SIX YEARS OF THE EFFECTIVE DATE OF THIS
21 SUBPARAGRAPH.

22 (IV) POSSESS THE CHARACTER AND FITNESS
23 COMPATIBLE WITH THE STANDARDS EXPECTED TO BE
24 OBSERVED BY MEMBERS OF THE BAR OF THIS
25 COMMONWEALTH.

26 (V) BE A RESIDENT OF THE COUNTY IN WHICH THE
27 SPECIAL PROSECUTOR SHALL SERVE.

28 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW
29 OR REGULATION, A SPECIAL PROSECUTOR SHALL HAVE THE
30 AUTHORITY TO INVESTIGATE AND PROSECUTE, AND HAS

1 JURISDICTION OVER, ANY CRIMINAL MATTER INVOLVING AN
2 ALLEGED VIOLATION OF THE LAWS OF THIS COMMONWEALTH
3 OCCURRING WITHIN A PUBLIC TRANSPORTATION AUTHORITY
4 THAT SERVES AS THE PRIMARY PROVIDER OF PUBLIC
5 PASSENGER TRANSPORTATION IN THE COUNTY OF THE FIRST
6 CLASS. THE SPECIAL PROSECUTOR'S PROSECUTORIAL
7 JURISDICTION SHALL INCLUDE THE POWER AND INDEPENDENT
8 AUTHORITY TO EXERCISE ALL INVESTIGATIVE AND
9 PROSECUTORIAL FUNCTIONS AND POWERS OF AN OFFICE OF
10 THE DISTRICT ATTORNEY OF A COUNTY OF THE FIRST CLASS
11 AND ANY OTHER OFFICER OR EMPLOYEE OF THE OFFICE OF
12 THE DISTRICT ATTORNEY IN THE COUNTY OF THE FIRST
13 CLASS. THE SPECIAL PROSECUTOR'S AUTHORITY SHALL
14 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

15 (I) INVESTIGATIVE AND PROSECUTORIAL
16 FUNCTIONS AND POWERS SHALL INCLUDE THE FOLLOWING:

17 (A) CONDUCTING PROCEEDINGS BEFORE GRAND
18 JURIES AND OTHER INVESTIGATIONS.

19 (B) PARTICIPATING IN COURT PROCEEDINGS
20 AND ENGAGING IN ANY LITIGATION, INCLUDING
21 CIVIL AND CRIMINAL MATTERS, THAT THE SPECIAL
22 PROSECUTOR CONSIDERS NECESSARY.

23 (C) INITIATING AND CONDUCTING
24 PROSECUTIONS IN ANY COURT OF COMPETENT
25 JURISDICTION, APPEALING ANY DECISION OF A
26 COURT IN A PROCEEDING IN WHICH THE SPECIAL
27 PROSECUTOR PARTICIPATES AND HANDLING ALL
28 ASPECTS OF ANY CASE IN THE NAME OF THE
29 COMMONWEALTH.

30 (D) REVIEWING ALL DOCUMENTARY EVIDENCE

1 AVAILABLE FROM ANY SOURCE.

2 (E) MAKING APPLICATIONS TO A STATE COURT
3 FOR A GRANT OF IMMUNITY TO A WITNESS,
4 CONSISTENT WITH APPLICABLE STATUTORY
5 REQUIREMENTS, OR FOR WARRANTS, SUBPOENAS OR
6 OTHER COURT ORDERS.

7 (II) (RESERVED).

8 (D) FOR THE PURPOSES OF CARRYING OUT THE DUTIES
9 OF THE OFFICE OF SPECIAL PROSECUTOR, A SPECIAL
10 PROSECUTOR MAY USE FACILITIES, RESOURCES AND
11 PERSONNEL OF THE ATTORNEY GENERAL, INCLUDING
12 INVESTIGATORS, ATTORNEYS AND NECESSARY EXPERTS, TO
13 ASSIST WITH A CRIMINAL INVESTIGATION OR PROSECUTION.
14 A SPECIAL PROSECUTOR MAY REQUEST ASSISTANCE FROM THE
15 PENNSYLVANIA STATE POLICE IN CARRYING OUT THE
16 FUNCTIONS OF THE SPECIAL PROSECUTOR. THE PENNSYLVANIA
17 STATE POLICE SHALL PROVIDE ASSISTANCE, WHICH MAY
18 INCLUDE THE USE OF RESOURCES AND PERSONNEL NECESSARY
19 TO PERFORM THE DUTIES OF THE SPECIAL PROSECUTOR.

20 (E) A SPECIAL PROSECUTOR MAY ASSERT PREEMPTIVE
21 PROSECUTORIAL JURISDICTION OVER ANY CRIMINAL ACTIONS
22 OR PROCEEDINGS INVOLVING ALLEGED VIOLATIONS OF THE
23 LAWS OF THIS COMMONWEALTH OCCURRING WITHIN A PUBLIC
24 TRANSPORTATION AUTHORITY THAT SERVES AS THE PRIMARY
25 PROVIDER OF PUBLIC PASSENGER TRANSPORTATION IN THE
26 COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:

27 (I) AN ASSERTION OF PREEMPTIVE PROSECUTORIAL
28 JURISDICTION UNDER THIS SECTION SHALL BE WITHIN
29 THE SOLE DISCRETION OF THE SPECIAL PROSECUTOR.

30 (II) IN CASES IN WHICH A SPECIAL PROSECUTOR

1 ASSERTS PREEMPTIVE PROSECUTORIAL JURISDICTION
2 UNDER THIS SECTION, NO OTHER PROSECUTING ENTITY
3 FOR THE COMMONWEALTH SHALL HAVE AUTHORITY TO ACT,
4 EXCEPT AS AUTHORIZED BY THE SPECIAL PROSECUTOR.

5 (III) A SPECIAL PROSECUTOR MAY NOT ASSERT
6 PREEMPTIVE PROSECUTORIAL JURISDICTION UNDER THIS
7 SECTION IN A CASE WHERE JURISDICTION ALSO EXISTS
8 IN A COUNTY OTHER THAN A COUNTY OF THE FIRST
9 CLASS UNLESS THE SPECIAL PROSECUTOR REQUESTS IN
10 WRITING TO THE DISTRICT ATTORNEY IN THE COUNTY
11 OTHER THAN THE COUNTY OF THE FIRST CLASS TO
12 ASSERT PREEMPTIVE PROSECUTORIAL JURISDICTION AND
13 THE DISTRICT ATTORNEY IN THE COUNTY OTHER THAN
14 THE COUNTY OF THE FIRST CLASS ACCEPTS THE REQUEST
15 IN WRITING.

16 (IV) WHEN A SPECIAL PROSECUTOR ASSERTS
17 PREEMPTIVE PROSECUTORIAL JURISDICTION UNDER THIS
18 CLAUSE, THE OFFICE OF THE DISTRICT ATTORNEY IN A
19 COUNTY OF THE FIRST CLASS SHALL SUSPEND ALL
20 INVESTIGATIONS AND PROCEEDINGS REGARDING THE
21 MATTER AND SHALL TURN OVER TO THE SPECIAL
22 PROSECUTOR ALL MATERIALS, FILES AND OTHER DATA
23 RELATING TO THE MATTER.

24 (V) NOTWITHSTANDING ANY OTHER LAW OR COURT
25 RULE, PRIOR APPROVAL OF THE DISTRICT ATTORNEY OF
26 A COUNTY OF THE FIRST CLASS OR AN EMPLOYEE OF THE
27 DISTRICT ATTORNEY OF A COUNTY OF THE FIRST CLASS
28 SHALL NOT BE REQUIRED PRIOR TO THE FILING OF ANY
29 CRIMINAL COMPLAINT OR ARREST WARRANT AFFIDAVIT,
30 OR BOTH, INVOLVING ANY VIOLATION OF THE LAWS OF

1 THIS COMMONWEALTH OCCURRING WITHIN A PUBLIC
2 TRANSPORTATION AUTHORITY THAT SERVES AS THE
3 PRIMARY PROVIDER OF PUBLIC PASSENGER
4 TRANSPORTATION IN THE COUNTY OF THE FIRST CLASS.

5 (F) NO PERSON CHARGED WITH A VIOLATION OF THE
6 LAW BY A SPECIAL PROSECUTOR SHALL HAVE STANDING TO
7 CHALLENGE THE AUTHORITY OF THE SPECIAL PROSECUTOR TO
8 PROSECUTE THE CASE. IF A CHALLENGE IS MADE, THE
9 CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL BE
10 AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO THE
11 INDIVIDUAL MAKING THE CHALLENGE.

12 (G) IF A VACANCY IN OFFICE ARISES BY REASON OF
13 THE RESIGNATION, DEATH OR REMOVAL FOR ANY OTHER
14 REASON OF A SPECIAL PROSECUTOR, THE PANEL SHALL
15 APPOINT A REPLACEMENT WITHIN 30 DAYS.

16 (H) EACH LAW ENFORCEMENT AGENCY WITH
17 JURISDICTION IN A COUNTY OF THE FIRST CLASS SHALL
18 NOTIFY A SPECIAL PROSECUTOR OF ANY ARREST OR OTHER
19 CRIMINAL ACTION OR PROCEEDING INVOLVING AN ALLEGED
20 VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING
21 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES
22 AS THE PRIMARY PROVIDER OF PUBLIC PASSENGER
23 TRANSPORTATION IN THE COUNTY OF THE FIRST CLASS
24 WITHIN 48 HOURS OF THE ARREST OR OF INSTITUTING THE
25 ACTION OR PROCEEDING.

26 (I) NO NEW ACTION OR PROCEEDING MAY BE INITIATED
27 BY A SPECIAL PROSECUTOR UNDER THIS SECTION AFTER
28 DECEMBER 31, 2025. NOTICE OF FINAL DISPOSITION OF THE
29 LAST REMAINING ACTION OR PROCEEDING INITIATED UNDER
30 THIS SECTION PRIOR TO DECEMBER 31, 2025, SHALL BE

1 TRANSMITTED TO THE LEGISLATIVE REFERENCE BUREAU FOR
2 PUBLICATION IN THE PENNSYLVANIA BULLETIN.

3 (J) THE SPECIAL PROSECUTOR SHALL COMPILE REPORTS
4 RELATED TO THE CRIMINAL ACTIVITY AND ADMINISTRATIVE
5 PROCEEDINGS WITHIN A PUBLIC TRANSPORTATION AUTHORITY
6 THAT SERVES AS THE PRIMARY PROVIDER OF PUBLIC
7 PASSENGER TRANSPORTATION IN THE COUNTY OF THE FIRST
8 CLASS, TO WHICH THE FOLLOWING SHALL APPLY:

9 (I) AN INITIAL REPORT SHALL BE SUBMITTED NO
10 LATER THAN 90 DAYS FOLLOWING APPOINTMENT OF THE
11 SPECIAL PROSECUTOR. FOLLOWING THE INITIAL REPORT,
12 ANNUAL REPORTS SHALL BE SUBMITTED TO THE GENERAL
13 ASSEMBLY.

14 (II) REPORTS SHALL BE SUBMITTED TO THE
15 FOLLOWING:

16 (A) THE PRESIDENT PRO TEMPORE OF THE
17 SENATE.

18 (B) THE SPEAKER OF THE HOUSE OF
19 REPRESENTATIVES.

20 (C) THE CHAIRPERSON AND MINORITY
21 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
22 SENATE.

23 (D) THE CHAIRPERSON AND MINORITY
24 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES.

26 (E) THE CHAIRPERSON AND MINORITY
27 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE
28 OF THE SENATE.

29 (F) THE CHAIRPERSON AND MINORITY
30 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE

1 OF THE HOUSE OF REPRESENTATIVES.

2 (III) EACH REPORT SHALL CONTAIN THE
3 FOLLOWING INFORMATION FOR THE PERIOD OF TIME
4 BETWEEN EACH REPORT:

5 (A) THE TOTAL NUMBER OF ARRESTS FOR
6 ALLEGED CRIMINAL ACTIVITY WITHIN A PUBLIC
7 TRANSPORTATION AUTHORITY THAT SERVES AS THE
8 PRIMARY PROVIDER OF PUBLIC PASSENGER
9 TRANSPORTATION IN THE COUNTY OF THE FIRST
10 CLASS.

11 (B) THE TOTAL NUMBER OF BILLS OF
12 INFORMATION FILED FOR ALLEGED VIOLATIONS
13 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT
14 SERVES AS THE PRIMARY PROVIDER OF PUBLIC
15 PASSENGER TRANSPORTATION IN THE COUNTY OF THE
16 FIRST CLASS.

17 (C) THE TOTAL NUMBER OF CONVICTIONS
18 RESULTING FROM PROSECUTIONS BY THE SPECIAL
19 PROSECUTOR.

20 (D) EACH SENTENCE IMPOSED FOR EACH
21 CONVICTION FOR A CRIME COMMITTED WITHIN A
22 PUBLIC TRANSPORTATION AUTHORITY THAT SERVES
23 AS THE PRIMARY PROVIDER OF PUBLIC PASSENGER
24 TRANSPORTATION IN THE COUNTY OF THE FIRST
25 CLASS.

26 (IV) IF, AT ANY TIME, THE GENERAL ASSEMBLY
27 FINDS THE CONTENTS OF THE REPORT TO BE
28 UNSATISFACTORY, INCLUDING IF THE SPECIAL
29 PROSECUTOR HAS BEEN FOUND NOT TO REDUCE CRIME OR
30 RESULT IN SUCCESSFUL PROSECUTIONS, THE GENERAL

1 ASSEMBLY MAY PASS A CONCURRENT RESOLUTION IN
2 OPPOSITION OF THE REPORT. FOLLOWING ADOPTION OF
3 THE CONCURRENT RESOLUTION, THE DEPARTMENT SHALL
4 PROHIBIT THE CONSTRUCTION OF PROTECTED PEDESTRIAN
5 PLAZAS AND PEDALCYCLE LANES IN THE COUNTY OF THE
6 FIRST CLASS UNTIL THE GENERAL ASSEMBLY PASSES A
7 CONCURRENT RESOLUTION IN SUPPORT OF A SUBSEQUENT
8 REPORT.

9 (K) A COUNTY OF THE FIRST CLASS IN WHICH A
10 SPECIAL PROSECUTOR IS APPOINTED UNDER THIS
11 SUBPARAGRAPH SHALL REIMBURSE THE SPECIAL PROSECUTOR
12 AND THE OFFICE OF ATTORNEY GENERAL FOR ANY EXPENSES
13 INCURRED WHILE INVESTIGATING OR PROSECUTING AN
14 ALLEGED VIOLATION OF THE LAWS OF THIS COMMONWEALTH
15 OCCURRING WITHIN A PUBLIC TRANSPORTATION AUTHORITY
16 THAT SERVES AS THE PRIMARY PROVIDER OF PUBLIC
17 PASSENGER TRANSPORTATION IN THE COUNTY OF THE FIRST
18 CLASS. FOR REIMBURSEMENT, THE SPECIAL PROSECUTOR
19 SHALL SUBMIT AN ITEMIZED STATEMENT OF EXPENSES OF THE
20 SPECIAL PROSECUTOR AND OFFICE OF ATTORNEY GENERAL TO
21 THE TREASURER OF THE COUNTY OF THE FIRST CLASS, WHO
22 SHALL PAY THE EXPENSES FROM THE GENERAL FUNDS OF THE
23 COUNTY OF THE FIRST CLASS WITHIN 30 DAYS OF RECEIPT
24 OF THE ITEMIZED STATEMENT. REIMBURSEMENT UNDER THIS
25 SECTION MAY NOT EXCEED ACTUAL EXPENSES INCURRED IN
26 PROSECUTING ANY ACTION, INCLUDING THE AMOUNT
27 NECESSARY TO COMPENSATE THE SPECIAL PROSECUTOR.

28 (L) A SPECIAL PROSECUTOR APPOINTED UNDER THIS
29 SUBPARAGRAPH SHALL RECEIVE COMPENSATION TO BE PAID BY
30 THE OFFICE OF ATTORNEY GENERAL AT THE PER DIEM RATE

1 EQUAL TO THE ANNUAL RATE OF COMPENSATION PAYABLE TO
2 THE DISTRICT ATTORNEY OF A COUNTY OF THE FIRST CLASS.
3 A SPECIAL PROSECUTOR SHALL BE ENTITLED TO THE PAYMENT
4 OF TRAVEL EXPENSES WITHIN THIS COMMONWEALTH.

5 (M) NOTWITHSTANDING SECTION 1401(P) OF THE ACT
6 OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE
7 COUNTY CODE, DURING THE PERIOD IN WHICH A SPECIAL
8 PROSECUTOR SERVES IN A COUNTY OF THE FIRST CLASS, THE
9 COMMONWEALTH MAY NOT REIMBURSE THAT COUNTY FOR THE
10 SALARY OF THE DISTRICT ATTORNEY OF THAT COUNTY. AN
11 AMOUNT EQUAL TO THE REIMBURSEMENT THAT WOULD HAVE
12 BEEN MADE IF NO SPECIAL PROSECUTOR HAD BEEN APPOINTED
13 SHALL BE USED TO REIMBURSE THE OFFICE OF ATTORNEY
14 GENERAL FOR THE COMPENSATION OF THE SPECIAL
15 PROSECUTOR AND ANY EXPENSES INCURRED FOR THE PURPOSE
16 OF CARRYING OUT THE DUTIES OF THE SPECIAL PROSECUTOR.

17 (N) THIS SUBPARAGRAPH SHALL EXPIRE UPON
18 PUBLICATION OF THE NOTICE UNDER CLAUSE (I).

19 (O) THE COUNTY OF THE FIRST CLASS MUST COMPLY
20 WITH THIS SUBSECTION UNTIL THIS SUBPARAGRAPH EXPIRES
21 UNDER CLAUSE (N).

22 * * *

23 (d) Person with a disability and disabled veterans.--

24 * * *

25 (2.1) Local authorities may limit access to a parking
26 space reserved under paragraph (2) to a specific vehicle,
27 license plate or other method of designation. Under this
28 paragraph, local authorities may charge a reasonable fee and
29 shall comply with section 6109 [(relating to specific powers
30 of department and local authorities)] and the Americans with

1 Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

2 * * *

3 (f) Penalty.--A person violating subsection (a), (b), (b.1)
4 or (d)(1) is guilty of a summary offense and shall, upon
5 conviction, be sentenced to pay a fine of not more than \$15. A
6 person violating subsection (d)(2) or (3) or (e) is guilty of a
7 summary offense and shall, upon conviction, be sentenced to pay
8 a fine of not less than \$50 nor more than \$200. If a person is
9 convicted under subsection (d)(2) or (3) in the absence of a
10 sign stating the penalty amount, the fine imposed may not exceed
11 \$50. A person violating subsection (d.1) is guilty of a summary
12 offense and shall, upon conviction, be sentenced to pay a fine
13 of not less than \$100 nor more than \$300.

14 * * *

15 (H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING <--
16 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
17 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

18 "ACCESS AISLE." A PHYSICAL AREA MARKED IN ACCORDANCE WITH
19 DEPARTMENTAL REGULATIONS:

20 (1) DESIGNATED BY WHITE OR BLUE PAVEMENT MARKING HASH
21 MARKS, CROSS-HATCHING OR OTHER SIMILAR VISUAL NO-PARKING
22 INDICATORS;

23 (2) WHICH PROVIDES ADDITIONAL SPACE FOR A PERSON USING A
24 WHEELCHAIR, WHEELCHAIR LIFT OR OTHER MOBILITY DEVICE; AND

25 (3) WHICH IS LOCATED ADJACENT TO A PARKING SPACE
26 RESERVED FOR A PERSON WITH A DISABILITY.

27 "PANEL." THE SPECIAL PROSECUTOR SELECTION PANEL ESTABLISHED <--
28 UNDER SECTION 3354(B.1)(7)(II).

29 "PERSON WITH A DISABILITY." A PERSON ISSUED A PLATE OR
30 PLACARD.

1 "PLATE OR PLACARD." A PLATE OR PLACARD ISSUED UNDER:
2 (1) SECTION 1338 (RELATING TO PERSON WITH DISABILITY
3 PLATE AND PLACARD) .
4 (2) SECTION 1342(A) OR (B) (RELATING TO VETERAN PLATES
5 AND PLACARD) .
6 "POLITICAL SUBDIVISION." A COUNTY, CITY, BOROUGH,
7 INCORPORATED TOWN, TOWNSHIP OR HOME RULE MUNICIPALITY IN THIS
8 COMMONWEALTH.
9 "SPECIAL PROSECUTOR." AN ATTORNEY APPOINTED BY THE PANEL IN <--
10 ACCORDANCE WITH SECTION 3354(B.1)(7)(II).
11 Section 2. This act shall take effect in 60 days.

HOUSE BILL 140 REGULAR SESSION 2021-2022

History

Sponsors:

MALONEY, LONGIETTI, SIMS, WHEELAND, D. WILLIAMS, MULLINS, KINSEY, HARKINS, HOHENSTEIN, STEPHENS, DOWLING, WHITE, B. MILLER, DALEY, SCHMITT, T. DAVIS, INNAMORATO, KRAJEWSKI, O'MARA, HEFFLEY, KENYATTA, DELLOSO and SAMUELSON

Short Title:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for additional parking regulations.

Printer's No. (PN):

3601*, 3333, 0387, 0106

(* denotes Current Printer's Number)

Actions:

PN 0106 Referred to TRANSPORTATION, Jan. 13, 2021

PN 0387 Reported as amended, Feb. 4, 2021

First consideration, Feb. 4, 2021

Laid on the table, Feb. 4, 2021

Removed from table, Feb. 5, 2021

Second consideration, March 16, 2021

Re-committed to APPROPRIATIONS, March 16, 2021

Re-reported as committed, March 17, 2021

Third consideration and final passage, March 17, 2021 (201-0)

(Remarks see House Journal Page 298 - 300), March 17, 2021

In the Senate

Referred to TRANSPORTATION, March 18, 2021

PN 3333 Reported as amended, June 30, 2022

First consideration, June 30, 2022

Second consideration, Sept. 21, 2022

Re-referred to APPROPRIATIONS, Sept. 21, 2022

Re-reported as committed, Oct. 24, 2022

PN 3601 Amended on third consideration, Oct. 25, 2022 (28-21)

Third consideration and final passage, Oct. 25, 2022 (28-21)

(Remarks see Senate Journal Page 1139-1143), Oct. 25, 2022

In the House

Referred to RULES, Oct. 26, 2022

Re-reported on concurrence, as committed, Nov. 15, 2022

House concurred in Senate amendments, Nov. 15, 2022 (108-89)

(Remarks see House Journal Page 1260-1264), Nov. 15, 2022

Signed in House, Nov. 15, 2022

Signed in Senate, Nov. 15, 2022
Presented to the Governor, Nov. 16, 2022
Vetoed by the Governor, Nov. 17, 2022
Veto No. 12

 How to Read a Bill

EXHIBIT 3



2022 NOV 17 PM 1:05

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

NOV 17 2022

THE GOVERNOR

November 17, 2022

TO THE HONORABLE HOUSE OF REPRESENTATIVES OF THE
COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 140, Printer's Number 3601.

This legislation, which requires a special prosecutor to be appointed in Philadelphia, continues the General Assembly's record of politicizing crime and supporting local control until they disagree with local policies. This bill usurps the will of the voters to elect their own district attorney and local law enforcement to address crime in the local community based on local circumstances and policies.

I urge the General Assembly to listen and engage with local communities to discuss crime and violence prevention policies to keep Pennsylvanians safe, including common-sense gun violence prevention.

Finally, I supported the original version of this bill that would have allowed for parking protected bike lanes across the commonwealth, which have a demonstrated public health and safety benefit of saving lives, reducing traffic and emissions, and making communities more equitable and livable. I encourage the General Assembly to pass the original version of this bill so communities can incorporate parking protected bike lanes into their planning initiatives.

For the reasons set forth above, I must withhold my signature from House Bill 140, Printer's Number 3601.

Sincerely,

A handwritten signature in cursive script that reads "Tom Wolf".

TOM WOLF
Governor

EXHIBIT 4

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 140 Session of 2023

INTRODUCED BY LANGERHOLC, FARRY, VOGEL, PENNYCUICK, LAUGHLIN, REGAN, COLEMAN, PHILLIPS-HILL, AUMENT, HUTCHINSON, DUSH, MASTRIANO, BROOKS, ROTHMAN AND MARTIN, APRIL 24, 2023

AS AMENDED ON SECOND CONSIDERATION, MAY 1, 2023

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in metropolitan transportation
3 authorities, providing for special prosecutor for mass
4 transit.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 74 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 1786. Special prosecutor for mass transit.

10 (A) SPECIAL PROSECUTOR.--Within 30 days of the effective <--
11 date of this section, the Attorney General shall appoint a
12 special prosecutor to investigate and institute criminal
13 proceedings for a violation of the laws of this Commonwealth
14 occurring within a public transportation authority that serves
15 as the primary provider of public passenger transportation in
16 the county of the first class in accordance with this section.

17 The following shall apply to the special prosecutor:

18 (1) The special prosecutor must:

1 (i) Be a member in good standing of the bar of this
2 Commonwealth for a minimum of 10 years.

3 (ii) Have a minimum of five years of experience in
4 criminal prosecutions in this Commonwealth.

5 (iii) Not have been employed by the district
6 attorney's office in a county of the first class or the
7 Office of Attorney General within six years of the
8 effective date of this section.

9 (iv) Possess the character and fitness compatible
10 with the standards expected to be observed by members of
11 the bar of this Commonwealth.

12 (v) Be a resident of the county in which the special
13 prosecutor shall serve.

14 (2) Notwithstanding any other provision of law or
15 regulation, a special prosecutor shall have the authority to
16 investigate and prosecute, and has jurisdiction over, any
17 criminal matter involving an alleged violation of the laws of
18 this Commonwealth occurring within a public transportation
19 authority that serves as the primary provider of public
20 passenger transportation in the county of the first class.
21 The special prosecutor's prosecutorial jurisdiction shall
22 include the power and independent authority to exercise all
23 investigative and prosecutorial functions and powers of an
24 office of the district attorney of a county of the first
25 class and any other officer or employee of the office of the
26 district attorney in the county of the first class. The
27 special prosecutor's authority shall include, but not be
28 limited to, the following:

29 (i) Investigative and prosecutorial functions and
30 powers shall include the following:

1 (A) Conducting proceedings before grand juries
2 and other investigations.

3 (B) Participating in court proceedings and
4 engaging in any litigation, including civil and
5 criminal matters, that the special prosecutor
6 considers necessary.

7 (C) Initiating and conducting prosecutions in
8 any court of competent jurisdiction, appealing any
9 decision of a court in a proceeding in which the
10 special prosecutor participates and handling all
11 aspects of any case in the name of the Commonwealth.

12 (D) Reviewing all documentary evidence available
13 from any source.

14 (E) Making applications to a State court for a
15 grant of immunity to a witness, consistent with
16 applicable statutory requirements, or for warrants,
17 subpoenas or other court orders.

18 (ii) (Reserved).

19 (3) For the purposes of carrying out the duties of the
20 Office of Special Prosecutor, a special prosecutor may use
21 facilities, resources and personnel of the Attorney General,
22 including investigators, attorneys and necessary experts, to
23 assist with a criminal investigation or prosecution. A
24 special prosecutor may request assistance from the
25 Pennsylvania State Police OR ANY LAW ENFORCEMENT AGENCY WITH <--
26 APPROPRIATE JURISDICTION in carrying out the functions of the
27 special prosecutor. The Pennsylvania State Police OR ANY LAW <--
28 ENFORCEMENT AGENCY WITH APPROPRIATE JURISDICTION may provide
29 assistance, which may include the use of resources and
30 personnel necessary to perform the duties of the special

1 prosecutor.

2 (4) A special prosecutor may assert preemptive
3 prosecutorial jurisdiction over any criminal actions or
4 proceedings involving alleged violations of the laws of this
5 Commonwealth occurring within a public transportation
6 authority that serves as the primary provider of public
7 passenger transportation in the county of the first class.
8 The following shall apply:

9 (i) An assertion of preemptive prosecutorial
10 jurisdiction under this section shall be within the sole
11 discretion of the special prosecutor.

12 (ii) In cases in which a special prosecutor asserts
13 preemptive prosecutorial jurisdiction under this section,
14 no other prosecuting entity for the Commonwealth shall
15 have authority to act, except as authorized by the
16 special prosecutor.

17 (iii) A special prosecutor may not assert preemptive
18 prosecutorial jurisdiction under this section in a case
19 where jurisdiction also exists in a county other than a
20 county of the first class unless the special prosecutor
21 requests in writing to the district attorney in the
22 county other than the county of the first class to assert
23 preemptive prosecutorial jurisdiction and the district
24 attorney in the county other than the county of the first
25 class accepts the request in writing.

26 (iv) When a special prosecutor asserts preemptive
27 prosecutorial jurisdiction under this subparagraph, the
28 office of the district attorney in a county of the first
29 class shall suspend all investigations and proceedings
30 regarding the matter and shall turn over to the special

1 prosecutor all materials, files and other data relating
2 to the matter.

3 (v) Notwithstanding any other law or court rule,
4 prior approval of the district attorney of a county of
5 the first class or an employee of the district attorney
6 of a county of the first class shall not be required
7 prior to the filing of any criminal complaint or arrest
8 warrant affidavit, or both, involving any violation of
9 the laws of this Commonwealth occurring within a public
10 transportation authority that serves as the primary
11 provider of public passenger transportation in the county
12 of the first class.

13 (5) No person charged with a violation of the law by a
14 special prosecutor shall have standing to challenge the
15 authority of the special prosecutor to prosecute the case. If
16 a challenge is made, the challenge shall be dismissed and no
17 relief shall be available in the courts of this Commonwealth
18 to the individual making the challenge.

19 (6) If a vacancy in office arises by reason of the
20 resignation, death or removal for any other reason of a
21 special prosecutor, the Attorney General shall appoint a
22 replacement within 30 days.

23 (7) Each law enforcement agency with jurisdiction in a
24 county of the first class shall notify a special prosecutor
25 of any arrest or other criminal action or proceeding
26 involving an alleged violation of the laws of this
27 Commonwealth occurring within a public transportation
28 authority that serves as the primary provider of public
29 passenger transportation in the county of the first class
30 within 48 hours of the arrest or of instituting the action or

1 proceeding.

2 (8) No new action or proceeding may be initiated by a
3 special prosecutor under this section after December 31,
4 2026. Notice of final disposition of the last remaining
5 action or proceeding initiated under this section prior to
6 December 31, 2026, shall be transmitted to the Legislative
7 Reference Bureau for publication in the next available issue
8 of the Pennsylvania Bulletin.

9 (9) The special prosecutor shall compile reports related
10 to the criminal activity and administrative proceedings
11 within a public transportation authority that serves as the
12 primary provider of public passenger transportation in the
13 county of the first class, to which the following shall
14 apply:

15 (i) An initial report shall be submitted no later
16 than 90 days following appointment of the special
17 prosecutor. Following the initial report, annual reports
18 shall be submitted to the General Assembly.

19 (ii) Reports shall be submitted to the following:

20 (A) The President pro tempore of the Senate.

21 (B) The Speaker of the House of Representatives.

22 (C) The chairperson and minority chairperson of
23 the Judiciary Committee of the Senate.

24 (D) The chairperson and minority chairperson of
25 the Judiciary Committee of the House of
26 Representatives.

27 (E) The chairperson and minority chairperson of
28 the Transportation Committee of the Senate.

29 (F) The chairperson and minority chairperson of
30 the Transportation Committee of the House of

1 Representatives.

2 (iii) Each report shall contain the following
3 information for the period of time between each report:

4 (A) The total number of arrests for alleged
5 criminal activity within a public transportation
6 authority that serves as the primary provider of
7 public passenger transportation in the county of the
8 first class.

9 (B) The total number of bills of information
10 filed for alleged violations within a public
11 transportation authority that serves as the primary
12 provider of public passenger transportation in the
13 county of the first class.

14 (C) The total number of convictions resulting
15 from prosecutions by the special prosecutor.

16 (D) Each sentence imposed for each conviction
17 for a crime committed within a public transportation
18 authority that serves as the primary provider of
19 public passenger transportation in the county of the
20 first class.

21 (10) A county of the first class in which a special
22 prosecutor is appointed under this section shall reimburse
23 the special prosecutor and the Office of Attorney General for
24 any expenses incurred while investigating or prosecuting an
25 alleged violation of the laws of this Commonwealth occurring
26 within a public transportation authority that serves as the
27 primary provider of public passenger transportation in the
28 county of the first class. For reimbursement, the special
29 prosecutor shall submit an itemized statement of expenses of
30 the special prosecutor and Office of Attorney General to the

1 treasurer of the county of the first class, who shall pay the
2 expenses from the general funds of the county of the first
3 class within 30 days of receipt of the itemized statement.
4 Reimbursement under this section may not exceed actual
5 expenses incurred in prosecuting any action, including the
6 amount necessary to compensate the special prosecutor.

7 (11) A special prosecutor appointed under this section
8 shall receive compensation to be paid by the Office of
9 Attorney General at the per diem rate equal to the annual
10 rate of compensation payable to the district attorney of a
11 county of the first class. A special prosecutor shall be
12 entitled to the payment of travel expenses within this
13 Commonwealth.

14 (12) Notwithstanding section 1401(p) of the act of
15 August 9, 1955 (P.L.323, No.130), known as The County Code,
16 during the period in which a special prosecutor serves in a
17 county of the first class, the Commonwealth may not reimburse
18 that county for the salary of the district attorney of that
19 county. An amount equal to the reimbursement that would have
20 been made if no special prosecutor had been appointed shall
21 be used to reimburse the Office of Attorney General for the
22 compensation of the special prosecutor and any expenses
23 incurred for the purpose of carrying out the duties of the
24 special prosecutor.

25 (13) This section shall expire upon publication of the
26 notice under paragraph (8).

27 (14) The ATTORNEY GENERAL, THE county of the first <--
28 class, the district attorney of the first class and the
29 public transportation authority that serves as the primary
30 provider of public passenger transportation in the county of

1 the first class must comply with this section until this
2 section expires under paragraph (13).

3 (15) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A <--
4 GOVERNING BODY OF A POLITICAL SUBDIVISION OR PUBLIC OFFICIAL
5 MAY NOT ENACT OR ENFORCE AN ORDINANCE, EXECUTIVE ORDER OR
6 DIRECTIVE OR TAKE ANY OTHER OFFICIAL ACTION THAT WOULD BE
7 INCONSISTENT WITH THE PROVISIONS OF THIS SECTION OR DIRECT A
8 LAW ENFORCEMENT AGENCY WITH APPROPRIATE JURISDICTION TO NOT
9 ASSIST THE SPECIAL PROSECUTOR IF ABLE. AN ORDINANCE,
10 EXECUTIVE ORDER OR DIRECTIVE OR ANY OTHER OFFICIAL ACTION IN
11 VIOLATION OF THIS SECTION SHALL BE NULL AND VOID.

12 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
14 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

15 "LAW ENFORCEMENT AGENCY." ANY OF THE FOLLOWING:

16 (1) A PUBLIC AGENCY OF A POLITICAL SUBDIVISION HAVING
17 GENERAL POLICE POWERS AND CHARGED WITH MAKING ARRESTS IN
18 CONNECTION WITH THE ENFORCEMENT OF THE CRIMINAL OR TRAFFIC
19 LAWS.

20 (2) A CAMPUS POLICE OR UNIVERSITY POLICE DEPARTMENT, AS
21 USED IN SECTION 2416 OF THE ACT OF APRIL 9, 1929 (P.L.177,
22 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, CERTIFIED
23 BY THE OFFICE OF ATTORNEY GENERAL AS A CRIMINAL JUSTICE
24 AGENCY UNDER THE DEFINITION OF "CRIMINAL JUSTICE AGENCY" IN
25 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS).

26 (3) A RAILROAD OR STREET RAILWAY POLICE DEPARTMENT
27 FORMED WITH OFFICERS COMMISSIONED UNDER 22 PA.C.S. CH. 33
28 (RELATING TO RAILROAD AND STREET RAILWAY POLICE) OR ANY PRIOR
29 STATUTE PROVIDING FOR THE COMMISSIONING.

30 (4) AN AIRPORT AUTHORITY POLICE DEPARTMENT.

1 (5) A COUNTY PARK POLICE FORCE UNDER SECTION 2511(B) OF
2 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE
3 COUNTY CODE.

4 Section 2. This act shall take effect immediately.

SENATE BILL 140 REGULAR SESSION 2023-2024

History

Sponsors:

LANGERHOLC, FARRY, VOGEL, PENNYCUICK, LAUGHLIN, REGAN, COLEMAN, PHILLIPS-HILL, AUMENT, HUTCHINSON, DUSH, MASTRIANO, BROOKS, ROTHMAN and MARTIN

Short Title:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in metropolitan transportation authorities, providing for special prosecutor for mass transit.

Printer's No. (PN):

0684*, 0654, 0630

(* denotes Current Printer's Number)

Actions:

PN 0630 Referred to TRANSPORTATION, April 24, 2023

PN 0654 Reported as amended, April 26, 2023

First consideration, April 26, 2023

PN 0684 Second consideration, with amendments, May 1, 2023 (30-20)

Re-referred to APPROPRIATIONS, May 1, 2023

(Remarks see Senate Journal Page 340), May 1, 2023

Re-reported as committed, May 2, 2023

Third consideration and final passage, May 2, 2023 (29-21)

(Remarks see Senate Journal Page 357-367), May 2, 2023

In the House

Referred to JUDICIARY, May 5, 2023

Reported as committed, Dec. 11, 2023

First consideration, Dec. 11, 2023

Laid on the table, Dec. 11, 2023

Removed from table, Dec. 11, 2023

Second consideration, Dec. 12, 2023

Re-referred to APPROPRIATIONS, Dec. 12, 2023

Re-reported as committed, Dec. 13, 2023

Third consideration and final passage, Dec. 13, 2023 (159-44)

Signed in Senate, Dec. 13, 2023

Signed in House, Dec. 13, 2023

Presented to the Governor, Dec. 14, 2023

Approved by the Governor, Dec. 14, 2023

Act No. 40 of 2023, Dec. 14, 2023

EXHIBIT 5

Pennsylvania Office of Attorney General
Special Prosecutor

SALARY	See Position Description	LOCATION	Philadelphia, PA
JOB TYPE	Full-time	JOB NUMBER	50693956
DIVISION	Criminal Law Division	SECTION	Criminal Law Division
OPENING DATE	01/08/2024		

Position Information

Section:	Criminal Law Division
Class:	Special Prosecutor
Location:	Philadelphia
Position Type:	Full-time, Non-civil service, Non-union
Work Hours:	8:30 – 5:00
Salary Range:	Per diem basis, in an amount not to exceed \$150,000 annually, plus benefits. All time and expenses related to this position must be itemized so that reimbursement can be sought pursuant to Title 74 Section 1786.

Basic Function

An employee in this position investigates and prosecutes criminal matters involving an alleged violation of the laws of the Commonwealth occurring within a public transportation authority that serves as the primary provider of public passenger transportation in a county of the first class (Philadelphia).

Examples Of Duties

- Develops a strategic plan, establishes goals, objectives, and criteria for prosecution of crimes within a public transit authority as provided by Title 74 Section 1786
- Communicates and coordinates with all law enforcement agencies involved in investigating crimes within the public transit authority to carry out the goals and objectives set forth in the statute
- Assesses the infrastructure and personnel needs and defines the resources needed to achieve the set goals and objectives

- Conducts investigations and proceedings before grand juries
- Participates in court proceedings and engages in any litigation, including civil and criminal matters, as necessary
- Initiates and conducts prosecutions in any court of competent jurisdiction
- Reviews all documentary evidence available from any source
- Makes applications to a State court for a grant of immunity to a witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders

Minimum Experience and Training

Applicants cannot have been employed by the district attorney's office in a county of the first class or the Office of Attorney General within six years prior to December 14, 2023.

- Be a member in good standing of the bar of this Commonwealth for a minimum of 10 years;
- Have a minimum of five years of experience in criminal prosecutions in this Commonwealth;
- Possess the character and fitness compatible with the standards expected to be observed by members of the bar of this Commonwealth; and
- Be a resident of the county in which the special prosecutor shall serve (Philadelphia).

Preferred Knowledge, Skills, and Abilities

- Experience in a charging or early assessment or diversionary unit
- Experience in navigating preliminary arrest systems and discovery systems
- Familiarity with the arrest, arraignment, diversion, pre-trial, and trial process in Philadelphia
- Prosecutorial trial experience
- Strong interpersonal, oral, and written communication skills
- Good organizational and time-management skills
- Proven ability to work independently and as a team member
- Experience supervising other attorneys in the prosecution of criminal cases
- Past working relationship with the Philadelphia police department, as well as SEPTA's police department

Agency

Pennsylvania Office of Attorney
General

Address

Strawberry Square-14th Floor

Harrisburg, Pennsylvania, 17120

Phone

717-787-5175

Website

<http://www.attorneygeneral.gov>

Special Prosecutor Supplemental Questionnaire

*QUESTION 1

What year did you obtain your JD?

***QUESTION 2**

Have you been in good standing as a member of the bar of this Commonwealth for a minimum of 10 years?

- Yes
- No

***QUESTION 3**

Do you have a minimum of five years of experience in criminal prosecutions in this Commonwealth?

- Yes
- No

***QUESTION 4**

Are you a resident of Philadelphia County?

- Yes
- No

* Required Question

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Larry Krasner, in his official capacity : 8 MD 2024
as the District Attorney of Philadelphia; :
Office of the District Attorney, City of :
Philadelphia, :
Petitioners

v.

Michelle A. Henry, in her
official capacity as Attorney
General of Pennsylvania,
Respondent

PROOF OF SERVICE

I hereby certify that this 1st day of March, 2024, I have served the attached document(s) to the persons on the date(s)
and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Service

Served: Bradford, Kevin Ross
Service Method: eService
Email: kbradford@attorneygeneral.gov
Service Date: 3/1/2024
Address: Office of Attorney General
1600 Arch Street, 3rd Floor
Philadelphia, PA 19103
Phone: 215--56-0-2262
Representing: Respondent Henry, Michelle A.

Served: Erdlen, Andrew Martin
Service Method: eService
Email: aerdlen@hangle.com
Service Date: 3/1/2024
Address: Hangle Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, PA 19103
Phone: (21-5) -496 7036
Representing: Petitioner Krasner, Larry
Petitioner Office of the District Attorney, City of Philadelphia

Served: Hamermesh, Matthew Aaron
Service Method: eService
Email: mhamermesh@hangle.com
Service Date: 3/1/2024
Address: Hangle Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, PA 19103
Phone: 215- 49-6 7054
Representing: Petitioner Krasner, Larry
Petitioner Office of the District Attorney, City of Philadelphia

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Jefferies, Tyler Marie
Service Method: eService
Email: tjefferies@attorneygeneral.gov
Service Date: 3/1/2024
Address: Strawberry Square, 15th Floor
Harrisburg, PA 17120
Phone: 717-941-0376
Representing: Respondent Henry, Michelle A.

Served: Masciandaro, Michael
Service Method: eService
Email: mmasciandaro@hangle.com
Service Date: 3/1/2024
Address: One Logan Square
27th Floor
Philadelphia, PA 19103-6933
Phone: 215-496-7035
Representing: Petitioner Krasner, Larry
Petitioner Office of the District Attorney, City of Philadelphia

Served: Neary, Keli Marie
Service Method: eService
Email: kneary@attorneygeneral.gov
Service Date: 3/1/2024
Address: Strawberry Square, 15th Floor
Harrisburg, PA 17120
Phone: 717-787-1180
Representing: Respondent Henry, Michelle A.

Served: Romano, Karen Mascio
Service Method: eService
Email: kromano@attorneygeneral.gov
Service Date: 3/1/2024
Address: PA Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120
Phone: 717- 78-7-2717
Representing: Respondent Henry, Michelle A.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Skolnik, Matthew R.
Service Method: eService
Email: mskolnik@attorneygeneral.gov
Service Date: 3/1/2024
Address: Office of Attorney General
1600 Arch St., Suite 300
Philadelphia, PA 19103
Phone: 215--56-0-2136
Representing: Respondent Henry, Michelle A.

Served: Summers, John S.
Service Method: eService
Email: jsummers@hangle.com
Service Date: 3/1/2024
Address: One Logan Square
27th Floor
Philadelphia, PA 19103
Phone: 215-496-7007
Representing: Petitioner Krasner, Larry
Petitioner Office of the District Attorney, City of Philadelphia

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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/s/ Shannon Amanda Sollenberger

(Signature of Person Serving)

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