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HOUSE OF REPRESENTATIVES
COMMONWEALTH *of* PENNSYLVANIA

House Democratic Policy Committee Hearing

Illegal ATV Use

Tuesday, April 18, 2022 | 10:00 a.m.
Representatives Darisha Parker and Amen Brown

OPENING REMARKS

10:00a.m. Rep. Darisha Parker, D-Philadelphia
Rep. Amen Brown, D-Philadelphia

PANEL ONE

10:05 a.m. Tanya Kennedy, Resident
Philadelphia

Nancy Winder, Resident
Philadelphia

Q & A with Legislators

PANEL TWO

10:30 a.m. Joel Dales, Deputy Commissioner of Special Operations
Philadelphia Police Department

Frank Palumbo, Captain
Philadelphia Police Department

Q & A with Legislators

PANEL THREE

11:00 a.m. Michael Carroll, Deputy Managing Director
Transportation and Infrastructure Systems, City of Philadelphia

Q & A with Legislators

Remarks and Testimony can be found by scanning the QR Code below:

DC Dales' Written Testimony

Greetings Chairperson Bizzarro and esteemed members of the Policy Committee. My name is Joel Dales, and I serve as the Deputy Commissioner of Special Operations for the Philadelphia Police Department. Accompanying me is Captain Frank Palumbo.

Over the past four years, I have been responsible for overseeing and coordinating the PPD's efforts to remove illegal vehicles such as ATVs, dirt bikes, and other unauthorized vehicles from Philadelphia's streets, sidewalks, and parks. This initiative aimed to enhance the safety of lawful vehicles and pedestrians in the city.

As a result of our crackdown on illegal vehicles, the PPD has seized a total of 1,132 illegal vehicles between 2020 and 2023. Out of these seizures, 977 illegal vehicles were destroyed during that period.

Despite our best efforts to curtail this illegal activity, ATV and dirt bike use remains a persistent problem on the streets of Philadelphia. In 2022, there were 41 ATV crashes, of which three were fatal, and seven were fatal dirt bike crashes. This year so far, there have been three non-fatal ATV crashes.

Currently, there are multiple obstacles to tackling the issue of illegal off-road vehicles, including staffing shortages and a lack of meaningful consequences for illegal ATV and dirt bike operators. Our top priority is to allocate personnel to address gun violence in high-risk areas throughout the city. Furthermore, we must also allocate resources and personnel to manage special events, disorderly juvenile gatherings, and unruly car meets.

Regarding illegal ATV/ dirt bike operators, I believe it is necessary to strengthen penalties for their actions.

Currently, under Senate Bill 1183, operating an ATV or dirt bike on a highway, sidewalk or bike lane within city limits is illegal and listed as a summary offense and only upon conviction may the ATV/ dirt bike be forfeited under the state code.

Penalty for violation of PA Vehicle Code § 3722: Summary offense and shall, upon conviction:

- 1) For a first offense: Pay a fine of not less than \$50 nor more than \$200 and court costs
- 2) For a subsequent offense: Pay a fine of not less than \$100 nor more than \$300 and court costs
- 3) Forfeiture: May not occur unless the individual is convicted of the violation.

In addition to the aforementioned state law, Philadelphia also has an existing ordinance, Philadelphia Traffic Code §12-1133, that prohibits the operation, parking, standing, placing or maintaining of any ATV, Dirt Bike, or Dune Buggy on any public sidewalk or any public property, including without limitation any park or recreation facility.

Penalty for a violation of City Code §12-1133:

- The violator is issued a \$2000 fine and within 8 days of the citation, the violator could agree to forfeit the ATV in lieu of the fine.
- Police has the authority to immediately seize illegal vehicles when probable cause exists to the off-road vehicle being used in violation of the ordinance.

Since the city now has two existing laws to address illegal ATVs and dirt bikes, portions of the Philadelphia City Code relating to the operation of ATVs and Dirt Bikes on the highways, sidewalks and bike lanes are now preempted by state law. Any forfeiture must now be coordinated under state law and the District Attorney's Office.

Due to the passing of Senate Bill 1183, the Philadelphia Police Department must now handle ATV enforcement processing separately for state law and city Code sections that are not preempted by state law. As a result of this bill, those who violate PA Vehicle Code § 3722 are no longer subject to the previous \$2000 fine. Furthermore, the forfeiture process now seems to offer a more accessible path for violators to reclaim their vehicles.

In closing, I kindly ask the Policy Committee to consider either returning to the prior forfeiture framework as per the city ordinance and increasing the penalties to \$2000 for the first violation and \$3000 for subsequent violations under state law, or providing Philadelphia an exception from Vehicle Code §3722.

Thank you for the opportunity to speak today. This concludes my testimony, and Captain Palumbo and I would be happy to answer any question the committee may have.