

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 3, 2012
10:20 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILL 120725 - An ordinance amending Title 12 of The Philadelphia Code, entitled "Traffic Code," by providing for prohibitions relating to all-terrain vehicles, and for penalties and enforcement...

RESOLUTION 120625 - Resolution authorizing the Committee on Public Safety to hold public hearings to review and examine the regulations surrounding All Terrain Vehicles (ATVs) and similar vehicles.

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COUNCILMAN JONES: Good morning. This hearing is called to order on Bill No. 120725 and Resolution No. 120625.

My name is Councilman Jones. I am the Chair of this Committee on Public Safety. Joining me today, members of the Committee, to my left Councilman Henon, Councilwoman Blondell Reynolds Brown, who is a temporary appointee to this Committee, and Councilman O'Brien, and to my right Councilwoman Blackwell.

Will the Clerk please read the title of the bill.

THE CLERK: Bill No. 120725, an ordinance amending Title 12 of The Philadelphia Code, entitled "Traffic Code," by providing for prohibitions relating to all-terrain vehicles, and for penalties and enforcement, all under certain terms and conditions.

And Resolution 120625, resolution authorizing the Committee on Public Safety to hold public hearings to

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2 review and examine the regulations
3 surrounding All Terrain Vehicles and
4 similar vehicles.

5 COUNCILMAN JONES: And before
6 we hear from the Administration and
7 public testimony, I'd like to call on the
8 prime sponsor of these resolutions and
9 bills, Councilwoman Blondell Reynolds
10 Brown, for brief remarks.

11 COUNCILWOMAN BROWN: I want to
12 thank the Chairman of this Committee and
13 say good morning to everyone, and to say
14 thank you for stealing time away from
15 your demanding schedules to come and
16 offer your voice on this public safety
17 issue, which ultimately for me impacts
18 children.

19 On June 21st, 2012, I
20 introduced a resolution authorizing the
21 Committee on Public Safety to hold public
22 hearings to both review and examine the
23 regulations surrounding all-terrain
24 vehicles, otherwise known as ATVs, and
25 similar vehicles. What I've observed of

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2 my last many years in Council is that
3 there's typically an uptick in the use of
4 these vehicles and, some might argue,
5 misuse of these vehicles in certain areas
6 of our community, and having seen
7 multiple stories on TV over the span of
8 ten days, for me it was a trigger that we
9 needed to look more closely at this
10 issue.

11 On September 20th, 2012, I
12 introduced an ordinance on behalf of the
13 Administration that would create tougher
14 restrictions and increased penalties for
15 riding or parking all-terrain vehicles on
16 public sidewalks or public property.

17 During today's public hearings,
18 we will focus hopefully on all aspects of
19 ATVs within the City. It is my hope that
20 we can take a new, fresh look at this
21 problem and begin to engage in a
22 meaningful, fruitful, civil, respectful
23 dialogue that will result in a number of
24 things - increased safety for all
25 stakeholders. And, again, those who know

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2 me well know that my style is to bring

3 all parts of the issue to the table.

4 Let's have a conversation about it.

5 While recognizing that there is

6 a law-abiding segment of this population

7 who reside in Philadelphia, we hope that

8 other municipalities will look to see how

9 we want to engage in this activity. And

10 I might add as another footnote, we

11 believe in doing our homework. We know

12 that Baltimore figured out how to do this

13 well and New York City figured out how to

14 do this well. So we always look to other

15 best practices in other municipalities

16 that have already gotten their arm around

17 the issue in the way that's even and

18 mutual.

19 I would be remiss not to thank

20 Captain -- forgive me if I mispronounce

21 this -- Tavaréz from New Jersey,

22 Mr. McClure from Harrisburg, and

23 Mr. Miller from Lehigh Valley ATV

24 Association. Thank you for showing up

25 today. Thank you for traveling both far

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2 and wide to offer your thoughts and
3 expertise on this issue.

4 We appreciate everyone for
5 being a part of the many conference calls
6 that my office has had over the past many
7 months, and we know that there's going to
8 be work beyond this hearing today.

9 Know that we all appreciate you
10 being here, from business owners to ATV
11 riders, because you have a voice as well,
12 community residents, members of the
13 Administration and otherwise. We all
14 look forward to your testimony.

15 And with that, Mr. Chairman, we
16 can move with the hearing.

17 COUNCILMAN JONES: Thank you,
18 Councilwoman.

19 Are there any other members
20 beside myself that want to give a brief
21 comment before we hear from our
22 testimony?

23 (No response.)

24 COUNCILMAN JONES: I just want
25 to say -- I want to thank Councilwoman

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2 Blondell Reynolds Brown for raising this
3 issue. I want to thank her for always
4 keeping an open mind but, as she says,
5 doing her homework. She realizes and we
6 realize as a committee that when there's
7 a problem, there is also a potential
8 opportunity where we can, through
9 bringing all voices together, figure out
10 ways to co-exist or exist within the
11 framework of the law.

12 So I remember once upon a time
13 that when the invention of rock and roll
14 music, people said that it was going to
15 be devil's music and people were going to
16 lose their souls to the music, and today
17 we have the Rock and Roll Hall of Fame.
18 And I remember more recently when
19 skateboards were viewed as a lawless
20 outlaw band of people invading Love Park
21 and, oh, my goodness, how we have changed
22 now that we have organized skateboard
23 parks and X Game opportunities.

24 So in that tradition, we want
25 to hear from all parties, and we want to,

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2 number one, make people safe and hear
3 your voices and figure out the best
4 practices and what we as a municipality
5 should do.

6 So with that, will the Clerk
7 read the first panel.

8 THE CLERK: Michael
9 DiBerardinis, Michael Resnick, and Carol
10 Rice. Michael DiBerardinis, Deputy
11 Mayor, Environmental and Community
12 Services; Michael Resnick, Deputy
13 Director of Public Safety; and Carol
14 Rice, Chair of Communications Committee,
15 Commission on Parks and Recreation.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN JONES: Thank you.
19 We'd like you to state your name and
20 begin your testimony. And, again, as
21 Chair, feel free to abbreviate. We have
22 an aggressive list today of 20 or more
23 people testifying. So thank you very
24 much and begin.

25 DEPUTY MAYOR DiBERARDINIS:

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2 Thank you and good morning, Chairman
3 Jones and members of the Committee. I am
4 Michael DiBerardinis, Deputy Mayor of
5 Environmental and Community Resources and
6 Commissioner of Parks and Recreation.

7 I appear before you today to
8 present testimony on Bill 120725 and
9 Resolution 120625 concerning the public
10 safety threat caused by illegal
11 all-terrain vehicles and dirt bikes to
12 public parks and recreation spaces. I
13 would like to thank Councilwoman Reynolds
14 Brown for introducing this legislation
15 and for allowing us to have this
16 important conversation.

17 As a department, Parks and
18 Recreation takes the security and safety
19 of citizens and staff very seriously. We
20 focus continually on planning and acting
21 in collaboration with other City
22 departments and the community for the
23 safety of our staff and users.

24 Working with the Police
25 Department, the Law Department, Finance,

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2 and my department, Parks and Recreation,
3 Bill 120725 seeks to amend Title 12 of
4 The Philadelphia Code so that no person
5 can operate, park, stop, stand, place or
6 maintain any ATV on a public sidewalk or
7 on any public property, including any
8 park and recreation facility. This
9 penalty for a violation would be up to a
10 \$2,000 fine and forfeiture of the
11 vehicle. The Police Department will
12 enforce, and if forfeiture is awarded,
13 the Police Department would dispose of
14 the vehicle in an appropriate manner,
15 which may include destruction of the
16 vehicle.

17 Across the Parks and Recreation
18 system, people of all ages enjoy
19 thousands of high-quality programs
20 occurring at over 150 recreation centers,
21 hundreds of neighborhood parks, four
22 watershed parks, and other facilities
23 across our city. This summer marked
24 another successful season for us. As our
25 user numbers and programs have increased,

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2 they show that a vast majority of people
3 enjoy our system and its offerings in a
4 safe and responsible way, and that there
5 are a small number of people who cause a
6 great deal of damage to our public spaces
7 by riding illegal ATV and dirt bikes.

8 The damage caused by these
9 vehicles is felt across our system, from
10 recreation centers like Rivera and Simons
11 to our watershed parks like Pennypack,
12 Tacony, and Cobbs. These illegal riders
13 cause significant damage to our athletic
14 fields and parks. They also dump trash,
15 cut and vandalize lots and gates, and
16 damage our watersheds. In addition to
17 this physical damage, this illegal riding
18 creates a very unsafe atmosphere for
19 children, youth, and families. These
20 activities chase away many who wish to
21 use our public spaces properly.

22 Following my formal testimony,
23 I hope the Committee will allow me to
24 walk through a quick presentation that
25 will clearly show the negative impact on

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2 our public spaces.

3 Our dedicated Parks and
4 Recreation staff continually try to fix
5 the severe damage caused by these
6 vehicles to avoid any programming
7 disruption. Specifically, in the Tacony
8 Creek area, we have installed three new
9 gates and 4,793 feet of guide rail to
10 help prevent illegal ATV and dirt bike
11 usage. In addition, the Department
12 undertook a project to reclaim a heavily
13 damaged section of the park between
14 Whitaker Avenue and Fisher Lane. The
15 work included removing abandoned cars and
16 car parts, cleaning up large amounts of
17 trash, filling and stabilizing and
18 planting slopes damaged by cars and ATVs,
19 grading trails, closing rogue trails,
20 constructing infiltration trenches for
21 stormwater, and seeding meadow plants in
22 disrupted areas. We will continue to
23 work with the community, our partners,
24 and many others to step up our efforts.
25 We also look forward to working with City

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2 Council on the proposed legislation,
3 which could be a powerful tool to help us
4 protect our park and recreation spaces.
5 This proposed legislation would also
6 provide -- could also provide needed
7 revenue to help care and maintain
8 impacted public spaces through the
9 scrapping of such forfeited vehicles.

10 With existing resources and
11 engaging the community and other City
12 departments, primarily the Police
13 Department, we have instituted several
14 additional initiatives focused on dealing
15 with illegal ATV and dirt bike riding.
16 Coming out through the Department's
17 merger engagement process and after a
18 series of community tours last summer, we
19 have deepened our relationship with the
20 Police Department to have an ongoing
21 presence at recreation facilities,
22 athletic fields, and watershed parks
23 across our system, which have been
24 frequented by illegal ATV and dirt bike
25 riders. In addition, this spring and

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2 summer, the Police Department seized
3 several illegal ATVs and dirt bikes from
4 the Tacony area and its various
5 neighborhoods. In all, around 95 illegal
6 ATVs and dirt bikes were taken off the
7 streets and away from our system.

8 As part of our ongoing
9 dialogue, we have heard some people call
10 for a dedicated place for ATV and dirt
11 bikes. This concept of an ATV park is
12 wrong for Philadelphia for several
13 reasons. As the former Secretary of
14 DCNR, the Department of Conservation and
15 Natural Resources for the State of
16 Pennsylvania, I helped create a
17 multi-thousand acre off-road park at Rock
18 Run in Cambria County for registered and
19 legal riding of ATV and dirt bikes. This
20 park has more than 50 miles of ATV
21 trails, with a goal of 100 miles, and
22 cost approximately \$6 million to buy the
23 land and construct the park. There is at
24 least three other ATV parks located
25 within driving distance of Philadelphia.

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2 To have the public sector do
3 the same thing here in Philadelphia would
4 be a big mistake and a misuse of public
5 funds. First off, we simply do not have
6 the public space necessary to accommodate
7 such a park. We would need to create an
8 ATV park larger many times than the
9 Philadelphia Airport. To put it another
10 way, it would be hundreds and hundreds of
11 Lincoln Financial Fields laid out end to
12 end to have the size of such a park to
13 accommodate the riders. We simply do not
14 have the public space here in
15 Philadelphia to allow for a safe
16 operation of these vehicles and to create
17 a buffer to prevent community and
18 environmental disruptions.

19 Secondly, the cost of
20 constructing and operating such a park
21 are prohibitive. The cost of building a
22 similar ATV park like the one we did in
23 Cambria County would amount to about 12
24 percent of our operating budget. I feel
25 that this is not a good use of our

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2 limited public dollars.

3 Given the cost and the premium
4 of public space, it seems to me that the
5 prospect of an ATV park should be
6 explored by the private sector and on
7 private land, not in the public sector
8 and on public land. To put it frankly, I
9 think it's crazy to consider public land
10 as a venue for these vehicles. Private
11 industry, private sector, private land
12 makes sense, but on a public land in this
13 city, given the amount of land needed to
14 accommodate a real park and to run it
15 professionally, just should not happen
16 here. But, again, if the public sector
17 is willing to -- the private sector is
18 willing to work with these groups to
19 create a viable operation, it makes
20 sense.

21 With its hundreds of recreation
22 facilities and over 10,000 acres of park
23 land woven throughout the City, the
24 Department of Parks and Recreation is
25 deeply committed to citizens and

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2 communities serving preschool to senior
3 citizens in every neighborhood every day.
4 It is the utmost importance of the
5 Department to its citizens that we create
6 a safe environment for them for these
7 recreational activities.

8 I want to thank you for this
9 opportunity to discuss this important
10 issue today and respectfully urge this
11 Committee to act favorably on the
12 proposed bill. I look forward to your
13 questions.

14 So is it okay to do the slides?

15 COUNCILMAN JONES: Before we go
16 to that, I have some questions on your
17 testimony, if it's okay.

18 A couple of questions. One,
19 when you say "public land," are you
20 talking about the other land owned by the
21 City of Philadelphia -- wait a minute.
22 Let me get the question out. I listened
23 to your testimony.

24 DEPUTY MAYOR DiBERARDINIS:

25 Okay.

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2 COUNCILMAN JONES: Or --

3 because the Redevelopment Authority owns
4 land. The Public Property owns land. I
5 believe there are other -- PIDC owns
6 land. So when you say City-owned land,
7 are you referring to Parks and Recreation
8 only?

9 DEPUTY MAYOR DiBERARDINIS:

10 First of all, my primary concern as the
11 Commissioner of Parks and Recreation is
12 certainly the 10,500, 600 acres that are
13 under my jurisdiction. I also think it's
14 a mistake to consider, given the tight
15 budgets --

16 COUNCILMAN JONES: I just asked
17 yes or no. I want to --

18 DEPUTY MAYOR DiBERARDINIS:

19 Well, I'm getting to your second point --

20 COUNCILMAN JONES: Okay.

21 DEPUTY MAYOR DiBERARDINIS: --

22 about the other public lands. So I
23 figure -- on mine, absolutely not. If
24 there's public dollars to invest in
25 this --

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2 COUNCILMAN JONES: I didn't ask
3 that part. What I asked was, are you
4 referring to that you don't want it on
5 Park's land or all public land that may
6 be owned by other departments?

7 DEPUTY MAYOR DiBERARDINIS:
8 Well, I would say as Commissioner of
9 Parks and Recreation, I'm speaking for my
10 department and my land.

11 COUNCILMAN JONES: Okay. There
12 you go.

13 DEPUTY MAYOR DiBERARDINIS:
14 That's under my department's
15 jurisdiction.

16 COUNCILMAN JONES: Understood.
17 I have a series of clarifications that I
18 need so that everybody doesn't think
19 every parcel of land.

20 The other question is, you
21 mentioned in your testimony that you were
22 a part of a group that put together a
23 50-mile track, and where was that
24 municipality?

25 DEPUTY MAYOR DiBERARDINIS:

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2 It's in Cambria County in South Central
3 Pennsylvania.

4 COUNCILMAN JONES: And how many
5 such ATV parks are in the Commonwealth of
6 Pennsylvania?

7 DEPUTY MAYOR DiBERARDINIS:
8 Well, to my knowledge, there's one either
9 underway in Northumberland County.
10 There's one in the Poconos and then one
11 in South Jersey.

12 COUNCILMAN JONES: So there are
13 a number. What is the miles to the
14 closest ATV park from Philadelphia?

15 DEPUTY MAYOR DiBERARDINIS: I'm
16 not sure of that, Councilman. I would
17 say the one in South Jersey may be the
18 closest.

19 COUNCILMAN JONES: So how many
20 miles --

21 DEPUTY MAYOR DiBERARDINIS:
22 Atco, New Jersey. I have no -- I just
23 know it's there. I don't have a lot of
24 information around the size and the
25 distance between here and there.

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2 COUNCILMAN JONES: Because the
3 clarification is that you made it sound
4 like you could just drive down the
5 street. I just want to clarify that
6 distance, and I probably will have
7 testimony that talks about that.

8 But you also said that it had a
9 50-mile park. Are some of the other
10 parks smaller in nature?

11 DEPUTY MAYOR DiBERARDINIS:
12 Well, that park is projected, at least
13 when I left office, was projected to go
14 to 100 miles. I can check and see where
15 they are right now. I don't want to
16 misspeak and say they're at a certain
17 point, but the projection was 100 miles
18 of trails.

19 COUNCILMAN JONES: Because I
20 think you'll hear later that there are
21 parks as small as eight miles to 100
22 miles. And I don't want to give the
23 impression based on your testimony that
24 you only can get a 50-mile park. That's
25 important to clarify for the record. And

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2 I'm only doing this to be devil's
3 advocate, because I may or may not agree
4 with you, but I want us to have an open
5 mind about the facts as it relates to
6 what the universe out there exists.

7 So with that, are there any
8 other questions by members of this
9 Committee?

10 COUNCILWOMAN BROWN: Could you
11 please -- you stated clearly your
12 position with regards to Parks and
13 Recreation, and the Chairman did mention
14 other City-owned parcels. So is there
15 some stipulation, regulation, law on the
16 book already that suggests that those
17 City parcels have to be used strictly for
18 City-related initiatives?

19 DEPUTY MAYOR DiBERARDINIS: I
20 don't know, Councilwoman. So to
21 answer -- again, I have my own personal
22 opinion, but relative to my professional
23 and my sort of standing in government,
24 I'm speaking strictly for the land under
25 the jurisdiction of the Department of

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2 Parks and Recreation.

3 COUNCILWOMAN BROWN: Okay.

4 Well, already the testimony suggests to
5 me that in addition to visiting Baltimore
6 and New York, a visit for my staff and I
7 to these other locations would be in
8 order.

9 Thank you very much.

10 COUNCILMAN JONES: The Chair
11 would like to recognize Councilman
12 Squilla as a member of the Committee has
13 arrived, and we'll now recognize
14 Councilman O'Brien.

15 COUNCILMAN O'BRIEN: I just
16 want to say this way: Mr. Mayor, the
17 Rails to Trails in Pennsylvania, are the
18 ATVs allowed on those?

19 DEPUTY MAYOR DiBERARDINIS: No.

20 COUNCILMAN O'BRIEN: Thank you.

21 DEPUTY MAYOR DiBERARDINIS:

22 Except maybe as a conduit to -- let me
23 just say no as a general rule, except as
24 an entry point to other organized and
25 sanctioned trails.

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2 COUNCILMAN O'BRIEN: Thank you.

3 DEPUTY MAYOR DiBERARDINIS: But
4 in general, no.

5 COUNCILMAN O'BRIEN: Thank you.

6 COUNCILMAN JONES: Thank you,
7 Councilman.

8 Would you like to show your
9 slide.

10 DEPUTY MAYOR DiBERARDINIS:
11 Sure, if I could, please. We're going to
12 run through this fast. I don't want to
13 take up too much time. And this really
14 speaks to the damage. And there's two
15 issues for us here, members of the
16 Committee. One is, illegal use really
17 runs people off of these trails. They do
18 not want to go on the trails if they have
19 an off-road vehicle coming around a
20 corner going 50, 60 miles an hour. And
21 then equally important to us is the cost,
22 the annual cost to us, maintenance costs,
23 that we have to go and repair the damage.
24 So they're the two big issues.

25 So this is a guardrail. This

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2 is Turnpike-grade guardrail that was cut.

3 I don't know what tool you use to get in

4 through there, but it's a pretty serious

5 tool, and that's a big problem for us.

6 You can see right there the seriousness

7 of the folks who want to get into the

8 park and ride their vehicles.

9 It's just a trench, some of the

10 damage. It rains, get on our trails for

11 walkers and bikers and just dig into the

12 trails and create ruts and unsafe

13 conditions.

14 This is a little hard for me to

15 see, but, again, it's erosion and

16 degradation of the park based on illegal

17 riding.

18 Again, this is just -- again,

19 you could sort of see this along the

20 watershed trail here.

21 This gives you a sense of

22 perspective here with the boot in the

23 trail and how deep the ruts and the

24 damage of this goes. If this goes

25 unrepaired, the problem just worsens over

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2 time.

3 Here's some debris that was --
4 trees that were taken down to create more
5 rogue trails in our system and then
6 burnt. It's kind of crazy. But there's
7 our -- Jackie Olson is one of our
8 volunteer coordinators up in Tacony Creek
9 who pointed this out to us.

10 Here's some debris. I tried to
11 figure out where this came from, but my
12 staff tell me this was left where people
13 come and congregate after their illegal
14 ridings. This was once a meadow that we
15 put tens of thousands of dollars in
16 restoring in the lower Tacony Creek.
17 That's where that guardrail was. This is
18 what it looks like today. This was a
19 meadow, had trees, had shrubs, had
20 underbrush. It was really beautiful.
21 The guardrail was cut, and this is now a
22 staging point. People come in with
23 trailers from out of town to ride here,
24 and it's crazy. And we're putting the
25 pennies that we have in our budget to

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2 repair this stuff.

3 I mean, to me -- look, I get
4 that people want to ride these vehicles.
5 There's nothing wrong with it. It's
6 where they ride them is the question. So
7 there's nothing wrong with this, this
8 activity. In fact, we created the park
9 and worked with the association when I
10 was in Harrisburg, but that was an
11 attempt to keep them out of the forest.
12 So we built this on strip mine land. The
13 land in Cambria County was strip mine
14 land, but we had an obligation because we
15 were in fact the PennDOT of ATVs. So
16 people registered their vehicles with the
17 Department. So the Department used that
18 money to create the park. But in tight
19 corridors, in an urban environment, in
20 one of the biggest cities in America, it
21 doesn't make sense to have this on park
22 land and recreation land. It just
23 doesn't make sense.

24 And here's some more examples
25 of this illegal riding. It just messes

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2 things up.

3 So if we were going to do this
4 and build a big park, that's the
5 footprint. So you can cut that in half.
6 You can cut it in a third, and it's
7 still -- you can cut it down to almost
8 nothing, but it ain't going to work in
9 our system.

10 COUNCILMAN JONES: Again -- are
11 you done?

12 DEPUTY MAYOR DiBERARDINIS:
13 Yeah.

14 COUNCILMAN JONES: Are you
15 done?

16 DEPUTY MAYOR DiBERARDINIS:
17 Yeah, I'm done. Thank you.

18 COUNCILMAN JONES: Well, tell
19 us how you really feel, Commissioner.

20 DEPUTY MAYOR DiBERARDINIS: It
21 just kills me. It just kills me.

22 COUNCILMAN JONES: Wait a
23 minute. Here's the thing: As a runner,
24 rider in the park, I care about the park
25 too, and as a former Vice Chair of

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2 Recreation, I love the Recreation
3 Department too, and I understand that and
4 I want to clarify that in the park
5 land -- two distinctions I want to make
6 on your testimony, that that footprint is
7 a hundred or 50-mile park, which we agree
8 kind of engulfs the entire park system.
9 Got it.

10 And then, number two, that
11 publicly owned land is defined by Parks
12 and Rec land and that in the case where
13 you did -- you're part of the problem
14 here. You created an ATV park, Deputy
15 Mayor. You reclaimed land that had no
16 value, which I keenly hear and make the
17 distinction of.

18 DEPUTY MAYOR DiBERARDINIS: No.
19 I think they're good distinctions,
20 Councilman, very good distinctions.

21 COUNCILMAN JONES: So are there
22 any other questions?

23 COUNCILWOMAN BROWN: Yes.
24 Please restate for me the role
25 of PennDOT that you referred to.

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2 DEPUTY MAYOR DiBERARDINIS: My
3 former department that I led from 2003 to
4 my return here in Philadelphia was the
5 Department of Conservation and Natural
6 Resources. We registered -- we were the
7 registering agency for off-road vehicles
8 in the State of Pennsylvania. So if you
9 have an ATV in Philadelphia, you are
10 obliged to -- not many people do, but you
11 are obliged by law to register that
12 vehicle in Harrisburg with the Department
13 of Conservation and Natural Resources,
14 not PennDOT. So it was strange that --
15 or at least I found it strange that we
16 were the registering agency in the state
17 for these vehicles.

18 COUNCILWOMAN BROWN: And that
19 still remains the practice today?

20 DEPUTY MAYOR DiBERARDINIS:
21 Yes, that's still the practice. Not all
22 people --

23 COUNCILWOMAN BROWN: Do it.

24 DEPUTY MAYOR DiBERARDINIS: --
25 do it, but that is in fact the law.

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2 COUNCILWOMAN BROWN: Okay. All
3 right. That clarification is important.
4 Thank you.

5 COUNCILMAN JONES: Thank you,
6 Councilwoman.

7 We can begin the other part of
8 the testimony.

9 Oh, I'm sorry. The Chair
10 recognizes the attendance of Councilman
11 Johnson, and he has a question.

12 COUNCILMAN JOHNSON: I'm going
13 to go ahead and wait until Michael does
14 his presentation.

15 COUNCILMAN JONES: And also I
16 see Councilwoman Tasco has joined us.
17 Okay.

18 MR. RESNICK: Good morning,
19 Chairman Jones and members of the Public
20 Safety Committee. My name is Michael
21 Resnick. I'm the Director of Public
22 Safety for the City of Philadelphia, and
23 with me is Captain Fran Healy, a special
24 advisor to the Police Commissioner.
25 Mindful of your time, I'll try to abridge

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2 this testimony that's already before you.

3 I appear before you today to
4 offer testimony on Resolution 120625 and
5 Bill 120725. I'd like to state that we
6 are in full support of the bill, 120725,
7 and I'd like to take the opportunity to
8 thank Councilwoman Reynolds Brown for
9 taking the lead in introducing this
10 resolution and the corresponding
11 Administration bill.

12 While Pennsylvania law
13 prohibits the operation of ATVs or
14 all-terrain vehicles on City streets, it
15 has proven woefully inadequate to
16 permanently remove that dangerous
17 condition that these vehicles create in
18 the City of Philadelphia. As such, Bill
19 120725 is absolutely necessary to protect
20 our citizens, visitors, and even the
21 riders themselves from the risk that
22 these vehicles create driving them in an
23 urban setting on City streets and
24 sidewalks and in City parks. ATVs are
25 never designed nor intended to be used in

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2 an urban setting, and they are an
3 inherently dangerous threat to everyone.

4 Regrettably, current law does
5 not provide a permanent solution. While
6 the police can and do confiscate ATVs,
7 there is nothing to stop an owner from
8 reclaiming the ATV and repeating the
9 entire cycle all over again. The dangers
10 are very real, and there must be swift
11 and certain consequences to protect the
12 general public. The bill being proposed
13 here today is the solution for this
14 unique problem in Philadelphia.

15 And I won't get into the
16 specifics of the bill because I think
17 Deputy Mayor already discussed them in
18 his testimony.

19 Simply put, this legislation
20 will save lives. Let me offer some
21 relevant statistics.

22 In 2010, the City of
23 Philadelphia had three reported ATV
24 accidents, two of which were fatal. In
25 2011, we had 13 reported ATV accidents,

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2 one of which was fatal.

3 As you are aware, police
4 officers cannot pursue these vehicles, as
5 this would exacerbate an already
6 dangerous situation. Nonetheless, the
7 Police Department has refused to give up.

8 As a result of the increased
9 complaints of accidents and deaths that
10 these vehicles have caused, the Police
11 Department has changed tactics and
12 strategies, and they have had an impact.
13 In the beginning of this year, the Police
14 Department coordinated with Parks and Rec
15 to target specific locations where police
16 operations could be done safely and
17 effectively. This took the coordination
18 of numerous police resources and manpower
19 under the direction of both Deputy
20 Commissioner Wright and Bethel. To date,
21 these efforts have resulted in the
22 confiscation of 67 ATVs.

23 I know in Deputy Mayor's
24 testimony he said it was 97, but I
25 believe that includes 28 dirt bikes that

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2 were also confiscated.

3 As a consequence of our
4 efforts, thus far in 2012, there have
5 only been six reported accidents, or
6 reduction in 50 percent from last year,
7 and no fatalities, thankfully.

8 The problem lies in the fact
9 that our city code has not been updated
10 to distinguish these illegal vehicles
11 from the legitimate cars and trucks,
12 which the existing code was designed to
13 address. The bill presented here today
14 remedies this defect. Operating ATVs in
15 an urban setting is inherently dangerous
16 not just to the rider but to everyone in
17 the City. As such, separate and
18 distinguishable penalties are necessary
19 to permanently abate this activity in the
20 interest of public safety. The bill
21 before you will accomplish these goals.

22 That said, we believe the
23 legislation will update the existing city
24 code to reflect the inherent danger that
25 these vehicles create when operated in an

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2 urban setting; permanently remove these
3 threats from our streets, sidewalks, and
4 parks by authorizing the forfeiture and
5 destruction of the illegally operated
6 vehicle; ensure that the vast majority of
7 confiscated ATVs will never be used on
8 the streets and parks of Philadelphia
9 again; and send a very clear and
10 expensive message to the people who
11 choose to illegally ride them on our
12 streets and sidewalks and parks and
13 recreation facilities, endangering safety
14 and the lives of the community.

15 The illegal use of ATVs has had
16 a deleterious impact on the quality of
17 life throughout our neighborhoods and
18 park lands, and it must stop. This bill
19 will be an important tool in eliminating
20 ATVs throughout the City of Philadelphia.

21 I urge the members of the
22 Committee to favorably vote on the bill
23 in its current form out of Committee and
24 for the presentation to the full Council
25 for final passage.

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2 I thank Council for their time.

3 If you have any questions, myself or
4 Captain Healy will be glad to answer
5 them.

6 COUNCILMAN JONES: A couple of
7 questions. Could you repeat the
8 fatalities and the years.

9 MR. RESNICK: Yes, Councilman.
10 In 2010, we had three reported ATV
11 accidents, two fatalities. In 2011, we
12 had 13 reported ATV accidents, one
13 fatality. And year to date, we have had
14 six accidents, no fatalities.

15 COUNCILMAN JONES: How does
16 that compare to automobile accidents and
17 fatalities?

18 MR. RESNICK: I'm sure
19 automobile accidents and fatalities are
20 much higher, Councilman. I don't have
21 the numbers before me.

22 COUNCILMAN JONES: Okay.

23 MR. RESNICK: But there are
24 considerably more automobiles riding our
25 City streets than there are ATVs.

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2 COUNCILMAN JONES: Okay.

3 Any questions?

4 Councilwoman.

5 COUNCILWOMAN BROWN: Yes. I

6 thank you very, very much for --

7 COUNCILMAN JONES: Wait a

8 minute. Excuse me.

9 Councilman Johnson.

10 COUNCILMAN JOHNSON: I defer to

11 Councilwoman Blondell Reynolds Brown, who

12 offered up the bill.

13 COUNCILMAN JONES: And then

14 we'll -- can I do this.

15 COUNCILWOMAN BROWN: Please.

16 COUNCILMAN JONES: Can we

17 recognize Councilwoman Bass and I'll let

18 her speak. This is her first opportunity

19 to comment, and then we'll come back to

20 you.

21 COUNCILWOMAN BROWN: Sure.

22 COUNCILMAN JONES:

23 Councilwoman.

24 COUNCILWOMAN BASS: Well, thank

25 you for the opportunity. I'm going to do

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2 the smart thing and defer to Blondell
3 Reynolds Brown and then I'll come back.

4 Councilwoman.

5 COUNCILMAN JONES: The Chair
6 recognizes Councilwoman Brown.

7 COUNCILWOMAN BROWN: Very well,
8 and I thank my colleagues.

9 I was unaware of these stats,
10 and I think facts are very, very
11 important. My subsequent ask would be,
12 is there a breakdown -- a fatality is a
13 fatality is a fatality. It doesn't
14 matter if the person is six months, six
15 years or 60 years old, but I am curious
16 to know if these were young people in the
17 fatalities that you mentioned and/or if
18 these fatalities were caused by young
19 people.

20 MR. RESNICK: I can get you
21 that information, Councilwoman.

22 COUNCILWOMAN BROWN: That would
23 be very, very helpful.

24 And for clarity on your
25 testimony, currently you state that

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2 there's no permanent solution to the
3 problem. So if an ATV is confiscated and
4 it is registered, that ATV owner is still
5 held by the weak or non-existing laws
6 that exist for those who use them and
7 they are unregistered? In other words,
8 there's no benefit given to those who use
9 them and are registered?

10 MR. RESNICK: I believe there
11 is a distinction, and I see Mr. Fenerty
12 from the Parking Authority is a witness
13 later on, and he'll probably be better
14 able to answer you.

15 COUNCILMAN JONES: He's not
16 able to -- I'm sorry. He's not able to
17 attend due to a funeral.

18 MR. RESNICK: I apologize,
19 then. I believe there is a distinction.
20 If they are registered, they are likely
21 returned through the auction process --
22 or they are returned to the owner. The
23 owner can claim them. If they are
24 unregistered, they are sold through the
25 auction process, I believe, but I can get

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2 you clarification on that.

3 COUNCILWOMAN BROWN: That would
4 be helpful as we proceed.

5 Thank you, Mr. Chairman.

6 COUNCILMAN JONES: Thank you,
7 Councilwoman.

8 The Chair recognizes
9 Councilwoman Bass. Because he's very
10 polite.

11 COUNCILWOMAN BASS: Thank you.
12 Thank you, Mr. Chairman.

13 I just wanted to start by
14 thanking, I know as others have done
15 before, but thanking Councilwoman
16 Blondell Reynolds Brown for really
17 bringing this important issue to the
18 forefront. I know that before you
19 brought it to our attention, it was
20 something we all noticed and we all saw
21 and we all felt some kind of way about,
22 but your leadership really brought the
23 issue out. So I just wanted to thank you
24 for that. It's a big issue in my
25 district, as with many others. It's

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2 something that we're constantly trying to
3 figure out how to deal with, and I'm just
4 really glad that you're working towards a
5 permanent solution.

6 I work, as the Chair of Parks
7 and Recreation and Cultural Affairs, I
8 have a very good and close working
9 relationship with the Parks Department
10 and Michael DiBerardinis and Sue Slawson,
11 and I can tell you that they really do
12 make something out of nothing in terms of
13 resources. When you see the damage
14 that's done to parks on the screen and
15 knowing how -- they really do try to make
16 things happen on limited resources. It
17 really does feel like a little bit of a
18 kick to the stomach, because you feel
19 like you're putting resources in, you're
20 trying to do all the best you can and you
21 want to make Philadelphia the world-class
22 city that it deserves to be, but also how
23 do we do something for our young people,
24 primarily young people, who are engaged
25 in these activities and you don't want to

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2 criminalize them. You don't want to
3 attach a stigma when there are so many
4 others that they're dealing with in the
5 community.

6 So I'm looking forward to this
7 being a -- finding a resolution and just
8 finding a permanent solution that's
9 really going to work to satisfy
10 Philadelphia and be good for our city.
11 So I just wanted to thank you.

12 COUNCILMAN JONES: Thank you,
13 Councilwoman.

14 The Chair recognizes Councilman
15 Johnson.

16 COUNCILMAN JOHNSON: Thank you,
17 Mr. Chair.

18 I do also applaud Councilwoman
19 Blondell Reynolds Brown for hosting this
20 hearing and also providing a resolution
21 to help us as a city get a grip on this
22 actual issue. And I'm also, for the
23 greater concern of the City and the
24 quality of life throughout my district,
25 I'm in support of the actual resolution,

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2 but I'm also -- it's an issue that I'm
3 conflicted by, primarily because I don't
4 want to put our young people,
5 particularly majority of my African
6 American young men, really trying to get
7 involved in the recreational activities
8 besides maybe just standing on the corner
9 and this is their way of engaging in
10 their form of leisure, but nevertheless,
11 it invades on our quality of life. You
12 hear the mopeds, you hear the dirt bikes
13 in the middle of the night, and it's
14 always sad when you see a young person
15 wind up in the result of a fatality.
16 I've seen a couple of them over the past
17 summer. I think one on the news had like
18 a little young guy somehow got ran over
19 in North Philadelphia and they crashed.

20 So it's definitely something
21 that needs to be addressed, but some way,
22 somehow -- and I will always keep putting
23 this issue out here -- as a Council, as a
24 city, we got to try to find a way to give
25 these young men another opportunity to

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2 get involved in something positive. I
3 don't know if we start looking at our
4 budget and kind of start figuring out on
5 how do we continuously pump resources in
6 those type of things that young people
7 want to get involved in that are positive
8 for the community and not something
9 that's really having a negative impact on
10 our quality of life.

11 And so I just wanted to state
12 that for the record.

13 But there's a rumor that -- and
14 I would like clarification on it -- that
15 once the bike is taken, the City sells
16 these bikes at the auctions. And so I
17 really need clarification on that,
18 because that doesn't make sense.

19 MR. RESNICK: The Parking
20 Authority, Councilman, operates the
21 auction, and I don't know what their
22 rules are for how -- what vehicles and by
23 which means they're confiscated gets
24 sold, which vehicles and by which means
25 that are confiscated get returned to the

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2 owners if they bring proof of ownership
3 and registration. So I will have to get
4 clarification.

5 COUNCILMAN JOHNSON: We will
6 need that information, because if that's
7 the case, then it's just a revolving door
8 process. The City, the Philadelphia
9 Police Department takes the bike,
10 impounds it to the Parking Authority.
11 Young guys can go up at the auction,
12 young guys and girls, whatever, and go
13 buy another bike and then take the bike
14 and go back out in the street.

15 So I think that's probably the
16 crux of -- if you're going to address the
17 issue, I mean, it's a revolving door, and
18 if we don't get to the bottom line of
19 that, then -- I mean, the fine, okay,
20 yes, you'll get a ticket. And it will
21 also go toward deterring some folks from
22 wanting to ride a bike. Especially if
23 you got a license, you don't want to have
24 any tickets on your license.

25 But getting to the meat and

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2 potatoes is, once the bike is taken, what
3 can we do legally to make sure that bike
4 doesn't go back out into the street.

5 COUNCILMAN JONES: Thank you,
6 Councilman. It's not just a rumor. It
7 is a fact that that's the process, and
8 one of the issues raised -- and, again,
9 this Committee does more than just listen
10 to testimony. We go out and fact-find.
11 I mean, that's what makes this Council an
12 important part of the process.

13 And so the corrective actions
14 we need to take are not just the fines,
15 which many of us have discussed. It is
16 the process by which you create the
17 revolving door and the process by which
18 when you take something from young
19 people, in cases on the street,
20 rightfully so, how do you provide an
21 avenue for positive expression of a sport
22 or thing that we don't understand.

23 So we're trying to balance all
24 of these priorities. Understand that
25 some things cannot co-exist in a park.

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2 We get that. But to demonize it to the
3 point where we don't have options -- if
4 we just said that about Love Park with
5 skateboards, we wouldn't come up with
6 some of the creative remedies that we
7 have now.

8 So we just -- I know we're
9 getting older and we're getting cranky,
10 but let's keep our minds open.

11 Thank you.

12 Councilwoman Brown.

13 COUNCILWOMAN BROWN: Those
14 points are extremely well taken, and I'll
15 summarize at the end of the hearing my
16 view, but let me restate that I too,
17 Councilmembers, have been conflicted
18 about how do we balance the protection of
19 citizens who are living within the
20 boundaries of law and the few of those --
21 and it is few -- who violate egregiously,
22 and the balancing act is what will become
23 vital and important for us. And it's
24 clear to me already the rumor, let me
25 underscore, Councilman Johnson, is not a

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2 rumor. It is a fact, which is why we
3 invited the Philadelphia Parking
4 Authority to be here today. And let me
5 just say on behalf of Vince Fenerty, who
6 I spoke at length with yesterday,
7 expressed his regrets and indeed wants to
8 make sure that what they do and how they
9 do it is registered formally on the
10 record.

11 Thank you, Mr. Chairman.

12 COUNCILMAN JONES: The Chair
13 recognizes Councilman Henon.

14 COUNCILMAN HENON: Thank you,
15 Mr. Chair.

16 I too want to applaud
17 Councilwoman Blondell Reynolds Brown in
18 the efforts to have this conversation,
19 discussion. I think it's much more than
20 a conversation and discussion. We're
21 looking to solve and change some behavior
22 and keep people safe and protect our
23 parks and recreation and private property
24 in the City. So I applaud you for those
25 efforts, and I look forward to the full

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2 discussion and hearings as we move
3 forward.

4 My questions are to both Deputy
5 Mayor and Mr. Resnick. Has there been a
6 cost analysis in any of your research and
7 findings that you have done on the
8 destruction or damage and repairs to our
9 parks and recs and/or with the Police
10 Department, some of our city resources as
11 we move forward or could be doing some
12 other policing, which I would think is
13 prevalent in all our neighborhoods across
14 the City.

15 Deputy Mayor, I understand that
16 the challenges that we have in the parks
17 and recs are tremendous at this point
18 with the budget being what we are and you
19 trying to be -- and you are very
20 inclusive and cooperative in saving money
21 and pulling resources together, but the
22 damage that we have when we permit fields
23 out for just regular recreation could be
24 costly, the damage to our rec centers.
25 And, again, I want to commend -- not

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2 again, but I want to commend Councilwoman
3 Cindy Bass for her efforts at safety in
4 all our rec centers with cameras and more
5 policing and everything like that. I
6 think all of that is not being talked
7 about, at least at this point, while
8 we're trying to address and take
9 resources, valuable resources, to fix
10 behavior and property and resources for
11 illegal activities that are taking place
12 now.

13 DEPUTY MAYOR DiBERARDINIS:

14 This is not a single year, but this is
15 multiple years, and I'll get you from
16 what point, but we've calculated for
17 these hearings up in the Tacony Creek
18 Park, over a hundred thousand dollars
19 repair costs, and at the Whitaker Avenue
20 and Fisher Lane, which is the sort of
21 staging point, we dumped over 150,000
22 bucks in restoring and repairing that
23 area.

24 So it's in the hundreds of
25 thousands just in those two locations.

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2 Now, that's where a lot of the illegal
3 riding takes place, so that's probably
4 the most intense riding ridership or
5 usage, illegal usage, in our system,
6 although it's spread across the system.
7 So those numbers are over multiple years
8 and probably on the high end, but still
9 it's real money. So you're into the
10 couple hundred grand.

11 COUNCILMAN HENON: Do you see
12 the activity and the damage escalating
13 and growing?

14 DEPUTY MAYOR DiBERARDINIS: You
15 know, it's funny, this has been an
16 ongoing issue in the Department for a
17 while, but over the last two years, it
18 just seems to have exploded, and now
19 we're experiencing it in not just in the
20 watersheds, which provide like -- you
21 look at the watersheds. Why are people
22 riding there? There's seven, eight miles
23 of trails in the woods. Hey, that's kind
24 of what draws people there. But now I
25 talked to our rec leader at Simons is

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2 having trouble -- it's a rec center with
3 ball fields, and up at Rivera at 5th and
4 Allegheny. I witnessed dirt bikes --
5 myself, First Deputy Commissioner
6 Slawson, and Councilwoman Sanchez were
7 walking through Rivera, and two young
8 guys on bikes -- they kind of knew we
9 were officials, you know. So they're
10 going to show us that they could ride and
11 get under our skins, and it worked. I
12 mean, they did ride and they did get
13 under our skins all over the ball field.

14 But it's out there. It's real.
15 I understand, Councilman, the concern of
16 sort of demonizing or sort of
17 overresponding to this issue, but if
18 we -- I understand that, but if we don't,
19 I don't think we're being responsible. I
20 think we have to do something that's
21 serious, but also considers this as a
22 legitimate -- we sell the vehicles.
23 They're in stores. You can buy them.
24 They're in auto dealers. So we're not
25 telling people it's illegal, because

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2 we're selling these things and passing
3 them all over the place, but it doesn't
4 take away from the damage or the safety
5 issues that we have to confront every
6 day.

7 COUNCILMAN JONES: I think --
8 let's hear the hearing, and then I think
9 we will address the seriousness of it,
10 but also some of the other members'
11 concern about creating opportunity to do
12 the right thing with young people and
13 enjoy recreation responsibly as well.

14 MR. RESNICK: One final point,
15 though, Councilman. In everybody's
16 comments, we've heard people discussing
17 the balancing between riding and
18 destruction in our parks and our rec
19 centers and the legitimate place for
20 these to be ridden. No one here has
21 mentioned the fact or has agreed that
22 it's an appropriate place on our streets
23 and sidewalks to be riding these
24 vehicles.

25 COUNCILMAN JONES: No, no. We

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2 get that. I guess we should state that
3 for the record. We understand that
4 portion of it. But, again, what we want
5 to be is surgical as opposed to just
6 blanket.

7 We've been a little longwinded
8 and we got 19 other people to go through,
9 so -- I'm sorry. Councilman Squilla has
10 not commented. He has not been
11 longwinded.

12 COUNCILMAN SQUILLA: Just a
13 quick question, and I agree with
14 Mr. Resnick about the streets. I'm a big
15 advocate of parks and recs and realize
16 the damages done. I see it myself where
17 they're in there in the parks riding
18 around. But on the streets is also a
19 major concern throughout my district
20 where they ride up and down the
21 pavements, and I know the police can't
22 chase them.

23 Is there any philosophy or way
24 that we could help enabling -- maybe
25 information to the Police Department or

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2 knowing where they're stored in garages
3 and what time they go out? How can we
4 coordinate these efforts with the police
5 so when they're ready to go out onto the
6 streets, they know where they are and
7 just be able to --

8 MR. RESNICK: Exactly,
9 Councilman. I think during Councilwoman
10 Bass's hearing over the summer with
11 respect to violence in the park and rec
12 centers, Deputy Commissioner Wright or
13 Bethel -- I forget which one -- made the
14 point that if neighbors know where these
15 vehicles are stored, they see people
16 taking them out of their garages, out of
17 their backyards, getting ready to ride
18 them, they know where they're going, to
19 call us, text tips, call 9-1-1, use all
20 the various means by which the Department
21 has created for people to provide us with
22 information, and we'll get that
23 information and we'll come out and we'll
24 be able to safely intervene if we know
25 where they're stored and where they're

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2 kept and where people are taking them
3 from and to, rather than coming upon them
4 while they're on the street, and that's
5 just too dangerous to even pursue.

6 COUNCILMAN SQUILLA: And also I
7 know the issue about putting ATVs back
8 out onto the street by selling them and
9 auctioning them. Did we ever look into
10 being able to, as we get them, be able to
11 sell them? Are there national parks that
12 use them? Is there different areas
13 throughout --

14 MR. RESNICK: I had that
15 conversation with Vince Fenerty and
16 proposed that if they have to go to
17 auction based upon their rules or the
18 law, then why do they need to auction
19 them in the City of Philadelphia? Can't
20 they auction them in whatever county the
21 Deputy Mayor mentioned where these things
22 are legal? So that was something that he
23 said he would look into.

24 COUNCILMAN SQUILLA: I mean, it
25 does sound crazy that we just put them

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2 back out into the street. And if we
3 mandate that they're sold in other
4 areas --

5 MR. RESNICK: We agree.

6 COUNCILMAN SQUILLA: -- it
7 would make more sense.

8 All right. Thank you very
9 much.

10 COUNCILMAN JONES: Thank you,
11 Councilman.

12 Please state your name for the
13 record and begin your testimony.

14 MS. RICE: Good morning,
15 Chairman Jones and members of the
16 Committee. My name is Carol Rice and I
17 am a member of the Parks and Recreation
18 Commission and the Chairman of the
19 Communication Committee. I am also a
20 former employee of the Department of
21 Recreation, retiring after 35 years of
22 service.

23 I appear before you today on
24 behalf of the Parks and Recreation
25 Commission to present testimony on Bill

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2 No. 120725 and Resolution No. 120625
3 concerning the negative impact of illegal
4 all-terrain vehicles and dirt bikes to
5 public parks and recreation spaces. Our
6 Chairman, Nancy Goldenberg, could not be
7 here to testify, as she is out of town.
8 The Parks and Recreation Commission feels
9 that the proposed legislation, Bill No.
10 120725, would be a powerful tool to help
11 us protect our park and recreation
12 spaces.

13 While the vast majority of
14 people enjoy our parks and recreation
15 system responsibly and safely, there are
16 a small number of people who cause a
17 great deal of damage to our public spaces
18 by riding illegal ATVs and dirt bikes.
19 The Parks and Recreation Commission has
20 spent the past year holding numerous
21 meetings in communities throughout the
22 City and surveying community members
23 about safety concerns. We have also been
24 studying best practices in other urban
25 parks and recreation systems throughout

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2 the country, from Los Angeles and St.
3 Louis to Atlanta, Chicago, Pittsburgh,
4 and Baltimore. As part of this community
5 engagement process, we have clearly heard
6 and seen the damage and negative impact
7 caused by illegal ATVs and dirt bikes
8 systems-wide. These illegal riders cause
9 significant damage to our public fields
10 and parks. They also vandalize public
11 property, dump trash, and harm our
12 watershed parks. In addition to this
13 physical damage, illegal ATVs and dirt
14 bike riders have created a very unsafe
15 atmosphere for our parks and recreation
16 users who seek enjoyment and fun in a
17 clean, safe, and attractive environment.

18 With that, we respectfully
19 encourage you to pass Bill No. 120725, as
20 it would be a strong step in the right
21 direction to help address these community
22 concerns.

23 The Parks and Recreation
24 Commission also feels that creating a
25 dedicated place to ride ATVs and dirt

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2 bikes is very wrong for the City. We
3 have neither the space in Philadelphia to
4 allow for the safe operation of these
5 vehicles nor the necessary community and
6 environmental buffers to help prevent
7 dust and noise disruptions. We also do
8 not have the space to create sufficient
9 miles of ATV courses and trails that
10 would appeal to riders or the dollars it
11 would cost to construct and operate such
12 sites. Indeed, the limited public
13 dollars we do have are certainly better
14 spent on programming and caring for the
15 current parks and recreation system.
16 There are also many opportunities to ride
17 these vehicles legally and safely in at
18 least three ATV parks located within
19 driving distance of Philadelphia.

20 I would like to thank
21 Councilwoman Reynolds Brown for
22 introducing this legislation and for
23 allowing us to have this important
24 conversation. I look forward to any of
25 your questions.

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2 Thank you.

3 COUNCILMAN JONES: Are there
4 any questions?

5 COUNCILWOMAN BROWN: Comments,
6 Mr. Chairman.

7 Let me thank you as well for
8 your testimony, and I will be very, very
9 interested in hearing the homework you've
10 done already around this issue and the
11 best practices in other cities that you
12 mentioned here. So I'll do a followup
13 for us to hear what you've done. There's
14 no need to do rework or do over work
15 that's already been done. So that
16 information will be exceedingly helpful.

17 MS. RICE: Thank you.

18 COUNCILWOMAN BROWN: Thank you.

19 COUNCILMAN JONES: Thank you
20 for your testimony.

21 Will the Clerk --

22 DEPUTY MAYOR DiBERARDINIS:

23 Councilman, my staff tells me that Atco
24 is 23 miles drive time from here to that
25 particular --

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2 COUNCILMAN JONES: And is that
3 the closest one, 23 miles?

4 DEPUTY MAYOR DiBERARDINIS:

5 Yes; 23 miles -- it's in New Jersey.

6 Atco, New Jersey.

7 COUNCILMAN JONES: Thank you.

8 DEPUTY MAYOR DiBERARDINIS:

9 Thank you.

10 COUNCILMAN JONES: Will the
11 Clerk read the names of the next panel.

12 THE CLERK: Kevin DeCew, Yamaha
13 Corporation, and those accompanying him,
14 and Gene Kradzinski, General Manager,
15 G-Team Racing Motorcycles.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN JONES: Thank you.
19 Have a seat. They'll pass that up. And
20 you have a presentation as well. We'd
21 like to hear the testimony first. Have a
22 seat.

23 Those who can sit at the table,
24 that would be good for time.

25 State your name and please

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2 begin your testimony.

3 MR. KRADZINSKI: My name is
4 Gene Kradzinski from G-Team Racing
5 Motorcycles here in Philadelphia.

6 COUNCILWOMAN BROWN: Pull the
7 mic up.

8 MR. KRADZINSKI: Are we good
9 now?

10 COUNCILMAN JONES: Yes.

11 MR. KRADZINSKI: Thanks for
12 inviting me. I'm the guy that's on the
13 streets and hears most of the information
14 that's coming from the people that you
15 need to find out about. Anything
16 questionable, pretty much I'm the guy you
17 can talk to as far as Philadelphia goes.

18 A couple issues. I don't have
19 a suit and tie on. I had an itinerary
20 here, but that went out the door. So let
21 me run a few things by you.

22 I'm involved with the AMA,
23 Motorcycle Association. They're highly
24 interested in this. They've got backing
25 here. ABATE Pennsylvania, Alliance of

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2 Bikers Toward Education, they're
3 interested in this.

4 I'm glad that you had bought
5 this up. There's a lot of people on the
6 street that would like to have an
7 off-road vehicle park, pros and cons.
8 They asked my personal opinion. There's
9 a lot of guys out there that should be
10 fined, bikes should be confiscated. I
11 think we should manipulate the media a
12 little bit. You can get on television
13 and actually tell these people what the
14 laws are, because we get calls all the
15 time. Parents want to buy an ATV for
16 their kid. They have no clue that it's
17 like a car, that they need to have tags.
18 They don't need to have insurance, but
19 they need to have it registered.

20 This bit with things getting
21 confiscated, if a vehicle is confiscated
22 and they can prove who owns it, yeah, it
23 should be returned with a fine. If
24 somebody was using it in an illegal
25 manner, it should be confiscated and

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2 dealt with accordingly. If a vehicle is
3 confiscated and the VIN numbers have been
4 defaced, that's a federal offense. That
5 vehicle should be either destroyed or it
6 should be dismantled to a point with a
7 sawzall and auctioned off as parts to a
8 service center that they could use for
9 parts.

10 This revolving door issue that
11 comes up with back and forth and back and
12 forth, I've seen this happen at my shop
13 many times. They guys say, I'll let them
14 take it because it's cheaper for me to
15 buy it back than to pay the fines. Well,
16 that's an issue that Mr. Fenerty can
17 answer to the Parking Authority. I'm
18 quite sure that he and I can talk
19 together on the phone to deal with
20 certain issues of this confiscation. He
21 used to be a neighbor of mine, so it's
22 easy to talk to the man.

23 As far as young kids, education
24 is priority. I think, again, if somebody
25 got on TV without a suit and tie on and

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2 said, Parents, this is what the issues
3 are, this is what we need to address,
4 pretty much just educate the people. And
5 there's a lot of things like the PAL
6 Association that can have the same effect
7 with kids, the younger kids, the good
8 kids, that want to be off-road riders.
9 Not every kid wants a baseball glove and
10 a bat. Some guys want to be out there
11 jet skiing, snowmobiling. Different
12 parts of the City have different views on
13 this.

14 I know there's a lot of
15 property available in Philadelphia that
16 can be utilized for this. Number one,
17 down by the Airport area, which a lot of
18 people come to me and say, Gene, what can
19 you do? Well, I'm only a small guy on
20 the street, but we've used our website to
21 give out information as much as possible.
22 We've asked for people to go to our
23 website and sign up and just tell us what
24 we can do for you.

25 And this is another thing. The

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2 database that can be used that

3 information with -- let's talk this

4 registration. If you have an off-road

5 vehicle park, number one, you're

6 controlling the environment of the people

7 that are riding. They're all going to be

8 in a safe environment. They're all going

9 in the same direction. You don't have to

10 have a bazillion acres of ground. If you

11 look at an AMA track, it's kind of

12 squirrely. It uses the maximum amount

13 of trail in the smallest amount of space.

14 So that's one thing. You don't need tons

15 and tons of space.

16 The other thing is, pole barns

17 can be put up. Off-road parking can be

18 put up. Somebody has to join up.

19 There's revenue that's going to be

20 generated for this. There's going to be

21 tow services. There's going to be lunch

22 trucks. There's going to be

23 Johnny-On-The-Spots. Everybody is going

24 to benefit from this if you give them a

25 spot.

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2 Just as you were speaking about
3 Love Park and the skateboards, it's kind
4 of similar, but this is -- this dialogue
5 that we're having, I'm trying to be
6 casual about it. It's a dialogue. This
7 is the first step in something that's
8 going to get resolved not today, maybe
9 next year, in the new fiscal year, but
10 you got to understand that a lot of these
11 people don't understand that in the
12 Pennsylvania State Department of
13 Transportation thing, there's a
14 stipulation about ATVs to be used on
15 public streets during emergency services.
16 I'm pretty sure that's in there, if
17 anybody can reiterate on that. It's
18 something to look into.

19 So they use that little piece
20 of knowledge to go, Well, it says there I
21 can use my ATV. Again, manipulate the
22 media. Let's tell the public what's
23 right, what's wrong, what's legal, what's
24 not and get some input. The websites are
25 out there all over the place, and I'm

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2 quite sure this 15-year-old kid is going
3 to go in there and do all that Facebook
4 stuff. And we can use Facebook again.

5 As soon as you start putting
6 this information out there, people are
7 going to read it. It's not going to
8 happen overnight.

9 So if you have questions about
10 anything that has to do on the street,
11 I'm quite sure that the guys behind me
12 are going to follow up on information.
13 They're going to tell you, Yeah, I love
14 riding, but there's a percentage --
15 always been that percentage of guys that
16 are not going to conform to anything. So
17 no matter what you do, they're going to
18 be out there tearing up the ground.

19 Now, as far as the
20 environmental people go, I'm aware of
21 that. You give me a dirt bike or ATV,
22 give me the rockiest, muddiest, snowiest,
23 rainiest environment, I'm having a good
24 time. So what maintenance is there? The
25 City of Philadelphia can take that -- I

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2 want to use the Airport area for example.
3 They don't have to do anything. Put up a
4 couple office trailers, a computer
5 system, some solar panels and it's an
6 educational facility now. The City can
7 then turn around and put -- oh, we have
8 all this excess dirt. They're going to
9 dump that there. That track is going to
10 change every time. Nobody is going to
11 get bored of what they're riding in,
12 because it's going to change. So now we
13 got a win-win situation. Commerce,
14 service centers are going to have these
15 vehicles again to service.

16 But another little operation
17 would be the people that are getting
18 educated. The Police Department can open
19 their doors as a community service and
20 say, Look, either you bring your vehicle
21 in to us, we're going to check the VIN
22 numbers for you, because a lot of these
23 old bikes, people are never registered.
24 There's no paperwork on them. And that's
25 a really big issue that comes by our

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2 shop. We tell people, Carry either the
3 certificate of origin with you to prove
4 that you bought the bike some place, a
5 notarized bill of sale that you bought
6 the vehicle in good faith or register the
7 thing, get the tag. Then you can prove
8 that you own it a hundred percent. If it
9 does get confiscated, then so be it. You
10 did something wrong.

11 Now, the Police Department has
12 been pretty flexible in my area, and it's
13 been on like this for years, even when I
14 was a kid. You got caught on the street,
15 they'd stab your tires, pull the spark
16 plug out. They would dismantle the bike.
17 And I seen that little clause in this
18 proposal here. All in favor of that.
19 That's at the police discretion. But
20 when you have a kid and his mom and dad,
21 they're working hard for that \$1,000 that
22 they bought that quad for and that kid is
23 riding it in the park doing 30 mile an
24 hour, having a good time, that's not the
25 same situation as the guy that's doing 50

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2 mile an hour down the street, looking
3 cool, doing the wheelie that's causing
4 all the problems.

5 So you have the pros and the
6 cons, and I think that with this
7 dialogue, this is the first stepping
8 stone on a situation that's going to get
9 resolved in the next maybe two years, but
10 I'd like to see this happen a lot faster
11 than that. So put me on board for
12 anything that's got to do with this.
13 Pretty much cut and dry.

14 Any questions?

15 COUNCILMAN HENON: The Chair
16 recognizes Councilman O'Brien.

17 COUNCILMAN O'BRIEN: Can you
18 just briefly comment on whether you agree
19 or disagree with specificity with Deputy
20 Mayor Mike DiBerardinis's position on not
21 using park land.

22 MR. KRADZINSKI: I agree that
23 they shouldn't be used in park land, not
24 in public property. It should be used on
25 a private land maybe allocated by the

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2 City or a granted piece of property. I'm
3 quite sure the refineries have property
4 available. Somebody is going to get a
5 tax write-off on this. You got to look
6 at the bigger picture when you start
7 approaching big corporations. I know
8 representatives from Yamaha are here.
9 I'm quite sure they're going to have
10 positive input to put on this. And not
11 making any offense to the public
12 community, but, yeah, this is an ongoing
13 problem like it was with skateboards. I
14 keep thinking of that whole same thing.
15 You're going to give these kids, these
16 good kids, the opportunity to be
17 something. So, yeah, fine, confiscate
18 the bad guys, the bad bikes, the illegal
19 vehicles that are on the street and not
20 supposed to be there, but then recycle
21 them to the point either to a salver once
22 they're destroyed -- \$50 sawzall. You
23 cut the chassis, they can't put it back
24 on the street again. If the VIN
25 number -- again, if the VIN number is

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2 defaced, that's a federal offense. Do
3 the law what the law has. There's laws
4 that are in place. They're just not
5 being utilized.

6 So, yeah, I'm all in favor of
7 confiscation of illegal vehicles. I'm
8 all in favor of not being used on public
9 lands, but I'm also in favor of the
10 education part of it, the club part of
11 it, anything that's in the positive end
12 for the younger kids that are doing the
13 right thing.

14 COUNCILMAN O'BRIEN: Just one
15 follow-up question. Is there anything
16 with the previous testifiers that you
17 disagree with?

18 MR. KRADZINSKI: Well, not
19 really. There's a lot of things that
20 they said that were positive. I got to
21 give them kudos for that. But you can't
22 take an ATV guy or dirt bike guy and want
23 to ride in a nice pristine condition.
24 So, like I said, you give me the mud, the
25 snow -- and this is an all-year-round

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2 operation. When it comes to ATVs, you
3 got to talk to these guys. They're going
4 to be up here behind here. They're going
5 to be out there in the snow. They're
6 going to have that good-old time also.
7 When they fall and they break something,
8 it's just part of the game. It's just
9 part of being a biker.

10 So I agree with both aspects of
11 one part, but on the other end, there's a
12 whole other ball game going on. This is,
13 again, the beginning of a dialogue. So
14 let's look into this and see how it goes.

15 COUNCILMAN JONES: The Chair
16 recognizes Councilwoman Brown.

17 COUNCILWOMAN BROWN: Good
18 morning. And we really do not -- we have
19 no dress code here. We appreciate having
20 your voice.

21 Second of all, thank you for
22 your very balanced testimony, for the
23 clarity with regards to our park land and
24 recreation and neighborhood streets,
25 which is what triggered my interest in

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2 this issue, coupled with opportunity, as
3 Chairman Jones has spoken about. I
4 actually introduced the resolution around
5 skateboards, because they were out of
6 control up on City Hall's courtyard and
7 Love Park, and sat with skateboarders
8 over a year's time to figure out how we
9 collectively arrive at a solution that
10 all of us can live with, and now we see
11 eight years later a skateboard park being
12 erected near Schuylkill Trail.

13 So you're right, this is a
14 first, important, necessary, long overdue
15 step in addressing the issue for those
16 who don't get it with regards to
17 protecting and being respectful of those
18 of us who live in our neighborhoods.

19 Your thoughts are well taken.
20 You can count on a follow-up phone call
21 from my office inviting you to be at the
22 table.

23 Thank you very much.

24 MR. KRADZINSKI: Thank you very
25 much for having me here.

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2 COUNCILMAN JONES: Okay. Are
3 you familiar with any of the legal parks
4 in the Commonwealth?

5 MR. KRADZINSKI: Yeah. For the
6 best of my knowledge, Atco Dragway's ATV
7 park is closed down. Englishtown, which
8 is way north of us, is --

9 COUNCILMAN JONES: How far?

10 MR. KRADZINSKI: I believe it's
11 right at 23 miles as the crow flies, but
12 if you have to get there by your clock,
13 that's a different story.

14 Other than Englishtown and
15 having a track that I've been at, there's
16 a few off-road vehicle parks in New
17 Jersey that were closed down that were
18 non-profit organizations. That's kind of
19 a gray area where people dipping into
20 the --

21 COUNCILMAN JONES: How long --
22 there was a mention of 50 miles. Do you
23 remember how long they were?

24 MR. KRADZINSKI: The input that
25 I get from my clientele is, they want to

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2 be able to go some place, have a good
3 time all day and be home in time for
4 dinner. They don't want to be spending
5 the whole day driving some place.

6 COUNCILMAN JONES: No. I meant
7 how long. Not 50 miles. Not distance
8 from the park, but the design of the
9 park --

10 MR. KRADZINSKI: This is where
11 I indicated where there's different track
12 designs that fall under specific
13 specifications for American Motorcycle
14 Racing. So there's twofold here. You're
15 not only giving them a park to ride in,
16 but this park can be utilized for
17 sanctioned racing. There's a legal -- in
18 the legal terms, it's a quarter mile or
19 half mile. So it doesn't have to be one
20 long road with a bunch of trees and
21 rocks. It can have a lot of squirrelly
22 Q's and serpentine in it.

23 COUNCILMAN JONES: So my
24 question is, you can design something
25 smaller than 50 miles?

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2 MR. KRADZINSKI: I'm quite sure
3 that we can put a lot of trail in a small
4 area and keep a lot of people happy. And
5 I'm quite sure Yamaha has all this
6 already in their bag there.

7 COUNCILMAN JONES: Thank you.
8 Any other questions for this
9 panelist?

10 (No response.)

11 COUNCILMAN JONES: Next.

12 MR. DeCEW: Good morning. My
13 name is Kevin DeCew. I'm with the Yamaha
14 Motor Corporation, and thank you for
15 inviting me today. It was a little bit
16 short notice for me to put some
17 statistics together that I gave to you.

18 I'm not an industry specialist,
19 although I have a lot of industry data.
20 And what I want to do is, I'm going to
21 roll through that, but I would like to
22 address some of the questions that you
23 had as well, Councilman Jones.

24 Really when it comes down to
25 what we're talking about, these products

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2 are designed for off-highway use. It's
3 an off-road vehicle. So there's three
4 areas I'm going to touch on. First is
5 going to be new unit sales, or the ATV
6 economy. Then we'll roll into what
7 Yamaha is doing to help promote off-road
8 riding in a safe way with proper
9 training. And then I'll close with what
10 the industry is doing in regards to
11 safety.

12 So as far as sales go -- this
13 doesn't really project very well for the
14 people in the back of the room. That's
15 why I made copies for you.

16 What you're looking at on that
17 page is every ATV that has sold in the
18 Philadelphia area in the last 12 months.
19 So you see the little dot chart, and I
20 can get you down to lat/long and exactly
21 the City street where that unit is sold.

22 The next page is a trend data
23 which shows what the industry has been
24 doing. So back when the economy was
25 healthy in 2007, there was over a

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2 thousand units a year sold. This isn't
3 just the units that you see riding on the
4 streets. These are law-abiding people
5 that put plows on their vehicles to clear
6 the snow in the state of emergency.
7 These are the people that want an ATV to
8 go hunting in the Poconos or
9 what-have-you.

10 So this data, as you can see,
11 the industry is declining, but you have
12 to take into consideration -- this is
13 only six years worth of sales. If I went
14 back even further, there's a lot of used
15 product that this gentleman was just
16 talking about that's still in the system,
17 but you're seeing a microcosm of what's
18 out there as far as the ATV and
19 appropriate use.

20 Talking about grants, I heard a
21 lot this morning about budgets, and I can
22 clear some questions about Rock Run and
23 some DCNR items as well in a few more
24 slides here. But we have a program
25 that's guaranteeing responsible access to

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2 the nation's trails. So this process is
3 not just in Pennsylvania; it's throughout
4 the country. And what you'll see -- if
5 anyone goes to our website -- I welcome
6 you all to go there -- there's
7 applications for non-profit
8 organizations. There's a wealth of
9 knowledge on our website about the
10 appropriate use of ATVs out in off-road
11 situations.

12 One piece that I'd like to draw
13 your attention to is, there's over 36
14 states have received money from Yamaha.
15 So Yamaha is donating money into the
16 system to build the appropriate
17 facilities for safe operation and use.
18 We're over \$2 million. So that's just
19 since 2008. So we're committed to
20 putting this together, and we have more
21 information.

22 Here's just a quick example.
23 There was an unsafe situation. There was
24 an organized trail system. People could
25 not ride over this bridge to the left, if

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2 my laser pointer works. So what people
3 were doing is, they were going through
4 the stream, which an off-road vehicle can
5 do, but Yamaha, after they put together
6 the grant and the proposal, we gave them
7 \$6,000 and they built a bridge so people
8 could use the product safely.

9 Closer to home, we've had in
10 Pennsylvania four organizations that have
11 received nine grants. Indian Creek --
12 I'm going to bring your attention right
13 down to Rock Run that was discussed
14 earlier in Cambria County. It's in the
15 town of Patton, Patton, PA out near
16 Altoona.

17 COUNCILMAN JONES: How far?

18 MR. DeCEW: If I would drive at
19 the posted 65 speed limit, it would take
20 me four and a half hours with a trailer
21 on.

22 Now, I'm glad you asked,
23 because this is a premier, premier riding
24 area. There's folks from the Outdoor
25 Channel. Brian Fisher, he does this big

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2 ride in, brings people from states away.

3 So this has RV parking. This has all

4 kinds of indoor facilities. It has a

5 significant infrastructure built and

6 designed. Currently, there's 70 miles,

7 which 40 Yamaha donated money to build.

8 The plan is to go to 150. But to the

9 previous point, any space is good space,

10 if it's 20 acres, 30 acres, 40 acres. It

11 doesn't take much to build an area. It

12 just takes the proper maintenance and the

13 funding, which we'll provide.

14 I have some more examples.

15 Here's another one, Northumberland

16 County. This is in Shamokin,

17 Pennsylvania where a lot of strip mining

18 occurred. So Northumberland County took

19 the land back. We just gave them \$20,000

20 to help support. DCNR -- I don't know

21 how they did this, but they appealed to

22 DCNR and they got 1.5 million in

23 commitment. I think 400,000 right off

24 the bat. So you'll have to check the

25 numbers with that, but that's an area

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2 that is incredible. They're going
3 through some process now of trying to get
4 more people on board, but I think there's
5 a little bit of a stall with
6 Northumberland County. But that's a
7 primary area. That takes me three and a
8 half hours to get to.

9 As far as updates, we'll
10 provide you quarterly all of our dollars
11 down to each individual group.

12 Here's a picture of us giving
13 the \$20,000 to the Northumberland County.
14 So these are dollars that were going to
15 go for trail marking. So, Councilman,
16 when we were out last week, proper trail
17 marking, one way, stop sign, build a
18 bridge, maybe if it's buffers, if you
19 need maintenance buildings inside that.
20 I'm not going to get down inside of the
21 detail in New York, but in New York
22 you'll see that a lot of money was
23 donated to them for maintenance shacks,
24 so you had facilities to put the
25 equipment in securely. Sound abatement,

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2 sound, a lot of these areas in certain
3 spots you can't ride after a certain
4 time. So if you're concerned about
5 community, you put a sound abatement on
6 it.

7 I fly into California in three
8 weeks. If you've ever been to southern
9 California, you can't fly in and out of
10 Orange County after 11 o'clock and you
11 can't leave before 7:00 in the morning.
12 So time is an issue that you can put on
13 top of that.

14 As far as ATV safety education,
15 there is tons done by every manufacturer.
16 Again, I just speak for Yamaha.
17 Kawasaki, Honda, we have all kinds of
18 training, safety opportunities. Through
19 the Specialty Vehicle Association of
20 America, who there's some written
21 testimony from Mr. Yager, we provide free
22 hands-on training. So if you have a
23 small park and you want to bring the
24 youth in, we can provide training. We
25 also encourage proper riding here. If

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2 you take the training course, I'll give
3 you a \$50 bill or hundred dollar credit
4 for the appropriate helmet for safety
5 gear. And, finally, there's online
6 training.

7 So this is -- I'm just giving
8 you a high speed tip of the iceberg.
9 Yamaha is very active in safety training,
10 and we want to make sure that we're
11 ensuring access and giving people the
12 opportunity.

13 These are off-highway vehicles.
14 That's where they were intended to be
15 used. If you give them that outlet --
16 and I love the correlation to Love Park
17 and skateboarding -- this can be done.

18 You have lost trails in
19 Dunmore, which is Scranton, which is 90
20 miles if you were to drive from here.
21 Rails and Trails, which you're familiar
22 with, is not far from that at all. The
23 Anthracite Outdoor Adventure Area, which
24 I spoke about, that's in Shamokin,
25 Pennsylvania.

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2 A gentleman is going to come up
3 here and give you testimony shortly.
4 He's in Egg Harbor. He did an awesome
5 job, and I can't wait until you hear his
6 story.

7 So there are areas, but they're
8 not close, and it's money that's leaving
9 the City of Philadelphia. That's the
10 point we have to think about. It's money
11 going somewhere else. They're paying
12 tolls. They're pulling gas. They're
13 buying food somewhere else. They may be
14 buying products somewhere else. They're
15 doing -- just the infusion of money into
16 some of these areas just from the City of
17 Philadelphia's aspect, I think it's
18 something that's bona fide. You really
19 need to look hard at and study, because
20 there's companies like ours out there
21 that are here to help.

22 And that's all I have. Sorry
23 if I was a little rapid fire there. I
24 apologize.

25 COUNCILMAN JONES: We thank you

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2 for your testimony.

3 Are there any questions for
4 this panel? We want to --

5 COUNCILWOMAN BASS: Yes,
6 Councilman.

7 COUNCILMAN JONES: Councilwoman
8 Cindy Bass.

9 COUNCILWOMAN BASS: Thank you,
10 Chairman.

11 I just had a couple of
12 questions and a statement. The first
13 is -- maybe I missed it, because I
14 stepped out of the room for one second,
15 but I don't know if you mention any of
16 these trails that were in urban areas,
17 because most of them seem to be in
18 primarily rural parts of the
19 Commonwealth. So is there anything that
20 you know of that's in maybe a city that's
21 comparable to Philadelphia to help us
22 model after?

23 COUNCILMAN JONES: Good
24 question.

25 MR. DeCEW: I can't give you

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2 that. I don't know. I just cover the
3 northeast region. So I'll get that
4 answer for you.

5 COUNCILWOMAN BASS: That would
6 be helpful if they've done something
7 similar in maybe Baltimore or Boston or a
8 similarly sized city like Philadelphia,
9 and how they did it and where they put it
10 I think would be helpful for us as we
11 talk about doing such a thing.

12 But the other question that I
13 had was, just going back to your earlier
14 statement in terms of when you build one
15 of these trails and you can kind of just
16 sort of like push the dirt in and it will
17 change, and when you fall, you just fall.
18 But unfortunately a fall isn't always a
19 fall, so I wanted to know if you had
20 thought about the liability and who would
21 be responsible and how does that play
22 into the equation. Will the City of
23 Philadelphia have to be the insurer?
24 Have you thought through those sorts of
25 matters?

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2 MR. KRADZINSKI: This is a very
3 good question you brought up. I had the
4 same conversation with the advocate from
5 American Motorcycle Association, and part
6 of the issue is liability insurance, and
7 certain racing aspects have certain types
8 of insurance. Now, whether this is a
9 City-owned operation or private investor
10 operation, a lot of this depends on what
11 direction this goes in. So when I say
12 you fall, you fall, it's just like
13 falling off your bicycle. I mean, these
14 scars show the proof. I've been there,
15 done that, so I'm part of that ground
16 floor thing.

17 So this is another step that we
18 will have to take once we look into how
19 much space, who is going to sanction
20 this, who is going to represent it, who
21 is going to run it, who is going to pay
22 for it. These are things that we're
23 doing right now. This is what we're
24 looking into right now. So feel free to
25 contact me three months from now, and

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2 we'll see where we're at with it. And I
3 will give you as much information from
4 all the State Representative people,
5 American Motorcycle Association, again,
6 ABATE, and help you out.

7 COUNCILWOMAN BASS: That would
8 be good, because as you said, you've had
9 your fair share of falls. I think the
10 difference is that some people will
11 fall -- it's like tripping on someone's
12 sidewalk. Some people will trip on the
13 sidewalk and keep going. Some people
14 will trip and lay down and wait for the
15 ambulance.

16 MR. KRADZINSKI: Well, here's
17 another thing: When people start getting
18 involved with this -- I'm quite sure the
19 same thing with FDR Park where the
20 skateboards are, people are falling down
21 there, but a lot of this stuff with ATVs,
22 because the interest is so much in it,
23 you're going to get a lot of volunteers.
24 You're going to get EMT guys that got
25 bikes and say, I want to come out there

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2 for the weekend and volunteer my time.

3 This is the purpose of manipulating the
4 media, getting it on the website and have
5 people feeding into that. Put that right
6 out there. What can you do for a
7 Philadelphia ATV park. Or give us a
8 name, win a prize or something like that.
9 You're going to get so much data, so much
10 input, your head is going to spin.

11 MR. DeCEW: To give you a high
12 level, most of these parks, when you will
13 go into an Englishtown or whatever type
14 of event, you sign a liability waiver
15 when you go in, which says if you get
16 hurt, it's on your own.

17 COUNCILWOMAN BASS: That may be
18 true, but --

19 MR. DeCEW: In the City of
20 Philadelphia -- and I'm not an insurance
21 guy, but there are companies out there
22 that provide this for a liability
23 situation, but most of it is assumed by
24 the user when they come in and they sign
25 it. But, again, I would forego and talk

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2 to a specialist on that, which I'm sure
3 the City of Philadelphia has lots of
4 folks that know about that.

5 COUNCILWOMAN BASS: Okay.
6 Well, thank you very much.

7 COUNCILMAN JONES: The Chair of
8 Parks and Rec brings up some very good
9 questions and gives us more food for
10 thought by way of what would have to go
11 into this. And this isn't going to get
12 resolved today. We need to bring a lot
13 of great minds, but what we are ferreting
14 through is the distinction between what
15 we want on our streets, what we want on
16 our parks, and what we can co-exist
17 within the borders of the City of
18 Philadelphia, and I think we're making
19 those delineations, and I think that's an
20 important part of what we're doing today.

21 Are there any other questions
22 for this panel?

23 COUNCILWOMAN BROWN: Agreed
24 2,000 percent, Mr. Chairman.

25 COUNCILMAN JONES: So thank

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2 you. It helps us to make better
3 decisions. Thank you so much.

4 Will the Clerk read the next
5 panel to testify.

6 THE CLERK: Adrian Wimberly,
7 Men of Cobbs Creek, Friends of Cobb
8 Creek; Reverend Derick Scudder, Pastor,
9 Bethel Chapel Church, President, Juniata
10 Action Committee, Chaplain, 24th
11 District, PPD, and longtime community
12 resident; Reverend David Scudder --
13 sorry. Lynne Walker, Marie B. Parham,
14 and Ava M. McKee.

15 (Witnesses approached witness
16 table.)

17 COUNCILMAN JONES: Thank you
18 all for your patience, and we understand
19 everybody has other things to do other
20 than sit in City Hall, so please state
21 your name and begin your testimony.

22 MR. WIMBERLY: My name is
23 Adrian Wimberly, Men of Cobbs Creek and
24 block captain of the 6200 block of
25 Ellsworth Street. Because of where I

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2 live, I have firsthand account of these
3 ATVs, because I live right on the corner
4 at -- right there on the corner of 62nd
5 and Ellsworth. 6239 is my exact address.

6 I'm just going to read this to
7 keep the time.

8 I've lived there for 25 years.
9 So I've had firsthand experiences with
10 ATVs, from people screaming from fear of
11 being hit while walking on the pavement,
12 to car near misses and blowing their
13 horns and other issues that cause us all
14 to think why aren't the police engaged.
15 I'm on the Police District Advisory
16 Council of 18th District. I know why we
17 don't engage.

18 Living on the corner of a major
19 thoroughway, my neighbors on Cobbs Creek
20 Parkway from the beginning of Cobbs Creek
21 Parkway through Ellsworth Street up to
22 63rd and Market has had every possible
23 negative experience with these ATVs.
24 Here are some of the key factors that
25 have affected our community.

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2 ATVs are a danger because of
3 confrontations that occur daily with
4 bikers, walkers, runners, and dog
5 walkers, because they're on the pavement
6 and they're flying a hundred miles per
7 hour -- well, probably 40 miles per hour.

8 ATVs are a danger to the park
9 grounds and terrain where they destroy
10 day to day by doing spinouts and
11 wheelies, as we heard and saw in the
12 presentation, that they don't really
13 care. They get down there and they start
14 spinning out.

15 This is the most interesting
16 one, is that ATVs have been seen chasing
17 deer and fox out of Cobbs Creek Park. So
18 they're a danger to the protective
19 species that live there. Now, that right
20 there should be enough. It's a fact that
21 my neighbor called me frantically. He's
22 not here today. He had to work. He
23 said, You ain't going to believe this,
24 but I see deer running down the street
25 and there are ATV guys chasing them.

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2 Deer. That's a bit much.

3 ATVs are also a blight on the
4 City, which makes the City seem like it's
5 lawless. It seems as if you could just
6 park right outside the police district
7 and don't have to worry about being
8 apprehended or anything.

9 ATVs have been seen with kids
10 riding on the bike tandem style from ages
11 as low as two years old with no helmet
12 and popping wheelies, which is dangerous.
13 I mean, we see it all the time right on
14 the bend. Because if you look at the
15 map, I should have -- I didn't know I can
16 present, but it's like a nice stretch of
17 no lights between 61st and Cobbs Creek
18 Parkway all the way around to like 63rd
19 and Cedar. They floor it, right straight
20 through that area on the street or on the
21 pavement, which is semi-permeable, nice
22 smooth ride, because we had our pavements
23 redone recently.

24 They also pass through red
25 lights. They don't even try to stop.

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2 They do dangerous tricks while traffic is
3 flowing. Most of these riders do not
4 follow the rules and guidelines of
5 driving a motorized vehicle, because I
6 can't drive my minivan on the pavement.
7 It's a motorized vehicle, right? I think
8 the law says that you can't drive on the
9 pavement or anything like that. So I'm
10 wondering why they're allowed to do so.

11 Understand that the walkway on
12 the bend when it was redone, they put up
13 the three-pole system. You got two outer
14 and the one inner that you can collapse
15 and bring up and down. They don't bring
16 it up as much, and I think that one of
17 the deterrents would be to help restrict
18 that flow of going around, they won't be
19 on the pavement, at least our pedestrians
20 would be safe.

21 So there are other issues that
22 could be listed, and, of course, we heard
23 all of it so far. We're just looking
24 forward for legislation to pass this
25 bill. We hope that they have an ear to

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2 our cause and recognize this issue has

3 affected our quality of life, because

4 clearly being there for 25 years, I

5 watched it increase, increase. I know

6 they say the sales is down, but I tell

7 you, there must be more ATVs out there.

8 So it's something that we need to do

9 something about. And I understand they

10 want to go places to ride, but that's not

11 what I'm here for. I'm here just to make

12 sure we get them off our streets before

13 somebody really gets hurt again, as you

14 heard from the statistics.

15 Thank you.

16 COUNCILMAN JONES: Thank you.

17 Any questions -- we'll wait for

18 the whole panel to give their testimony

19 and then we'll entertain questions.

20 Thank you.

21 PASTOR DERICK SCUDDER: Good

22 morning. My name is Pastor Derick

23 Scudder. I'm Pastor of Bethel Chapel

24 Church in Juniata Park and I've also been

25 a resident there for 20 years. I'm

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2 currently President of the Juniata Action
3 Committee, and I'm a Chaplain for the
4 Philadelphia Police, 24th District.
5 Thank you for the opportunity to be a
6 part of this hearing today.

7 The prevalence of ATVs and dirt
8 bikes isn't about a minor nuisance of
9 life. It's a serious quality of life
10 issue, and I just want to give you three
11 reasons why.

12 First of all, ATVs and dirt
13 bikes hurt our ears. The sound of these
14 engines, often modified to make as much
15 noise as possible, is literally painful.
16 It's a dangerous decibel level that's
17 more than just annoying. It's so loud
18 inside and outside my house that my
19 three-year-old daughter runs to me
20 shaking when one of these things drives
21 past. My six-month-old is regularly
22 woken up from her nap when they go
23 roaring down our alley.

24 And you need to understand this
25 about people that drive dirt bikes and

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2 ATVs. They're not going anywhere. A car
3 might drive past blaring some loud music
4 or a motorcycle could go by that's louder
5 than normal, but that just happens one
6 time and it just lasts for a few seconds.
7 We've come to expect -- we know that if
8 we live in the City, you're going to have
9 a certain amount of noise level outside
10 the front of your house. But the problem
11 is, ATVs and dirt bikes are just being
12 driven around to show off and look cool,
13 which means they're going up and down the
14 street over and over and over again.
15 They're not going anywhere. And just
16 keep in mind too that this happens only
17 on days that you would actually like to
18 be outside, when the weather is nice. If
19 it's a day you'd like to open your
20 windows or if it's a day that you would
21 like to take your kids to the park, then
22 you can be sure that ATVs and dirt bikes
23 will be out in force. If you want to get
24 away from the ear-splitting noise, you
25 will have to stay inside, shut the

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2 windows, and turn the volume higher on
3 your TV.

4 Secondly, not only do dirt
5 bikes and ATVs hurt our ears, they hurt
6 our neighborhoods. Today most
7 politicians and City officials say that
8 they subscribe to the broken window
9 theory, that one neglected, dilapidated
10 house on the block starts to pull the
11 whole block down, but we haven't been
12 applying the broken window theory to
13 people riding ATVs and dirt bikes up and
14 down our streets repeatedly. Which is
15 worse? One broken window or every window
16 on the block getting rattled?

17 This unsafe, illegal behavior
18 of ATVs and dirt bikes has a destructive
19 impact on our neighborhood. It drives
20 good neighbors to move out. It
21 advertises that the police have no
22 control. It makes criminals feel
23 invincible. It makes kids afraid to go
24 outside, and it keeps families from
25 wanting to use our parks.

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2 Two weeks ago when I took my
3 wife and two daughters down to Juniata
4 Park, in the half hour that I was there,
5 I saw at least seven or eight different
6 dirt bikes and ATVs zooming up and down
7 Cayuga Street in front of the park. Some
8 of them even raced through the park right
9 next to the playground. We have a
10 serious problem when ATVs and dirt bikes
11 are using our parks more than our kids
12 are.

13 And, third, ATVs and dirt bikes
14 hurt our safety. It's not just the
15 noise, it's the people who ride these
16 machines don't follow basic traffic laws.
17 Anyone else who runs a stop sign, breaks
18 the speed limit or drives recklessly runs
19 the risk of being pulled over, but people
20 riding ATVs and dirt bikes routinely
21 break all these traffic laws with
22 impunity. These riders pose an enormous
23 threat to themselves and other drivers.
24 Every year, more and more people are
25 killed riding these vehicles, and with

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2 the soaring murder rate in our city,
3 we're allowing people to practice running
4 from police officers. We're letting
5 vehicles become prevalent and available
6 that are easily used to run from
7 committing a crime. These vehicles keep
8 our police from being able to do their
9 job. And at the time -- remember, that
10 the time police spend getting these
11 vehicles off our streets is less time
12 they can spend fighting other just as
13 serious crimes that are hurting our
14 neighborhoods as well.

15 ATVs and dirt bikes are
16 dangerous. They're dangerous for the
17 riders. They're dangerous for any
18 citizen that's on the sidewalk or the
19 street, and they're dangerous for our
20 brave men and women in uniform.

21 I support the current bill in
22 front of City Council to create tougher
23 restrictions and increase penalties for
24 riding these vehicles in our
25 neighborhoods, and I would like to thank

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2 Councilwoman Reynolds Brown for
3 introducing this law, this bill. These
4 vehicles have hurt our ears, our
5 neighborhoods, and our safety for long
6 enough.

7 But I would also like to
8 encourage City Council to look for ways
9 to restrict or regulate the sale of these
10 vehicles in the City. It's contradictory
11 to ban using them in the City, but place
12 zero restrictions on buying and selling
13 them. And although increasing the
14 penalties riding them will help, many of
15 the people who ride these vehicles don't
16 care what the restriction or penalty is
17 for riding them. Cutting off the supply
18 of these vehicles or somehow regulating
19 their sale would make it harder to find
20 and purchase them in the City.

21 If New York City can ban some
22 frivolous things like big cups of soda,
23 surely Philadelphia can get serious and
24 creative about fixing this horrendous
25 problem that's drastically affecting our

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2 quality of life.

3 I'd also like to present 132
4 signatures that we've collected from
5 Juniata Park residents in the last four
6 days. Our most frequent comment as
7 people signed them was, Can I sign more
8 than once.

9 Thank you.

10 COUNCILMAN JONES: You can't
11 vote more than once, we can't sign more
12 than once.

13 PASTOR DERICK SCUDDER: That's
14 right.

15 COUNCILMAN JONES: Thank you
16 for your testimony.

17 PASTOR DAVID SCUDDER: I also
18 want to thank you for the opportunity of
19 testifying before you today. My name is
20 David Scudder. I'm the Senior Pastor of
21 Bethel Chapel Church. I also sit on the
22 Advisory Council of the Mensa
23 Corporation. I'm Chairman of the Board
24 of the Kensington neighborhood House of
25 Mercy and Ministry in Kensington, and I

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2 also serve as a Chaplain for Cancer

3 Treatment Centers of America, which is

4 also in the Juniata section. And I'm, of

5 course, here before you as a 20-year

6 resident of Juniata and representing that

7 area, and I appreciate the opportunity to

8 express a concern that I and many of the

9 residents of Philadelphia have, the use

10 of all-terrain vehicles and dirt bikes,

11 which are designed and built for off-road

12 travel, to become commonplace in our city

13 streets, our sidewalks and, of course,

14 our parks and neighborhood.

15 In the brief time that I have

16 before you this morning only allows me

17 the opportunity to mention three ways

18 that I believe ATVs and dirt bikes are a

19 dangerous menace and that they must be

20 removed from the streets of our city.

21 First, ATVs and dirt bikes are

22 dangerous because the drivers rarely

23 follow traffic laws. I have seen

24 four-wheelers and even small scooters

25 traveling down residential streets way

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2 above the speed limits. They've been
3 seen going down the wrong way on one-way
4 streets. They've been seen -- I have
5 seen them barreling down streets going
6 through stop signs and traffic lights.
7 Every time I see one of these illegal
8 bikes as I drive around my community, I
9 shudder to think that one day I may
10 accidentally hit one of them. Even
11 though that collision would probably not
12 be my fault, I'd have to live the rest of
13 my life remembering that I hit, perhaps
14 injured or maybe even killed another
15 human being, and I think this is a fear
16 that needs to be removed.

17 Second, ATVs and dirt bikes are
18 dangerous because of how they are driven
19 on the sidewalks and the shared driveways
20 of our neighborhoods. I have watched
21 small children, some who look to be age
22 seven to ten years of age, behind my
23 house having to scream and run for cover
24 when one of these illegal vehicles came
25 roaring down their back alley.

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2 The children in our community
3 have very limited places where they can
4 go to play, and I don't think they should
5 be robbed of the fun of playing with
6 their friends behind their row homes just
7 because someone wants to operate a
8 dangerous, illegal vehicle.

9 Third, ATVs and dirt bikes are
10 dangerous because they are destroying our
11 City parks, even to the point of making
12 some of them almost unusable, as we've
13 already seen this morning. I'd like to
14 quote you from an article from the
15 Juniata News dated March 29th, 2011,
16 which I have a copy of here in front of
17 me. Just a couple of paragraphs. It
18 says, For years, the field near Ferko
19 Playground has been a frustrating issue
20 for the club, because it is wide open.
21 The motorcycles and ATVs would always
22 come and disrupt the games, tear up the
23 fields, and put our kids in danger of
24 getting injured. Juniata Boys and Girls
25 Club officials have called the police,

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2 but by the time they arrive, the
3 offenders would be gone. The officials
4 realize that there's really not much that
5 the police can do anymore, because the
6 bikes just take off then into the woods.

7 And then Javier Sanchez is
8 quoted. He says, Baseball is our biggest
9 sport at the club, and so we have to do
10 something to keep these motor bikes from
11 tearing up our fields. It's hard work to
12 get the field in playing condition, and
13 the bikers would just take minutes to
14 mess things up.

15 Javier proposed to some of the
16 parents the possibility of them helping
17 to build a fence to keep the bikes out
18 and to preserve the club's fields, and
19 they were all for it, and the article
20 goes on to explain how some local
21 citizens got together, raised the money,
22 and built a fence to keep the ATVs out of
23 their park.

24 Now, me personally, I live just
25 two blocks from a corner lot where the

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2 ATVs and the dirt bikes are being sold.

3 It is legal, I understand, in

4 Philadelphia to buy these vehicles in our

5 neighborhood, but illegal to operate them

6 in our neighborhood. And I concur with

7 what has just been said and that I think

8 I would like to see an amendment to this

9 resolution making it illegal to sell

10 these bikes within the City limits of

11 Philadelphia. I think it's like selling

12 candy to a toddler, then telling them not

13 to eat it. I think we have to be willing

14 to do everything we can to make them as

15 unavailable as possible.

16 I'd like to conclude by saying

17 I do care about my neighborhood. I'm

18 very active in the Juniata Action

19 Committee as well and one of the

20 co-founders of that, because we want to

21 take back our neighborhood and have it

22 something that's safe for our families

23 and our children in particular. And I

24 would like to encourage you to make the

25 sale of ATVs and dirt bikes illegal

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2 within the City limits and to make the
3 penalty for driving them in the City
4 harsh enough to discourage people from
5 breaking the law.

6 Thank you very much.

7 COUNCILMAN JONES: Thank you
8 for your testimony.

9 Are there any questions for
10 these witnesses? And if not, we'll bring
11 on the next group.

12 COUNCILWOMAN BROWN: I do have
13 to comment and say thank you for what --
14 you represent the citizen's voice on this
15 issue. And I've learned a lot as well
16 listening of how other ways ATVs impact
17 communities.

18 You may recall years ago when I
19 was just a spectator watching government
20 take place when we had the issue around
21 graffiti, which was out of control in the
22 City of Philadelphia, and the City
23 Council passed a law whereby spray paint
24 had to be put behind bars, if you will,
25 gates inside of Home Depot and Lowe's.

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2 So that was a smaller issue and that's
3 relative, but it speaks to how government
4 intervened, came up with a way to still
5 give those who want access access, but
6 did it in a way where there were some
7 controls attached to it. And it's clear
8 to me that this measure again requires us
9 to put more teeth in existing laws while
10 we figure out the opportunity -- and it's
11 clear to me there are business
12 opportunities here -- for those who want
13 to recreate this way and still hold
14 families in neighborhoods on sidewalks
15 harmless.

16 So thank you for your
17 testimony.

18 COUNCILMAN JONES: Thank you,
19 Councilwoman.

20 Any other questions? I see the
21 light is lit.

22 COUNCILWOMAN TASC0: Yes.

23 COUNCILMAN JONES: Councilwoman
24 Tasco.

25 COUNCILWOMAN TASC0: Good

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2 morning, and thank you for your
3 testimony.

4 You mentioned the sale. Some
5 years back we did have hearings in City
6 Council about the ability to control the
7 sale of these vehicles, and we did not
8 have the right, authority to control the
9 sales.

10 COUNCILMAN JONES: Thank you,
11 Councilwoman.

12 With that, thank you for your
13 testimony, and I concur with Councilwoman
14 Brown. We listen and we hear, and I've
15 learned a great deal from each side, and
16 so I think we'll make better decisions
17 based on that. Thank you.

18 Come on up, ladies. Thank you
19 for your patience. You have --
20 Sergeant-of-Arms, can you please get the
21 photos. Thank you.

22 Take your time, ladies, and
23 please pull your mics close to you when
24 you're seated. Whichever order. Please
25 state your name and begin your testimony.

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2 MS. PARHAM: In 1994 -- oh, my
3 name is Marie Parham.

4 COUNCILMAN JONES: Good
5 morning -- good afternoon.

6 MS. PARHAM: In 1994, I was at
7 52nd and Haverford Avenue crossing the
8 street. I had the light. In the
9 meantime, an ATV came along through the
10 light on 52nd Street, hit me. When he
11 hit me, he knocked my leg off, smashed my
12 face in and practically -- I was just
13 fortunate with the other leg, they saved
14 that one.

15 But he came through the light.
16 He didn't stop. And that's all I know.
17 After that, everybody else, you know,
18 told me what happened, because I didn't
19 even know for a couple of days what had
20 really happened. But that was one of
21 those dirt bikes or whatever you called
22 them at the time.

23 I'm still suffering from that.
24 I have my good days and I have my bad
25 days. But, you know, I wonder why I was

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2 here. I mean, why I was alive, because I
3 was really in bad shape. And I think
4 this was it. This is the reason, because
5 I have a chance to get these bikes off
6 the road that's -- where they shouldn't
7 be. They shouldn't be on the road at
8 all.

9 And after that, several times I
10 think a policeman on Girard Avenue, 52nd
11 and Girard, got injured or something from
12 a dirt bike, and I was hearing a lot of
13 little things. A couple of kids got
14 killed on 52nd and Haverford running into
15 cars, you know, not stopping at the
16 light.

17 And so I was here to -- I came
18 to really testify about that.

19 COUNCILMAN JONES: Thank you
20 for your testimony and thank you for your
21 patience, and we're sorry for the
22 accident that happened to you. It's on
23 the record, and a picture is worth a
24 thousand words. Thank you.

25 MS. WALKER: My name is Lynne

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2 Walker, and Marie Parham is my aunt, and
3 this is my cousin, Ava McKee. And I'm
4 actually here on behalf of my aunt. And
5 I thank you, Councilwoman Blondell, for
6 having me here today.

7 Basically I've always had
8 issues with the bikes on the road, but
9 I'm going to be realistic. I know that
10 we're not going to get rid of the bikes.
11 It's a business. People sell these bikes
12 and people buy these bikes. But I just
13 hope and pray that we come to some type
14 of middle ground, some kind of
15 conclusion. Maybe we can build a place.
16 And I know money is an issue. The
17 economy is horrible. But we found money
18 to build these skateboard ramps. If we
19 can find money to build a park just for
20 these vehicles -- I mean, these are kids
21 we're talking about. Some are young
22 adults. But they want a place so that
23 they can ride these freely, and if they
24 don't have a place, they're going to ride
25 them on the street.

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2 I've had an incident not only
3 with my aunt, but a celebration in the
4 park on -- I'm sorry; in our
5 neighborhood, 52nd Street, 52nd and
6 Haverford. We were celebrating my
7 sister, who passed two years ago, you
8 know, just celebrating her new life, and
9 we had tents up and everything. And one
10 of our neighbors -- his mom was actually
11 a block captain -- he rode up the street
12 and he lost control of it. He didn't do
13 it purposely. He lost control of the
14 bike and knocked everything down. So he
15 destroyed a lady's property. Her flower
16 beds were all messed up.

17 But I'm just saying that I
18 don't think we would be realistic to say
19 get rid of them. They're going to be
20 sold. And this whole revolving door
21 thing, that's crap. That's a mess.
22 Because you're taking somebody's property
23 from them that they paid for with their
24 hard-earned money. Give them a place --
25 (Applause.)

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2 MS. WALKER: Give them a place
3 to ride them. I don't want them on the
4 street. I don't want them riding the
5 pavements. I'm a nervous wreck when I'm
6 driving my car and they're behind me. I
7 move to the side like they're emergency
8 vehicles, because they make me nervous,
9 because I've seen what they've done, you
10 know.

11 But that's my opinion and
12 that's what I think. Thank you.

13 COUNCILMAN JONES: That's
14 powerful, and I think what is powerful is
15 the power that you possess to, A, forgive
16 and keep an open mind about the realities
17 of our situation, and I truly appreciate
18 your testimony.

19 MS. WALKER: Thank you.

20 COUNCILWOMAN BROWN: What I
21 would like to add is, you did not allow
22 your circumstance to silence your voice.
23 And thank you for registering your
24 interest on my Facebook page, and I
25 salute my staff for using my Facebook as

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2 a means of us communicating with

3 citizens, who in this case stood up in a

4 respectful manner and you want us to

5 co-exist, is what I heard you're saying.

6 And that's essentially the goal of this

7 Committee, to figure out a way where we

8 can co-exist in a responsible way that

9 protects the rights of citizens who just

10 want to recreate and those who want to

11 walk along the street. You're a deeply

12 courageous woman, and I thank you for

13 being here today. Thank you all for your

14 testimony.

15 COUNCILMAN JONES: Thank you.

16 Will the Clerk --

17 MS. McKEE: I wanted to say

18 something.

19 COUNCILMAN JONES: Oh, I'm

20 sorry. It's been a long hearing.

21 MS. McKEE: I know.

22 My name is Mrs. Ava McKee.

23 This is my mother. The day she had her

24 accident, it was very traumatic. I saw

25 my mother immediately after. I saw her

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2 leg laying on the street. I saw her face
3 crushed. I was at the hospital for
4 hours. We thought she was going to die.
5 I thank God that my mother is sitting
6 here. And I know that we do have to do
7 something about these ATVs, but I also
8 agree with my cousin when I say that we
9 have to have a place for these young
10 people to be able to ride.

11 I was out there the day my
12 cousin was talking about. We were
13 celebrating the life of my cousin that
14 day. I was there when my neighbor rode
15 down the street on his ATV, lost control
16 of the vehicle, ran over -- and thank God
17 them children had just come from under
18 that tent to go to the house -- went
19 right through the tent, went right up on
20 the woman's property, tore down her whole
21 fence, everything. She wasn't home at
22 the time, but it destroyed her whole
23 property in front of her house. And my
24 thought is, just like my cousin was
25 saying, it's a revolving door if you

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2 allow bikes to be confiscated on the
3 street and then auction them back off
4 again to people that's going to ride them
5 back on the street and do the same thing.
6 So why not take the vehicles if you're
7 going to confiscate the vehicles, why not
8 take the vehicles and use them -- maybe
9 rent them back to a place where -- use
10 them for a rental vehicle. The City can
11 still do something with the money as far
12 as having a place for them to ride. They
13 do need a place to ride. And just like
14 my cousin was saying, it's still not
15 right for the City to take somebody's
16 property that they paid for and then they
17 lose out.

18 There's other options also. If
19 it's a vehicle that's riding on the
20 street, why not have the same laws for
21 those vehicles that are for cars. Why
22 can't they be insured? Why can't they be
23 registered and you have to have a license
24 to ride them on the street, the same way
25 you would have to do a car? These

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2 vehicles are on the street and you don't
3 have the same laws. You don't have to
4 have -- the vehicle doesn't have to be
5 insured, but people -- there are
6 fatalities. And not just to the
7 pedestrian or the person that's walking
8 the street, but also to the rider, the
9 person that's riding the vehicle.

10 So I think the law should be --
11 there should be laws in place to protect
12 also the rider of the vehicle. There
13 should be a place for the vehicle to be
14 ridden legally, places where they should
15 be able to go. It shouldn't have to be
16 where they have to ride miles and miles
17 and miles to go do it. It should be in a
18 place where it's convenient for urban
19 riders, because everybody doesn't have a
20 way to take a vehicle to a place where
21 they have to ride it. Everybody doesn't
22 have a trailer to put an ATV on to take
23 them to a place to be able to ride it.
24 They need to have a convenience also
25 where they can take their vehicle and

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2 ride it safely where nobody can be hurt,
3 where they can be covered in case
4 something happens while they're riding
5 and where if somebody is hit, you know
6 they can be covered.

7 COUNCILWOMAN BROWN: Point of
8 information, Mr. Chairman.

9 COUNCILMAN JONES: The Chair
10 recognizes Councilwoman Brown.

11 COUNCILWOMAN BROWN: Yes.
12 You've offered a number of amendments,
13 possible amendments, to the bill. So we
14 thank you for that. You should also know
15 that in this new piece of legislation,
16 one new feature is that the Philadelphia
17 Parking Authority will no longer have the
18 authority to confiscate the vehicle and
19 then sell it.

20 MS. MCKEE: Amen.

21 COUNCILWOMAN BROWN: That's
22 over with this new piece of legislation.
23 The new piece will authorize the Police
24 Department to actually destroy
25 confiscated vehicles and dispose of them

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2 in the way where they cannot be resold,
3 re-auctioned, whatever.

4 And so be aware of that new
5 provision of the bill. And it's clear to
6 me that there will be a number of
7 different amendments to the bill, many
8 recommendations you've offered in your
9 testimony. So thank you very, very,
10 very, very much again.

11 (Thank you.)

12 COUNCILWOMAN BROWN: You're
13 welcome.

14 COUNCILMAN JONES: Again, thank
15 you for your brave testimony and
16 open-mindedness and insight, personal
17 insight, to what's going on. Thank you.

18 Will the Clerk please read the
19 next group to testify.

20 THE CLERK: Captain Hector
21 Tavarez, Thomas S. Yager, Don McClure,
22 Mark Speller, and David Miller.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN JONES: Thank you.

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2 Please be seated. Thank you. Please
3 state your name. Bring the mic to you
4 and begin your testimony.

5 CAPTAIN TAVAREZ: Thank you. I
6 think I'll go first.

7 First of all, thank you for
8 inviting me to give our story of what we
9 did in our small town when we were
10 encountered with a similar problem. For
11 the record, I'll state that my name is
12 Hector Tavaréz. I am from Egg Harbor
13 Township, New Jersey. I'm a retired
14 police captain serving 25 years in our
15 municipality. As a police officer, I
16 served in many capacities, as a patrol
17 officer, a patrol sergeant, a patrol
18 lieutenant. I served in our Detective
19 Bureau. I served as a commander of a
20 hostage and crisis negotiation team, and
21 I also served as a commander for six
22 years of our Juvenile and Community
23 Services Unit.

24 In that last capacity, one of
25 the things that I experienced the most is

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2 and one of the things we dealt with the
3 most were crimes involving children and
4 against children.

5 I mention all these things
6 because I come to testify and to tell our
7 story not as an advocate for motorcycles
8 and ATVs. I come to testify as an
9 advocate for our community and our
10 children, and our use for motorcycles and
11 ATVs is just a tool that we have used for
12 the last 15 years to keep the children in
13 Egg Harbor Township and the children in
14 New Jersey and as far away as
15 Pennsylvania, New York, and Delaware, it
16 is simply a tool that we have used to
17 keep those kids away from drugs, alcohol,
18 and gang violence.

19 So I can start with the "how"
20 we started in what we do. Sixteen years
21 ago, sixteen, seventeen years ago, the
22 problem of motorcycles and ATVs in our
23 town kind of came to a peak, and
24 certainly 16, 17 years ago was not the
25 start of the problem. It was just the

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2 peak. And how it really became a major
3 issue is that we had three on-road
4 accidents involving two ATVs and one
5 motorcycle that really got everyone
6 pretty fired up about what had been a
7 growing problem. And at the time, our
8 police department had started going into
9 the community aspect or community
10 policing aspect of policing, and
11 fortunately for us and the community, we
12 had a captain that was extremely in favor
13 of community policing. At the time, of
14 course, I was just a patrolman.

15 We attacked the problem by
16 doing three things. The first thing is
17 that we did pass ordinances within the
18 town that allowed law enforcement to
19 enforce the issues. Our agency, which at
20 the time was about a 100-man agency, we
21 actually established an off-road
22 motorcycle unit that was designed to
23 enforce the violations of motorcycles,
24 ATVs at the time. This unit was
25 established with four officers and two

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2 motorcycles, and part of that

3 enforcement, a great part of that

4 enforcement, was simply public relations.

5 We made sure that people in our town and

6 surrounding communities and those that

7 were breaking the law by riding the ATVs

8 improperly and illegally knew that we had

9 this new unit. And what we discovered is

10 that a vast majority of our issues went

11 away just with the publication that we

12 had these vehicles.

13 Before we deployed these

14 vehicles, we made sure that there were

15 announcements in our schools that we were

16 about to deploy these vehicles in our

17 community, and then the last day of

18 school, the officers assigned to the unit

19 actually sat at the school exits and we

20 simply sat on these motorcycles and just

21 waved and said hello to all the kids.

22 That weekend, we went out to enforce and

23 found absolutely no one out in our

24 68-mile community violating our ATVs and

25 motorcycle laws.

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2 What we discovered in the next
3 few months to the few years is that these
4 vehicles were actually used rarely for
5 the enforcement of ATVs and motorcycles,
6 because just the fact that we had them,
7 had done a great way toward eliminating
8 the problem. What we actually ended up
9 using these vehicles the vast majority of
10 times was for public relations and
11 parades, in park events, and we probably
12 had more arrests -- not probably. We had
13 more CDS arrests of illegal drugs and
14 narcotics on these vehicles than we had
15 ATV and motorcycle violations.

16 We still have these vehicles
17 today. We still use them. I am told --
18 I've been retired now for a year. I was
19 just told via text from one of our
20 officers that still runs the unit that we
21 rarely have motorcycle and ATV complaints
22 and that those vehicles are used mostly
23 for public relations type events.

24 So we started enforcement, and
25 that was one of our three-pronged

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2 approach.

3 Chairman.

4 COUNCILMAN JONES: My only
5 question -- Councilwoman Tasco.

6 Well, first, did you have a
7 non-pursuit policy?

8 CAPTAIN TAVAREZ: We did.

9 COUNCILMAN JONES: And did that
10 change?

11 CAPTAIN TAVAREZ: No, it did
12 not. We had a non-pursuit policy for
13 both our on-road vehicles and our
14 off-road vehicles. There are tactics and
15 certain skills that you learn on these
16 motorcycles that allow you to apprehend
17 these violators without having to chase
18 them, and we were quite good at it.

19 COUNCILMAN JONES: All right.
20 Councilwoman Tasco.

21 COUNCILWOMAN TASCO: Good
22 morning. Thank you for your testimony.
23 Do you have an area in Egg Harbor where
24 these young people can ride their bikes?

25 CAPTAIN TAVAREZ: We do.

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2 COUNCILWOMAN TASC0: The
3 problem here in Philadelphia is that
4 we're so landlocked, you know. We don't
5 have a lot of space.

6 CAPTAIN TAVAREZ: I'll testify
7 to our facility, and you might be
8 surprised as to how we managed to pull it
9 off and where it's located, but before I
10 do that, if I can talk about -- we did a
11 three-pronged approach. One of the other
12 things that we did along with enforcement
13 that I highly encourage to be part of
14 anything you're doing is that we created
15 an education component. To any youth
16 violin that was apprehended and they
17 could have been ticketed, they could have
18 been arrested, but any youth violin
19 that lived in Egg Harbor Township -- and
20 our municipal judge expanded it to
21 Atlantic County -- that was apprehended
22 was given an option, and they were given
23 an option to go into an educational
24 program that lasted anywhere from two to
25 four hours, depending on their attitude,

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2 and they would learn about the laws of
3 the township, the state, and they would
4 learn about environmental issues and they
5 would learn about safety issues, and then
6 upon their successful completion of that
7 course, their tickets and/or their arrest
8 were dismissed. And so they were given a
9 one-time pass.

10 Now, what this did for us is
11 several things. One is that as officers,
12 we're sometimes hesitant to enforce these
13 laws, mainly because a vast majority of
14 the violators are good, honest,
15 law-abiding citizens who are recreating,
16 and unfortunately, there's no place for
17 them to go. There are a small percentage
18 that are lawbreakers, and they need to be
19 treated like lawbreakers. They need to
20 be arrested. They need to be fined.
21 They need their vehicles taken away from
22 them.

23 But a vast majority don't fall
24 into that category, and so what we
25 discovered with our diversion program is

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2 that a lot of those kids -- in fact, a
3 vast, vast majority. I can only think of
4 one child who ever went back and violated
5 again. But they were informed. They
6 were educated, as were their parents, and
7 so we, for the most part, eliminated any
8 repeat offenders into the program. But
9 this also allowed our police officers to
10 go ahead and enforce these laws without
11 causing a tremendous long-term negative
12 impact on the kids in our program. And I
13 don't know this factually, but I think if
14 you did research to find out people that
15 are -- a lot of the people that are in
16 our jails, how did they originally start
17 their life of crime, they got their
18 licenses suspended, and then after
19 getting their licenses suspended, they
20 continue to drive. And then they get
21 caught again, and eventually their fines
22 turn into something more than they should
23 be, and they end up doing jail time.

24 So I've come across a lot of
25 adult offenders who their first violation

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2 was getting their license suspended. And
3 so we've eliminated that fear within our
4 officers. It allows us now to better
5 track those kids who are continually
6 offending, and it's helped tremendously
7 in our town.

8 COUNCILWOMAN TASC0: But you
9 also have a place where they can ride.

10 CAPTAIN TAVAREZ: I'm going to
11 talk about that now. Yeah, we do. We
12 have a place to ride, and, again, we were
13 very fortunate in the time that not only
14 we had a captain of police who was very
15 enthusiastic about serving the community,
16 but I also had a mayor who was very
17 supportive of it. And we managed to
18 obtain at the time a 35-acre gravel
19 pit -- sorry. Strike that. A 30-acre
20 gravel pit that we managed to obtain from
21 a member of my Board of Directors
22 happened to own it and he actually gave
23 it to us to use, and we ended up owning
24 it in the long run.

25 But we had a 30-acre facility

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2 that we obtained, and honestly, the
3 30-acre facility really wasn't much to
4 see. We have been working on that
5 facility now for 15 years.

6 That facility as it sits today
7 has three structures on it. The
8 structures total about 36,000 square
9 feet -- scratch that; 3,600 square feet.
10 In our facility, we have about eight
11 miles of trails. We have a motor cross
12 track. We have a kiddie track. And it
13 is not a race track. It is a trails
14 facility. It is a recreational park.
15 Within that park, we also host United
16 States Air Force Auxiliary Civil Air
17 Patrol that hopefully some of you guys
18 are familiar with. We have a church on
19 site. We have a dance program on site.
20 We host an aviation club, a Lego robotics
21 program, paint ball, and zip lines.

22 On top of that, the Atlantic
23 County Juvenile Justice Committee meets
24 at our facility, as does our police
25 department conduct their trainings within

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2 our facility.

3 So when you come to our
4 facility -- and I invite you to come to
5 our facility -- it's nothing like you've
6 seen before when it comes to these parks.
7 When we developed the park, there was a
8 large section of woods between us and a
9 school. That land has now been or those
10 trees have been taken down by the school.
11 They have built another school there, and
12 in partnership with us, we have now added
13 a lacrosse field to our facility in
14 conjunction with our school that sits on
15 our border.

16 When we started, there were six
17 homes that surrounded us, about six
18 homes. There are now presently two to
19 three hundred homes that surround us that
20 have built their neighborhoods after we
21 came there. We have two bridges, two
22 ponds, and when you come to see it, you
23 will hopefully, because we spent a lot of
24 effort with this, you will say that this
25 is a park, and until I tell you that

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2 there's motorcycles, ATVs and
3 side-by-sides there, you will not know
4 that they are there.

5 I am proud of what we have done
6 there. It has been mostly done by
7 volunteers. Like I said, it's taken us
8 15 years. And probably one of the things
9 that I am most proud of is that the
10 facility is 100 percent paid for. We own
11 heavy equipment that the township has to
12 borrow from us, because they don't own
13 it, and we work very good with our public
14 works department. They assist us when we
15 need help, and we provide them heavy
16 equipment when they need it. And I don't
17 know if you're familiar with the storm
18 that we recently had in South Jersey that
19 caused quite a bit of destruction. I'm
20 happy to say that our heavy equipment has
21 been helping our community for the last
22 six, seven months.

23 COUNCILWOMAN TASC0: What about
24 the sound, the noise? Do you have a
25 buffer, or how do you handle that?

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2 CAPTAIN TAVAREZ: We have both.

3 We have a buffer that was established in
4 conjunction with our neighbors, but we
5 also have a sound requirement that is
6 strictly enforced. Most of the vehicles
7 out there today can be made to be very
8 quiet, and what I've discovered is, it is
9 a lack of education on their part. They
10 seem to think that if they're louder,
11 they're faster, and they seem to think
12 that being loud is cool. And I would say
13 in a vast majority of situations,
14 explaining to them exactly what it is
15 that they're doing in a negative aspect
16 goes a long way. I've had riders in our
17 park -- because I enforce it very
18 strictly. Obviously our neighbors want
19 it. But I've had riders in our park
20 where I approach them and I said, Your
21 bike sounds loud today, and they say, Oh,
22 yeah, because I took this piece off.

23 I said, Well, why did you take
24 this piece off? And I educate them a
25 little bit. And they're not allowed to

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2 ride until they put that piece back on.

3 And so we have -- we have one
4 neighbor who is -- she's the closest
5 person to us. She's an older woman, and
6 she's wonderful, because she's seen the
7 park develop over the years, and any time
8 there's a potential problem, she calls me
9 up, she says, I'm just letting you know.
10 And it's good because she's kind of like
11 our watchdog out there keeping an eye on
12 the place. And we provide free services
13 to the kids that live in the
14 neighborhood. If a child in the
15 neighborhood wants to earn his right to
16 ride there, there's no charge for them,
17 and we will actually provide motorcycles,
18 ATVs, side-by-sides and all the safety
19 gear for the kids that live in the
20 neighborhood, and as part of that, they
21 kind of keep an eye on the place for us.

22 COUNCILWOMAN TASCO: What's the
23 acreage of the --

24 CAPTAIN TAVAREZ: The total
25 acreage now is 35 acres. We recently --

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2 "we" the organization -- the Police
3 Athletic League went and bought another
4 five acres that was connected to it. We
5 bought it ourselves. We paid cash for
6 it. And so now the facility that we
7 control 100 percent is 35 acres, with
8 another two or three acres that we share
9 with our school for the use of a lacrosse
10 field.

11 COUNCILMAN JONES: How much is
12 dedicated to the actual ride? You
13 mentioned other activities.

14 CAPTAIN TAVAREZ: Well, they
15 all share. So the facility where the
16 Civil Air Patrol meets, that building has
17 also meeting space for the members and
18 they have bathrooms in there. And so
19 it's not this space is for Civil Air
20 Patrol and this space is for the dance
21 program. We share and --

22 COUNCILMAN JONES: I meant the
23 trail. How much --

24 CAPTAIN TAVAREZ: There's a
25 total of 35 acres. Is the question how

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2 many acres are there actually trails on?

3 Because we have --

4 COUNCILMAN JONES: Yes.

5 CAPTAIN TAVAREZ: I'd be

6 guessing, but I would guess that probably

7 maybe 15 to 18 acres is actually trails,

8 because we have a lot of landscaping. We

9 have a lot of buffer areas. We have two

10 beautiful ponds. Our bridges are

11 actually part of the trail system. We

12 have a tunnel that is part of the trail

13 system.

14 So I'm guessing of the 35 right

15 now, maybe 18 is specifically trails.

16 COUNCILMAN JONES: Thank you.

17 CAPTAIN TAVAREZ: If I could,

18 there was an issue you brought up about

19 insurance. Kind of a strange story with

20 our insurance, but we originally started

21 the program and our insurance was costing

22 us only about \$800 a year, which, of

23 course, sounds -- exactly. It's way too

24 low, and we thought it was too low too.

25 After 9/11, our insurance went

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2 up to about \$64,000 a year. Our
3 insurance went up to about \$64,000 a
4 year. As I sit here today...

5 COUNCILMAN JONES: Continue.

6 CAPTAIN TAVAREZ: Our insurance
7 for the motorcycle and ATV facility is
8 incorporated into our other insurance.
9 After about 12 years of running this
10 program, our insurance carrier, which is
11 through the National Association of
12 Police Athletic Leagues, incorporated our
13 coverage into our existing coverage. So
14 all together now for our entire program,
15 we pay somewhere between three and four
16 thousand dollars a year for all of our
17 insurance.

18 Now, I got to add this: We
19 don't just do motorcycles, ATVs,
20 go-carts, and all that other stuff that I
21 mention. We also have a football
22 program, a lacrosse program, a
23 cheerleading program, and a preschool.
24 We have outside basketball facilities.
25 And I can say this, that of all the

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2 programs that we have, the most injuries
3 that we have in any of our programs is
4 cheerleading, and it is by far more
5 injuries in cheerleading. We have more
6 injuries in one year of cheerleading than
7 we've had in 15 years of motorcycles,
8 ATVs, and side-by-sides.

9 COUNCILMAN JONES: Those
10 cheerleaders are really rough.

11 CAPTAIN TAVAREZ: They're
12 rough. They're rough, and they're brave
13 and they're flying through the air. And
14 so they have, by far, more injuries and
15 more intense injuries. We have never in
16 15 years had a claim from our motorcycles
17 and ATV participants, and in 15 years,
18 we've had seven injuries and six of them
19 were adults and only one was a child.

20 So, again, I'll emphasize that
21 I am an advocate of children and the
22 community, and this is just but one tool
23 that we use to keep our kids out of
24 trouble.

25 (Applause.)

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2 COUNCILWOMAN TASC0: Do you
3 make money? Do you generate revenue from
4 the park?

5 CAPTAIN TAVAREZ: We do. As I
6 mentioned earlier, the facility is paid
7 for. I mean, it is -- and not just the
8 facility. As a non-profit -- I got to
9 brag a little bit. As a non-profit, we
10 own two pickup trucks. We own a van. We
11 own a Suburban. And we own no less than
12 six pieces of heavy equipment.

13 COUNCILWOMAN TASC0: Could you
14 share with us your revenue?

15 CAPTAIN TAVAREZ: There's
16 registration fees that we charge. We've
17 been very fortunate and we've received
18 federal grants through the New Jersey
19 Trails Council. We've received fundings
20 from some of the manufacturers, and we
21 receive donations.

22 COUNCILWOMAN TASC0: Okay.

23 CAPTAIN TAVAREZ: So all that
24 and -- when you come to see our building,
25 because I'm sure you will, the one main

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2 building, our nicest and largest building
3 was built entirely by volunteers. It is
4 not -- when you go see it, it's small,
5 but it's not what you were thinking. It
6 is a very nice-looking building. It's
7 got beautiful landscaping all around it.
8 It is professional inside with
9 televisions, cables, Internet,
10 projectors, and bathrooms. And it is
11 capable of hosting your meeting there if
12 you so choose. But that building was
13 built 100 percent by volunteers in three
14 months, and we have more money in the
15 bank than when we started it. It is
16 quite a nice building. It's ten years
17 old now and it still looks fairly new.

18 COUNCILMAN JONES: Thank you.

19 Any other questions?

20 COUNCILWOMAN BROWN: No

21 question, but trust that we will take you
22 up on your offer. My office will be
23 coordinating a visit with all members who
24 care to attend and staff. But thank you
25 for that.

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2 CAPTAIN TAVAREZ: You're
3 welcome.

4 COUNCILMAN JONES: State your
5 name for the record and start your
6 testimony.

7 MR. McCLURE: Good afternoon,
8 ladies and gentlemen. I'm Don McClure.
9 I am the Administrative Agent for the
10 Pennsylvania Off-Highway Vehicle
11 Association. We are the organization
12 that represents riders, rider clubs, and
13 equipment dealers, usually motor sports
14 dealers, throughout the Commonwealth of
15 Pennsylvania. With me today is Dave
16 Miller. He's the President of the Lehigh
17 Valley ATV Association. He is also a
18 certified ATV instructor. They are
19 members of the Association, and he's a
20 retired state police officer.

21 And my recollection is, Dave,
22 you did indeed serve the City of
23 Philadelphia at one time; is that
24 correct?

25 MR. MILLER: I was stationed at

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2 the Belmont headquarters.

3 MR. McCLURE: Okay.

4 After listening to testimony
5 throughout this entire morning, I am
6 struck by the idea that we are hearing
7 the art of the possible, and with what we
8 just heard from Mr. Tavaréz a moment ago,
9 I don't know how much I can add to this
10 discussion, because I think that the
11 program that they are offering is an
12 exciting opportunity to be duplicated
13 anyway here in the City. It's a -- I
14 think we -- I hope you never, ever
15 discount the value of how off-road
16 recreation can enhance communities and
17 how it can bring people together and how
18 it can put kids on the right path. We
19 would say the right trail.

20 With that said, I want it to be
21 made absolutely clear for this record
22 that in no way, shape or form does the
23 recreation community, the off-highway
24 recreation community, condone or support
25 any form of illegal riding. It is wrong.

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2 And the terror that some residents in
3 this city experience on a daily basis
4 just simply crossing the street or
5 playing should and must stop. That is
6 simply unacceptable behavior.

7 Some months ago, the
8 Association hosted a fairly extensive
9 off-road trails symposium in Lewisburg,
10 roughly an hour north of Harrisburg, and
11 I'm reminded of one of the presenters who
12 said people want to have fun with these
13 machines and they need to go some place
14 to have a good time. They have them.
15 They want to use them. They need to go
16 somewhere. And I think that the programs
17 that we've heard about through
18 Mr. Tavaréz and Mr. DeCew and others
19 demonstrates for you -- at least I should
20 hope -- the art of the possible that if
21 you do indeed provide a locale for folks
22 to go, they will come, they will enjoy
23 themselves, and they'll leave the
24 community alone. This is our hope.

25 With this said, it seems to us

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2 after having read reports certainly of
3 what is happening here in the City and
4 after having read reports of problems in
5 other communities such as Buffalo, that
6 really the ATV problem is not one
7 problem, but it is rather two.

8 Your first problem is that
9 sometimes, as you know, all-terrain
10 vehicles and dirt bikes are used as the
11 instruments of crime. They're used as
12 get-away vehicles. They're used to
13 support other forms of -- some form of
14 illegal activity.

15 To that extent, I'm not quite
16 sure, other than managing your crime
17 problem, how you solve that piece of this
18 puzzle.

19 The second piece, though, is,
20 as was mentioned by several presenters
21 thus far, that often folks want to have a
22 good time, and otherwise honest,
23 hard-working folks are just simply
24 criminalized through their activity.
25 Those are the people that I would like to

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2 recommend you all target for solving
3 their problem, and that can be solved --
4 that problem can be solved by providing a
5 legal, safe riding area, and to that
6 extent, we can help you.

7 We are part of a network of
8 national organizations, the National
9 Off-Highway Vehicle Council; the American
10 Motorcyclist Association; ARRA, Americans
11 for Responsible Recreational Access; the
12 Blue Ribbon Coalition and others, who all
13 have resources that can be drawn upon to
14 help you design and operate a riding area
15 that would be safe, it would maximize the
16 riding experience, would be
17 environmentally sensitive, and certainly
18 sustainable long term. The models that
19 we've heard earlier today would work.

20 Now, I was asked by Ms. Gilmore
21 at one point to address the size issue,
22 and I hate to take issue with
23 Mr. DiBerardinis, but I'd like to suggest
24 that you're not going to need 6,000 acres
25 of property to build an adequate ride

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2 park. If you were in a rural area like
3 Northumberland County, that may be true,
4 but I think you can do it on, I don't
5 know, maybe 35 acres. That will work.
6 Somewhere in that neighborhood.

7 Second, but finally, I'd like
8 to wrap up my generalized remarks by
9 saying that it would seem to us that in
10 order to solve this problem, you are
11 going to need on both fronts, whether
12 it's the illegal activity or just people
13 looking to have a good time, you're going
14 to need a sea change of cultural
15 attitude, and that sea change is going to
16 start with public information programs,
17 innovative rider safety programs. We
18 have, for example, a simulator that we've
19 just obtained using a DCNR grant that
20 will allow us to come into communities
21 and train people how to ride a vehicle
22 safely and responsibly.

23 The second point I'd like to
24 make is that with all deference to the
25 legislation proposed, additional new --

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2 and I'll underline "new" -- rules and
3 regulations will not necessarily solve
4 your problem. Adding on and beefing up
5 existing law is probably a pretty good
6 idea. But still if people want to use
7 vehicles illegally, they'll do it, and
8 you need to be prepared to enforce your
9 law, but at the same time, we need to
10 have places for people to go. And we
11 certainly pledge our support and our
12 desire to be part of the discussion to
13 help you arrive at that balance that you
14 so desperately seem to be seeking, and we
15 applaud you for that point.

16 One other organization that I'd
17 like to make mention before I yield to
18 Mr. Miller for his comments is the NYPUM
19 program. NYPUM is a program offered by a
20 consortium of the manufacturers,
21 officially standing for the National
22 Youth Project Using Minibikes. And the
23 upshot of this program is just one more
24 similar program to that of Mr. Tavaréz's
25 where they will enter communities and

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2 teach riding as a tool for good
3 behaviors, whether that be in the
4 classroom, with your families,
5 interaction as good community citizens.
6 But the source is to utilize the ATVs and
7 dirt bikes as the means by which they
8 teach good citizenship. That is one more
9 resource that is available to you.

10 I guess I'll sum my remarks by
11 saying the art of the possible is what we
12 offer you. You've heard an awful lot of
13 models. There are plenty of other
14 opportunities out there, and we will be
15 absolutely delighted to assist you in the
16 endeavor.

17 With that said, I'll yield to
18 Mr. Miller.

19 COUNCILMAN JONES: Thank you.

20 State your name and begin your
21 testimony. We're getting through this
22 actually. We have to hear from the
23 riding community, but we're almost there.

24 MR. MILLER: I'd like to thank
25 Council for the opportunity to provide

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2 testimony here today. My name is David
3 Miller. I'm the President of Lehigh
4 Valley ATV Association since 2010 and a
5 certified DCNR ATV safety trainer since
6 2006.

7 Basically Lehigh Valley ATV
8 Association was formed in 1985 as a
9 not-for-profit, family-oriented riding
10 club. We're one of the oldest clubs in
11 the state, with extensive partnerships in
12 the several state forest districts
13 involving our more than 300 members.
14 Through our monthly meetings, organized
15 ride events, and associations with local
16 businesses and industry dealerships, our
17 goal is to promote legal riding in
18 Pennsylvania, underscore "legal." We are
19 legislatively active with alliances
20 through Americans for Responsible
21 Recreation Access, the National
22 Off-Highway Vehicle Conservation Council,
23 as well as the Tread Lightly Program.
24 And these have provided the genesis --
25 we've also provided the genesis for the

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2 original concept that spawned the
3 Pennsylvania Off-Highway Vehicle
4 Association. So we've been involved in
5 this, and we feel that we have a stake in
6 this going back many years.

7 If you look in dictionary.com,
8 you'll find the definitions for gangs and
9 clubs are similar up to a point. Gang is
10 described as a group of youngsters or
11 adolescents who associate closely, often
12 exclusively, for social reasons, but then
13 it falls off from that point, when they
14 become involved in delinquent behavior
15 and gather for either criminal or
16 anti-social purposes. While clubs are
17 particularly described as groups of
18 persons organized for a social, literary,
19 athletic, political or other purpose.
20 Over time the distinction between clubs
21 and gangs is that gangs are generally
22 viewed negatively, while clubs are viewed
23 positively. It is precisely this
24 positive impression that clubs like
25 Lehigh Valley ATV hope to reinforce

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2 through education, information, and
3 through leading by example.

4 Like most ATV enthusiasts,
5 Lehigh Valley ATV members want variety of
6 opportunity with regard to off-highway
7 recreation. We don't want to ride
8 everywhere, but we do advocate for
9 additional riding opportunities wherever
10 and whenever possible. It's also our
11 position that through increasing legal
12 opportunities to ride, you'll experience
13 a subsequent decrease in illegal riding.

14 Through payment of registration
15 fees into the Restricted Receipts Fund in
16 DCNR, off-highway vehicle enthusiasts are
17 among the very few users of state
18 property, such as hunters on state game
19 lands, who directly pay their own way for
20 acquisition and maintenance of trail
21 programs.

22 There are only 238 miles of
23 state ATV trails in Pennsylvania. If you
24 take the approximate 200,000 ATVs that
25 are registered in the Commonwealth and

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2 place them end to end, no one would be
3 able to move on the existing mileage of
4 state trails.

5 Every claim to support -- many
6 claim to support the opportunity to ride
7 ATVs, but everyone seems to object to
8 allowing it to take place in their,
9 quote/unquote, backyard. We also find
10 that ATV members, off-highway vehicle
11 users are among the only ones who will
12 pay fees to ride on privately owned
13 pay-to-ride parks.

14 It is the position of Lehigh
15 Valley ATV that forming ATV clubs within
16 the City would provide benefits such as
17 neighborhood chapters to encourage
18 convenient local access; regular meetings
19 to disseminate information about the
20 sport and the industry in general; divert
21 counterproductive spare time into
22 positive endeavors; provide a sense of
23 belonging and ownership to the
24 environment to replace negative gang
25 associations; expose members to the wide

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2 range of legal off-highway recreational
3 opportunities such as trail rides,
4 organized competitions, and fundraising
5 events; and establish a volunteer
6 workforce to achieve project goals within
7 the motorized recreational community.

8 Clearly, the issue of illegal
9 riding within City limits will require a
10 lengthy, carefully conceived, integrated,
11 and concerted effort to succeed, but
12 every journey begins by taking the first
13 step, and City Council is to be commended
14 for taking leadership opportunity to
15 begin this much-needed transformation.

16 COUNCILMAN JONES: Thank you
17 very much.

18 Are there any questions for
19 this panel?

20 (No response.)

21 COUNCILMAN JONES: Seeing none,
22 thank you for your -- and it was
23 insightful.

24 MR. McCLURE: If I could offer
25 just some additional supporting

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2 information for you.

3 COUNCILMAN JONES: If you pull
4 the mic closer to you.

5 MR. McCLURE: I'm sorry.

6 COUNCILMAN JONES: State your
7 name again.

8 MR. McCLURE: Again, Don
9 McClure, Pennsylvania Off-Highway Vehicle
10 Association.

11 There have been several
12 references today I'd like to clear for
13 the record to insurance. Under the law,
14 the Act 68, ATVs should be registered by
15 the Department of Conservation and
16 Natural Resources. DCNR, my
17 understanding, has got that
18 responsibility, because the primary state
19 venue for riding vehicles is state land.
20 That's why DCNR has control.

21 They should be plated in the
22 state, and they should be insured. These
23 are legal requirements. If they're not
24 plated and they're not insured, you have
25 a legal problem.

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2 As for the funding streams, I'd
3 like to go back to the model that we've
4 referred to several times for the park up
5 in Northumberland County. Now, for those
6 who are unaware of the geography or are
7 not clear, effectively you've got to
8 drive to Harrisburg, drive straight north
9 about an hour and 15 minutes to Sunbury,
10 hang a right-hand turn and drive about
11 another 45 minutes to the east. That's
12 roughly how far away this one is. But
13 this is land that was indeed owned by, I
14 believe, Mr. DeCew said, owned by
15 Northumberland County. Northumberland
16 County then utilized grant funding that
17 came through the Department of
18 Conservation and Natural Resources and
19 the federal Recreational Trails Fund to
20 finance their program. There's been very
21 little county money that has wound up in
22 this project. It has been largely state
23 and federal money that has already been
24 allocated for developing these kinds of
25 facilities and others, other recreational

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2 opportunities, whether it be equestrian
3 trails or what-have-you.

4 So at any rate, I guess what
5 I'd like to say to you is, in terms of
6 the funding, there are ways to skin this
7 cat. There are ways for you to address
8 this issue without necessarily assuming
9 that it's all going to be on the City's
10 dime, and the opportunity for OPM, other
11 people's money, is there.

12 COUNCILMAN JONES: Okay. Thank
13 you again for your testimony.

14 (Applause.)

15 COUNCILMAN JONES: Clerk, would
16 you please read the final panel. And I
17 said final.

18 THE CLERK: Joseph Thompson,
19 Alan Lane, John Catlett, Judith Robinson,
20 and three other riders, ATV riders.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN JONES: Thank you
24 guys for your patience. Can you bring
25 the mic to you and state your name for

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2 the record and begin your testimony,
3 gentlemen.

4 MR. CATLETT: John Catlett.

5 I'm here on behalf of Dirty Hands Racing
6 Garage located in North Philadelphia,
7 30th and Montgomery Street where we
8 repair ATVs, sell and distribute them.
9 I'm also an authorized certified DCNR ATV
10 agent and I issue tags.

11 MR. BETZ: Good morning. My
12 name Jermaine Betz, and I'm a concerned
13 rider. First and foremost, a concerned
14 parent, then a rider, and I'm here to
15 give my testimony on behalf of the
16 riders.

17 COUNCILMAN JONES: Okay.

18 MR. THOMPSON: I'm Joe
19 Thompson, a concerned parent and rider as
20 well. I'm here to give my testimony on
21 behalf of the ATV Coalition.

22 COUNCILMAN JONES: Begin your
23 testimony, gentlemen.

24 MR. CATLETT: First of all, I
25 want to say good afternoon. I'm not

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2 going to take too much of your guys'
3 time, because we've been here for a
4 while.

5 I'm a new parent, so that makes
6 me also a concerned rider. I'm 37 years
7 old. I've been doing it since I was
8 maybe 17. I participate in all kind of
9 events when it comes to this, and when it
10 was brought to my attention by Joe and
11 some of the other members through
12 Facebook and Instagram, I felt as though
13 it compelled me to come down here and
14 speak on behalf of it.

15 Now, I listened to all the
16 testimonies that were here today, and so
17 far as the beginning one when it was the
18 thing about Atco, Atco is not, just to
19 enlighten everyone, Atco is not made for
20 ATV trails, just sport bikes,
21 particularly quarter mile racing, so on
22 and so forth.

23 I travel about 53 miles every
24 weekend to Chatsworth, New Jersey, 63
25 miles to Pinesworth near Atlantic City,

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2 Blue Diamond in Bear, Delaware. I make
3 the commute. I pay the tolls. I gas up.
4 I spend about maybe \$200 that day, and it
5 will be about eight or ten with me. On
6 my truck I carry two bikes. On my
7 trailer I carry six.

8 So I say that to say that my
9 little bit of money is going to Delaware,
10 Jersey, tolls, Wawa to buy all that
11 stuff. I believe it can stay in
12 Philadelphia.

13 I also apologized to the young
14 lady who succumbed that injury on 52nd
15 and Girard. That was real tragic, but in
16 no way, shape or form does that outline
17 or define any of us that are riders, you
18 know. It's a shame. And we spoke to her
19 over there in a little bit of length, and
20 she said the machine was stolen. It's a
21 lot of that going on. It's a lot of that
22 going on.

23 I got a rapport -- not a
24 rapport. I got a relationship with Jack
25 Logan down Major Crimes. I've been down

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2 there several times and retrieved bikes
3 back. I've been getting bikes back for
4 people for the last ten years. It has
5 been ever so recent that I just became
6 legal and doing that aspect of it,
7 because bikes are being taken.

8 I try to bring down the
9 swelling, so to speak, so far as these
10 stolen ATVs, because the majority of
11 those ATVs that they recover four Sundays
12 ago or five Sundays ago when they did the
13 sting in Tacony Creek and Fairmount Park,
14 like 20 of them were stolen. Twenty of
15 them were stolen, you know. I'm not
16 going to deny the fact of that.

17 So I attend Fairmount Park
18 every Sunday. Been doing it since '91.
19 But these last few months that I've been
20 down attending the Plateau when I haven't
21 been riding in the trails, I bring my
22 card out. If you have a bike that's not
23 registered, I can get it. A lot of the
24 times when they take the bikes from
25 Parking Authority, I be down Parking

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2 Authority buying them. I buy them back.
3 I have a dealer's license, so I'm
4 entitled to do that. I pay my tags to
5 the Department of Revenue, so on and so
6 forth do. But I don't do it to try to
7 snub a nose at what's going on, because
8 it is an opportunity to make money
9 because --

10 MR. BETZ: I ride bikes.

11 MR. CATLETT: -- I ride bikes,
12 and for lack of a better word, Parking
13 Authority is making money off of it,
14 because it's recycling.

15 Now, before I release that
16 bike, I'm a notary too, so I notarize the
17 machine. I make sure he has the tag.
18 And I have a beautiful relationship with
19 Shirley Kane, who is the supervisor or
20 the manager of the Department of
21 Conservation and Natural Resources. I'm
22 there. I'm there. I'm active.

23 So I'm just trying to say
24 basically it's not all bad with the ATVs
25 and the dirt bike thing. Yeah, it's

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2 egregious when they ride the streets. I
3 don't agree to that. I don't agree to
4 it. But what I can say -- I heard the
5 gentleman speaking -- if you provide --
6 it doesn't have to be Fairmount Park. It
7 doesn't have to be Tacony Creek, but
8 something in the fair distance, it will
9 alleviate -- I can guarantee you, it will
10 alleviate the wheelie-ing you see, the
11 posts on YouTube. It will alleviate that
12 because you have a venue to go to.

13 If you take the bikes and
14 destroy them, which sounds like it's
15 going to be a process, the mindset that
16 they're going to have, You got my bike,
17 I'm just going to go to Baltimore and get
18 another one, and this time I'm going to
19 make sure I beef the bike up so you won't
20 catch me. That's the mentality that they
21 take. And I can say that because I'm in
22 the thick of it. I'm also a barber. I'm
23 in the union. I'm a boilermaker, current
24 dues, everything. So I not only have a
25 rapport with the community within itself,

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2 but when I'm out there welding and I'm
3 out Fun Philly or Marcus Hook, it's older
4 guys such as myself, guys older than me
5 that love riding the quads, love riding
6 in the trails, love camping out during
7 the weekend in Shamokin, Poconos. It's
8 kind of far. It's kind of far, and these
9 guys just get enough money just to get
10 the bike and probably gas it up and
11 maintenance it.

12 So, you know, when -- yeah. So
13 when they see the police behind them or
14 they see the police, they're going to try
15 their best to evade it, because they
16 don't want to lose it. But if they do
17 lose it, it's just a stepping stone for
18 them to be like, I know what not to do
19 next time to get the bike taken.

20 So Councilwoman Blondell
21 Reynolds, Curtis Jones, and many other
22 members of the staff, ladies and
23 gentlemen, I want to act as a catalyst
24 and I want to act as a voice and a
25 liaison for the community. When I leave

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2 here, I'm going to get on the social
3 network, because I'm on Instagram, and I
4 got to convey this information to them.
5 It was about 30 people that wanted to
6 come down here, but I didn't want to
7 overwhelm the seats and, you know, cause
8 mayhem.

9 COUNCILMAN JONES: We
10 appreciate that.

11 MR. CATLETT: So I just kind of
12 gathered a lot of their thoughts and
13 ideas, and I just compelled them real
14 quick back there and tried to relay them
15 to you.

16 I'm not going to hold it up,
17 but whatever you guys need me to do. I'm
18 going to keep trying to get these ATVs
19 legal, these dirt bikes legal. I spoke
20 with an individual who had a good point.
21 He's not up here, but I'mma say
22 something. It was a gentleman here that
23 said, I got to shut my windows because
24 the noise is so loud.

25 When you buy a dirt bike, not

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2 an ATV because the ATV is the DCNR, when
3 you buy a dirt bike, it comes back with a
4 blue title. It says, body style, MC.
5 Now, motorcycle. You can take that blue
6 title where it says MC, you can take it
7 to any tag agency and get a motorcycle
8 tag. You can go to any Yamaha,
9 Crossroads, Honda, Yamaha City, put a
10 headlight on it. Do you need turn
11 signals? Yeah, you might need turn
12 signals, but if you look into the driver
13 handbook, this is still legal. But you
14 don't want to be a smart aleck to the
15 police when they pull over and they say,
16 You don't have turn signals.

17 Yes, I do, right here, left,
18 right. Now you're becoming a little
19 sassy to them and that causes a little
20 confrontation with you and the officer or
21 whoever is pulling you over.

22 Now, with that being said, if
23 you have a headlight and turn signals on
24 it, you can modify your bikes with more
25 horsepower so far as changing the

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2 exhaust. So if you have these bikes with
3 these headlights and these turn signals,
4 they're now legal. So they're going to
5 be the same bikes that you complain about
6 riding up and down the street. Now
7 they're legal because they have
8 headlights and turn signals, so now
9 they're just (indicating), and you can't
10 do anything because they're now legal.
11 And when this happens, when they hear
12 this happening, they just thinking about
13 how to make sure that they don't get
14 their bike taken. Go buy headlights and
15 taillights for \$200. Now they can't take
16 my bike. Insurance? Geico. Sixty-six
17 dollars a year, limited liability.

18 Now, it just -- for every
19 action, there's a reaction and you're
20 trying to thwart this, but while you're
21 sitting here -- not you per se. While
22 we're sitting here collectively trying to
23 come up with an idea with 120725 and
24 Resolution 120625, it's also some guys
25 that's not able to be here that's also

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2 trying to think about how to get around
3 all of this, because, you know, anything
4 that's proposed through this is always a
5 black market out there.

6 But I'm just trying to be here
7 so we don't have to go to that black
8 market outlet. And I say "we," because I
9 still try to get in the ear of those
10 guys, because some guys don't want to
11 hear it, but some guys need to hear it.
12 So they see me down here and they see me
13 with the pictures on Instagram.

14 Hey, Kenyatta Johnson. How you
15 doing?

16 COUNCILMAN JOHNSON: How you
17 doing?

18 MR. CATLETT: When they see me
19 through this, they say, well, it must not
20 have been that bad, because he was down
21 there, and I know he ride bikes. I was
22 just on my bike in Pinesland, New Jersey
23 this Sunday, and I don't want to have to
24 keep paying \$80 to gas that truck up, \$80
25 and 75 cents for tolls, 75 cent because

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2 you're going to New Jersey, Atlantic City
3 Expressway. You throw the coins in the
4 thing. That's a lot of money over a
5 month. Then you times that month by 12.
6 That's an annual fee of myself. Maybe
7 like \$3,000. Then you times that by the
8 average riders that ride with me. That's
9 ten. Now that's \$30,000, you know, so on
10 and so forth. I even got a guy that's
11 paralyzed. He gets in a Honda Pilot,
12 1989 Honda Pilot, registered, because I
13 registered it, and he goes every weekend
14 with me.

15 So it's just not -- and he
16 succumbed to paralyzation because he was
17 riding a motorcycle. So it's just in
18 some of us. It's in some.

19 And like she said about the
20 park, I think it was Bass, I think her
21 name was Bass, she said what about the
22 fall? When these guys get on this bike
23 and they hit these streets illegally,
24 they assume all responsibility. They'll
25 take that hit. It's just something --

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2 the mindset that they have, you know.

3 They'll take the hit to ensure that they
4 get their bike back to a hiding place or
5 what-have-you. You know, a lot of these
6 guys don't want to see it taken.

7 And I'm not even going to hold
8 it up anymore. I just give you an
9 outlook from the people that I network
10 with. And everybody in here, I know a
11 good amount of them. I sold one of the
12 guys their first bike, and he's here.
13 I'm surprised to see him here. He was
14 maybe like 18, but I'm glad to see him
15 here.

16 And that's all I really got to
17 say. Should I have something else to say
18 that would be beneficial and add on to
19 the cause, I'll interject.

20 COUNCILMAN JONES: We're going
21 to ask questions after the panel goes
22 through. We have a lot of questions.

23 MR. BETZ: Good afternoon,
24 Chairman Jones and members of the
25 Committee. I outlined asking for you to

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2 forgive me for only identifying myself as
3 a concerned rider, but my name is
4 Jermaine Betz, and as I said earlier, I'm
5 a concerned parent first. I'm 40 years
6 old as I speak to you today. I got 12
7 nephews and I got two sons, and they ride
8 bikes, and I've been riding bikes all my
9 life, and they ride bikes as well. And I
10 used to be in my day one of the guys that
11 when it wasn't a problem when the cops
12 didn't chase you or knock you off your
13 bike like they do today. It wasn't like
14 that back then, but, you know, I changed
15 my life, you know, so I could be a better
16 example for my sons and my nephews, as
17 well as the people that be with them.

18 But I appear before you today
19 to represent -- to present testimony on
20 Bill 120725 and the Resolution 120625.
21 Before I begin, I really want to thank
22 the Majority Leader Curtis Jones, Jr. for
23 hosting the field study in his district,
24 along with Crossroads Motor Sport and
25 Yamaha to better understand this

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2 recreational sport, because it is a
3 sport. And believe it or not, in our
4 area, in the ghetto, quote/unquote, the
5 hood, we have people that can compete
6 with the professional people today that
7 you see today on CBS, ESPN, the X Games.
8 There's guys that learn how to ride these
9 bikes, these ATVs, minibikes, scooters,
10 the little scooters you can -- that got
11 the two little wheel, they can wheelie
12 them. They're so good in our
13 neighborhoods, they'll blow your mind,
14 but they don't have an outlet to display
15 their talent. They never got -- they may
16 be the children that never get that break
17 because we don't have a facility for them
18 to utilize their talents legally.

19 Also, I would be remiss not to
20 mention Councilwoman Reynolds Brown for
21 introducing this legislation to allow us
22 to have a serious dialogue on limited
23 resources in our urban communities and
24 coming up with solutions to our problems
25 instead of writing off youth to violence

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2 and poverty.

3 I would like to start with
4 giving a brief overview of why this
5 recreational sport is so popular in the
6 City. Most areas in the City where you
7 have a vast majority of ATVs, dirt bikes,
8 scooters, et cetera, are among some of
9 the poorest areas with the highest crime
10 rates, mainly homicides, amongst our
11 youth. These recreational vehicles allow
12 our young and seasoned riders to express
13 themselves while providing much, as well
14 as low cost staycations, for those that
15 can't afford to have more traditional
16 vacations.

17 Unfortunately, we, the seasoned
18 riders, don't have the means to provide
19 transportation to our young riders to
20 experience these upstate DCNR tracks,
21 which I'm very familiar with myself,
22 because I also take them trips up and
23 down the interstate almost two times a
24 week, you know, with the kids as well as
25 the adults that we go without the kids.

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2 The closest location based on
3 the DCNR website is Michaux State Forest,
4 if I pronounced it right, which is 151
5 miles away from Philadelphia. Whoever
6 said close, they lied. This journey will
7 cost hundreds of dollars to families who
8 are barely able to keep their lights on
9 and food in their children's mouth. Some
10 parents save every penny just to purchase
11 a recreational vehicle to keep their kids
12 from hanging on drug corners or fighting
13 others because his or her economic
14 shortfall, the downfalls. Furthermore,
15 this sport promotes brotherhood amongst
16 boys and eliminate barriers between
17 races.

18 I am testifying for that child
19 who doesn't have a father as a role model
20 and looks up to me as his "old head" and
21 respects my craft on these bikes. To
22 some, it's a nuisance, but to others,
23 it's life or death.

24 The key benefits to this sport
25 are the ability to hold our youth's

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2 attention to encourage them long enough
3 to teach them about life. Currently, the
4 City's homicide rate is 263. Eighty
5 percent are between the age group of 11
6 to 30 years old. Of course, the
7 minority, black and Hispanic. We ride as
8 a family, not as enemies. If there is a
9 dispute amongst the group, we institute a
10 peaceful conflict resolution, which
11 doesn't result in homicide.

12 Secondly, this sport allows for
13 commerce, job training. Bikes break.
14 Someone has to repair them, hands-on
15 training that is taught by one of the
16 members.

17 Lastly, the economic impact of
18 this sport is currently a \$3 billion
19 industry, with sponsors begging to
20 contribute to areas of interest.

21 Which brings me to a few
22 questions I would like to state for the
23 record. I would like to request from the
24 Committee PPA's revenue from the sales of
25 ATVs and dirt bikes last year, and did

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2 the City receive a percentage?

3 How much does it cost the City
4 to destroy a vehicle, and what department
5 is responsible for the cost?

6 For Councilwoman Blondell
7 Brown, how can you introduce a bill with
8 such harsh penalties on a recreational
9 sport before tackling illegal guns which
10 plagues our streets every day?

11 When is the last time an ATV
12 took a life for looking at someone the
13 wrong way?

14 Last question, what is the
15 City's collection rate when it comes to
16 fines, and how will these fines go
17 towards restoring Recreation's \$8 million
18 shortage?

19 I would like to close with
20 solutions to reduce unruly or rogue
21 street riding. In the pamphlet that I
22 have shared with the Committee, it shows
23 several potential locations that could
24 serve as dedicated recreational
25 facilities for ATVs and dirt bikes. Some

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2 of these locations have been mentioned in
3 the Daily News as well as here today
4 before Council, such as Whitaker. Give
5 or take, it's 863 acres, and they told
6 Council about they got 35 acres in
7 Jersey. The Airport, 1,300 acres that's
8 not being used for anything. But week in
9 and week out, you have children that go
10 down there that's not on the corner
11 selling drugs, not on the corner taking
12 nobody's money or anything like that,
13 getting high, nothing like that, but they
14 enjoying their self, until the police
15 come and chase them. And, by the way, I
16 would ask that Council look at -- the guy
17 gave you statistics with regard to the
18 injuries, about the injuries of the ATVs,
19 which is low compared to, you know, the
20 hundreds of riders that we got that they
21 say plague our streets so bad. How many
22 of those injuries was a result of the
23 police chasing them and knocking them off
24 their bikes? Which goes on today. Which
25 goes on today.

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2 We have Beach Street. That's a
3 thousand acres of unused land that we
4 ride in, that we ride in.

5 COUNCILWOMAN TASC0: Where is
6 that?

7 COUNCILMAN JONES: For the
8 record, where is that?

9 MR. BETZ: Beach Street could
10 be located Port Richmond, like off
11 Delaware Avenue, off, what's that, Lehigh
12 exit, Girard exit.

13 MR. CATLETT: A mile from
14 SugarHouse.

15 MR. BETZ: A mile down from the
16 casino, yeah.

17 We got the Plateau. That's
18 roughly 1,500 acres, give or take.
19 Fairmount Park, maybe 200 acres, give or
20 take. But, you know, and these is places
21 that we've ridden comfortably for years,
22 as I was getting ready to say. We have
23 ridden comfortably in these areas for the
24 last 30 years. We are not looking for a
25 huge space, just the same places our

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2 families have enjoyed over the years.

3 These neglected parks and recreational
4 areas are filled with stolen cars that
5 ruin the trails and, in short, dump trash
6 over the park, which I want to touch on
7 the gentleman that showed you pictures
8 that had the guardrails cut. Number one,
9 they can't attribute that to riders.

10 Number two, I'm familiar with
11 what he talking about. The people that
12 illegally dump trash cut those barriers
13 and dump their trash there.

14 Number three, for a lot of us
15 riders in Philadelphia that we ride in
16 these parks, we clean those parks, and
17 the police chase us out of there when we
18 cleaning them, but they don't bring that
19 to Council's attention. We have no use
20 for wood being -- that causes flat tires.
21 We have no use for -- so for the riders,
22 we want to keep the place clean and have
23 confrontations with the guys that -- the
24 burnt cars and all that that's in
25 Whitaker, we had confrontations, peaceful

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2 resolution confrontations with them,
3 letting them know, Y'all making it bad
4 for us.

5 So we don't -- if we don't
6 speak for ourself, we don't take care of
7 the place where we enjoy riding, you see
8 where we at now. We're faced with not
9 being able to ride. We're faced with the
10 repercussions of riding in those areas,
11 because at the hands of other people
12 misfortune -- I mean, other people's
13 actions.

14 We don't have -- why would we
15 do that? It's to no avail. It's going
16 to defeat our purpose of having fun if we
17 take a car and burn a car and leave it
18 there. They're looking for somebody to
19 get hurt. That's not what we about.

20 Hopefully through our
21 discussions and figuring out solutions
22 with the local riders and City Council,
23 we can help out to reclaim our parks from
24 these criminals who have destroyed the
25 parks with their stolen cars.

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2 I know there are premature
3 commitments from some of the agencies
4 that will be speaking here today who are
5 experts on tracking costs. Again, I
6 would like to thank Chairman Curtis
7 Jones, Jr. for being our champion in
8 Council, understanding the need of the
9 people and for hearing our concerns.
10 Also, I would like to thank members of
11 this Committee for being open to our
12 remarks and allowing us to speak here.

13 We are not just riders, as I
14 said earlier. I'm a parent first, but
15 I'm a citizen, a voter, I'm a taxpayer.
16 We look forward to the next steps,
17 because we got to move forward from here.

18 I drive a 26-foot truck that I
19 load up, and some of you Councilpeople,
20 they know me. The children, if they got
21 bad report cards, they don't go riding.
22 But we load up 26 to almost 50 vehicles
23 in my truck where I deliver furniture,
24 all bikes. I ride all the way to
25 Pemberton, New Jersey down Route 72.

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2 COUNCILMAN JONES: How far?

3 MR. BETZ: Going towards the
4 shore points. I'm about an hour and a
5 half, two hours from here. Pemberton,
6 New Jersey, that's by going towards the
7 shore. And we go out there, we camp out
8 there, we ride out there, and it's so
9 much land. It's so much land in
10 Pemberton, New Jersey. I'm familiar
11 with -- I think he left. What's his
12 name? Hector Tavaréz. I'm familiar with
13 the Egg Harbor. I work out there. I
14 frequent the area, Egg Harbor, Pemberton,
15 Atlantic City. They have a lot of land
16 out there where they ride their ATVs at.
17 Don't have to worry about the police,
18 don't have to worry about none of that.
19 But we have a lot of space in
20 Philadelphia, in Pennsylvania, where if
21 we make the tracks that they speaking
22 about that's in Altoona and the Poconos
23 and other places in Pennsylvania and
24 bring it here, there's no doubt in my
25 mind the tri-state area, from Delaware,

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2 New Jersey, even the people that live out
3 that way, they'll come and support what
4 the Councilmembers can get done for the
5 City of Philadelphia.

6 I want to thank you for
7 listening to my testimony.

8 COUNCILMAN JONES: Thank you so
9 much.

10 (Applause.)

11 MR. THOMPSON: Good afternoon.
12 I am President of the ATV Coalition here
13 in the City of Philadelphia and I ride
14 bikes, from street bikes to dirt bikes,
15 and I find that this is a family
16 tradition for me. I've been riding bikes
17 since I've been four years old, since I
18 was four years old. My father introduced
19 me to motorcycles. He races motorcycles.
20 My family races motorcycles. This is
21 what we do.

22 I don't condone us riding on
23 the streets. That is totally illegal and
24 disrespectful. But you must understand,
25 if we have nowhere to go and you have a

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2 vehicle in your garage and you get tired
3 of looking at it every Saturday and
4 Sunday and you can't go anywhere, you
5 kick start it, next thing you start in
6 the driveway, you start in the driveway,
7 then you make that right, now you're on
8 the City street, and you just keep going
9 and you just keep going, and you find
10 yourself breaking the rules, not
11 consciously, but you want to enjoy
12 yourself. And majority of people I know
13 that ride these bikes are not ages 12 to
14 18. They're 35 and over, 30 and up,
15 should I say. They're respectable men.
16 They are professional men and women.
17 They are police officers. They are
18 firemen. They're EMTs. Some of them are
19 City officials that I know from other
20 states who ride ATVs.

21 So this is not just a situation
22 where we're about breaking the law. It's
23 about that we are trying to have
24 camaraderie amongst each other. This is
25 what we call bike life. You're a biker,

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2 not an outlaw biker. You're a person who
3 instills education as far as riding
4 motorcycles. We have young men in this
5 city, like he said, that can't compete in
6 X Games, that can't compete in motor
7 cross, and they do not have an outlet to
8 do these things.

9 Now, you can look at television
10 and you see Travis Pastrana and Stewart
11 and all these guys. You try to figure
12 out where did they get their start at.
13 They got their start because they had a
14 facility in their environment where they
15 were able to go and practice, like we
16 have all these football programs and we
17 produce basketball athletes and football
18 athletes. We can produce motorcycle
19 athletes in the same token as that they
20 need to be given the same opportunity as
21 there is anywhere else in the City of
22 Philadelphia. It's very important to me.

23 And I would like to say thank
24 you also to Yamaha and Crossroad
25 Powersports for coming out, because they

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2 believe in what -- it's not about numbers
3 and sales for them. It's about having
4 the safest place for recreation for
5 people who purchase these items from
6 them. And it's an educational point
7 where we need to teach each other, not --
8 you got to teach each other how to
9 co-exist inside a community. And what
10 these motorcycles does for us is, it
11 brings us together. It helps that young
12 man get from in front of that Chinese
13 store. He's standing in front of that
14 Chinese store for 12 hours a day, whether
15 he go to school or not, but if he go to
16 school and come home, which I was taught,
17 I was able to get me a motorcycle,
18 because I did what I was supposed to do
19 in school. And on Saturdays, my father
20 took me to Fairmount Park, to the
21 Plateau, and that's where I twisted my
22 throttle at, and that's where I still
23 would twist my throttle at until the
24 police come and say we cannot ride there
25 anymore.

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2 Egg Harbor Township came and
3 gave us prime examples and good models of
4 what we can do in our city. Chatsworth,
5 New Jersey gave us models of what we can
6 do in our city. I know our city
7 sometimes, we take money and we spend
8 it -- I'm not going to say in places
9 where it shouldn't be, but it's a cause
10 and a reason for everything. But this is
11 so important to our city, because we have
12 a problem. We're overpopulated with ATVs
13 and dirt bikes on our streets. And we
14 have that problem because we have nowhere
15 for them to go.

16 It's a must. I think it's
17 mandatory. I don't see -- I understand
18 it's a process, and politics are going to
19 be involved with everything, but these
20 are our children. These are our
21 brothers. These are our sisters. Some
22 of these people are fathers, and this is
23 what they do.

24 I don't feel as though it's the
25 wrong thing. It is wrong that they ride

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2 in the street, but guess what? As a
3 constituent and a taxpayer of the City of
4 Philadelphia, we pay for these things to
5 be developed. We must have these things
6 developed. It is a must that we condone
7 all these guys that's sitting in back of
8 us -- each one of these guys took a day
9 off to come sit here. They're all
10 respectable men. They're not criminals.
11 We don't consider ourselves to be
12 criminals. Some people judge us by the
13 way we look. Some people may come in
14 here with a shirt and tie on. Some
15 people may come in here with a Yamaha
16 shirt, but they are all respectful men,
17 and I feel as though we each need to be
18 treated equally and have the
19 understanding that this is a very
20 important matter in the City of
21 Philadelphia. We must reach a standpoint
22 or standing grounds where we can come
23 together and have both parties happy,
24 because guess what? If you give a
25 facility for these people to ride at and

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2 a young man continues to ride his bike on
3 the street, he deserves to be punished
4 and penalized. His bike deserves to be
5 destroyed. But if he have an outlet to
6 go, it should be no excuse. Why are you
7 on the street when you got a facility
8 less than 30 miles, less than ten miles
9 from your place that you cannot get to?
10 No excuse. Punish.

11 Also, I think that the
12 gentleman from Egg Harbor said like
13 instead of convicting these kids or just
14 destroying their bikes, give them a
15 weekend tour or say you have to come and
16 learn safety precautions, motorcycle
17 safety, safety what's inside of
18 destroying public property, all types of
19 things like that that he said made so
20 much sense to me, instead of just taking
21 someone's bike and getting them a jail
22 fine.

23 Now, if they are guilty of
24 riding a stolen vehicle and it's their
25 first offense, guess what? Most people

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2 get first offense for carrying guns get
3 probation sometimes. Do you understand?

4 So there's no reason to take a young man
5 and lock him up for riding a stolen
6 vehicle at his first offense. Now, his
7 second, third offense? Understandable.

8 But if your first offense, you just
9 trying to get a little bit of pleasure
10 and enjoyment and you took that chance,
11 you got caught, you must deal with it.

12 But we should set up a law --
13 not even a law. We should set up
14 something in the pocket whereas though
15 for first offenders, they will be dealt
16 with differently. Repeat offenders, they
17 will be prosecuted as just as if they
18 were regular criminals.

19 But I think that once we make
20 this transition into a public park or,
21 you know, they say private sector or
22 whatever -- I can't get into the,
23 quote/unquote, terms that they're using,
24 but we do have five places here. You got
25 Enterprise Avenue, Mifflin Road,

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2 Northeast Avenue, Fairmount Park, Wyoming

3 Avenue, Roosevelt Boulevard, Delaware

4 Avenue. If we can give spaces to people

5 to donate and build casinos, why can't we

6 take care of our own here in Philly?

7 They built casinos on these empty lots.

8 Our children don't go in these casinos.

9 We don't go in these casinos. We don't

10 do any of that, so why not take some of

11 that money or get a developer or someone

12 that wants to come in here and help our

13 city and we take some of that wasteland

14 that's just sitting around and we build a

15 track for these people. Also, then the X

16 Games might come back to Philadelphia.

17 Because the X Games generate big money,

18 millions of dollars. Manufacturers come

19 in and they put up situations where so

20 they can come in and have affairs. So

21 today is motorcycle training week. We're

22 going to give out free classes to anybody

23 who wants to learn how to ride a

24 motorcycle.

25 We don't have these things

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2 here, and our city is a motorcycle city.
3 Has been and always will remain to be a
4 city that houses a lot of motorcycles,
5 from street bikes to dirt bikes.

6 And I appreciate your time for
7 letting us come in today. I'm not going
8 to take up all the time, but please
9 consider what we need to do on the
10 positive side. And, like I said, if this
11 continues to be a negative issue about
12 it, let those be punished and let those
13 continue to grow in the sport that needs
14 to grow.

15 Thank you.

16 COUNCILMAN JONES: Thank you.

17 (Applause.)

18 COUNCILMAN JONES: We have one
19 more and then we'll entertain questions.

20 MR. WHITING: How y'all doing?

21 COUNCILMAN JONES: Good. Good
22 afternoon.

23 MR. WHITING: My name is Tayon
24 Whiting. I'm one of those riders also.
25 I've been in an accident also for a year.

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2 I have brain surgery. And I wanted to
3 tell y'all a story that I had also, and
4 I'm still riding to this point.

5 I ride an ATV on the streets,
6 and I know it's dangerous riding them,
7 but I live a life whereas though like I
8 live a bike life. There's no place in
9 the City right now whereas though I can
10 ride at. And when I ride my bike, I
11 release stress. I don't sell no drugs,
12 don't carry no guns, don't have no
13 domestic violence, nothing. I hop on my
14 bike, I just go to wherever I need to go
15 at, in the park, wherever. And I just
16 want to sit here and tell y'all the story
17 that I had.

18 I had brain surgery in '07.
19 They took half of my skull out. I had
20 tumors on the brain, and I was in a coma
21 for seven months. Seven months sleep.
22 They restricted my visits because of my
23 friends that's here. It was more of
24 them, though. But there were so many
25 people that loved me from riding bikes

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2 and how much stuff I had on me, it was
3 bringing like tears to me. But now that
4 I still ride and they see me, they always
5 tell me, Tay, just wear your helmet.

6 And like I know for a fact
7 every action come with a reaction, and I
8 know the stuff that I was doing at the
9 time came with a reaction. I was one of
10 them guys that y'all talk about
11 wheelie-ing up and down the street. Yes,
12 I do that. But my friends here, they
13 didn't give y'all all the details on
14 what's going on in the streets of
15 Philadelphia. And I truly believe that
16 we do need a park for these young kids to
17 ride these bikes at.

18 I'm a mentor at Lenfest PAL and
19 also -- that's at 10th and Pike. And I
20 tell my boys, I say, Listen, if y'all
21 want to ride, I'm going to make it a way
22 for y'all to ride in the streets or in
23 the park. So when I die or when
24 something happen to me, y'all will be
25 like that was my old head, like he used

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2 to ride, and that was his passion.

3 And I just want to thank
4 everybody here right now for hearing the
5 story. And I'm here blessed. Still got
6 all my head, still got a little bit of my
7 brain, but I'm here as for the most part,
8 and that's about it. I'm going to make
9 it short for y'all.

10 COUNCILMAN JONES: Okay. I
11 mean, thank you for your testimony.

12 MR. THOMPSON: Councilman, I
13 just want to add one more thing and wrap
14 it up. Right now I'm pretty sure you
15 guys know there's been a movement that's
16 been going on. There's been maybe guys
17 gathering from other cities, from
18 Baltimore, Jersey, Delaware, coming to
19 our city to ride their bikes through our
20 streets, and there's been a number of
21 about maybe like four to five hundred
22 guys. That's an act of being rebellious
23 from the raids that took place, to be
24 honest with you. That's what that was
25 about, from the police taking the

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2 actions. Because you know what the
3 police do now? They say they don't
4 chase. That's not true. The police
5 chase us. The fatalities that happen on
6 these motorcycles come from police casing
7 us.

8 Police now have the ability to
9 say that you're eluding police.

10 Second of all, they can pepper
11 spray you. I watched the police stand
12 there and pepper spray a young man as he
13 rode buy. That caused him to crash and
14 break his ribs and his arm. Now, all he
15 had to do was stop, but the police didn't
16 make an attempt to wave him down. The
17 police waited for him to come by and went
18 like this as he rode by and pepper
19 sprayed him. That's wrong, and the young
20 man could have lost his life.

21 So just to sum it all up and
22 I'm going to close this out like this:
23 What takes place with these guys being
24 rebellious and coming from our cities is
25 because they had the same problem in

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2 their own cities, Baltimore, DC. These
3 guys don't have a place to go. So they
4 actually packed their vehicles up and
5 drive all the way to Philadelphia to ride
6 through our streets.

7 So what can we do? We can have
8 that tourist money. They're tourists.
9 That money could come into Philadelphia,
10 that toll, that gas. If we had a
11 facility for them to ride at, they would
12 bring that money and spend it here, just
13 as well as every weekend. This guy going
14 down 70, stopping at Wawa, buying gas,
15 paying the toll, I'm tired of it. I'm
16 tired of it.

17 Thank you.

18 COUNCILMAN JONES: Okay. I
19 have some questions and some members have
20 questions, because, again, this process
21 is to hear from each side of the issue so
22 that we make better decisions.

23 How big do you think the
24 ridership is in Philly? And I mean is
25 it -- I mean, when you say big, how big

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2 is big? I mean, quantify it.

3 MR. CATLETT: You mean by the
4 quantity of people that ride?

5 COUNCILMAN JONES: Yeah.

6 MR. CATLETT: It's a culture.
7 It's a culture. It's hard. I can
8 Instagram thousands.

9 COUNCILMAN JONES: Okay. I
10 mean, you know this. We don't know this.
11 So that's why we ask the question.

12 Second thing is, to your -- and
13 this is important. Do you think the
14 fines will deter the ridership in the
15 street, honestly?

16 MR. CATLETT: No, it will not.

17 COUNCILMAN JONES: And I think
18 I know a little why, but is it a part of
19 the thrill that, you know, it's an outlaw
20 kind of thing? I mean, what is -- help
21 me to understand it.

22 MR. CATLETT: No, it's not.
23 I'll speak on it, and if I'm wrong, you
24 guys can interject and correct me.

25 It's not about a thrill thing.

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2 It goes back to being restricted and not
3 having a place to ride. I forget which
4 gentleman spoke about it, but the tracks
5 and the pits and all that, we don't have
6 that, so we hit Cobbs Creek. I'm not
7 familiar with the Tacony, but we hit
8 Cobbs Creek, we hit the Plateau, and we
9 hone our craft. Turner Middle School, in
10 the back of there, that's where I learned
11 how to wheelie and walk a bike. Like
12 it's just so everything is learned. And
13 then when you polish it, you want
14 everybody to see what you worked so hard
15 to do. So you might hit 52nd Street
16 wheelie-ing and all that, but even though
17 it's wrong.

18 COUNCILMAN JONES: I don't want
19 you to incriminate yourself.

20 MR. CATLETT: I understand
21 that, but I'm just saying general
22 locations. It's wrong, but it's not an
23 act of chasing down police. It's just
24 people work hard at what they do just as
25 well. So when we talked behind the

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2 Council, it took you a long time to get
3 to go verbatim.

4 COUNCILMAN JONES: It took a
5 minute.

6 MR. THOMPSON: You know what it
7 really is? We don't have -- everybody
8 doesn't have a vehicle to transport their
9 bike. So what happens is -- you know you
10 can't ride alone in the street without
11 being chased, so what would take place
12 is, people will call each other, they'll
13 gather at a specific place, and so, Okay,
14 we're going to ride to the park, or they
15 gather at some place else and say, We're
16 going to ride to Cobbs Creek.

17 You have to go as a group in
18 order to feel safe and not be chased,
19 because when you're in a group, the
20 police don't chase you. For some odd
21 reason, when there's five bikes or
22 better, police will not chase you. But
23 if you're alone, the police will chase
24 you.

25 COUNCILMAN JONES: I'm getting

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2 to a point now. You've heard the
3 testimony today and I've heard your
4 comments as it relates to segregating the
5 riding on the street from the riding in
6 the park, to if we had a facility that
7 you could bring bikers to safely.

8 Let me get the question out.

9 If we did that, would then you
10 be a part of the dialogue, A, to kind of
11 work these things out with the author of
12 the bill, A, and then, B, upon that help,
13 be a part of the education process to
14 stop the dangerous and illegal activity
15 on the streets?

16 MR. BETZ: Number one, like a
17 lot of us that ride bikes right here, we
18 all from different parts of the
19 neighborhood and we all know each other.
20 Where me myself, like I told you, I
21 implemented during the summertime taking
22 the children riding, that love -- that
23 ride -- I know their fathers, and they
24 got (unintelligible). They can't ride.

25 We all for the safety of our

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2 brotherhood. If we see these younger
3 guys riding in the street, I'm pulling
4 you up, I'm calling your pop and telling
5 your pop. I'll call, you know, tell you,
6 Listen, such and such, whatever,
7 whatever, whatever, whatever the
8 situation is.

9 We try to, you know -- because
10 the statistics don't match up that he
11 gave y'all for the number of people that
12 was in the accident don't add up to as
13 many riders we got in the City. So even
14 when we ride, when we ride, a lot of
15 people ride together, it's about safety
16 first. We take care of one another if we
17 come in here. We all for that.
18 Anything --

19 COUNCILMAN JONES: So is the
20 answer yes?

21 MR. BETZ: Yes, sir. Anything
22 that can be done to help facilitate
23 legitimate riding for the adults as well
24 as the youth, because with me, you know,
25 I rather for the youth to enjoy it more

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2 than me. I had my time.

3 COUNCILMAN JONES: So the
4 reason I mention this -- and other
5 members can chime in -- is that we're not
6 the fun police. We don't want to take
7 recreation away from young people that
8 want to do the right thing. So our
9 purpose is not that. But our purpose, as
10 you heard other testimony, is -- I mean,
11 and I think about it. I live in
12 Wynnefield, and I personally watched a
13 young man come down Lebanon Avenue doing
14 a wheelie, and if my granddaughter would
15 have walked across that street at the
16 wrong time -- and I'm assuming he's
17 skilled, but I wouldn't be here right now
18 if he hit my granddaughter. And some
19 people know me. There's a shirt and tie.
20 That's my grandchild.

21 So I want you to understand
22 that a lot of people -- and I think the
23 most compelling argument today about some
24 type of compromise was the lady and her
25 aunt and her daughter that testified that

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2 said that even after the tragic accident
3 that befell her, she wants you to have an
4 outlet. And I think that was important
5 and powerful, at least for me.

6 MR. BETZ: Can I say one thing
7 to touch on that? What I didn't
8 appreciate with the guy that's from the
9 Recreation, from the Park and Recreation,
10 whatever he -- the statement he made
11 that -- and called out Pennsylvania with
12 the parks that they made --

13 COUNCILMAN JONES: You really
14 need to come near the mic.

15 MR. BETZ: The parks that they
16 made and call out Pennsylvania, Altoona
17 and things of that nature, they all --
18 you know, he probably don't even live in
19 Philadelphia, number one.

20 Number two, the parks that they
21 got put together for their children and
22 their adults in -- call out Pennsylvania,
23 Altoona and all out there, he's against
24 doing that in Philadelphia. Why? Like
25 when I -- I'm not a racist person at all,

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2 but why is it good for them where they
3 live at, but it's not good for us where
4 we live at? What's the difference? It's
5 no difference. And I didn't appreciate
6 how he put that to Council, and that's
7 not right.

8 COUNCILMAN JONES: Are there
9 any other questions?

10 COUNCILMAN O'BRIEN: I just
11 think there's other issues. I think what
12 Mike was talking about was a rural issue
13 versus the density that we have in
14 Philly. And I think what the Chairman
15 and the sponsor of the bill and all of
16 you have done in a very positive way is
17 hone in on the people that are
18 responsible with these vehicles versus
19 those that aren't. And I can tell you
20 that in Northeast Philly -- and
21 respecting the gentleman from Yamaha and
22 offering a \$6,000 grant or a \$10,000
23 grant -- in the youth organizations in
24 Northeast Philadelphia, we can spend
25 \$400,000 on ball fields, and some of

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2 those kids come in and destroy them in a
3 New York second. We can't find 400,000.
4 We can't find \$20,000 again.

5 I think what the Chairman was
6 offering is some way of you responsible
7 bikers helping people like the Deputy
8 Mayor say how can we control this. When
9 you have your responsible bikers and ATV
10 drivers destroying the ecological network
11 that we have in Philly and people invest
12 in that and we look at how our creeks and
13 streams and rivers encroach upon the
14 banks, there's considerable capital
15 investment in that.

16 I don't mean to diminish what
17 you're saying. I don't think there's
18 racism here. I think there's real issues
19 that have been brought to the table in a
20 very positive, articulate way. We've set
21 the stage for some productive
22 discussions, and I want to congratulate
23 my colleagues for doing that, but I don't
24 want to end on a negative note by saying
25 something else extraneous.

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2 I think what they did is, they
3 found some monies, maybe through DCED
4 grants that don't exist anymore, to build
5 that capacity in certain other counties,
6 but what they also did is, they found
7 environmental issues that were never
8 reclaimed and they put them to a positive
9 use.

10 So I think what we're doing is
11 identifying resources that have not been
12 productive for any citizens in Philly and
13 trying to find a productive way of doing
14 it, but I think we all have to be
15 conscious that there are lawbreakers, and
16 we're not here looking at individuals
17 like you who are responsible and putting
18 you all in one category. But, again,
19 these irresponsible people are putting at
20 risk the good citizens. And I can tell
21 you, I wasn't here and I'm sad that I
22 wasn't. I had to leave. But I was in
23 Juniata when my kids were playing
24 baseball against young people from that
25 neighborhood, and those bikes and ATVs

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2 were riding up and down the street almost
3 running people over at will, and they
4 were chasing each other with the intent
5 to commit violence, and I just don't know
6 what to do with that.

7 So I think what I would like to
8 say is, I've sensed a very positive tone.
9 I'm very impressed with the discussion
10 that took place here today, and I'd like
11 to continue that and end on a positive
12 note.

13 COUNCILMAN JONES: We agree
14 with Councilman and want you to know that
15 your testimony today was important,
16 because I can't communicate from that
17 barber shop or the way that you can with
18 young people. We're suits up here, and
19 it's important to understand every aspect
20 of our community, and you're citizens
21 just like the environmentalists are
22 citizens. Our job is to figure out how
23 we can all co-exist in a lawful manner,
24 and we're asking you publicly to be a
25 part of the dialogue and the discussion

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2 to get us to a point where we can do
3 that.

4 MR. THOMPSON: What I would
5 like to say is that I want to answer your
6 question how we do that. Amongst
7 ourselves as riders and responsible
8 riders, what we'll do is, we're build our
9 own council to be able to work with your
10 Council, and we'll control and have
11 education and safety reasons and safety
12 educational reasons and programs to help
13 these youth that's behind us. So we'll
14 create our own council here. That's what
15 I suggest that we'll do, because pretty
16 much we have that already established.
17 We just need to be able to sit together
18 like we do.

19 COUNCILMAN JONES: As long as
20 the author of the bill is willing, I
21 think that will be a good idea. And I
22 want to -- we're going to hear from
23 Councilwoman Tasco, and then I think we
24 can wrap up with you, Councilwoman Brown.

25 COUNCILWOMAN TASCO: Thank you

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2 very much. I will be very brief. I want
3 to thank all of the witnesses who came
4 here today to testify, who have given us
5 the perspective from all sides. And I
6 particularly appreciate your testimony.
7 It gives us a better understanding of
8 what's going on.

9 I too have a rider in my
10 neighborhood who just goes up and down
11 the street, but what I'm getting out of
12 this at the end of the day, we are
13 challenged to find some place for you to
14 ride. And for lack of that -- and I
15 think the Commissioner was saying, we
16 can't destroy the park land because that
17 is another -- I mean, that's park land we
18 want to preserve, and the watershed we
19 have to preserve. So then we have to
20 look at where can we look, where can we
21 find space for you to ride, which is
22 important to you, and that has struck me
23 to be vigilant about trying to see where
24 we can find some land for you.

25 See, we're land locked. We

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2 don't have a lot of land here. And
3 you'll see vacant land in the City, but
4 it doesn't necessarily belong to the
5 City. It could belong to somebody else.
6 So that takes investigation and study.

7 But I appreciate your testimony
8 and thank you for what you're doing and
9 hope that as you form your council to
10 work with us, that what the Chair is
11 saying, we want you to reach out to those
12 young people in the street who are riding
13 in the street to give them guidance and
14 support and help to help them understand
15 that what they're doing, not just your
16 family, but other people in the community
17 that you may see. Appreciate that.

18 MR. CATLETT: No problem. With
19 the help of these social networks,
20 whatever we speak through the heart and
21 the tongue, it gets out there through
22 these social networks.

23 COUNCILWOMAN TASCO: We want
24 you to go away with a positive feeling
25 that we just didn't have the hearing so

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2 we can pass the bill and restrict you.

3 We are committed to looking at other

4 ways. And I'm going to visit Egg Harbor

5 just to see how they operate, because you

6 have to figure out if they started out

7 with vacant land and then developers

8 built housing around there, how is that

9 working. Because these vehicles are

10 loud, but you were there first, so they

11 can't come in and say -- like people buy

12 a house at the Airport and want the

13 Airport to leave, you know. So you're

14 there. They were there. And they come

15 together as a community to run a facility

16 that benefits everybody that wants to

17 ride bikes down there.

18 So we want to go visit that.

19 And certainly I'm committed as part of

20 this Committee to work with the sponsor

21 of this bill and the Chair to work to

22 find a spot. I think it's very

23 important.

24 MR. BETZ: On that same token,

25 with regards to us speaking to the youth

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2 about riding in the street, we can talk

3 to them day in and day out. During the

4 summertime, that's when it's the

5 heaviest, the riding, but we can talk to

6 them until we blue in the face, but if

7 the message that we're giving out to

8 them, if they don't see no results from

9 oh, yeah, old head, you talking trash,

10 you don't want to do this, you should do

11 it, but we're trying to show them a

12 better way, but if nothing is happening

13 from our dialogue with the youngins, they

14 going to disregard everything we trying

15 to teach them as the right thing, because

16 it's nothing coming from our message.

17 So, I mean...

18 COUNCILMAN JONES: That's fair.

19 MR. BETZ: So unless that

20 happens, our hands are tied behind our

21 backs.

22 COUNCILMAN JONES: Thank you,

23 Councilwoman Tasco.

24 COUNCILWOMAN TASCO: Thank you

25 very much. Thank you for coming. Thank

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2 all of the witnesses for coming. We
3 appreciate it.

4 COUNCILMAN JONES: The Chair
5 recognizes -- before we close, the Chair
6 is going to say something and then let
7 the author of the bill close out.

8 Again, you coming down here,
9 this is not necessarily your comfort
10 zone. I don't see you down here every
11 week. So we thank you for enlightening
12 us, because if we sit in this room and
13 hear our own echo, that's all we're going
14 to hear. We want to hear all points of
15 view in order to make better decisions.

16 And with that, the Chair
17 recognizes Councilwoman Reynolds Brown.

18 COUNCILWOMAN BROWN: Thank you
19 very much.

20 Good afternoon, gentlemen. One
21 of you commented that you thank us for
22 allowing you to speak. You need to know
23 that you have a right to speak. And
24 ultimately what this gathering has
25 revealed for me is that we've really been

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2 preaching to the choir, because all of us
3 are on the same page of wanting to do
4 what we can to get our arms around young
5 people who rightly or wrongly,
6 unconsciously or not, are operating
7 outside of the line. So thank you, A,
8 for showing up.

9 Secondly, the beauty about this
10 process is that it is a first step.
11 Nothing that -- seldom a bill that you
12 see on day one is going to look like the
13 same bill on day 30. So this allows us
14 to gather information back and forth
15 across the table that helps us move
16 towards a better bill.

17 So to the direct question about
18 do I think that penalty is harsh? You
19 need to know that my answer is yes. The
20 beauty of this process is that we get a
21 chance to amend, make changes, edit the
22 bill to the level of satisfaction of
23 those that are at the table.

24 Secondly, to the direct
25 question about guns, that's not my issue.

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2 President Clarke has worked on that issue
3 for the last 12 years. Councilman Jones
4 has worked on that issue for the last
5 four. Councilman Kenyatta Johnson has
6 worked on that issue before he got here
7 and as he is here. So there are a number
8 of Councilmembers actively facing,
9 confronting this issue of guns, and until
10 we can change the state, the regretful
11 answer is that we're not going to make a
12 lot of headway. So we care about that
13 issue, but it's a tall issue, in my ways
14 taller than many of us. I don't know
15 that we'll ever be able to really arrest
16 the guns in a way that we're satisfied.
17 But we all do care about that issue.

18 Lastly, today was a first step,
19 and that's the beauty of the legislative
20 process. And I will now put my teacher
21 hat on. The next step is that we invite
22 you to the table to be partners, because
23 we never profess to know all the answers.
24 This dialogue reminds us, A, that we
25 don't, and, B, that we need you at the

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2 table if we want to come up with a type
3 of outcomes you all have outlined and
4 which is the ultimate goal, as
5 Councilwoman Tasco has spoken to, finding
6 non-public, non-park land owned by
7 somebody who will be willing to go into
8 business with you all, because there are
9 a number of small business opportunities
10 that can come out of this as well with
11 people like Yamaha and others who will
12 help us find available, legitimate space
13 where we can indeed create a
14 skateboard -- it's not a skateboard park.
15 Thank you; an ATV, a rider park, and
16 handle this in much the same way we
17 handled skateboard parks ten years ago.

18 So your voice is important.
19 Your voice matters. Don't make this your
20 last time here. And not just with the
21 author of this bill, but when there's an
22 author of any bill comes to your
23 attention and you're unhappy with it,
24 have a conversation with the author of
25 that bill. Nine times out of ten they

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2 invite your voice, your perspective,
3 because you're living it every day. I
4 only know what I see on the TV and read
5 on the paper. All right?

6 So with that, we're going to
7 ask the Chairman to move to the next
8 order of business and then to move action
9 on the bill.

10 MR. THOMPSON: Thank you very
11 much.

12 COUNCILMAN JONES: Thank you,
13 Councilwoman.

14 COUNCILWOMAN BROWN: You're
15 welcome.

16 COUNCILMAN JONES: Thank you
17 for your testimony, gentlemen.

18 (Thank you.)

19 COUNCILMAN JONES: Is there
20 anyone else here to testify?

21 (No response.)

22 COUNCILMAN JONES: Seeing none,
23 hopefully I see none, this now concludes
24 the public hearing on the Committee on
25 Public Safety. We will now go into our

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2 public meeting.

3 I will now recognize Councilman
4 Henon for a motion on Bill No. 120725.

5 COUNCILMAN HENON: Thank you,
6 Mr. Chairman. I move that Bill No.
7 120725 be reported from this Committee
8 with a favorable recommendation and
9 further move that the rules of Council be
10 suspended to permit first reading of this
11 bill at the next Council session.

12 COUNCILMAN JONES: Is there a
13 second?

14 COUNCILWOMAN BROWN: There is a
15 second.

16 COUNCILMAN JONES: Having been
17 moved and properly seconded that Bill No.
18 120725 be moved out of this Committee
19 with a favorable recommendation, thus
20 allowing first reading of this bill at
21 our next session of Council.

22 All those in favor of this
23 motion will say aye.

24 (Aye.)

25 COUNCILMAN JONES: All those

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2 opposed?

3 (No response.)

4 COUNCILMAN JONES: The ayes

5 have it.

6 I now move for a second motion

7 from Councilman Henon.

8 COUNCILMAN HENON: Thank you,

9 Mr. Chairman. I move that Bill No.

10 120625 be reported from this Committee

11 with a favorable recommendation and

12 further be moved that the rules of

13 Council be suspended to permit the first

14 reading of this bill at the next Council

15 session.

16 (Duly seconded.)

17 COUNCILMAN JONES: Having been

18 moved and properly seconded that Bill

19 No -- we need to hold this bill to the

20 call of the Chair. Strike that from the

21 record. We've had our formal action on

22 Bill No. 120725.

23 This concludes the Committee on

24 Public Safety to the call of the Chair.

25 Thank you.

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2 COUNCILWOMAN BROWN: Thank you,
3 Mr. Chairman.

4 (Committee on Public Safety
5 concluded at 1:50 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 3, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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