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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COMMITTEE ON STREETS AND SERVICES

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- - -
Room 400 City Hall
Philadelphia, Pennsylvania
Wed., 10/18/00, 2:25 p.m.
- - -

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BILL 000506 - Relocate southerly curb of Erie Ave.

BILL 000508 - Held till call of Chair.

7

BILL 000510 - Re towing zone locations, hours.

BILL 000511 - Extend time period to strike

8

Sharswood Street from City Plan.

BILL 000512 - Withdrawn at request of sponsor.

9

BILL 000513 - Placing Parrish Street on City Plan.

BILL 000538 - Authorizing K. Osuala to construct,
use, maintain one-story garage addition.

10

BILL 000542 - No motor home parking Bennington St.

11

BILL 000547 - Right turns on Chestnut. Held till
call of Chair.

12

BILL 000582 - Extend time period to legally
abandon right-of-way in former Annin Street Plan.

13

BILL 000584 - Extend time period to allow for
development of shopping center along 52nd Street

14

BILL 000589 - Eliminate portion of Chang Street.

15

BILL 000604 - Authorizing water mains and
appurtenant work along Paleski Road.

16

BILL 000605 - Appropriate right-of-way through
Hagy's Mill Road.

17

BILL 000606 - Grant right-of-way for water main
purposes along Paleski Road.

18

RES. 000041 - Re dangers caused by deteriorating
retaining walls.

19

PRESENT: COUNCILMAN FRANK DICICCO, Chairman

20

COUNCILMAN DAVID COHEN, Vice Chair

COUNCIL PRESIDENT ANNA C. VERNA

21

COUNCILMAN DARRELL L. CLARKE

COUNCILMAN W. WILSON GOODE, JR.

22

COUNCILMAN RICHARD T. MARIANO

COUNCILMAN MICHAEL A. NUTTER

23

COUNCILMAN ANGEL L. ORTIZ

COUNCILMAN FRANK RIZZO

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- - -

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1 10/24/00 STREETS/SERVICES - BILL 000506

2 P R O C E E D I N G S

3 COUNCILMAN DICICCO: Good afternoon,
4 everyone. The Committee on Streets and Services
5 is now in session. With me are committee members
6 Councilmember Rizzo, Councilman Wilson Goode, Jr.,
7 Councilman David Cohen, and Councilman Darrell
8 Clarke. We have a quorum, I believe, right? We
9 do have a quorum.

10 What we will do this afternoon is, we
11 will take the bills out of order from the
12 calendar. In order to move the hearings along
13 much more quickly, we will take those bills with
14 little or no testimony attached to them so we can
15 run those bills first, and then we'll take the
16 bills we expect to have significant testimony on.
17 We do this in this arrangement all the time
18 because it does move much quicker.

19 And as soon as my clerk gets back to
20 me. . .

21 THE CLERK: Sorry.

22 COUNCILMAN DICICCO: Ready?

23 THE CLERK: Yes.

24 COUNCILMAN DICICCO: The clerk will
25 read the title of the first bill.

1 10/24/00 STREETS, SERVICES - BILL 000506

2 THE CLERK: Bill No. 000506, an
3 ordinance authorizing and directing the revision
4 of lines and grades on a portion of City Plan
5 No.'s 157, 158, and 226 by relocating the
6 southerly curb line of Erie Avenue between Second
7 Street and Sedgely Avenue, relocating a portion of
8 the southerly curb line of Erie Avenue at the
9 southeast corner of Second Street and Erie Avenue,
10 and relocating a portion of the northerly curb
11 line of Erie Avenue at the northeast corner of
12 Second Street and Erie Avenue.

13 MR. LONIE: Good afternoon,
14 Mr. Chairman and members of the committee. My
15 name is Paul Lonie, Survey Bureau Manager with the
16 Department of Streets, and the Department of
17 Streets would like to offer the following
18 testimony on Bill No. 000506, I think:

19 This is an administration ordinance
20 requested by the Streets Department. The purpose
21 of this ordinance is to relocate the curb lines
22 and the described portions of Erie Avenue to make
23 the intersection safer for children crossing to
24 their school. This ordinance is supported by the
25 Department of Streets and is recommended to the

1 10/24/00 STREETS, SERVICES - BILL 000506
2 committee for favorable action.

3 MR. SOFFER: Good afternoon, Chairman
4 and members of the committee. My name is Martin
5 Soffer, from the Planning Commission.

6 The purpose of this bill to revise
7 lines and grades of the subject streets for public
8 safety purposes. The Planning Commission staff
9 supports this bill, and the Commission will
10 recommend approval of Bill 000506 at its next
11 meeting on November 2, 2000.

12 Thank you.

13 COUNCILMAN DICICCO: Thank you.

14 Are there any other questions for this
15 witness from the committee?

16 (No questions.)

17 COUNCILMAN DICICCO: Is there anyone
18 else here who wishes to testify on this bill?

19 (No response.)

20 COUNCILMAN DICICCO: Hearing none, the
21 clerk will read the title of the next bill.

22 THE CLERK: Bill No. 000508, an
23 ordinance granting permission to the owners of
24 certain newsstands located within the 1st
25 Councilmatic District to construct, use, and

1 10/24/00 STREETS/SERVICES - BILL 000508
2 maintain on a temporary basis newsstands with a
3 greater dimension of advertising than that
4 permitted by general ordinance; in particular,
5 granting such permission with respect to the
6 owners of the newsstands located at the southeast
7 corner of Broad and McKean Streets, the southeast
8 corner of Broad and Tasker Streets, the southwest
9 corner of Tenth and Reed Streets, the southeast
10 corner of 13th and Mifflin Streets, the northeast
11 corner of Juniper and Market Streets, the
12 northwest corner of Tenth and Market Streets, the
13 northeast corner of Ninth and Market Streets, the
14 southeast corner of Eighth and Market Streets, and
15 the northeast corner of 11th and Walnut Streets,
16 all under certain terms and conditions.

17 COUNCILMAN DICICCO: Good afternoon.
18 Please identify yourself for the record.

19 MS. SEN: Good afternoon, Chairman and
20 members of the committee. My name is Nancy Sen.
21 I'm an engineering supervisor with the Streets
22 Department, and I'm here to testify on Bill No.
23 000508 on behalf of the Streets Department.

24 This bill authorizes newsstand owners
25 at nine particular locations within the City to

1 10/24/00 STREETS/SERVICES - BILL 000508
2 install new newsstand structures. The Streets
3 Department will need to review the final plans for
4 the structure to be installed at these locations
5 as part of the newsstand licensing process.

6 We would like to point out that at one
7 location, the northeast corner of 11th and Walnut
8 Streets, we expect that there will not be
9 sufficient room to accommodate the footprint size
10 required by previous ordinance. And, therefore,
11 the Streets Department objects to the passage of
12 this bill in its present form.

13 The Streets Department would have no
14 objection to the legislation if the 11th Walnut
15 and Street location were not included, which is --
16 that's the last location of the nine.

17 COUNCILMAN DICICCO: Is there anyone
18 here from the Newsstand Association?

19 (No response.)

20 COUNCILMAN DICICCO: I happened to
21 notice on the southeast corner of Broad and McKean
22 last evening a new newsstand that has kind of like
23 been temporarily dropped on the sidewalk. It is
24 not like the newsstands that we had been talking
25 about that -- similar to the one at 12th and

1 10/24/00 STREETS/SERVICES - BILL 000508

2 Market.

3 MS. SEN: Okay.

4 COUNCILMAN DICICCO: I haven't a clue
5 to these things -- are these the self-contained
6 units that we worked on or not? Do you happen to
7 know?

8 MS. SEN: I'm not aware of that, but I
9 can send our inspectors out and get back to you.
10 Did you notice if it was a wooden stand?

11 COUNCILMAN DICICCO: No, it's metal,
12 they're metal. So at least they're conforming to
13 the material.

14 MS. SEN: Oh, they are metal, okay.

15 COUNCILMAN DICICCO: But it is a larger
16 version of the square newsstand on the east side
17 of East Penn Square.

18 MS. SEN: Oh, okay.

19 COUNCILMAN DICICCO: I don't see any
20 real significant difference other than a larger
21 newsstand. And if it's not going to accommodate
22 the amenities that we were hoping to have in the
23 newsstand, then I, as the sponsor of that, would
24 not agree to that.

25 So I'm going to hold this bill --

1 10/24/00 STREETS/SERVICES - BILL 000508

2 MS. SEN: Okay.

3 COUNCILMAN DICICCO: -- until someone
4 from the Newsstand Association and the advertising
5 company, if they're still a partner in this, gets
6 back to me to let me know what they're doing.

7 MS. SEN: Okay. In the meantime, we
8 can send you our survey on --

9 COUNCILMAN DICICCO: There was a motive
10 to my madness. Although some people disagreed
11 with it, it wasn't just to put larger newsstands
12 there; we wanted something that was going to be
13 much more attractive and also accommodate the
14 needs of the operator while we address the issue
15 of what needs to be -- what they're obligated to
16 do by the code.

17 MS. SEN: Exactly. And a lot of work
18 with all of the departments, you know, under your
19 guidance --

20 COUNCILMAN DICICCO: Listen, I'm not
21 going to throw all that work aside. Either they
22 do what we asked them to do or they'll have to
23 figure out a better way of getting a newsstand
24 that conforms to the materials in the code, and
25 not come up with an over-sized newsstand and think

1 10/24/00 STREETS/SERVICES - BILL 000508

2 that that's what's going to get them past me;
3 that's not going to work.

4 So I'm going to hold this. And I just
5 wanted you to go on record as to what you knew
6 today, and I'll bring this back up at a later
7 date.

8 MS. SEN: Okay. And we'll send
9 somebody out to look at it. And I guess we'll
10 have a meeting of the parties and we'll, you know,
11 let you know.

12 COUNCILMAN DICICCO: And I noticed at
13 that same location at the southeast corner of
14 Broad and McKean, after about a year, we finally
15 got them to relocate the newsstand a little
16 further south on Broad Street because it was
17 literally blocking entrance to the bank building
18 at Broad and McKean. So the stand that I observed
19 last night is back where the old stand was. Now,
20 that may just be temporary because there's
21 electrical hookups, but I don't know that to be a
22 fact.

23 MS. SEN: Okay.

24 COUNCILMAN DICICCO: So, again, I
25 thought somebody would be here today to testify.

1 10/24/00 STREETS/SERVICES - BILL 000508

2 Apparently not, 'cause no one has contacted my
3 office.

4 MS. SEN: They're busy making their
5 business, so -- but we'll get in touch with them.

6 COUNCILMAN DICICCO: And while you're
7 here, I've had discussions with L&I, and I believe
8 I may have spoken to the Managing Director about
9 it. There are a couple of locations where there
10 have been abandoned newsstands in Center City, one
11 being across the street in front of the Wanamaker
12 building, and another one at Seventh and Walnut,
13 which probably allows for maybe two foot of
14 sidewalk from the curb in, and it's sitting there
15 abandoned. And there's another one at the
16 southeast corner of Fourth and Market.

17 I'm really just trying to get rid of
18 those things completely.

19 MS. SEN: Okay.

20 COUNCILMAN DICICCO: So if someone
21 could help me, I'd appreciate it.

22 MS. SEN: Well, I do know that --

23 COUNCILMAN DICICCO: I mean, I know
24 they've been abandoned for four years or more.

25 MS. SEN: I do know that the Streets

1 10/24/00 STREETS/SERVICES - BILL 000508

2 Department was asked to help L&I remove them
3 because we have a little bit better equipment than
4 they do. And, actually, we're in the process of
5 getting some procedure together that they could
6 officially notify us, after due process has been
7 made to the owners and -- because Streets would be
8 happy to help, but we want to make sure that
9 legally we're allowed to pick it up and remove it.

10 COUNCILMAN DICICCO: I mean, the one at
11 Seventh and Walnut is probably the most offensive,
12 and the most dangerous one.

13 MS. SEN: Seventh and --

14 COUNCILMAN DICICCO: Seventh and
15 Walnut.

16 MS. SEN: Walnut, okay.

17 COUNCILMAN DICICCO: On the southeast
18 corner of Seventh and Walnut.

19 MS. SEN: Okay.

20 COUNCILMAN DICICCO: There is virtually
21 probably two foot or less of public walk space.

22 MS. SEN: That sounds familiar.

23 COUNCILMAN DICICCO: You have to step
24 into the street to get around there.

25 MS. SEN: Okay.

1 10/24/00 STREETS/SERVICES - BILL 000508

2 COUNCILMAN DICICCO: Thank you.

3 Are there any other questions for these
4 witnesses?

5 (No questions.)

6 COUNCILMAN DICICCO: Marty? I'm sorry.

7 MR. SOFFER: We just concur with what
8 Nancy had said, and now that the bill's being
9 withheld, we would like to partake in that review
10 since we have not seen any of those things.

11 COUNCILMAN DICICCO: These are new
12 microphones. What you need to do with these is,
13 you have to pull them as close to you as possible
14 and speak directly into them.

15 MR. SOFFER: Okay, excuse me.

16 You've answered the question that we're
17 going to withhold the bill, 'cause our review --
18 we'd like to review these sites, and we had some
19 concerns with them as well.

20 COUNCILMAN DICICCO: Okay, thank you.

21 MR. SOFFER: Thank you.

22 COUNCILMAN DICICCO: Any questions for
23 these witnesses?

24 (No questions.)

25 THE CLERK: Hearing none, the clerk

1 10/24/00 STREETS/SERVICES - BILL 000538

2 will read the title of the next bill.

3 And let the record reflect that
4 Councilman Ortiz is now present and Councilman
5 Mariano.

6 THE CLERK: Bill No. 000538, which is
7 on the second page, is an ordinance authorizing
8 Kate Osuala, the owner of the property located at
9 1301 South 57th Street, Philadelphia,
10 Pennsylvania, 19143, to construct, use, and
11 maintain a one-story garage addition on and over
12 the south footway of Thomas Street, adjacent to
13 the property 1301 South 57th Street, all under
14 certain terms and conditions.

15 MS. SEN: Good afternoon, members.
16 Again my name is Nancy Sen. I'm here from the
17 Streets Department to testify on Bill No. 000538.

18 This bill authorizes Kate Osuala to
19 construct, use, and maintain a one-story garage
20 addition, projecting a maximum of three feet into
21 the south footway of Thomas Street, adjacent to
22 her property at 1301 South 57th Street. The
23 garage addition leaves adequate width and
24 clearance of unobstructed footway on Thomas
25 Street. Therefore, the Streets Department has no

1 10/24/00 STREETS/SERVICES - BILL 000538

2 objections to the passage of this bill.

3 MR. BEAUVAIS: Also for the record, my
4 name is Darwin Beauvais. I'm from Councilwoman
5 Jannie Blackwell's office. She introduced the
6 bill and she does support the decision.

7 COUNCILMAN DICICCO: Thank you.

8 Are there any other questions for this
9 witness from the committee?

10 (No questions.)

11 COUNCILMAN DICICCO: Is there anyone
12 else here who wishes to testify on this bill?

13 (No response.)

14 COUNCILMAN DICICCO: Hearing none, the
15 clerk will read the title of the next bill.

16 THE CLERK: Is Charles Denny here from
17 the Streets Department? Do you have two bills?

18 (Witness comes forward.)

19 THE CLERK: Charlie, 542 is yours?

20 COUNCILMAN DICICCO: Is that yours
21 also?

22 MR. DENNY: Yes.

23 THE CLERK: Bill 000510, an ordinance
24 amending Section 12-2409 of the Philadelphia Code,
25 entitled "Towing Zone Locations and Hours," by

1 10/24/00 STREETS/SERVICES - BILL 000510
2 adding as a towing zone location the north and
3 south sides of Green Street between Tenth Street
4 and Eleventh Street graffiti, under certain terms
5 and conditions.

6 MR. DENNY: Good afternoon. My name is
7 Charles Denny. I'm the Assistant Chief Traffic
8 Engineer, and I'm here to testify on Bill 510.

9 The Streets Department posted this
10 regulation on June 17th of this year, and we have
11 no objections to this posting.

12 COUNCILMAN DICICCO: Thank you.

13 Are there any other questions for this
14 witness from the committee?

15 (No questions.)

16 COUNCILMAN DICICCO: Is there anyone
17 else here who wishes to testify on this bill?

18 (No response.)

19 COUNCILMAN DICICCO: Hearing none, the
20 clerk will read the title of the next bill.

21 THE CLERK: On Page 2 of the list is
22 Bill No. 000542, an ordinance establishing a no
23 motor home parking regulation on Bennington
24 Street, Pike Street to Luzerne Street, both sides.

25 MR. DENNY: The Streets Department

1 10/24/00 STREETS/SERVICES - BILL 000542
2 posted this regulation on August 11, 2000. And
3 the Streets Department has no objections to this
4 bill.

5 COUNCILMAN DICICCO: Thank you.

6 Are there any other questions for this
7 witness from the committee?

8 (No questions.)

9 COUNCILMAN DICICCO: Is there anyone
10 else here who wishes to testify on this bill?

11 (No response.)

12 COUNCILMAN DICICCO: Hearing none, the
13 clerk will read the title of the next bill.

14 THE CLERK: That's it for you,
15 Charlie?

16 MR. DENNY: That's it.

17 COUNCILMAN DICICCO: Thank you.

18 THE CLERK: Marty, which ones do you --

19 MR. SOFFER: 605.

20 THE CLERK: Bill No. 000605, which is
21 on Page 3 of the announcement, is an ordinance
22 authorizing the Commissioner of Public Property to
23 select and appropriate a certain right-of-way
24 through 8480 Hagy's Mill Road for construction,
25 reconstruction, alteration, connection, operation,

1 10/24/00 STREETS/SERVICES - BILL 000604, 5, 6
2 maintenance, and inspection of water facilities,
3 partly along and within the bed of Paleski Road, a
4 private street, from Hagy's Mill Road to
5 approximately 489 feet southwesterly of Hagy's
6 Mill Road.

7 I believe that is also a companion Bill
8 No. 000604. Paul? Which is an ordinance
9 authorizing the construction of water mains and
10 appurtenant work and a right-of-way partially in
11 and along portions of a private street known as
12 Paleski Road and along the southwesterly boundary
13 of Manatawna Farms in the Roxborough area of the
14 City.

15 And Bill No. 000606, an ordinance to
16 authorize the Water Commissioner, on behalf of the
17 City, to enter into agreements owners of the
18 properties and their successors of an L-shaped
19 private street known as Paleski Road that begins
20 southeasterly of Schuylkill Nature Center's
21 property, approximately 489 southeasterly of
22 Hagy's Mill Road, thence in a southeasterly
23 direction for approximately 137 feet, and
24 continuing in a southwesterly direction for
25 approximately 635 feet for the grant of a

1 10/24/00 STREETS/SERVICES - BILL 000604, 5, 6
2 right-of-way to the City for water main purposes.

3 These three bills will be heard at the
4 same time.

5 MR. MCCLOSKEY: In the interest of
6 time, that's how I planned it.

7 My name is Paul McCloskey, and I'm with
8 the Philadelphia Water Department testifying on
9 these three bills introduction.

10 To give you an introduction, Manatawna
11 Farms and the Schuylkill Nature Center area of the
12 City encompasses the upper portion of the
13 northwestern upper Roxborough. The nature center
14 is devoted to preserving the nature, undeveloped
15 area for environmental education. The Manatawna
16 Farms, which is adjacent, is a working farm, owned
17 and operated by the City through the Fairmount
18 Park Commission.

19 Within the nature center adjacent to
20 the farm is a residential community. The property
21 are served by onsite sewerage treatment facilities
22 and wells. Over the last few years, there's been
23 genuine concern over the quality and quantity of
24 water produced by the individual wells. The
25 current construction of the housing development

1 10/24/00 STREETS/SERVICES - BILL 000604, 5, 6
2 over a landfill in nearby Montgomery County has
3 sharpened the concern over the possible
4 contamination of the water table and water
5 quality. The severe drought of 1999 has severely
6 hampered all the wells' ability to provide
7 adequate water to the households. A public water
8 main has recently been extended to Spring Lane to
9 the Montgomery County line. This makes public
10 water relatively available to the community.

11 Bill No. 604 authorizes the Water
12 Department to construct water mains in along a
13 private street known as Paleski Road from Hagy's
14 Mill/Spring Lane southward through the Schuylkill
15 Nature Center property for approximately 489 feet.
16 Thence in the same road southward, approximately
17 137 feet more and then westward in an L-shaped
18 direction approximately 635 feet till it comes to
19 an end. This main would service half the
20 properties. A second water main will be laid
21 along and within the southern property line of
22 Manatawna Farms. This main will service the
23 remaining properties and the City's farm itself.

24 In order to provide access for one of
25 the water mains, Bill No. 605 authorizes the

1 10/24/00 STREETS/SERVICES - BILL 000604, 5, 6
2 Commissioner of Public Property, on behalf of the
3 City, to purchase a right-of-way for water
4 purposes through the Schuylkill Nature Center in
5 and along the private road of Paleski Street.

6 Bill No. 606 provides for the
7 continuation of the access in the private road by
8 authorizing the Water Commissioner, on behalf of
9 the City, to enter into agreements with the owners
10 of the properties and their successors of the
11 private road for the granting of a right-of-way to
12 the City for water main purposes. The agreements
13 will also revise the language that the City may
14 place the right-of-way on the City Plan at a
15 future date.

16 We recommend that the bills be voted
17 favorably out of committee. Due to the urgency of
18 this situation, we request the rules of City
19 Council are suspended and that the three bills
20 have their reading at the next Council hearing.

21 COUNCILMAN DICICCO: Marty?

22 MR. SOFFER: Mr. Chairman and members
23 of the committee, the purpose of this bill is to
24 provide the residents of this area with water
25 service. The proposed right-of-way will be

1 10/24/00 STREETS/SERVICES - BILL 000604, 5, 6
2 purchased from the Schuylkill Nature Center for a
3 price of \$ 2000. The money will come from the
4 capital budget of the Water Department.

5 Additionally, in the near future, the
6 Streets bills will be introduced into City
7 Council, which will strike 17 paper streets from
8 the City Plan to consolidate the 500-acre
9 landscape for the Schuylkill Valley Nature
10 Center.

11 Therefore, by action at its meeting on
12 October 19, 2000, the Planning Commission
13 recommends that Bill No. 000605 be approved.

14 Thank you.

15 COUNCILMAN DICICCO: Thank you.

16 Any questions?

17 (No questions.)

18 COUNCILMAN DICICCO: Paul, are you
19 testifying?

20 MR. LONIE: Yes, sir.

21 I'm sorry, I'm not.

22 COUNCILMAN DICICCO: Okay. Thank you.

23 Are there any other questions for this
24 witness from the committee?

25 (No questions.)

1 10/24/00 STREETS/SERVICES - BILL 000511

2 COUNCILMAN DICICCO: Is there anyone
3 else here who wishes to testify on this bill?

4 (No response.)

5 COUNCILMAN DICICCO: Hearing none, the
6 clerk will read the title of the next bill.

7 Thank you.

8 MR. LONIE: Thank you very much.

9 MR. SOFFER: Thank you.

10 THE CLERK: Bill No. 000511, an
11 ordinance amending Section 2 of an ordinance (Bill
12 No. 980443) approved June 25, 1998, entitled "An
13 ordinance authorizing the revision of lines and
14 grades on a portion of City Plan No. 120 of the
15 area bounded by 18th Street, 19th Street, Master
16 Street, and Jefferson Street," by striking from
17 the City Plan and vacating Sharswood Street from
18 18th Street to 19th Street, widening Harlan Street
19 on the northerly side, relocating the southerly
20 curb line of Harlan Street, and placing on the
21 City Plan Gratz Street from Jefferson Street to
22 Harlan Street, under certain terms and conditions,
23 including the dedication to the City free and
24 clear of all encumbrances of the bed of Gratz
25 Street and the northerly 15-foot widened portion

1 10/24/00 STREETS/SERVICES - BILL 000511
2 of Harlan Street, by extending the time for
3 compliance with the conditions stated therein.

4 MR. LONIE: Good afternoon,
5 Mr. Chairman and members of the committee. My
6 name is Paul Lonie, Survey Bureau Manager with the
7 Department of Streets. And the Department of
8 Streets would like to offer the following
9 testimony on Bill No. 000511:

10 This is not an administration ordinance
11 but an ordinance requested by Mr. Michael Koontz,
12 Project Manager of the Redevelopment Authority,
13 dealing with the Cecil B. Moore residential
14 development area. The purpose of this ordinance
15 is to extend the time period to strike Sharswood
16 Street from the City Plan and place Gratz Street
17 and widen Harlan Street on the City Plan to
18 facilitate new home construction.

19 This ordinance is supported by the
20 Department of Streets and is recommended to your
21 committee for favorable action.

22 COUNCILMAN DICICCO: Thank you.

23 Are there any other questions for this
24 witness from the committee?

25 (No questions.)

1 10/24/00 STREETS/SERVICES - BILL 000512

2 COUNCILMAN DICICCO: Is there anyone
3 else here who wishes to testify on this bill?

4 (No response.)

5 COUNCILMAN DICICCO: Hearing none, the
6 clerk will read the title of the next bill.

7 THE CLERK: Bill No. 000512, an
8 ordinance amending Section 2 of an ordinance (Bill
9 No. 980444) approved June 15, 1998, entitled "An
10 ordinance authorizing the revision of lines and
11 grades on a portion of City Plan No. 58," by
12 striking from the City Plan and vacating Reno
13 Street from Broad Street to 13th Street, Camac
14 Street from Brown Street to Parrish Street, and a
15 portion of Ogden Street from Watts Street to a
16 point approximately 85 feet east of Watts Street;
17 and by placing on the City Plan Park Avenue from
18 Brown Street to Parrish Street, by relocating
19 Camac Street from Brown Street to Parrish Street,
20 and by reserving and placing on the City Plan a
21 right-of-way for drainage purposes and water main
22 purposes within the portion of Ogden Street being
23 stricken from the City Plan and vacated by this
24 ordinance, and the dedication to the City of
25 unopened portions of Park Avenue and Camac Street,

1 10/24/00 STREETS/SERVICES - BILL 000512
2 all under certain terms and conditions, by
3 extending time for compliance with the conditions
4 stated therein.

5 MR. LONIE: Good afternoon, Mr.
6 Chairman and members of the committee. My name is
7 Paul Lonie, Survey Bureau Manager with the
8 Department of Streets, and the Department of
9 Streets would like to offer the following
10 testimony on Bill No. 000512:

11 The Survey Bureau requests that this
12 bill be pulled at the request of Councilman Clarke
13 because the conditions have already been met, and
14 this has been confirmed by the Board of Surveyors,
15 and it would be redundant legislation.

16 COUNCILMAN DICICCO: Are there any
17 questions from the committee?

18 (No questions.)

19 MR. LONIE: Mr. Chairman?

20 COUNCILMAN DICICCO: I'm sorry.

21 MR. LONIE: I asked that the bill be
22 withdrawn because the conditions in the ordinance
23 have already been met and it's been confirmed by
24 the Board of Surveyors. Councilman Clarke's aware
25 of it.

1 10/24/00 STREETS/SERVICES - BILL 000513

2 COUNCILMAN DICICCO: He's aware of
3 that? Okay, thank you.

4 The clerk will read the title of the
5 next bill.

6 THE CLERK: Bill No. 000513, an
7 ordinance amending Section 2 of an ordinance (Bill
8 No. 970818) approved April 13, 1998, entitled "An
9 ordinance authorizing and directing the revision
10 of lines and grades on a portion of City Plan No.
11 58," by placing on the City Plan Parrish Street
12 from Ninth Street to 12th Street, Brown Street
13 from Tenth Street to 12th Street, Marvine Street
14 from Fairmount Avenue to Brown Street, Warnock
15 Street from Fairmount Avenue to a dead-end
16 turnaround north of Brown Street and Reno Place
17 from Percy Street westwardly to a dead-end
18 turnaround, all under certain terms and
19 conditions, including the including dedication to
20 the City free and clear of all encumbrances of the
21 beds of the streets being placed on the City Plan
22 by this ordinance, by extending the time for
23 compliance with the conditions stated therein.

24 MR. LONIE: Good afternoon,
25 Mr. Chairman and members of the committee. My

1 10/24/00 STREETS/SERVICES - BILL 000513
2 name is Paul Lonie, Survey Bureau Manager with the
3 Department of Streets, and the Department of
4 Streets would like to offer the following
5 testimony on Bill No. 000513:

6 This is not an administrative ordinance
7 but an ordinance requested by Mr. Cardel Blue of
8 the Philadelphia Housing Authority. The purpose
9 of this ordinance is to extend the expiration date
10 of an ordinance approved July 1, 1997. The
11 purpose of that ordinance was to grant the
12 authority to place five streets on the City Plan
13 to facilitate residential development.

14 This ordinance is supported by the
15 Department of Streets and is recommended to
16 committee for favorable action.

17 COUNCILMAN DICICCO: Thank you.

18 Are there any other questions for this
19 witness from the committee?

20 (No questions.)

21 COUNCILMAN DICICCO: Is there anyone
22 else here who wishes to testify on this bill?

23 (No response.)

24 COUNCILMAN DICICCO: Hearing none, the
25 clerk will read the title of the next bill.

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2 THE CLERK: Bill No. 000582, an
3 ordinance amending Section 2 of an ordinance (Bill
4 No. 990366) approved July 1, 1999, entitled "An
5 ordinance authorizing the striking from City Plan
6 No. 17-S and abandoning of a certain right-of-way
7 for gas main purposes and public utility purposes
8 within the lines of former Annin Street, extending
9 from the 50-foot wide right-of-way, formerly 28th
10 Street, to 29th Street, under certain terms and
11 conditions," by extending the period for
12 compliance with the authorization and conditions
13 therein.

14 MR. LONIE: Good afternoon,
15 Mr. Chairman and members of the committee. My
16 name is Paul Lonie, Survey Bureau Manager with the
17 Department of Streets, and the Department of
18 Streets would like to offer the following
19 testimony on Bill No. 000582:

20 This is not an administration ordinance
21 but an ordinance requested by Mr. Robert Boothroyd
22 of Philadelphia. The purpose of this ordinance is
23 to extend the time period to legally abandon a
24 right-of-way in former Annin Street between 29th
25 and former 28th Street and to erect a new facility

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2 for Rosa Foods, Incorporated.

3 This ordinance is supported by the
4 Department of Streets and is recommended to your
5 committee for favorable action.

6 COUNCILMAN DICICCO: Thank you.

7 Are there any other questions for this
8 witness from the committee?

9 (No questions.)

10 COUNCILMAN DICICCO: Is there anyone
11 else here who wishes to testify on this bill?

12 (No response.)

13 COUNCILMAN DICICCO: Hearing none, the
14 clerk will read the title of the next bill.

15 THE CLERK: Bill No. 000584, an
16 ordinance amending Section 2 of an ordinance (Bill
17 No. 990368) approved July 1, 1999, entitled "An
18 ordinance authorizing the revision of lines and
19 grades on a portion of City Plan No. 266," by
20 striking from the City Plan and vacating Jefferson
21 Street from 50th Street to a dead-end turnaround
22 northwestwardly therefrom and striking from the
23 City Plan and abandoning a certain right-of-way
24 for drainage purposes, under certain terms and
25 conditions, by extending the period for compliance

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2 with the Authorization conditions therein.

3 MR. LONIE: Good afternoon,
4 Mr. Chairman and members of the committee. My
5 name is Paul Lonie, Survey Bureau Manager with the
6 Department of Streets, and the Department of
7 Streets would like to offer the following
8 testimony on Bill No. 000584:

9 This is not an administration ordinance
10 but an ordinance requested by Mr. Evan Sparks, of
11 PIDC, 2600 Centre Square West, Philadelphia. The
12 purpose of this ordinance is to extend the time
13 period and allow for the development of a retail
14 shopping center along 52nd Street. This ordinance
15 is supported by the Department of Streets and is
16 recommended to your committee for favorable
17 action.

18 COUNCILMAN DICICCO: Thank you.

19 Are there any other questions for this
20 witness from the committee?

21 (No questions.)

22 COUNCILMAN DICICCO: Is there anyone
23 else here who wishes to testify on this bill?

24 (No response.)

25 COUNCILMAN DICICCO: Hearing none, the

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2 clerk will read the Title of the next bill.

3 THE CLERK: Bill No. 000589, an
4 ordinance amending Section 1 (b) of an ordinance
5 (Bill No. 000374), approved August 11, 2000,
6 entitled "An ordinance authorizing the revision of
7 lines and grades on a portion of City Plan No. 121
8 by striking from the City Plan and vacating a
9 portion of Chang Street and by placing a dead-end
10 turnaround at the terminus of Chang Street, all
11 under certain terms and conditions."

12 MR. LONIE: Good afternoon,
13 Mr. Chairman and members of the committee. My
14 name is Paul Lonie, Survey Bureau Manager with the
15 Department of Streets, and the Department of
16 Streets would like to offer the following
17 testimony on Bill No. 000589:

18 This is not an administration ordinance
19 but an ordinance requested by Mr. Philip Licht, of
20 Jenkintown, Pennsylvania, who represents the 27th
21 and Girard Trust. The purpose of this ordinance
22 is to provide three parcels and eliminate a
23 portion of Chang Street which borders and
24 separates these parcels to facilitate commercial
25 development. There was an error in the original

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2 development of this ordinance, and this corrects
3 that error, allowing the legislation to go through
4 perfectly.

5 This ordinance is supported by the
6 Department of Streets and is recommended to your
7 committee for favorable action.

8 COUNCILMAN DICICCO: Thank you.

9 Are there any other questions for this
10 witness from the committee?

11 (No questions.)

12 COUNCILMAN DICICCO: Is there anyone
13 else here who wishes to testify on this bill?

14 (No response.)

15 COUNCILMAN DICICCO: Hearing none, the
16 clerk will read the title of the next bill.

17 Before you do that, could I get a show
18 of hands of all those who are here to testify on
19 Bill No. -- On the bill concerning the Chestnut
20 Street Transitway, would you just raise your hand?

21 And who is here to testify on the bill
22 concerning the -- the resolution concerning
23 retaining walls?

24 Could you show your hand again? Okay,
25 thank you. I just wanted to get a sense of how

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2 many people are here for what bill. Thank you.

3 THE CLERK: Bill No. 000547, an
4 ordinance regulating the movement of traffic on
5 Chestnut Street, in particular authorizing right
6 turns to be made from Chestnut Street at certain
7 intersections in Center City, Philadelphia.

8 COUNCILMAN DICICCO: For some reason,
9 we weren't supplied with a witness list so just
10 about everyone in the audience is here to testify,
11 so I will leave it up to you to be as civil as you
12 can and come forward and speak.

13 Miss Russo, are you the only one
14 testifying on behalf of the City? Okay, whoever's
15 from the City, come up first -- you could stay
16 there, sir. And we'll get the City testimony
17 first, and then Paul, everybody else -- you could
18 stay there, sir.

19 (Witness comes forward.)

20 COUNCILMAN DICICCO: Good afternoon.
21 Please identify yourself for the record.

22 MS. RUSSO: Good afternoon. My name is
23 Debra Russo. I'm here on behalf of the Managing
24 Director's Office for the City of Philadelphia.
25 The testimony I'd like to offer today concerns the

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2 possible withdrawal of federal funding with
3 respect to right-hand turns on Chestnut Street.

4 It's the Managing Director's
5 understanding at this point in time that there are
6 many issues involving the federal grant whereby
7 the bus lane was created on Chestnut Street.
8 There has been some documentation, although not
9 clear, that that federal funding could be in
10 jeopardy if the City of Philadelphia were to allow
11 right-hand turns on Chestnut Street.

12 What I'd like to offer to the committee
13 is if they would be willing to work with our
14 office and the Streets Department in exploring
15 these issues as to whether or not these
16 allegations are true as to whether or not there is
17 any federal funding in jeopardy. Also, we need to
18 -- if the funding in jeopardy, we need to know
19 the amount, and right now, all those issues are
20 not clear.

21 So what I would offer to this
22 particular committee is the assistance of my
23 office and the Streets Department and the Law
24 Department in exploring particular issues further.

25 Thank you.

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2 COUNCILMAN DICICCO: Thank you, Miss
3 Russo. And as you recall, just this week, we had
4 a meeting in my office -- myself, you, and the
5 Managing Director. And as I indicated, I think it
6 was, on Monday -- I lose track of the days, but I
7 think it was Monday -- I will hold the bill since
8 I was the chief sponsor of this. But I wanted to
9 get all of the testimony on the record today so
10 that when we find out whether there is some -- we
11 are jeopardizing any federal or State funding that
12 went into this project, we'll be able to make a
13 decision more accurately at that time.

14 But I do want -- I wanted to get all of
15 the testimony on the record today. Thank you.

16 MS. RUSSO: And that's the
17 understanding of the Managing Director's Office.

18 Thank you, Mr. Chairman.

19 (Witness comes forward.)

20 COUNCILMAN DICICCO: Thank you.

21 Please identify yourself for the
22 record.

23 MR. WRIGHT: My name is Robert Wright,
24 and I'm the Transportation Engineering Manager of
25 the Department of Streets.

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2 COUNCILMAN DICICCO: Okay, do you have
3 prepared testimony?

4 MR. WRIGHT: Yes, yes, I do.

5 COUNCILMAN DICICCO: Proceed with your
6 testimony.

7 MR. WRIGHT: Okay, my name is Robert
8 Wright, and I'm the Manager of the Transportation
9 Engineering section of the Department of Streets.

10 In 1995, the Department of Streets was
11 requested to undertake a comprehensive study of
12 the Chestnut Street Transitway to solve two major
13 problems on this facility. The first was the
14 condition of sidewalks, which had greatly
15 deteriorated due to inappropriate materials used
16 when the Transitway was constructed in 1975. The
17 second was the proliferation of delivery vehicles
18 which had occurred on the once transit-only
19 corridor. The nature of the street as one which
20 was open to traffic at some hours and not during
21 others and the often confusing signing for this
22 was seen as an additional difficulty.

23 The creation of the Transitway in 1975
24 was viewed by many as a plus for this city and was
25 consistent with efforts underway in other major

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2 cities at that time. Since then, some of these
3 cities have completely removed their transit
4 streets for various reasons. While transit
5 operations were revised several times during the
6 life of the transitway, it remained a transit
7 facility for its 25 years of existence. A major
8 factor which influences this is the high
9 percentage of people entering Center City on
10 transit, estimated to be over 60 percent of all
11 Center City-bound trips.

12 The Department's intent and the
13 redesign of Chestnut Street was to preserve a
14 semblance of the transit exclusivity, which has
15 been in place since 1975. Four SEPTA bus routes
16 enter Center City via Chestnut Street, carrying
17 over 50,000 riders per day. As espoused by the
18 City's Transit First policy, the desire to
19 maintain an operational advantage for these buses
20 through the use of an exclusive transit lane was
21 very strong. There were also requests from
22 businesses along Chestnut Street to bring back
23 motor vehicle traffic and parking. The creation
24 of the Transitway and its removal of traffic were
25 believed by the businesses to be detriments to the

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2 success of the many shops on Chestnut.

3 Accordingly, the proposed redesigned
4 Chestnut Street was a compromise of sorts.
5 Through a widening of the cartway, we were able to
6 once again accommodate vehicular traffic in a
7 single moving lane. On-street parking was
8 reinstated on the north side of the street, with
9 a loading zone in each block for delivery
10 vehicles. The right-side curb lane was
11 established as a transit lane, to be used only by
12 buses and bicycles.

13 To reinforce the right lane as a
14 transit-only lane, it was decided to not allow
15 right-hand turns from Chestnut Street onto
16 southbound intersecting streets. This would
17 ensure that private vehicles would not need to use
18 the right lane. This approach was viewed as
19 consistent with the City's transit preference
20 policy, and it preserved the transit exclusivity
21 introduced with the opening of the Transitway.
22 This concept was presented to the Chestnut Street
23 Business Association and the various individual
24 property owners, institutions, and stakeholders
25 during the project design phase.

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2 While initial concerns were expressed
3 about the proposed operation, ultimately, the
4 affected parties determined that the project would
5 improve the situation and agreed that it should
6 move forward. This was also the sense of a public
7 hearing conducted by City Council in June of 1999
8 on this project and the proposed operational
9 change in Chestnut Street.

10 Additionally, the creation of the
11 Transitway resulted in some of the wider sidewalks
12 in Center City along Chestnut Street. With these
13 wide footways and the reduced amount of traffic,
14 the Transitway became very popular as a
15 pedestrian-friendly route. It still has the
16 highest pedestrian volumes of any street in Center
17 City. One of the factors in this popularity was
18 the lack of turning traffic, since there was no
19 traffic on Chestnut Street; thus, pedestrians
20 could cross numbered streets without any conflict
21 from traffic either turning onto Chestnut Street
22 or turning from Chestnut Street. With the
23 proposed dedicated bus lane, this conflict-free
24 pedestrian path would be retained at least on one
25 sidewalk along the corridor.

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2 The overall cost of the improvements on
3 Chestnut Street is approximately \$13 million.
4 Almost \$1 million of this was provided by the
5 Federal Transit Administration, with another
6 \$3.7 million coming as transit assistance from the
7 Pennsylvania Department of Transportation. Each
8 of these agencies stipulated that there must be a
9 dedicated transit lane and made this a condition
10 of the funding. In addition, the Federal Highway
11 Administration, which contributed another
12 \$5.5 million, has also warned the City that any
13 change in the operation of the exclusive transit
14 lane will cause it to reconsider its
15 participation. Thus, the City stands to forfeit a
16 total of over \$10 million in outside funding if
17 any change is made in the operation of the transit
18 lane. Additionally, subsequent funding
19 application of this nature may be at risk.

20 We realize that the change in operation
21 on Chestnut Street is significant one. However,
22 given the public outreach efforts undertaken
23 during the project's development and the
24 relatively short amount of time the new operation
25 has been fully in effect -- the street was

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2 reopened to traffic only in mid-July -- we would
3 recommend that this operation be permitted to
4 remain for some longer period of time to allow us
5 to fully and fairly judge its effectiveness. This
6 will permit stakeholders and users to become more
7 accustomed to the benefits of the reintroduction
8 of general traffic to Chestnut Street, something
9 that has been desired by many for quite some time.

10 COUNCILMAN DICICCO: How much more time
11 do you think you would need to determine whether
12 we should do the -- lift the prohibition on turns
13 or not?

14 MR. WRIGHT: We would normally look for
15 at least a year of full operation.

16 COUNCILMAN DICICCO: An additional
17 year? For how long has it been open now to
18 traffic?

19 MR. WRIGHT: It's been fully open since
20 the middle of July, so we would look for a full
21 year. So if we could get --

22 COUNCILMAN DICICCO: From this date,
23 another year? For a full year, including -- to
24 this July you're saying?

25 MR. WRIGHT: Till mid-July of 2001.

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2 COUNCILMAN DICICCO: And I think I
3 heard -- I'm not sure if I heard you right because
4 we don't hear things up here. It kind of bounces
5 around with this new system. You made mention of
6 the fact that Chestnut Street has always been a
7 very high-volume pedestrian way?

8 MR. WRIGHT: Yes.

9 COUNCILMAN DICICCO: And that it
10 appears that people use Chestnut Street because of
11 the pedestrian-friendly environment because there
12 were not cars -- the cars were not allowed there
13 at a particular time?

14 MR. WRIGHT: Yes.

15 COUNCILMAN DICICCO: How did you get to
16 that? Is that a scientific survey or is there --
17 I mean, did you poll people?

18 MR. WRIGHT: We polled people and we
19 also did some pedestrian counts over the last few
20 years, went out and actually tried to count people
21 on different blocks. And some of the information
22 we obtained just from those rather non-scientific
23 counts showed that there were more people on
24 Chestnut Street than on Market Street and other
25 streets.

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2 COUNCILMAN DICICCO: Have there been
3 any surveys since you've reopened it to traffic?

4 MR. WRIGHT: There have been no
5 specific surveys. We've heard comments from some
6 of the businesses, both pro and con, but we
7 haven't really conducted a survey.

8 COUNCILMAN DICICCO: I guess I find --
9 I must be one of the people who would have found
10 Chestnut Street, prior to reopening it up to
11 traffic, to be more intimidating 'cause I had this
12 sense, when I was on the pedestrian way, I never
13 expected to have vehicles, but yet there were the
14 double-car buses and other kinds of vehicles that
15 would use it daily. I never really felt as
16 though, in my opinion, it was pedestrian-friendly.
17 In fact, I believe there were crosswalks in the
18 middle of intersections at one time?

19 MR. WRIGHT: Yes.

20 COUNCILMAN DICICCO: And they were
21 eliminated because they were creating a very
22 pedestrian-unfriendly environment?

23 MR. WRIGHT: Yes.

24 COUNCILMAN DICICCO: All right, just
25 curious.

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2 COUNCILMAN RIZZO: Councilman?

3 COUNCILMAN DICICCO: I'm not through
4 yet.

5 I think you heard my statement that I
6 would hold this bill. I'm not certain if I would
7 recommend that we hold it for a year. Naturally,
8 I'm only one voting member here, but my biggest
9 concerns are for what the financial implications
10 may or may not be.

11 Was there any consideration -- or do
12 you have any statistics? Or when you were looking
13 to design the reopening the Chestnut Street, did
14 anyone ever take into consideration what the
15 impact on the businesses would be?

16 COUNCILMAN ORTIZ: Councilman, if I
17 may? Like, you said, the sound here is -- did you
18 say that things were eliminated like crosswalks
19 and -- because they were creating a pedestrian-
20 friendly environment?

21 COUNCILMAN DICICCO: Unfriendly
22 environment.

23 COUNCILMAN ORTIZ: Unfriendly.

24 COUNCILMAN DICICCO: Dangerous. They
25 were dangerous. There were crosswalks in between

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2 the numbered streets, between 15th and 16th,
3 between 16th and 17th. In the center, there were
4 these pedestrian walkways so that people could
5 transit from one side of the street to another.

6 Now, in a mall environment -- in Disney
7 World, that works, but it didn't work on Chestnut
8 Street, because you still had public
9 transportation vehicles and -- correct me if I'm
10 wrong -- in addition to delivery trucks. So it
11 wasn't as though we eliminated vehicles entirely
12 from the Chestnut Street mall. You always had
13 both things happening at the same time.

14 And for me, and I may be in the
15 minority here, and I'll get to you, Councilman
16 Rizzo. For me maybe, and I may be in the
17 minority, I always felt very intimidated because I
18 had this sense of kind being like, I guess,
19 oversafe about the fact that I was walking down
20 the sidewalk but yet, there was still cars, and I
21 just couldn't figure out how we can call it a
22 pedestrian walkway or mall when you had vehicles
23 running down there constantly.

24 So -- and I believe those center
25 intersection walkways, or whatever the technical

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2 name for it is, were eliminated because they posed
3 a big hazard to pedestrians. I mean, people would
4 walk out into the middle of the street and --

5 UNIDENTIFIED SPEAKER: They've been
6 eliminated.

7 COUNCILMAN DICICCO: They've been
8 eliminated.

9 So it wasn't working, it didn't work.
10 And I guess there are other issues as to what the
11 implications to the business community was. I
12 mean, there are lots of different opinions out
13 there. Was it the fact that we did take vehicles
14 off that caused the business community to suffer?
15 Or was it the fact that people's shopping habits
16 had changed and they went to malls anyway?

17 I don't know if we can put our finger
18 on the exact reason for that but I think, in
19 opinion again, that's obviously what led me to do
20 this bill, is that the fact when you took vehicles
21 off that street, it caused businesses to suffer.
22 And I know in the evening -- because most of my
23 free time, if it's not down in my neighborhood
24 going to restaurants, it's in Center City --
25 Chestnut Street is much more vibrant today, there

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2 are many more people walking the street at night.
3 You may have had high pedestrian traffic during
4 the day, but I know in the evening, before cars
5 were allowed back on, very few people walked
6 Chestnut Street.

7 Councilman Clarke and then
8 Councilmember Rizzo.

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chairman. Mr. Chair, first I would like to
11 thank you for agreeing to hold the bill. As the
12 cosponsor of the bill, I agree that I think we
13 need some more discussion, particularly centering
14 around the public funding nature of this bill.

15 But I had a question with respects to
16 the design of the project and also the existing
17 enforcement. As you recall, prior to bringing
18 back vehicle traffic to Chestnut Street, it was
19 essentially used both, as the Chairman stated, as
20 a mass transit route and additionally, a delivery
21 route. One of the problems that I have, and this
22 kind of centers around the enforcement arm, is in
23 evaluating whether or not we should continue to
24 proceed with the current no-right-hand-turns or
25 ask for those no-right-hand-turns to be taken off

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2 of -- you can't get a clear sense of what we
3 should do because you currently have loading
4 vehicles in the transit lanes, in the passenger
5 lane. I have no idea what to do because I can't
6 get a sense of what's going on around there.

7 And my question is, first of all, did
8 you take into account that you were essentially
9 eliminating a substantial portion of the loading
10 zones? In addition to which, is there any idea of
11 when we might get some enforcement on Chestnut
12 Street, given the existing conditions?

13 MR. WRIGHT: I can answer the loading
14 zone issue. We did talk to the business people on
15 the street and also worked with the Parking
16 Authority, and each block has a loading zone of
17 varying length, usually at least three delivery
18 trucks long, and in some cases, four. The problem
19 that we have been experiencing now is that there
20 is illegal parking in the loading zones.

21 So there is an enforcement issue.
22 Again, the right turn is an enforcement issue.
23 The Department of Streets isn't an enforcement
24 agency. We've talked to the Parking Authority and
25 police about heightened levels of enforcement.

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2 The Parking Authority has responded, the police
3 have said they would respond. We're still waiting
4 to see.

5 COUNCILMAN CLARKE: You're saying that
6 there is currently loading zones on each block?

7 MR. WRIGHT: Yes.

8 COUNCILMAN CLARKE: And how long are
9 they again?

10 MR. WRIGHT: They're at least three
11 panel truck's lengths long; in some cases, they're
12 four trucks long. And they vary as to the
13 location on the block. We tried to tailor it,
14 each block so they would be closer to the
15 businesses that needed the deliveries more than
16 others. Some of the businesses have rear access,
17 where they can get delivers deliveries from Sansom
18 Street or the street on the north side, which I
19 believe is Ranstead or Ludlow, depending on the
20 block.

21 So businesses do not --

22 COUNCILMAN CLARKE: What was the length
23 prior to the reconstruction of Chestnut Street?

24 MR. WRIGHT: The length of the loading
25 zone?

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2 COUNCILMAN CLARKE: The loading zones.

3 MR. WRIGHT: It was basically the whole
4 north side of the street.

5 COUNCILMAN CLARKE: So we've eliminated
6 half of it.

7 MR. WRIGHT: We've taken it down by at
8 least two-thirds, yes.

9 COUNCILMAN CLARKE: So by the
10 elimination of half of them and by the lack of
11 enforcement, we pretty much have a zoo around
12 there, right?

13 MR. WRIGHT: Unfortunately, yes.

14 COUNCILMAN CLARKE: All right. Even if
15 we get adequate enforcement, we'll still have a
16 problem because we've eliminated half the loading
17 zone.

18 MR. WRIGHT: Some of the loading habits
19 that developed when the Transitway was in effect
20 was that some of the numbered street's businesses
21 would have their loading vehicles park on Chestnut
22 Street. So you have some vehicles that are
23 actually making deliveries or picking up on some
24 of the side streets that at one time used Chestnut
25 Street, and now they may have a problem because

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2 both police and the Parking Authority many times
3 during the project design, and we've also sent
4 letters after the project completion to
5 continually ask them to give us higher levels of
6 enforcement. As I noted, the Parking Authority
7 has been there and we have noticed a good
8 response. The police have needed a little more
9 pushing, what they said they would enforce it.

10 COUNCILMAN CLARKE: So the Parking
11 Authority is responding, the police are not,
12 essentially, really responding as you would like.

13 MR. WRIGHT: That appears to be the
14 case.

15 COUNCILMAN CLARKE: Who has the primary
16 responsibility of writing tickets on Chestnut
17 Street; is it the Parking Authority or the
18 police?

19 MR. WRIGHT: The Parking Authority
20 addresses the parked vehicle and the police are
21 addressing the moving violations like the right
22 turns.

23 COUNCILMAN CLARKE: All right.

24 MR. WRIGHT: So it's a combination.

25 COUNCILMAN CLARKE: All right. So my

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2 issue with respects to delivery vehicles are
3 really the Parking Authority's responsibility.

4 MR. WRIGHT: Yes.

5 COUNCILMAN CLARKE: Okay. I'd like to
6 really talk to you about that 'cause I'd like to
7 come up with some sort of solution; in other
8 words, in the best case, a compromise that we can
9 accommodate everybody's needs, okay?

10 MR. WRIGHT: Okay, we'd be happy to do
11 that.

12 COUNCILMAN CLARKE: All right thank
13 you.

14 MR. WRIGHT: Thank you.

15 COUNCILMAN DICICCO: Thank you.

16 Councilman Rizzo?

17 COUNCILMAN RIZZO: Thank you,
18 Mr. Chairman.

19 I think the Chairman adequately
20 addressed the issue. But, again, that false sense
21 of security that once existed there before the --
22 when it was not accessible to vehicle traffic, you
23 -- I think of all the times I can remember
24 possibly being hit by a motor vehicle, it was on
25 the Transitway, because you got, again, that false

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2 sense of security that you were in an area that
3 was vehicular-free, and police cars, cabs -- one
4 of the biggest problems was when people didn't
5 realize that they weren't supposed to be on the
6 Transitway, and then when they realized they were,
7 they ran like, you know, they moved out quickly to
8 get off the Transitway before being observed by
9 police. And I have personally witnessed the
10 problems with the right-hand turn there. And,
11 again, I concur totally with the Chairman and
12 Councilman Clarke on this issue.

13 Thank you, Mr. Chairman.

14 COUNCILMAN DICICCO: Thank you.

15 I think, you know, the intentions
16 obviously were to stimulate and revitalize
17 Chestnut Street, to bring more activity there.
18 And in the process, I think, obviously, when you
19 change things, you kind of create other problems
20 for yourself and you have to figure out a way of
21 getting around this. And I appreciate the fact
22 that you're asking for more time; I just don't
23 know if a year -- I think a year might be a little
24 bit too much.

25 But the irony of the whole thing is,

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2 when Councilmember Clarke talks about loading
3 zones, maybe we need to look at -- not the irony
4 of it, but maybe we need to look at -- and I was
5 always wondering we permit deliveries at certain
6 hours in Center City. I mean, I take 13th Street
7 in most mornings from South Philadelphia, and I'm
8 constantly zigzagging in and out of where delivery
9 trucks are, all along 13th Street, from Spruce
10 Street as far north as Sansom, 'cause I generally
11 turn up Sansom.

12 So 13th Street, Chestnut Street are not
13 unlike, they're very; right-hand turns are
14 allowed on 13th Street. But the circumstances are
15 very similar, and I suspect that it's the same
16 thing on 11th Street, 12th Street, what have you.
17 So maybe we need to look at, for another
18 discussion, establishing delivery times.

19 But the irony of the whole thing is,
20 now that we have provided for parking on Chestnut
21 Street for private vehicles, personal vehicles,
22 the other issue I raised a couple months ago,
23 which I have not been able to move forward on, is
24 the handicapped parking: they take up
25 approximately 60 to 70 percent of the spaces, so

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2 that reduces the number of spaces for delivery
3 trucks, which are short-term parking, as what is
4 the purpose of metered parking in the first
5 place. So, again, there are lots of other things
6 going on out there that are probably creating this
7 hazardous situation and this need to figure out,
8 do we need to open up two lanes for travel as
9 opposed to one. So cumulatively, we have to just
10 look at this and figure out what do we eliminate
11 or what do we add.

12 I just, sitting here listening -- and
13 I'll take the rest of the testimony in a minute.
14 When you think about -- I'll give you a
15 hypothetical. I'm driving in my car and I'm going
16 west on Chestnut Street from the Schuylkill
17 Expressway -- I'm sorry, going east on Chestnut
18 Street, coming from the west going east on
19 Chestnut Street. And I get to 18th Street and I
20 want to go to 16th and Walnut, 16th and Walnut.
21 If I were permitted to make a right-hand turn off
22 of Walnut Street, I would be traveling four
23 blocks: two blocks east -- three blocks: two
24 blocks east to 16th, one block south to Walnut.
25 Under the -- three blocks, right?

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2 Under the present rules and
3 regulations, I now have to travel twelve blocks
4 east to Sixth, one block over to Walnut Street,
5 and then twelve blocks west again to get to 16th
6 and Walnut Street. Now, there are those who argue
7 about the bus lane and the bike lane, but have we
8 looked at the additional traffic that is now being
9 placed on all of the streets as a result? Because
10 it creates another bottleneck. The bottleneck
11 used to be 18th Street; now the bottleneck, I
12 guess, becomes Sixth Street. We just moved the
13 one bottleneck from one location further east.

14 And what about air pollution issues?
15 That many more cars traveling approximately two
16 and a half miles to go three blocks. There's
17 something definitely wrong with this picture, in
18 my mind, in my opinion.

19 So there are a lot of other issues in
20 addition to do we respect the right-hand lane, the
21 south lane being for bikers and buses. Well, I
22 think the bicycle people are air-quality
23 advocates, as I am. So, you know, when you take
24 one thing away, you may be making conditions
25 worse. So if we're all concerned that we want

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2 people to use more public transportation and not
3 use their personal vehicles -- and that's just
4 going to be when people make up their mind to do
5 that. But we are creating air pollution problems
6 by keeping that many more vehicles on the street
7 for that much more time -- in the best-case
8 scenario, when they're just moving and there's no
9 traffic jam-ups.

10 But you know what Walnut Street gets
11 like and you know what Sixth Street likes when you
12 get to Sixth Street to make the right-hand turn
13 for everybody who legally follows the rules and
14 goes as far east at Sixth Street, so --

15 And then you have the problem with
16 Jefferson Hospital: people can't turn into the
17 emergency services. Ambulances could get away
18 with it, but you or I, if legally we wanted to get
19 someone to the emergency room, we would literally
20 be forced to break the law. And I'm worried that
21 someday someone may have someone in their car in
22 an emergency situation, the police officer doesn't
23 know it, pulls the car over to ask them for their
24 identification, and the driver's trying to explain
25 that they got to get to a hospital. The cop's

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2 probably figuring they're just saying that because
3 they wanted to avoid the ticket, and something
4 happens to that person, I think we put ourselves
5 in a really dangerous situation by making this
6 prohibition as long as it is.

7 There may be a compromise at some point
8 too, where we can't do all of the streets, I don't
9 know yet. But I just wanted to share that with
10 you. There's a lot of things going on out here
11 that I think need to be addressed.

12 Any questions for this witness?

13 Councilman Cohen?

14 COUNCILMAN COHEN: If I may add
15 something to the Chairman's statement about the
16 right-turns (inaudible) the Walnut Street retail
17 establishments to have free access to Walnut
18 Street from Chestnut Street. Often you have to
19 ride east on Chestnut Street to a street that goes
20 south to get to the Walnut Street.

21 COUNCILMAN DICICCO: I just laid that
22 out.

23 COUNCILMAN COHEN: Did you?

24 COUNCILMAN DICICCO: It's two and a
25 half miles. If I -- I'll just briefly say it. If

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2 I was driving east on Chestnut, when I get to
3 18th, if I wanted to go to 16th and Walnut, I now
4 have to go two and a half miles (25 blocks), which
5 in city terms is about two and a half miles, to
6 get to 16th and Walnut 'cause I have to travel
7 east to Sixth Street, which is 12 blocks, and then
8 come back another 12 blocks to 16th, as opposed to
9 the three blocks if I were permitted to make the
10 right-hand turn off of Chestnut Street from 18th
11 to 16th. So --

12 COUNCILMAN COHEN: You know, that's
13 absolutely true. I know at the beginning of the
14 week, I had an appointment at Wills Eye Hospital,
15 and I had to go east on Chestnut till I could find
16 the proper street to cut south, you know, to be
17 able to get to Walnut and then come back to Walnut
18 to Eighth and Walnut where Wills Eye Hospital is.

19 I think there's got to be some method
20 of having free access to Walnut Street at every
21 level or you're going to have a big outcry from
22 the Walnut Streets merchants.

23 COUNCILMAN DICICCO: We already are.

24 COUNCILMAN COHEN: We already are
25 crying.

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2 COUNCILMAN DICICCO: That's one of the
3 reasons we're here today.

4 COUNCILMAN COHEN: Oh, oh, okay, I'm
5 glad to hear that. They knew about it real early
6 and I think they're doing the right thing by
7 making it clear. We've got to find the answer to
8 it.

9 COUNCILMAN DICICCO: And the Avenue of
10 the Arts too, it restricts the Avenue of the Arts
11 access. Thank you.

12 Are there any other questions for this
13 witness?

14 (No further questions.)

15 COUNCILMAN DICICCO: The next line of
16 witnesses, please come forward. And as you come
17 to the table, for those of you who have not been
18 here before, please identify yourself for the
19 record and spell your last name for the
20 stenographer, please.

21 (Witnesses come forward.)

22 MR. LEVY: Good afternoon. My name is
23 Paul Levy, and I'm the Executive Director of the
24 Center City District. I want to thank Councilman
25 DiCicco and Councilman Clarke for holding this

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2 hearing.

3 What I'd like to do -- I've already
4 distributed, I believe, copies of my testimony --
5 is offer what I think are seven very good reasons
6 why City Council should authorize right turns on
7 Chestnut Street.

8 First of all, as I think this
9 conversation just went on, when you post rules on
10 a street that exists no other place in the City, I
11 think you create a confusion, which is
12 unnecessary. We are trying to attract tourists to
13 the City, we're trying to welcome the parents of
14 people who go out to the University out in West
15 Philadelphia, and we have now posted a
16 no-right-turn the entire length of street, which
17 creates confusion and requires us to use the
18 police officers, who should be enforcing the
19 no-parking by all of the delivery trucks, to be
20 pulling people over on Chestnut Street, pulling
21 them over for making this turn.

22 I guess the simple question is, do we
23 want our police officers in "the place that loves
24 you back" to tell people exactly what you just
25 said: No, I'm sorry, you need to go all the way

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2 to Sixth Street in order to get to Walnut Street.

3 Second, as I think came up in the
4 earlier discussion, the police are right now tied
5 down enforcing this no-right-turn. We need to
6 free them up to prohibit the illegal parking that
7 is going on by the delivery vans. I am certainly
8 a major supporter of having commerce in this city,
9 but what is going on is those delivery vans are
10 parking there all day, they are taking their
11 parking ticket as the cost of doing business,
12 they're getting one ticket, and they're sitting
13 there all day. We need the police officer to tell
14 them simply to move. They are not serving the
15 businesses on Chestnut Street; they are using it
16 as a very inexpensive parking lot to go to Market
17 Street and to go to Walnut Street.

18 I think a much more important key issue
19 is, number 3, Sansom Street is where we have put
20 the parking. We have a zoning code that prohibits
21 a lot of parking on both Chestnut and on Walnut
22 Street. There are 2000 parking spaces on Sansom
23 Street between 20th and Seventh Street; that is 12
24 percent of the parking supply that we have south
25 of Market Street. We are now telling people

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2 driving into Center City that they can't get to
3 the parking that we've zoned and put onto Sansom
4 Street.

5 Third, as Councilman DiCicco has
6 already said, we are creating a real-life safety
7 issue by not allowing people to get to the
8 emergency room at Thomas Jefferson Hospital.
9 Whatever money we have put into Chestnut Street,
10 we have put ten times as much into the Avenue of
11 the Arts, and to say that we're not going to have
12 people be able to turn right to the get to the
13 Regional Performing Arts Center and all the other
14 theaters make no sense.

15 But I want to get to the arguments that
16 we're going to hear the rest of this afternoon,
17 and that is that if we're going to try to preserve
18 the remnants of a failed transitway, we're going
19 to fail again. Those who are here to defend the
20 status quo and say that we want SEPTA buses to
21 move as quickly as possible on the street I think
22 are making a huge mistake. Clearly, when you have
23 a dedicated transitway on a highway, you want
24 buses to move at 30 to 40 miles an hour. To
25 encourage buses to go at 30 to 35 miles an hour

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2 down Chestnut Street is exactly counter to what we
3 need on safe vehicular and pedestrian streets in
4 Center City.

5 This is not progressive planning, this
6 is turning the cars and street back over to
7 high-speed buses. We do have a dedicated transit
8 lane on a very wide street; it's called Market
9 Street. There is no reason why Market Street
10 can't provide those transit-only lanes.

11 As I think, Councilman, you, yourself
12 said, Chestnut Street used to close down at
13 night. The proof of the failure of that previous
14 plan is there was not a single restaurant or
15 business opened after 5 o'clock on Chestnut Street
16 until the street was liberated, and cars and
17 people were returned. We now have restaurants
18 opening up on that street, we have a thriving
19 street, we have people living upstairs, we are
20 restoring the tax base.

21 And now to, I think, the most
22 interesting point. Placing buses and bicycles in
23 the same lane makes no sense at all. Bicycles are
24 a very energy-efficient way of commuting to work.
25 But I will tell you, as having participated in

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2 this process, there was no planning whatsoever to
3 pick Chestnut Street as a bicycle route. This was
4 chosen because someone in the last City
5 administration knew that buses and bicycles were
6 very high priorities for federal funding, and they
7 thought they would be clever by saying, Let's put
8 buses and bicycles together and we'll get some
9 federal funding. That's what we did, it's that
10 same thinking that got us a failed transitway for
11 25 years.

12 I will ask a very simple question: Do
13 bicyclists only ride east in Philadelphia? We
14 have a dedicated eastbound route, we have a
15 dedicated route to go in that direction. Are they
16 all on Penn's Landing, or do they find other ways
17 to come back?

18 My point is more serious than that.
19 Philadelphia needs thoughtful planning for bicycle
20 routes. There are many less traffic streets in
21 Center City, such as Locust, Spruce or Pine, which
22 would be much safer and saner routes for bicycles
23 to go in either direction. There is not a
24 bicyclist in their right mind who proceeds forward
25 at 15 miles an hour on a bicycle that weighs 40

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2 pounds who wants a 39,000-pound SEPTA bus behind
3 them at 25 miles an hour. That is a formula for
4 failure, it is a formula for unsafety.

5 Clearly, the bicycle coalition is not
6 supporting Chestnut Street because it's ideal
7 bicycle planning; it's because they believe they
8 have a half a loaf and they feel symbolically if
9 it's taken away, they will never get anything back
10 again. The Center City District, therefore, will
11 place again on the table an offer we've made
12 before: that we will help fund the type of
13 bicycle transportation planning that really needs
14 to happen we can so pick the same routes -- the
15 same routes -- so that people can commute sanely
16 to work on their bicycles.

17 I will tell you very quickly, without
18 reading the details, we did a survey in the last
19 week of bus, bicycle, pedestrian, and car movement
20 on Chestnut Street. You have that in my
21 testimony. I will simply say that if City Council
22 is interested in doing the best thing for the
23 largest number of people, you should know that
24 there are 40 times as many bus riders as there are
25 bicycle riders on Chestnut Street, there are 22

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2 times the number of car drivers as there are
3 bicyclists. So if we're going to do the greatest
4 good for the greatest number, we need to look at
5 buses first, cars second, and find a much saner
6 place for bicycles.

7 I should also tell you that we've
8 looked at SEPTA's information and gotten their
9 ridership information. Typically, they have 5,000
10 riders a day on buses on Chestnut Street; 37
11 percent of them are during the morning rush hour.
12 Maybe there's a compromise here that we have a
13 dedicated transit lane when 40 percent of the
14 riders are coming in at morning rush hour. Think
15 about the routes on Chestnut Street; they're
16 inbound routes, they're not outbound routes from
17 the City. There are any number of sensible ways.
18 We welcome the offer of the Managing Director's
19 office to do something sane here.

20 But the Center City District strongly
21 supports opening right turns on the street to
22 support businesses. We believe there's an
23 appropriate place for buses and for bicycles, but
24 to try to do all in one place is a formula for
25 failure.

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2 Thank you very much.

3 COUNCILMAN DICICCO: Thank you,
4 Mr. Levy.

5 MR. MCCLOSKEY: I chased everybody out
6 of the room.

7 COUNCILMAN DICICCO: Where did
8 everybody go? Any questions? Is there a
9 committee here?

10 (No questions.)

11 COUNCILMAN DICICCO: Thank you. Your
12 testimony, as usual, is always very eloquent and
13 very informative.

14 MR. LEVY: Thank you.

15 COUNCILMAN DICICCO: I think what may
16 happen as a result of today's hearing is, I may
17 want to create one of those little task that I
18 normally put together and, obviously, I will reach
19 out to you, Mr. Levy.

20 MR. LEVY: Okay.

21 COUNCILMAN DICICCO: And see if we
22 can't figure out something, and I really
23 appreciate your willingness to look at alternative
24 bike lanes in the Center City Special Services
25 District, and I believe we can find something

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2 that, for me, is much more safe than what goes on
3 out there today.

4 MR. LEVY: Right.

5 COUNCILMAN DICICCO: It has always been
6 for me an issue of public safety as well as making
7 it more convenient for automobile drivers to
8 commute throughout Center City. Again, thank you
9 for your testimony.

10 MR. LEVY: Thank you for the
11 opportunity.

12 COUNCILMAN DICICCO: I'll leave it up
13 to the folks who are up there to decide who's
14 first and second. And, again, just identify
15 yourself for the record and spell your last name.

16 MR. NIGRO: My name is Donald Nigro,
17 N-I-G-R-O. I'm President of the Delaware Valley
18 Association of Rail Passengers, and I'm here
19 speaking on behalf of the organization.

20 Before I get to my prepared testimony,
21 Mr. Chairman, I'd like to address the example that
22 you cited, traveling eastbound Chestnut and you're
23 at 18th Street. I would think that if somebody
24 would need from that location to get to 15th or
25 16th and Walnut, the thing to do would be to make

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2 a left turn at 18th Street or at 16th Street and
3 go to Market Street, and then cut over to Walnut
4 Street. There are -- I don't see the need to go
5 all the way down to Sixth Street or to cross Broad
6 Street.

7 COUNCILMAN DICICCO: I'd like to
8 respond to that. That's if someone knows their
9 way around the City. I mean, I get letters from
10 people who we are trying to attract to come to
11 this city. I got a letter from a lady who lived
12 in New Jersey, came to the City because she wanted
13 the experience of Philadelphia. She heard about
14 renaissance going on downtown. She came to the
15 City to have dinner. She was on Chestnut Street,
16 unfamiliar with Chestnut Street. It's foreign
17 territory to her. She was lost, basically lost,
18 couldn't find her way south.

19 And it's just not -- it isn't just
20 about Walnut Street, by the way. I used that as
21 an example because that was the closest street
22 south of Chestnut. If you want to take it
23 further, you can go as far south as you want. If
24 you want to get to Spruce, you want to get to
25 Locust, you want to get to Washington Avenue, it's

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2 the same conditions that apply.

3 She was issued a citation because she
4 made a right-hand turn off of Chestnut Street in a
5 panic, basically. She was very anxious because
6 the further east she got, the more she felt that
7 she was lost. She got a ticket. She is never
8 coming back to Philadelphia again, because she
9 went to the restaurant, paid an exorbitant amount
10 of money to park her car legally and then gets
11 whacked with a \$75 ticket for turning right off of
12 Chestnut Street.

13 That is not a an isolated case. It
14 happens many times, because I'm only citing one
15 letter. I've gotten many letters, and I get
16 letters from people who own restaurants, when
17 their customers walk in and say, It took me an
18 hour to get here, I'm sorry I'm later for my
19 reservation, and in the process, I got a ticket to
20 come to your restaurant to eat 'cause I couldn't
21 find the damn place. And that's the kind of stuff
22 that we hear.

23 MR. NIGRO: Well, if I may say, I think
24 your point about visitors is an excellent one, and
25 perhaps maybe the solution is clearer signage. In

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2 other words, make left turn to go right. But the
3 Delaware Valley --

4 COUNCILMAN DICICCO: Make a left-turn
5 to go right to where? I mean, the signage is
6 going to say, If you want to get to Le Bec Fin,
7 make a right here, but if you want to go to Tre
8 Stalini, go three blocks south, make a right,
9 travel ten blocks south to Tasker, and then make a
10 left. You know, get real.

11 Getting to Walnut Street may be easy
12 for some people, but for someone who doesn't know,
13 and they want to get to a specific place on Walnut
14 Street, there's not enough room for the signage
15 that you would need to direct them properly.

16 MR. NIGRO: Well, I'm not a traffic
17 engineer but I --

18 COUNCILMAN DICICCO: And neither am I,
19 but be realistic. If you've traveled to other
20 cities or out into the country and you're looking
21 for a place of destination, it's difficult, and
22 all of the signage in the world sometimes doesn't
23 help you get there.

24 MR. NIGRO: Perhaps maybe the question
25 could be put to our traffic department.

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2 The Delaware Valley Association of Rail
3 Passengers urges the City of Philadelphia to
4 strictly stick to its commitment on how the bike
5 transit lane would be used. We urge the City to
6 recognize that high levels of automobile traffic
7 deteriorate the experience of walking and shopping
8 the streets of Center City. All one needs to do
9 is compare what -- how pleasant it is to walk
10 Center City at 10, 11 o'clock on Sunday morning
11 compared to other times.

12 Adding capacity to Center City streets
13 induces traffic and ultimately increases
14 congestion on the streets. Center City is served
15 by an extensive network of transit lines. This
16 network is capable of carrying many more
17 passengers and could be made to be made much more
18 attractive for people to travel to Center City.
19 SEPTA's commuter rail system is the slowest in the
20 country. Philadelphia's buses, unlike those in
21 most other major cities, lurk along with delays
22 caused by one passenger stop at every block rather
23 than at every other block; and, two, the
24 operators' refusal to adequately encourage
25 passengers to exit from rear so that people can

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2 immediately board at the front.

3 We urge that the southern lane of
4 Chestnut Street be kept exclusively for bikes and
5 transit. Please do not fall into trap of applying
6 the City Line Avenue mobility improvement
7 techniques to Center City.

8 Thank you.

9 COUNCILMAN DICICCO: Thank you. Next
10 witness, please.

11 MS. BORDEN: Hi. I'm Sarah Borden.
12 I'm General Manager of Rittenhouse Row. My last
13 name is B-O-R-D-E-N.

14 Rittenhouse Row is a marketing
15 destination firm that's nonprofit and membership-
16 based, and we promote the area from Broad Street
17 to 21st Street, between Spruce and Market
18 Streets. Our membership consists of over 265
19 retail, restaurant and corporate members.

20 Our interest in this bill -- there's
21 two major reasons: One is the employees of these
22 merchants commute into the City; not all of them,
23 but a majority of them do commute in. And their
24 parking is on Sansom Street. If they come in from
25 the Schuylkill, come down Chestnut, again, it's a

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2 roundabout way to have to reach the parking
3 garages on Sansom Street, and the no-right-turn
4 rule is a problem for them. Also, in just finding
5 parking spots, moving around the City, driving to
6 the City, it is a hindrance to getting to
7 particular places that you need to be, whether you
8 know your way around or not.

9 Secondly, our organization, we promote
10 that area. We bring in visitors, we bring in
11 people to go to our restaurants, to shop at our
12 stores, to go to the spas and salons, and they are
13 not familiar with the area. They have a difficult
14 time getting to our members' facilities.

15 And for these two reasons, we
16 definitely support allowing right turns off of
17 Chestnut Street.

18 COUNCILMAN DICICCO: Thank you. Any
19 questions for this witness?

20 (No questions.)

21 COUNCILMAN DICICCO: Next witness,
22 please.

23 MS. MCNAMARA: Hi. My name is Sue
24 McNamara. I'm the director of the Bicycle
25 Coalition of the Delaware Valley. The Bicycle

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2 Coalition has 2,000 dues-paying members but also
3 we also represent thousands of Philadelphians who
4 bicycle for choice or economic necessity.

5 When Chestnut Street was created --
6 when the current design that Bob Wright talked
7 about was created, it was a compromise. And we --
8 The whole compromise was completed less than three
9 months ago, and as a compromise, everyone had to
10 give up something, so -- and we understand that
11 with 3,000 miles of streets, this was the only
12 mile -- this was the only part of the street where
13 cars weren't allowed free rein, as they are in our
14 other 3,000 miles of streets.

15 And we compromised and everybody says,
16 Well, you're sharing it with the bikes and the
17 buses, and how does that feel? So I'll talk a
18 little bit about, 'cause that wasn't what I was
19 going to originally talk so much about.

20 But bike/bus lanes are not an uncommon
21 thing. Yes, they're not the best thing, but we
22 have a tight, constricted city where we all have
23 to share a very limited cartway, and so how do you
24 best do that in? In some cases, a dedicated bike
25 lane certainly is the optimum thing that we are

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2 looking for 'cause traffic-calm streets, we'd love
3 to see more traffic-calm streets.

4 We'd love to -- in order to get some of
5 these things, we'd have to remove parking,
6 something that's been an extreme issue and
7 something very hard to get through the City. So I
8 would like, if we're putting all of things on the
9 table, let's entertain removing some of the
10 on-street parking, especially as we continue to
11 build parking garage after parking garage, and try
12 and move some of this parking into the garages.

13 But the other thing, the bike/bus lane
14 is -- it's used all over. I just came from Paris,
15 where I rode a bike around Paris for a week. They
16 effectively use bike/bus lanes everywhere in that
17 city. And they were big, I didn't feel -- even
18 though I didn't even speak the language and it
19 wasn't my country, I didn't feel dangerous on a
20 bike/bus lane. It can be used if we make people
21 comfortable with it, we maintain it.

22 It's far more dangerous to have the
23 cars moving in and out of the bike/bus lane when
24 you don't expect them than to know that you have a
25 bus lane -- all you're fending off is buses. I

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2 think, actually, the red design of the bike/bus
3 lane is really a positive thing, making a visual
4 separation between that and the driving lane is
5 really helpful.

6 Myself, I'm a more experienced cyclist
7 but I actually feel very comfortable in that
8 lane. Less experienced cyclists are going to feel
9 comfortable in it. It is on the bike network
10 plan, so it is a part of the network of streets
11 that we are trying to create, which is 300 miles
12 of bike networks.

13 One of the reasons that I was told that
14 this hearing was held was to provide access to
15 garages, is that true, access to a few garages on
16 Sansom Street? It was some of the difficulties.
17 In the mailing that I got from Councilman Nutter's
18 office, it said that it was looking at this to
19 provide access to parking garages on Sansom
20 Street. And, clearly, that was one of the things
21 that kind of offended us a lot, that access to
22 parking garages and access to things for private
23 automobiles are sort of being considered over the
24 mobility of people who may not have access to a
25 private automobile and may not have that choice,

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2 people in transit who, many times, can't afford a
3 private automobile, and seeming the weight the
4 needs of a few against the needs of many, many who
5 don't have a voice of their own, or not as strong
6 a voice certainly as businesses.

7 And really quickly, I just also wanted
8 to commend the Streets Department and the Mayor's
9 Office of Transportation for trying something
10 new. So often in Philadelphia, and especially in
11 our Streets Department with traffic engineering,
12 we never try anything new. We hold on to these
13 things that were, like created in the '60s, and we
14 fail to address new traffic engineering ideas.
15 And here they go, they try something new and they
16 give it a shot, and it took them like less than
17 three months and they're already being called to
18 task for it. And we want to applaud them for
19 thinking ahead, we want to encourage them to do
20 more thinking-ahead things and not to do less and
21 not feel like they're going to get bitten every
22 time they do something that's forward-thinking.

23 And I guess that's just -- I did want
24 to address the thing that you also said about the,
25 you know, that the bicyclists with air quality

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2 should want people driving around less. It sort
3 of goes back to an old axiom that people often
4 say, you know, you don't solve being overweight
5 with loosening your belt buckle. And Don touched
6 on it.

7 If we allow more cars on Chestnut
8 Street, everybody has proven in planning that that
9 just makes more cars into Center City. It doesn't
10 really -- eventually, that gets clogged up and it
11 doesn't mean -- because people know they can
12 travel freely there, then they do, and then that
13 creates congestion.

14 So in the end, the ultimate -- it may
15 not be tomorrow, but in five years, the air
16 quality is worse because the traffic is more
17 clogged. I think that we have so many cars in
18 Center City and we're not doing much to address
19 limiting cars in Center City; we're just sort of
20 doing things to address adding more cars in Center
21 City. And that's not what forward-thinking cities
22 are doing. Forward-thinking cities are looking at
23 limiting cars, they're looking at limiting
24 parking, they're looking at, not having so much
25 on-street parking, adding more bikes, adding more

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2 pedestrians.

3 And that, it's proven, attracts
4 tourists, and it attracts people to spend their
5 money. People don't go to Europe to sit in an
6 automobile; they go to stroll in pleasant
7 streets. And by accommodating the car as king, we
8 have to start looking at other ways of doing this.
9 And this was a first step, and I think we should
10 continue that.

11 I would agree with Bob, let's give it a
12 year and then recommit. We're not totally
13 against recommitting; we just want it to be a
14 commitment, not just, Okay, well, the cars want
15 this, let's give it to them.

16 Thank you for letting me speak.

17 COUNCILMAN DICICCO: Thank you.

18 I've been to Italy three times, and
19 it's a cultural thing, people do walk. And people
20 don't eat inside, most people want to eat out on
21 the sidewalks at restaurants, at outdoor cafes.
22 It's just a cultural thing.

23 MS. MCNAMARA: But I think that
24 Americans, given that opportunity, would want that
25 too.

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2 COUNCILMAN DICICCO: I don't believe --
3 at least it's not my intention -- to remove the
4 bike/bus lane from Chestnut Street, my intentions
5 were not to encourage more cars to come. That
6 very well may happen, but that's not my intention.

7 I mean, you heard Paul Levy. I've been
8 willing to work with the Bicycle Coalition 'cause
9 I ride a bike. I don't take it to work because,
10 to be perfectly honest, I just can't do it because
11 of the nature of my job. But I drive a bike. I'm
12 on Columbus Boulevard and I'm frightened to
13 death. There's a bike lane there.

14 But there are many streets in the City,
15 and I don't know if there are other areas where we
16 have bike/bus lanes. Is Chestnut Street the only
17 bike/bus lane that we --

18 MS. MCNAMARA: Actually, Market Street
19 is a bike/bus lane and Walnut Street is a bike/bus
20 lane, but those nobody even notices 'cause they're
21 not red.

22 COUNCILMAN DICICCO: But I ride on the
23 streets and I always wondered -- I mean, you drive
24 on 11th Street since we removed the trolley lines
25 where I live, between Wharton and Bainbridge, on

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2 the north side of Washington Avenue, in both
3 directions, going north and south, there's a bike
4 lane. There's no bike lane south of Washington
5 Avenue, it ends. And you're always interacting
6 with traffic. So we don't have these exclusive
7 lanes, and I know that's what we attempted to do
8 on Chestnut Street, but it's not working, and I
9 don't know if a year will make it any different.
10 I think in three short months we have already
11 experienced some of the problems that
12 unintentionally may have been created.

13 I applaud the Administration, the
14 previous administration, for looking for
15 alternatives, for trying to create a more
16 pedestrian-friendly environment. They tried it in
17 1976 -- it didn't work -- when they created the
18 Chestnut Transitway.

19 I really think that the best solution
20 for us is to look for an alternative route --
21 Spruce Street, Locust Street, what have you, that
22 Paul Levy mentioned, and create a bike lane on
23 those streets. I just don't think it will ever
24 work properly on Chestnut Street. That's my
25 opinion .

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2 MS. MCNAMARA: Can I ask you a
3 question?

4 COUNCILMAN DICICCO: And maybe we can
5 convince SEPTA to put bicycle racks on their buses
6 on Chestnut Street so that when you get to 18th,
7 you could put the bike on the bike rack and maybe
8 have a discounted or free transportation east to
9 Sixth Street.

10 MS. MCNAMARA: Yeah, that's a whole
11 'nother issue, which I could discuss with you
12 outside, but --

13 COUNCILMAN DICICCO: That could -- as a
14 trade-off.

15 MS. MCNAMARA: I would certainly
16 support putting a bike lane bike lane on Spruce
17 Street or Sansom Street, but you'd have to remove
18 a lane of traffic, that's the only way of doing
19 it, or a parking lane, both of which are
20 incredibly unpopular. And if we have the support
21 of Council and they want to push this through and
22 try that, hey, we'll be there for you and we'll do
23 everything we can, but that's a major political
24 battle.

25 COUNCILMAN DICICCO: We'll see. My

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2 chief of staff's saying, what about the bikes that
3 don't stay in bike lane? We -- that's
4 enforcement, but we won't get into that one. You
5 know, those are the things we can put on the table
6 for when we convene with the task force in a
7 couple of weeks. I'll notify the appropriate
8 people to sit at those meetings.

9 Thank you for your testimony.

10 Councilman Clarke?

11 MS. MCNAMARA: Hi.

12 COUNCILMAN CLARKE: Did you say that
13 there's currently a bike/bus lane on Market
14 Street?

15 MS. MCNAMARA: On Market Street and on
16 Walnut Street, according to the signage. You
17 can't --

18 COUNCILMAN CLARKE: How does that
19 work?

20 MS. MCNAMARA: There's nothing physical
21 to see it.

22 COUNCILMAN CLARKE: How does that work
23 currently, as it relates to the ability to --

24 MS. MCNAMARA: Those two don't work at
25 all.

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2 COUNCILMAN CLARKE: They don't work at
3 all?

4 MS. MCNAMARA: They don't work at all.

5 COUNCILMAN CLARKE: And it's because
6 people drive in the lane or is it because of the
7 right turn?

8 MS. MCNAMARA: I think it's more
9 because of people driving in it. I would say that
10 Walnut Street is probably the most intimidating
11 street in town for a cyclist simply because of the
12 volume of traffic and with the buses.

13 Market Street is less intimidating on
14 the north side 'cause you have three lanes, two
15 travel lanes with the one bus lane; more
16 intimidating on the south side because there's one
17 travel lane and one bus lane.

18 COUNCILMAN CLARKE: But it doesn't
19 really -- it's not the right turn only?

20 MS. MCNAMARA: It's.

21 COUNCILMAN CLARKE: Is there any way to
22 make right turns on Walnut and Market Street?

23 MS. MCNAMARA: Well, yeah. But because
24 you have cars -- actually, what we're not -- what
25 we're opposed to, it's not so much that there are

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2 right turns, that people are turning right; it's
3 that they're staging themselves in that lane to
4 turn right.

5 So it's not particularly the turn
6 itself; it's the moving over into the lane.

7 COUNCILMAN DICICCO: But the answer to
8 the question is, you can make a right-hand turn
9 off of Market; you can't make a left.

10 (Unintelligible, parties talking over
11 each other.)

12 MS. MCNAMARA: Yeah, it's -- and Market
13 Street also has the issue that the surface is
14 horrible for bicycles 'cause it's really bumpy
15 because of the buses, but that's a whole 'nother
16 issue.

17 COUNCILMAN CLARKE: Okay. I'm just
18 trying to get some clarity because, you know, you
19 implied that Market and Walnut Street, with the
20 exception of the people illegally driving in those
21 lanes, if it were not for that, those would be
22 streets that, you know, would be something that
23 could live with as it relates to bicycle traffic.
24 But you didn't indicate it had anything to do with
25 the right-hand turns; it's more the people driving

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2 illegally or queueing up in the lanes that create
3 the problem, not the right-hand turns.

4 MS. MCNAMARA: No, it's the -- yeah,
5 it's people traveling illegally in the bus/bike
6 lane.

7 COUNCILMAN CLARKE: So why is that an
8 issue on Chestnut Street?

9 MS. MCNAMARA: Why is it an issue on
10 Chestnut Street?

11 COUNCILMAN CLARKE: Yeah.

12 MS. MCNAMARA: Because if somebody is
13 making a right turn, they have to stage themselves
14 into that right lane before they turn. So they're
15 coming from the left travel lane into the right
16 lane to turn.

17 COUNCILMAN CLARKE: But I'm saying that
18 -- but you're saying that -- is that what they do
19 on Market Street?

20 MS. MCNAMARA: Yeah. Market Street's
21 horrible; I'm saying Market Street's horrible.

22 COUNCILMAN CLARKE: But you said it was
23 horrible because of the people driving in the
24 lane.

25 MS. MCNAMARA: Because of the amount of

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2 traffic and the people driving in the lane. Yeah,
3 no one pays attention to the bus lane on Market
4 Street or Walnut Street; they pay attention to it
5 more, though not enough, on Chestnut Street.

6 COUNCILMAN CLARKE: So if there was a
7 way that people wouldn't queue up far back in the
8 street --

9 MS. MCNAMARA: Yeah, yeah. I mean,
10 Market Street --

11 COUNCILMAN CLARKE: If they queued up
12 closer to the corner, like maybe two cars --

13 MS. MCNAMARA: Yeah.

14 COUNCILMAN CLARKE: -- then it wouldn't
15 be as bad?

16 MS. MCNAMARA: I mean, I think that the
17 red street is a good step towards the less
18 queueing up in the lane.

19 COUNCILMAN CLARKE: Okay. I just
20 wanted to clarify that.

21 Thank you.

22 COUNCILMAN DICICCO: Thank you.

23 Next witness?

24 MS. RYAN: Good afternoon, Mr. Chairman
25 and Mr. Clarke. My name is Catharine Ryan,

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2 R-Y-A-N, and I am here to represent Thomas
3 Jefferson University and Thomas Jefferson
4 University Hospital. And I apologize if some of
5 the things I say really are repetitions, but I
6 think it's important to state the Hospital's and
7 the University's position on this right-hand turn
8 situation.

9 We obviously support the opening of
10 Chestnut Street to vehicular traffic. I think
11 it's been beneficial to both the City and
12 merchants, but we vehemently oppose the
13 restriction on right-hand turns, particularly at
14 Tenth Street. The entrance to Jefferson's
15 emergency department at is at Tenth and Sansom.
16 Persons traveling on Chestnut Street literally
17 pass the hospital and have to go a circuitous
18 route down to Sixth Street, then to Spruce, then
19 to Ninth, and finally to Sansom in order to cross
20 Chestnut and access the emergency department.

21 Now, if you know the City, it's
22 frustrating. And, as Mr. DiCicco said, if you
23 don't know the City, as the vast majority of
24 patient and visitors who are coming to Jefferson,
25 it's an arduous situation, it's agonizing.

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2 I happen to be the director of the
3 patient services department at Jefferson, which is
4 primarily the complaint department, among other
5 things, and I can assure you that I don't get only
6 a few complaints about getting to the hospital and
7 access to the hospital.

8 Obviously, the whole issue of the
9 parking on Chestnut Street is also an incredible
10 situation. My office fronts on Chestnut Street,
11 between Tenth and 11th. If I open the curtains
12 and look out, it is virtually a parking lot on
13 many, many days at certain times of the days.
14 Between the cars that are parked and the trucks
15 loading and delivering, the buses and the cars and
16 the cyclists all travel in single lane. I also
17 use short-term parking -- offsite parking at
18 Delaware Avenue that Jefferson now provides, and I
19 ride a shuttle every night down Chestnut Street.
20 And as late as 5 and 6 o'clock at night, cars are
21 still in the right-hand lane because of the
22 incredible traffic and the delivery trucks.

23 Another practical and logistical
24 situation and consideration that we ask you to
25 think about is the movement of traffic from

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2 Jefferson's valet parking operation at 11th and
3 Sansom. I also happen to be responsible for that
4 particular service. Last year, we moved 90,000
5 cars; this year, we expect to move close to
6 100,000 cars, and we have to do that onto 11th
7 Street. Because we can't turn onto Chestnut
8 because we can't turn right from Chestnut, the
9 drivers are forced to go to Market, then down
10 Chestnut Street. And if you ever go to 11th
11 Street, you'll recognize that it's probably the
12 most congested street in Center City.

13 COUNCILMAN DICICCO: You're saying
14 they're traveling north on 11th to Market, east on
15 Market to Tenth, and then back south on Tenth to
16 get to Tenth and Chestnut.

17 MS. RYAN: Right, to get to Tenth,
18 because our lot is located -- the entrance on
19 Tenth Street. So it's just a horrendous situation
20 on a daily basis.

21 COUNCILMAN DICICCO: So 100,000 more
22 vehicles are traveling between Chestnut and
23 Market, 11th to 10th, and Market to Chestnut that
24 would normally have turned onto Chestnut to go one
25 block east of Tenth.

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2 MS. RYAN: Exactly.

3 COUNCILMAN DICICCO: To pull into your
4 garage.

5 MS. RYAN: Yes. And our drivers do, on
6 occasion, make that right-hand turn on Chestnut
7 Street, and then they make a right-hand turn on
8 Tenth and they get ticketed like everybody else.
9 The police and the parking maids are routinely
10 ticketing drivers. And I tell you that I get
11 letters, I get telephone calls, I get walk-ins,
12 and people are not happy.

13 As recently as yesterday afternoon,
14 because there was so much congestion surrounding
15 the hospital on 11th Street -- you know, we get
16 blocked up at Market and even beyond Market. You
17 get one car through the lights, so sometimes it
18 can take our valet driver as long as 40 minutes on
19 a really bad day to make a circle and to get the
20 to parking lot.

21 The police closed our valet parking
22 operation yesterday. It's not the first time that
23 it's happened. And, therefore, patients coming
24 into the hospital were just shooed away, they
25 weren't even able to access an empty drive-through

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2 yesterday at about 3 o'clock.

3 We, therefore, ask you to strongly
4 consider the passage of this bill, and we support
5 it 110 percent.

6 COUNCILMAN DICICCO: Thank you. And
7 thank you for your testimony.

8 Next witness?

9 Good afternoon. Please identify
10 yourself for the record. Push that little black
11 button.

12 MR. WINTERS: My name is Dennis
13 Winters, and I am a transportation policy analyst
14 with the Clean Air Council.

15 The Clean Air Council is a
16 membership-supported nonprofit environmental
17 organization dedicated to protecting everyone's
18 right to breathe clean air. The Council works
19 through public education, community advocacy and
20 oversight of the government to ensure enforcement
21 of environmental laws.

22 I want to thank City Council for
23 holding this hearing on Bill No. 000547 regarding
24 the Chestnut Transitway. The Clean Air Council is
25 disappointed in the short notice given on this

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2 hearing and that it had to learn of the hearing
3 via the grapevine. Given the extent to which the
4 Clean Air Council has been involved with Chestnut
5 Street over the last few years through
6 correspondence, testimony, and public statements,
7 it does not seem unreasonable to expect some sort
8 of more formal notification.

9 The Clean Air Council also sent a
10 letter with several attachments concerning
11 Chestnut Street and this bill to Councilman
12 DiCicco on September 27th. That correspondence
13 included a request for a meeting with the
14 Councilman to discuss the nature of this bill.

15 The Council not here to say we told you
16 so. It was apparent to all at the time that the
17 compromises all users of Chestnut were being asked
18 to make would fall heaviest on transit users,
19 pedestrians, and bicyclists. With Philadelphia's
20 continuing non-enforcement of most traffic laws,
21 many people fully expected Chestnut's new design
22 to fail.

23 The Clean Air Council is curious about
24 the status of Philadelphia's Transit First
25 policy. Lifting the prohibition on right turns

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2 off of Chestnut Street eviscerates the dedicated
3 nature of the right-hand bus and bicycle lane.
4 Buses will be locked in traffic with automobiles,
5 and any advantages that buses should have in that
6 lane will be lost for good.

7 A considerable investment of federal
8 public transportation dollars will have been
9 squandered on a facility that accommodates
10 automobiles to the detriment of all other modes.
11 The Federal Transit Administration can and should
12 ask that its considerable investment be returned.

13 The Clean Air Council has seen
14 newspaper articles saying that the right turns are
15 needed to get motorists to the existing and new
16 parking garages on Sansom Street. Forget that the
17 new garages are being built in spite of existing
18 City plans that calls for them only north of
19 Chestnut Street, forget that reactionary
20 ordinances and special interests-serving zoning
21 decisions have replaced well thought-out
22 comprehensive city planning that involves the
23 entire community.

24 Philadelphia's status as a world-class
25 city is being seriously undermined by its

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2 obsequious accommodation of automobiles in Center
3 City. While cities all over the United States and
4 abroad are reducing and restricting access of the
5 car to the central business district,
6 Philadelphia, in spite of ad advantages of its
7 colonial street grid structure, is heading down
8 the wrong path.

9 SEPTA's transit division bus fleet
10 serves a large segment of the City's low-income
11 population and people of color. Eliminating the
12 advantage buses have on Chestnut Street, therefore
13 impairing access to Chestnut Street and Center
14 City by improving the street for only motorists,
15 may signal the discriminatory move that raises
16 serious environmental justice issues.

17 Clean Air Council believes that all
18 traffic laws require enforcement, particularly in
19 an era where the lack of enforcement jeopardizes
20 equal access and safety. But there are very good
21 reasons for not abandoning this concept this
22 early, if at all.

23 Clean Air Council also believes there
24 are ways to make the present Chestnut Street
25 design work, including some creative ways to aid

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2 enforcement. We would welcome the opportunity to
3 discuss them with this committee prior to
4 reporting this bill to the full Council.

5 I have attached Clear Air Council's
6 prior statements and testimony on Chestnut Street
7 for your review. Those items include: our letter
8 of September 27th to Councilman DiCicco; our
9 testimony before City Council in June of 1998 on
10 Chestnut Street; the Clean Air Council's position
11 on Chestnut Street of April 8, 1998; and copies of
12 letters to Councilman DiCicco on March 27, 1998
13 concerning Chestnut and Sheldon Kimbar, regional
14 administrator of the FTA, in March.

15 And then I've been writing like crazy
16 to some of the remarks I've heard. And if I can,
17 I would like to say a couple of other things --
18 ad-lib a couple of other things.

19 First of all, it seems to the Clean Air
20 Council that at present, the Chestnut Street
21 Transitway is not operating as designed and it
22 isn't finished. In a meeting with the City's
23 Streets Department and the Department of
24 Transportation, we were told that the parking
25 meters would be smart meters. We were told that

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2 there would be enforcement of existing traffic
3 ordinances, and until that happens, you can't
4 judge the effectiveness of the transmit mall. At
5 least those two things have to be tried. If it
6 requires additional money to have that enforcement
7 of traffic laws, then so be it. That should be a
8 priority for the Council.

9 Finally, if you want to see a
10 world-class transit mall, I just happened to have
11 attended Rail-Volution, a public transportation
12 conference in Denver a week ago. The 16th Street
13 transmit Mall is exactly how a transit mall is
14 supposed to operate, folks. And it's marvelous
15 and it's a boon to business, rather than a
16 detriment. If you do things right the first time,
17 you don't have to keep redesigning them every
18 twenty years.

19 And I think it's somewhat disingenuous
20 to call the problems on Chestnut Street that we
21 have "unintentional consequences." If you will
22 read our testimony on our position when we were
23 given the opportunity to testify previously, you
24 will see that we acknowledged and pointed out all
25 of the existing problems that you're having. No

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2 one listened to us then and, you know, I hope the
3 Council and others listen a little better this
4 time.

5 Thank you for the opportunity to speak.

6 COUNCILMAN DICICCO: Thank you,
7 Mr. Winters.

8 I want to let you know that I never
9 believed that this was going to be a success at
10 the time either, for reasons different than yours,
11 obviously. I believed that the prohibition of the
12 right-hand turns would not get us to where we
13 thought we needed to be in terms of revitalizing
14 Chestnut Street. And I think in the best-case
15 scenario, if we had the smart meters and we had
16 the enforcement, the other issues that have been
17 discussed and I've talked about earlier would
18 still be existing.

19 At Clean Air Council, you heard some of
20 my comments. Putting an automobile through a
21 two-and-a-half-mile additional distance to go --
22 to get to Point A to Point B, I certainly think
23 adds to the problems of air pollution. And I'm
24 not talking about one car; I'm talking about
25 literally tens of thousands of cars a week.

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2 In effect, I believe that what we have
3 created on Chestnut Street is of a greater
4 disadvantage to the Clean Air Council and the
5 folks who are concerned about that than if we were
6 to allow right-hand turns, based on the examples
7 that I have laid out here today.

8 MR. WINTERS: Councilman, the
9 advantages that Chestnut Street had for air
10 quality was lost when cars were returned to it 24
11 hours a day.

12 COUNCILMAN DICICCO: But I don't know
13 if we have -- and maybe the Streets Department
14 needs to answer this. I don't know if the City of
15 Philadelphia, the core of Center City, has
16 realized any significant increase in vehicles
17 coming into the City because Chestnut Street has
18 been reopened. In my estimation -- and as someone
19 who spend a considerable amount of time in Center
20 City -- all we've done is remove the bottleneck at
21 18th and Chestnut and created two more additional
22 bottlenecks: one at Sixth and Chestnut, one at
23 11th and Market, and as a previous witness
24 testified to, the 100,000 cars a year that are
25 being valeted out of Jefferson Hospital.

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2 So I don't know if all of a sudden,
3 people found out that now I can ride down Chestnut
4 Street, I'm going to start using my car to go to
5 the City of Philadelphia. I don't think that is
6 what happened. I don't have any statistics to
7 prove otherwise, whether it did or not. I just
8 don't believe, on my practical experience, being
9 out there, walking a lot, that that has occurred.

10 And it certainly was never my
11 intention, or would be my intention, to encourage
12 more vehicular traffic. I have been working for
13 two years on a design to move people around that
14 quadrant of Center City on the east side of Broad
15 Street more effectively and efficiently by
16 creating some more attractive means of public
17 transportation. I have gotten SEPTA to agree and
18 somewhat the DRPA and the Penn's Landing
19 Corporation and everybody else to maybe put in a
20 trolley system, a trolley system on a track, not
21 the rubber tires.

22 MR. WINTERS: We begged for that in the
23 hearings in '98.

24 COUNCILMAN DICICCO: So, understand,
25 I'm not against bicyclists, I'm not against

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2 dedicated bike lanes, if they work. I don't
3 believe that they're working for the general
4 public at large on Chestnut Street. That's all
5 I'm saying. Thank you.

6 Councilman Ortiz?

7 COUNCILMAN ORTIZ: I think they don't
8 work. I think they actually have made Chestnut
9 Street an incredibly dangerous area for bike
10 riders right now, the way it has been organized.
11 I have staff, I have people who ride bikes into
12 Center City, and when you go down on Chestnut
13 Street, it's only one lane now for buses and the
14 bike riders because the cars and the delivery
15 trucks that park down Chestnut Street really make
16 it only a one-lane travel again, and you have cars
17 and buses and bicycles all going down the same
18 lane. And so it's become a very dangerous place.

19 And I was reading an article, I think
20 it was in the New York Times, about actually that
21 big cities are going and looking at bike lanes and
22 -- as ways of breaking down congestion, and that
23 this is something that is going on across many
24 different urban areas.

25 And I agree with you about Denver.

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2 I've been to Denver a few times and I walked from
3 one side of the street to the other. And then I
4 came back the other way, stopping on the way to
5 sit down and browse through the book stores and so
6 on. It's an example of something that we should
7 have looked at. And maybe it's because Denver is
8 smaller in terms of population or whatever, but
9 they put a lot of thought into that, and you see
10 the commerce flourishing and the stores full of
11 people and a lot of pedestrians and functions.

12 MR. WINTERS: I just have to say one
13 more thing. I cycle Chestnut Street every day and
14 that's how I get around in Center City. And it is
15 -- to me, it's a much safer place to be than most
16 other places in the City for the simple reason --
17 if cars were out of there, it would be extremely
18 safe because it's not difficult to stay a block
19 ahead of a bus, they stop at every corner. And
20 I'm not, as you can tell, a rather rapid cyclist,
21 I don't speed.

22 And it's my lane, it belongs to
23 bicyclists and transit users, and that makes a
24 difference. I have never been yelled at in the
25 red lane, and that I cannot say about any other

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2 street in the city.

3 So if you somehow eliminate -- I mean,
4 I remember the fight to get bikes back on Chestnut
5 Street. I hope this does not deteriorate to a
6 point where you eliminate cyclists' access to
7 Chestnut Street.

8 COUNCILMAN ORTIZ: I don't think that's
9 the purpose; I think we got to increase them but
10 make it safe.

11 COUNCILMAN DICICCO: Mr. Winters,
12 before you leave, I just want to offer a
13 hypothetical again. Let's just assume, for the
14 purposes of this conversation, that the number of
15 vehicles who use Center City, this corridor that
16 we talk about, from Front to 22nd Street and
17 Market to Walnut, hasn't increased as a result of
18 the Chestnut Street Transitway opening up to
19 vehicles. Let's just assume that the number of
20 the cars are the same.

21 Given the scenario I laid out, without
22 getting from Point A to Point B, would you not
23 agree that that contributes immensely to more --
24 adding to air pollution, because cars are on the
25 street traveling a further distance now? I mean,

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2 if I'm going --

3 MR. WINTERS: Well, this assumes --

4 COUNCILMAN DICICCO: If I have to go 25
5 blocks instead of three --

6 MR. WINTERS: Well, I can figure
7 shorter ways to do it than you.

8 COUNCILMAN DICICCO: But you and I know
9 -- we know the neighborhood. See, we're from the
10 'hood, we understand it. I'm talking about
11 people who aren't familiar with it, and that
12 happens every day probably hundreds, if not
13 thousands, of times a day.

14 Now, given the scenario that I laid out
15 of going from 18th and Chestnut to 16th and Walnut
16 adds an additional 25 blocks that the car is on
17 the street, not counting how many times it stops
18 for a red light, not counting about whether or not
19 -- not taking into consideration whether the car
20 is stuck in traffic jam. Normal flow.

21 Doesn't that increase the carbon
22 monoxide being emitted from automobiles immensely?
23 And if you multiply that hundreds or thousands of
24 times, according to the number of vehicles that
25 are on the street, isn't that more harmful to us?

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2 MR. WINTERS: Well, I mean, you're
3 asking me to make a decision on a quantity I have
4 no idea of.

5 COUNCILMAN DICICCO: Well, let me ask
6 you, if your car idles for ten minutes or it idles
7 for a half an hour, are you putting more
8 pollutants in the air --

9 MR. WINTERS: Most pollution from
10 automobiles comes from when you turn the key to
11 start it and when you turn it off at the end of
12 the trip. That's where most of automobile
13 pollution comes from.

14 COUNCILMAN DICICCO: So it doesn't
15 matter then if cars are using the streets and if
16 more cars come in because --

17 MR. WINTERS: Of course it matter.

18 COUNCILMAN DICICCO: Because once they
19 start, there's no additional air pollution going
20 to.

21 MR. WINTERS: Of course it matters, but
22 the significance is -- I can't judge the
23 significance of that.

24 COUNCILMAN DICICCO: Well, I'm not
25 asking you to give me an expert evaluation. But I

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2 think from a practical standpoint, if the car is
3 running 20 minutes longer, 15 minutes longer than
4 it would have because the person can get to Point
5 B quicker, is not that car contributing to more
6 air pollution that's being emanated into the air
7 than had it been able to get to 16th Street
8 quicker?

9 MR. WINTERS: Assuming all your
10 conditions are met, yes.

11 COUNCILMAN DICICCO: Assuming what?

12 MR. WINTERS: All your conditions are
13 met, yes.

14 COUNCILMAN DICICCO: Well, that's 25
15 blocks. I mean --

16 MR. WINTERS: Why not put two signs
17 over the travel lanes at 20th Street that simply
18 say "Chestnut Transitway, no-right-hand-turns Next
19 14 Blocks"? Why not try that as a compromise?
20 Why is it always cyclists, pedestrians, and
21 transit users that have to compromise? It's
22 ridiculous.

23 COUNCILMAN DICICCO: Well, I think
24 we're all trying to compromise, but thank you.

25 I'm sorry, you have questions for

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2 Mr. Winters? Councilman.

3 COUNCILMAN CLARKE: Thank you. How you
4 doing, Mr. Winters? As you know, we've had
5 several discussions about bicycles and pedestrian
6 right of ways and thinks of that nature, and I'm
7 glad to see you're here.

8 I just want to clarify something on the
9 western side of the Chestnut Transitway, the
10 district that I represent. I asked Councilman
11 DiCicco to incorporate the Broad Street
12 intersection in this particular bill, but I did
13 not incorporate the remainder of the intersections
14 in the particular bill because I did want to have
15 some discussion with the coalition and other
16 individuals before we did that.

17 I did Broad Street because it's clear
18 to me, given the investment on the Avenue of the
19 Arts South Broad, it makes no sense not to allow
20 people to turn south on Broad Street. I mean,
21 we've spent close to \$300 million, given the Art
22 PAC and all of the other additions that we've put
23 down there, and it just doesn't make sense for us
24 to not have people have an opportunity to turn
25 down Broad Street.

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2 But I will sit down with you and, you
3 know, as I said, I'm willing to have some analysis
4 done on the other intersections before, you know,
5 we incorporate any amendments to this particular
6 bill.

7 MR. WINTERS: Well, we certainly --
8 Philly Walks and the Clean Air Council certainly
9 wants to work with you and Councilman DiCicco on
10 whatever task force there might be.

11 COUNCILMAN CLARKE: Thank you.

12 Thank you, Mr. Chairman.

13 COUNCILMAN COHEN: Mr. Winters, what is
14 the theory behind banning?

15 MR. WINTERS: I'm sorry?

16 COUNCILMAN DICICCO: What's the
17 theory?

18 (Lost testimony here due to equipment
19 power failure.)

20 MR. WINTERS: At any rate, you know,
21 you can discourage transit in steps. And I think
22 what we have done -- we don't have the perfect
23 transitway anymore, I don't think we had it in '98
24 when we started the project that gave us what we
25 have today. I don't think it was done right in

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2 '76. But if you move cars into that right-hand
3 lane, you've totally eliminated any transit
4 advantage to the lane. It would have been silly
5 to paint it red.

6 COUNCILMAN COHEN: All right, thank
7 you. I was just interested in the theory.

8 Incidentally, in the support for bike
9 lanes, is any consideration given to whether or
10 not bikes actually use the lanes? Or is it a
11 general policy in the hope that ultimately, bike
12 users will begin.

13 I'm thinking of -- I frequently have to
14 go up York Road into the Jenkintown area. And
15 once I get to 66th Avenue, going north, there's a
16 bike lane on York Road and it reduces -- it always
17 -- there's a tremendous lineup of cars because
18 what before was two lanes of traffic becomes one
19 lane. And I live in that area and I've never once
20 seen a bicycle rider at any time of the day or
21 evening ever use that. And I was wondering, are
22 there any studies as to use? Or is it a general
23 policy in the hope of encouraging bicycle riders?

24 MR. WINTERS: Well, I think because
25 bicycles really have only gained the access that

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2 they have lately -- that, is in the last two
3 Federal Transportation bills -- that communities
4 like Philadelphia are still experimenting and
5 don't always know what will be best for cyclists.
6 I think they are trying to use their best judgment
7 based on what little operating experience they
8 have to put them down in the right place, but I
9 think the Streets Department would agree with you
10 that there are places they put them down where
11 they didn't work, and there are other places where
12 they have people demanding they put them down.

13 So, I'll tell you, as an experienced
14 cyclist, I don't use lanes very much. The
15 responsible cyclists have to obey all the laws
16 Pennsylvania provides for motor vehicles, and I
17 operate in the motor lane on the right-hand side,
18 and I feel safer there usually than in some of the
19 lanes that are down, only because I'm experienced
20 enough.

21 A novice cyclist probably needs the
22 margin of safety that a bike lane might give them.

23 COUNCILMAN COHEN: Well, thank you very
24 much.

25 MR. WINTERS: Thank you.

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2 COUNCILMAN DICICCO: Thank you.

3 Any other questions for this witness?

4 (No further questions.)

5 COUNCILMAN DICICCO: Thank you,
6 Mr. Winters.

7 Next witness?

8 MS. ESCORCIA: Hi. My name is Jennifer
9 Escorcias, E-S-C-O-R-C-I-A. I'm from the Bicycle
10 Club of Philadelphia, I'm currently their
11 secretary. And hopefully tonight, I'll be elected
12 as the new president.

13 Anyway I'm also here as a concerned
14 citizen. I'm a bicycle commuter. I live up in
15 Northeast Philly. I work at Temple University,
16 and have to go to the post office on Chestnut
17 Street to pick up the Bicycle Club mail, and I
18 have to go home after that.

19 COUNCILMAN COHEN: Could you really
20 pull the microphone very closely. I'm having
21 great trouble hearing you, even with hearing aids.

22 COUNCILMAN DICICCO: We all are,
23 actually.

24 MS. ESCORCIA: Okay. I travel from
25 Northeast Philly --

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2 COUNCILMAN COHEN: Much better.

3 MS. ESCORCIA: -- to Temple

4 University,, that's where I work. And since I'm
5 the bike club secretary, we have our post office
6 box down on Chestnut Street, 21st and Chestnut.
7 So I have a lot of experience with riding down
8 Chestnut Street. And especially since we have the
9 new transit lane since July, I have found it to be
10 very accessible to bicycles.

11 I'm also finding, though, that we have
12 a real problem with enforcement right turns. I
13 see pedestrians trying to walking across the
14 numbered streets and almost getting run over by
15 cabs making illegal right-hand turns.

16 I think forward-looking cities, as the
17 gentleman before me talked about, are trying to
18 calm traffic down in our downtown area. It
19 promotes people spending their money at shopping
20 areas instead of going home and buying things on
21 amazon.com and eddiebauer.com or going out to the
22 King of Prussia Mall where they're not a
23 pedestrian.

24 I think the transitway is a good idea,
25 but I think we ought to give it a try for a year.

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2 I think that we should enforce the no-right-hand-
3 turns. And the question to me, though, is there's
4 always this question about all of this excess
5 driving that's happening because of Chestnut, and
6 I'm kind of confused. What happened when we
7 couldn't drive cars on Chestnut Street, how did we
8 go east?

9 COUNCILMAN DICICCO: Well, that's my
10 point, ma'am, is that we haven't done it -- we
11 haven't made the situation any better. We
12 invested \$15 million and we still have a lot of
13 congestion. Opening Chestnut Street up to
14 vehicular traffic was supposed to relieve that. I
15 don't think we've accomplished much, and I said
16 that earlier. I thought it was a bad idea in the
17 beginning.

18 Not that I'm suggesting we go back to
19 the total elimination of vehicles, but we've just
20 moved the bottleneck from one location to two
21 other locations. And that's all I'm suggesting.

22 MS. ESCORCIA: And so there's no other
23 road that traffic can go west to east? It's just
24 Chestnut Street for downtown?

25 COUNCILMAN DICICCO: No, you can go --

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2 but if you're not familiar with the area or -- I
3 shop at Boyd's. If I drive to Boyd's and I want
4 to go home, I would have to make a left on 18th
5 Street to go to Market and then out Market east to
6 wherever it is I'm going to make a right, but I
7 know the neighborhood, I understand that.

8 There are some folks who traditionally
9 would think, If I get on Chestnut Street and I go
10 east, I'll be able to turn right to go south.
11 Many people don't understand that. And I don't
12 know how you educate the world that Philadelphia
13 has a street that is 14 blocks long that you can
14 get on to drive but you can't get off for 14
15 blocks. I don't know how we educate the world
16 about that.

17 MS. ESCORCIA: I probably would think
18 signage would be the best way.

19 COUNCILMAN DICICCO: I'm not being
20 sarcastic, I just don't know. I mean, I don't
21 know how you do it.

22 MS. ESCORCIA: Sure. I think we're
23 going to have to look at a lot of compromises
24 here. It can't be all cars, it can't be all
25 bicycles, it can't be all no-right-hand-turns.

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2 Perhaps you can compromise and find several
3 streets that you can make right turns on.

4 COUNCILMAN DICICCO: And I said that
5 earlier. That may be a compromise, I'm not
6 certain of that yet. And I don't know if that
7 would still jeopardize the federal and state
8 dollars that went into the reconstruction. You
9 know, the feds don't always know what they're
10 doing, they do make mistakes, I'm told.

11 And with all good intentions, they give
12 us money, but when they tie our hands and put
13 restrictions on us, I wonder sometimes if we
14 should even take the money, 'cause we're in here
15 arguing a point that we probably -- if we didn't
16 need that money, we wouldn't be arguing today,
17 obviously, but we need their money and they put
18 restrictions on it. Big government again.

19 MS. ESCORCIA: Well, I think perhaps
20 it's time for a little out-of-the-box thinking.
21 We have a very bright group of City Councilpeople,
22 and I think that they can come up with some sort
23 of decision that makes everyone happy, both the
24 federal government and --

25 COUNCILMAN DICICCO: I'm sorry.

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2 MS. ESCORCIA: I think it's time for a
3 little out-of-the-box thinking. We have a group
4 of very bright Councilpeople here that can put
5 their heads together and come up with some ideas.

6 COUNCILMAN DICICCO: Flattery will get
7 you nowhere.

8 MS. ESCORCIA: And I do reiterate,
9 though, that I hope that City Council does give
10 the Chestnut Street problem a lot of thought,
11 because we're not just people in cars, we're
12 pedestrians and we're cyclists, and we're senior
13 citizens that can't acknowledge agilely run across
14 the numbered streets and dodge cabs that are
15 making right-hand turns.

16 COUNCILMAN DICICCO: If it were up to
17 me, and I've told this to the SEPTA folks, I would
18 eliminate those trains that they call buses,
19 they're those 60-foot long jobs. I don't think
20 those things are appropriate on Chestnut Street,
21 or most streets, for that matter. Maybe Market
22 Street can handle it, but I don't think they're
23 conducive to Chestnut Street. I think they are
24 very intimidating for people who are even walking
25 on the sidewalk.

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2 MS. ESCORCIA: Well, frankly, I'm not
3 too concerned about the buses going down Chestnut
4 Street; I'm concerned about crossing the numbered
5 streets when you have to dodge cabs that are
6 making illegal right turns at break-neck speeds.
7 I saw little old ladies leaping onto the curb the
8 other day, getting out of the way of these illegal
9 right turns.

10 COUNCILMAN DICICCO: But even where
11 right turns are legal, we, as a culture -- a
12 society, I should say -- don't respect
13 pedestrians, and that's unfortunate. In Italy,
14 you step out into the street and everybody stops.

15 MS. ESCORIA: That is, perhaps, the
16 time for some enforcement.

17 COUNCILMAN DICICCO: But that's
18 behavior, and that's how people react. And in
19 Puerto Rico and in Mexico, they do the same thing
20 and in California. It's a cultural thing, it's a
21 behavioral thing.

22 MS. ESCORCIA: And it is also an
23 enforcement issue.

24 COUNCILMAN DICICCO: Absolutely. Thank
25 you.

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2 MS. ESCORIA: Thank you.

3 COUNCILMAN DICICCO: Any questions for
4 this witness?

5 (No questions.)

6 COUNCILMAN DICICCO: We second your
7 nomination for secretary, by the way.

8 The next witness, please identify
9 yourself for the record.

10 MR. SMITH: My name is Kevin Smith.
11 It's the traditional spelling, S-M-I-T-H. I'm the
12 steering committee Chair of the Delaware Valley
13 Transit Users Group.

14 We are strongly opposed to allowing the
15 right turns off Chestnut. You have created a
16 system that, by its very nature, will require
17 extensive and strict enforcement to be effective.
18 You have provided neither the political pressure,
19 nor the financial resources to ensure that
20 enforcement. In effect, you've designed the
21 system to fail. If you think it's hard to keep
22 cars out of the right-hand lane now, by allowing
23 right turns, it will become impossible.

24 Everyone understood, when the current
25 design was first proposed -- everyone understood

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2 this when the current design was proposed, but
3 even we're shocked at the shameless speed at which
4 the City is moving to undermine the remaining
5 vestige of a transitway.

6 The current transitway, with all of its
7 problems and shortcomings, must be maintained and
8 eventually extended and improved to create a real
9 bidirectional transitway link between Penn's
10 Landing and 30th Street Station, not dismantled
11 and gutted.

12 If auto traffic is the key to a
13 successful street, then every corner of this city
14 should be a driving Utopia. What is actually
15 happening is that special interests are slowly and
16 surely choking the City with cars. More capacity
17 only attracts more cars, which creates bigger
18 traffic jams, which cause more pollution and only
19 contribute to making Philadelphia a dirty and
20 unpleasant place to visit.

21 Philadelphia should be, first and
22 foremost, for Philadelphians. Center City can
23 best be served by making it an attractive, clean
24 and quiet place to live, shop, dine, and do
25 business. Promoting auto dependency and traffic

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2 will do none of these. Promoting efficient public
3 transportation will do all of these.

4 With regards to some points made
5 earlier about the revitalization of Chestnut
6 Street, and there are numerous examples in the
7 City of the east end of Market Street and Old City
8 who've had traffic their entire existence but were
9 -- and underwent their own revitalization
10 independent of any traffic changes, more as a
11 result of attention by the City, amenities,
12 sidewalks, and just active pursuing of business by
13 business associations. There's a --
14 revitalization of Chestnut Street was well
15 underway before any changes were made to it, as a
16 part of the whole improvements and revitalization
17 and growth of the Center City District.

18 Regarding traffic pollution and the
19 additional traffic caused by looping cars trying
20 to emulate the right turn by going either too far
21 or looping around, I think instead of making an
22 argument for allowing right turns, I think you're
23 making an eloquent argument for returning Chestnut
24 Street to its transitway status and returning all
25 west-to-east traffic back to Market Street, which

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2 has the capacity and size to handle it.

3 Finally, with all due respect to Paul
4 Levy and the transitway creating a dangerous
5 situation with buses careening down the street, I
6 think we have 25 years of experience that show in
7 a transitway situation with unimpeded traffic
8 flow, without having to dodge cars, buses maintain
9 their schedule and proceed at a reasonable and
10 quiet pace. I'm a frequent user of buses on
11 Chestnut Street, I'm a frequent pedestrian all
12 around Center City. Chestnut Street, before
13 opening to cars, it was not a false of security,
14 it was a real sense of security. Crossing a
15 street when you have to dodge one bus every two or
16 three minutes a block away is not an exercise;
17 it's a stroll. Trying to cross Walnut Street or
18 trying to cross Market Street is an exercise.

19 And, finally, I'd like to leave you
20 with a quote from Professor Vukan Vuchik (ph.)
21 from his book Transportation For Livable Cities.
22 "The more an area relies on transit and walking,
23 the greater its advantage over the suburbs with
24 respect to transportation choices, convenience,
25 and cost of travel. The more an urbanized area

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2 relies an the automobile and neglects its
3 alternatives, the more likely it is that its
4 central areas will deteriorate."

5 Thank you.

6 COUNCILMAN DICICCO: Thank you. Any
7 questions for this witness?

8 (No questions.)

9 COUNCILMAN DICICCO: I think we have
10 one more witness, Mr. Jordan?

11 (Witness comes forward.)

12 MR. JORDAN: Hello. My name is John
13 Jordan. I am a resident of Center City in the
14 area generally known as "Washington Square West."
15 Washington Square West lies south of Chestnut
16 Street, and with the no right turn on Chestnut
17 Street, it puts everything south of Chestnut
18 Street off limits.

19 There are only three streets leading
20 into Center City from west of the Schuylkill:
21 Market, Chestnut, and Spruce becoming South when
22 it across the Schuylkill. Chestnut is the most
23 heavily traveled since it is a one-way street all
24 the way from Cobbs Creek Parkway, also known as
25 63rd Street, to Front Street at the Delaware

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2 River. Half of Center City lies south of Chestnut
3 Street, and it is impossible to bar access to it.

4 The destinations on South Broad Street
5 alone include concert halls, theaters,
6 restaurants, hotels, banks, and offices. These
7 venues cannot be barricaded by an
8 inaccessibility.

9 Other southbound streets lead, as we
10 have heard, to hospital emergency rooms and cannot
11 be blocked. You heard from a representative of
12 Jefferson Hospital. Pennsylvania Hospital also
13 feels the same way, since access to the emergency
14 room at Pennsylvania Hospital requires turning
15 south on Tenth Street to get to it.

16 It can already be seen as impossible to
17 limit vehicular traffic to only the center lane of
18 Chestnut Street. Even now, service and delivery
19 vehicles are often stopped in the center lane, or
20 even in the bus lane, so that other traffic must
21 go around them one way or the other. A street
22 this busy cannot function with only one traffic
23 lane.

24 It is well and good to mark out bicycle
25 lanes on a street that is six lanes wide, such as

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2 11th Street from Bainbridge to Washington Avenue.
3 And even south of Washington Avenue to Reed
4 Street, it is that wide, but it is wider than most
5 other streets, including Chestnut Street. But on
6 Philadelphia's narrow streets, vehicles, buses,
7 and bicycles must coexist.

8 If no-right-hand-turns on Chestnut
9 Street makes sense, logic demands that you also
10 say no-right-hand-turns on Walnut Street, and that
11 would really paralyze Center City.

12 Banning turns to the south off Chestnut
13 Street is a planner's theory, a traffic engineer's
14 proposal, a bicyclist's dream, but it cannot
15 withstand the bright light of practical
16 necessity.

17 The detours, such as Councilman DiCicco
18 has alluded to, necessary to go south are complex
19 and impractical. There are some shorter ways to
20 get your three blocks, but as you pointed out,
21 only if you know what they are. If you were left
22 to follow the signs, you would be going many
23 blocks out of your way. And this adds unnecessary
24 traffic to the detoured streets.

25 The public will view these restrictions

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2 as impracticable and unworkable, and they will be
3 widely ignored, creating conflict with the police
4 if they try to enforce them. These regulations in
5 a city as congested with narrow streets as
6 Philadelphia must be changed.

7 Thank you.

8 COUNCILMAN DICICCO: Thank you, John.
9 Your testimony was excellent, and I appreciate
10 it. And coming from a resident, it was very
11 helpful. Thank you.

12 Any questions for this witness?

13 (No questions.)

14 MS. MCNAMARA: I --

15 COUNCILMAN DICICCO: I'm sorry you.
16 Have to please step up and identify yourself again
17 for the record.

18 MS. MCNAMARA: Hi. I'm Sue MacNamara,
19 the Director of the Bicycle Coalition. I just
20 have some testimony that was handed to me by a
21 business owner from Center City who couldn't be
22 here to testify, but he wanted to get his
23 testimony in. How do I do that? That's Michael
24 McGettigan's, do you have that?

25 COUNCILMAN DICICCO: Yes.

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2 MS. MCNAMARA: Okay, thank you.

3 COUNCILMAN DICICCO: Council President
4 Anna C. Verna is here. We're going to recess the
5 public hearing on the resolution on the retaining
6 walls temporarily. We'll go into our public
7 meeting so we can handle the business of voting
8 the bills out and then go back into the public
9 hearing on the resolution. Okay. We're going to
10 get to your retaining walls. In about five
11 minutes, we'll be there.

12 Okay, thank you.

13 The Chair recognizes Councilman Cohen
14 for a motion on Bill No. 000506.

15 COUNCILMAN COHEN: Mr. Chairman, I move
16 that Bill No. 000506 be reported out with a
17 favorable recommendation and with a request for a
18 suspension of the rules to permit first reading at
19 the City Council meeting tomorrow.

20 (Duly seconded.)

21 COUNCILMAN DICICCO: It's been properly
22 moved and seconded that Bill No. 000506 be
23 reported out of this committee with a favorable
24 recommendation and that the rules of Council be
25 suspended so as to permit first reading at our

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2 next session of Council.

3 All those in favor of the bill will
4 signify by saying aye.

5 Those opposed?

6 The bill is approved.

7 The Chair recognizes Councilman Cohen
8 for a motion on Bill No. 000510.

9 COUNCILMAN COHEN: Mr. Chairman, I move
10 that Bill 000510 be reported out with a favorable
11 recommendation and with a request for a suspension
12 of the rules to permit first reading.

13 (Duly seconded.)

14 COUNCILMAN DICICCO: It's been properly
15 moved and seconded that Bill No. 000510 be
16 reported out of this committee with a favorable
17 recommendation and that the rules of Council be
18 suspended so as to permit first reading at our
19 next session of Council.

20 All those in favor of the bill will
21 signify by saying aye.

22 Those opposed?

23 The bill is approved.

24 The Chair recognizes Councilman Cohen
25 for a motion on Bill No. 000511.

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2 COUNCILMAN COHEN: Mr. Chairman, I move
3 that Bill No. 000511 be reported out with a
4 favorable recommendation and with a request for a
5 suspension of the rules.

6 COUNCILMAN DICICCO: It's been properly
7 moved and seconded that Bill No. 000511 be
8 reported out of this committee with a favorable
9 recommendation and that the rules of Council be
10 suspended so as to permit first reading at our
11 next session of Council.

12 All those in favor of the bill will
13 signify by saying aye.

14 Those opposed?

15 The bill is approved.

16 The Chair recognizes Councilman Cohen
17 for a motion on Bill No. 000513.

18 COUNCILMAN COHEN: Mr. Chairman, I move
19 that Bill No. 000513 be reported out with a
20 favorable recommendation, together with a request
21 for a suspension of rules to permit first reading.

22 (Duly seconded.)

23 COUNCILMAN DICICCO: It's been properly
24 moved and seconded that Bill No. 000513 be
25 reported out of this committee with a favorable

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2 recommendation and that the rules of Council be
3 suspended so as to permit first reading at our
4 next session of Council.

5 All those in favor of the bill will
6 signify by saying aye.

7 Those opposed?

8 The bill is approved.

9 The Chair recognizes Councilman Cohen.

10 COUNCILMAN COHEN: Mr. Chairman, I move
11 that Bill No. 000538 be reported out with a
12 favorable recommendation, together with a request
13 for a suspension of rules to permit first
14 reading.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been properly
17 moved and seconded that Bill No. 000538 be
18 reported out of this committee with a favorable
19 recommendation and that the rules of Council be
20 suspended so as to permit first reading at our
21 next session of Council.

22 All those in favor of the bill will
23 signify by saying aye.

24 Those opposed?

25 The bill is approved.

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2 The Chair recognizes Councilman Cohen.

3 COUNCILMAN COHEN: Mr. Chairman, I move
4 that Bill 000542 be reported out with a favorable
5 recommendation and with a request for a suspension
6 of the rules.

7 (Duly seconded.)

8 COUNCILMAN DICICCO: It's been properly
9 moved and seconded that Bill No. 000542 be
10 reported out of this committee with a favorable
11 recommendation and that the rules of Council be
12 suspended so as to permit first reading at our
13 next session of Council.

14 All those in favor of the bill will
15 signify by saying aye.

16 Those opposed?

17 The bill is approved.

18 COUNCILMAN COHEN: Mr. Chairman, I move
19 that Bill 000584 be reported out with a favorable
20 recommendation and with a request for a suspension
21 of the rules.

22 (Duly seconded.)

23 COUNCILMAN DICICCO: It's been properly
24 moved and seconded that Bill No. 000584 be
25 reported out of this committee with a favorable

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2 recommendation and that the rules of Council be
3 suspended so as to permit first reading at our
4 next session of Council.

5 All those in favor of the bill will
6 signify by saying aye.

7 Those opposed?

8 The bill is approved.

9 The Chair recognizes Councilman Cohen.

10 COUNCILMAN COHEN: Mr. Chairman, I move
11 that Bill 000582 be reported out with a
12 favorable recommendation together with a request
13 for a suspension of the rules.

14 (Duly seconded.)

15 COUNCILMAN DICICCO: It's been properly
16 moved and seconded that Bill No. 000582 be
17 reported out of this committee with a favorable
18 recommendation and that the rules of Council be
19 suspended so as to permit first reading at our
20 next session of Council.

21 All those in favor of the bill will
22 signify by saying aye.

23 Those opposed?

24 The bill is approved.

25 The Chair recognizes Councilman Cohen.

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2 COUNCILMAN COHEN: Mr. Chairman, I move
3 that Bill 000589 be reported out with a favorable
4 recommendation and with a request for a suspension
5 of the rules.

6 (Duly seconded.)

7 COUNCILMAN DICICCO: It's been properly
8 moved and seconded that Bill No. 000589 be
9 reported out of this committee with a favorable
10 recommendation and that the rules of Council be
11 suspended so as to permit first reading at our
12 next session of Council.

13 All those in favor of the bill will
14 signify by saying aye.

15 Those opposed?

16 The bill is approved.

17 The Chair recognizes Councilman Cohen.

18 COUNCILMAN COHEN: Mr. Chairman, I move
19 that Bill No. 000604 be reported out with a
20 favorable recommendation and with a request for
21 suspension of the rules.

22 (Duly seconded.)

23 COUNCILMAN DICICCO: It's been properly
24 moved and seconded that Bill No. 000604 be
25 reported out of this committee with a favorable

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2 recommendation and that the rules of Council be
3 suspended so as to permit first reading at our
4 next session of Council.

5 All those in favor of the bill will
6 signify by saying aye.

7 Those opposed?

8 The bill is approved.

9 The Chair recognizes Councilman Cohen.

10 COUNCILMAN COHEN: Mr. Chairman, I move
11 that Bill No. 000605 be reported out with a
12 favorable recommendation and with a request for a
13 suspension of the rules.

14 (Duly seconded.)

15 COUNCILMAN DICICCO: It's been properly
16 moved and seconded that Bill No. 000605 be
17 reported out of this committee with a favorable
18 recommendation and that the rules of Council be
19 suspended so as to permit first reading at our
20 next session of Council.

21 All those in favor of the bill will
22 signify by saying aye.

23 Those opposed?

24 The bill is approved.

25 The Chair recognizes Councilman Cohen.

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2 COUNCILMAN COHEN: Mr. Chairman, I move
3 that Bill No. 000606 be reported out with a
4 favorable recommendation, together with a request
5 for a suspension of rules to permit first
6 reading.

7 (Duly seconded.)

8 COUNCILMAN DICICCO: It's been properly
9 moved and seconded that Bill No. 000606 be
10 reported out of this committee with a favorable
11 recommendation and that the rules of Council be
12 suspended so as to permit first reading at our
13 next session of Council.

14 All those in favor of the bill will
15 signify by saying aye.

16 Those opposed?

17 The bill is approved.

18 Bill 000512 has been withdrawn at the
19 request of the sponsor. Bill No. 000508 and
20 000547 are being held till the call of the Chair.

21 This concludes the public meeting on
22 the Committee of Streets and Services.

23 - - -

24 COUNCILMAN DICICCO: We now will go
25 back into the public hearing on Resolution No.

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2 000041.

3 Is there anyone here who wishes to
4 testify on Resolution 41? Please approach the
5 witness table. Thank you.

6 Sir, you can come up now if you'd
7 like. Are you going to testify?

8 UNIDENTIFIED PERSON: No.

9 COUNCILMAN DICICCO: Okay, thank you.
10 Thank you for waiting.

11 If Councilman Nutter is listening, the
12 witnesses are about ready to testify on your
13 Resolution 41.

14 COUNCILMAN COHEN: Basically, we want
15 to know why you haven't produced by yesterday a
16 full, worked-out, thorough plan documenting every
17 alley, retaining wall, or driveway that needs to
18 be fixed with a specific program of when you are
19 going to fix it.

20 Councilman Nutter, did I explain your
21 position?

22 MR. LONIE: Councilman Nutter is not
23 here so I think we're done.

24 THE CLERK: He's on his way.

25 COUNCILMAN COHEN: We're really not

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2 looking for all the finest details, but we would
3 like to feel that there is a specific program that
4 has been worked out and that progress is being
5 made. If there are funding requirements, that
6 proposals be made with respect to the funding
7 requirements.

8 But we think the situation is
9 desperate. In addition to my role as a
10 Councilman-at-large, I'm the Democratic leader of
11 the 17th Ward; that's the ward in Northwest
12 Philadelphia, which encompasses East Germantown
13 and West Oak Lane, and I can tell you that every
14 time we have a political meeting or any kind of
15 community meeting, or if the community development
16 corporations are meeting or the community
17 associations, questions keep coming up about the
18 urgent need before the total value of the property
19 collapses and maybe the retaining wall is
20 collapsing too.

21 When is there going to be some help to
22 the people in the City of Philadelphia? And I
23 think they're justified in asking for that help.
24 And we need your cooperation badly to come forth
25 with a specific program.

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2 I understand from Councilman Nutter
3 that there have been frequent meetings and
4 discussions, but that thus far, the progress has
5 been what's been lacking.

6 THE CLERK: One minute. We have to
7 read the title of the resolution first.

8 COUNCILMAN COHEN: And then in the
9 record, put my comments after the title of the
10 resolution having been read.

11 THE CLERK: Yes. Resolution No.
12 000041, authorizing the Council's Committee on
13 Streets and Services to hold hearings on the
14 dangers and damage caused by the deterioration of
15 retaining walls, driveways, and alleys, and the
16 complications involved in coordinating necessary
17 repairs by abutting property owners; and to
18 determine the scope of these dangerous conditions
19 throughout the City and the cost to repair them;
20 and further authorizing the committee to formulate
21 a program to correct these hazardous and dangerous
22 conditions in neighborhoods throughout the City.

23 I believe that Councilmember Cohen has
24 already made a statement, which will be a part of
25 the record.

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2 Please identify yourself for the
3 record.

4 MS. RUSSO: Good afternoon and good
5 evening. My name is Debra Russo. I'm here on
6 behalf of the Managing Director's Office.

7 We do not have any formal testimony
8 prepared. What I do have is some statements with
9 respect to this particular issue. Alleyways,
10 retaining walls, and common driveways are private
11 property. They are subject to all the rules and
12 regulations of joint ownership. The City of
13 Philadelphia does not own these particular
14 structures.

15 With that being said, at this point in
16 time, there is no viable funding source for a
17 program. It's my understanding that the Streets
18 Department was charged to come up with some type
19 of a plan in which to address these issues, but I
20 think the important fact to keep in mind is that
21 there is not a viable funding source, save grants.

22 THE CLERK: Councilman Nutter?

23 COUNCILMAN NUTTER: Thank you.

24 Miss Russo, I understand at the
25 beginning of your statement, it's my recollection

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2 that at the public hearing a few months ago, we
3 asked the Streets Department -- the committee
4 asked the Streets Department and passed a
5 resolution to the effect that we wanted the
6 Department to come up with a plan and a program.

7 I do not believe that we asked for at
8 that time the specifics of funding. I believe
9 that we asked that there be a survey of the areas
10 that are affected, detailed information derived
11 about them, estimates on costs associated with it,
12 and what kind of plan or program could be put into
13 place to try to solve these problems.

14 MS. RUSSO: Mm-hmm.

15 COUNCILMAN NUTTER: Neither the
16 Department or any other particular agency of the
17 government would necessarily be requested or
18 required to determine what the funding source is.
19 That is usually a decision left to the elected
20 officials in both the legislative body and the
21 executive branch.

22 Do you have a dispute about that?

23 MS. RUSSO: The Streets Department does
24 have that information, and Paul Lonie could speak
25 to those issues.

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2 COUNCILMAN NUTTER: That's what I would
3 like to hear. Thank you.

4 THE CLERK: Identify yourself for the
5 record.

6 MR. LONIE: Thank you, Madam Chair. My
7 name is Paul Lonie with the Department of Streets,
8 and the Streets Department would like to answer
9 any questions dealing with their involvement in
10 this program. However, at this time, we are
11 presenting no formal testimony because we feel
12 that perhaps it would be premature to do so.

13 We have developed a lot of systems and
14 a lot of ways of dealing with some of the issues
15 that Councilman Nutter had requested that we deal
16 with. We feel we have certain steps that we can
17 take to remedy this situation. But as of this
18 point, we're -- the key to the situation is the
19 fundability of it and how expansive the program
20 will be, depending on that funding.

21 COUNCILMAN NUTTER: Well, Mr. Lonie, I
22 appreciate that. I do not wish to be in a
23 chicken-and-egg situation where either the
24 Department or even the Managing Director's Office
25 makes a the determination that while we might be

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2 able to come up with a program, if we cannot
3 identify a funding source or sources, we therefore
4 then cannot have a program, when none of the
5 details of even a proposed or hypothetical program
6 have been shared with the body who asked for the
7 information.

8 So my problem here is, it's laid out to
9 us that since there's no funding source, we don't
10 think we have a program.

11 MR. LONIE: Well, no, sir. We have a
12 system in place that if we did identify a funding
13 source, it would go into effect immediately.

14 COUNCILMAN NUTTER: Well, tell us a
15 little bit about the system then.

16 MR. LONIE: Pardon?

17 COUNCILMAN NUTTER: Tell us a little
18 bit about the system.

19 MR. LONIE: The system would involve a
20 revolving fund type of operation. The problem
21 with the retaining walls that have always stopped
22 are not retaining walls in specific but with
23 driveways and alleys and retaining walls is that
24 contractors have been reluctant to bid on these
25 projects because there was no funding up front for

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2 them. The City could not promise any cash for the
3 work that they had done. The only thing we could
4 promise under the current laws were assessment
5 bills against the abutting property owners.

6 COUNCILMAN NUTTER: Mm-hmm.

7 MR. LONIE: This would put the
8 contractors in the business of trying to collect
9 these bills.

10 One of the ways that we could do
11 something like this is, if we could identify the
12 funding source, then what we would have the
13 ability to do is allow the contractors to get in
14 there and do their work, repair the situation,
15 move on. And then we, as a City agency, would
16 send the bills directly to the property owners,
17 collect that money back and replenish the fund.

18 I have spoken with the Revenue
19 Department, and they're in agreement with this
20 plan. I have spoken with many other agencies,
21 including the Law Department, and they're in
22 agreement with some parts of this plan, or with
23 all of the plan. I have spoken with the Managing
24 Director's Office and, again, they see no problem
25 with that plan, if the funding can be actually

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2 found. I have, as part of my charge, looked into
3 some of these funding sources and have had a
4 difficult time coming up with anything viable.

5 Part of the program would involve
6 community development, working with the community,
7 educating the community on their respective rights
8 and responsibilities as far as these things go.
9 We're trying our best to work within a system
10 that's difficult, but we feel that we do have some
11 preliminary programs that are ready to go if a
12 funding source can be found.

13 Councilman Cohen was looking before for
14 the scope of the program. One of the beauties of
15 the preliminary program would be that it doesn't
16 need to be done all at once. We can do this for
17 whatever funding we have. We have a program, we
18 feel, could be in place to utilize that money as
19 far as it would take us.

20 COUNCILMAN NUTTER: Well, let me ask
21 this question. Miss Russo, you said that
22 particular areas that we're talking about are
23 private property?

24 MR. LONIE: That is correct.

25 COUNCILMAN NUTTER: And, that was Miss

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2 Russo. Can we have a microphone please? Why
3 don't we just leave them on.
4 MS. RUSSO: Yes, okay. One of the
5 issues --
6 COUNCILMAN NUTTER: Is that what you
7 said?
8 MS. RUSSO: Yeah, yeah. One of the --
9 I think that one -- as I said, the Streets
10 Department does have what they think could be a
11 plan that would work. It would be like a
12 resolving plan.
13 COUNCILMAN NUTTER: I understand that.
14 MS. RUSSO: Okay.
15 COUNCILMAN NUTTER: Miss Russo?
16 MS. RUSSO: Mm-hmm.
17 COUNCILMAN NUTTER: I asked you a
18 question. I asked you, did you say earlier that
19 the areas that we're talking about are private
20 property.
21 MS. RUSSO: Yes, yes, I did.
22 COUNCILMAN NUTTER: And, therefore,
23 there's nothing we can do about it. Is that what
24 you said?
25 MS. RUSSO: I said that the areas that

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2 we're talking about were private property, and
3 that that was an impediment to many of the funding
4 sources.

5 COUNCILMAN NUTTER: Fine. Are you
6 aware recently that a number of buildings
7 throughout the City had fallen down?

8 MS. RUSSO: Yes.

9 COUNCILMAN NUTTER: How many were
10 there? What are we up to, 60, 70?

11 MS. RUSSO: I'm not really sure of the
12 number. I know that the City's right now involved
13 in looking at demolishing those properties.

14 COUNCILMAN NUTTER: Right. And who
15 paid for them?

16 MS. RUSSO: The city.

17 COUNCILMAN NUTTER: Who owned the
18 properties?

19 MS. RUSSO: I'm not -- it's a
20 combination of the various factors probably of
21 HUD, private property owners, et cetera.

22 COUNCILMAN NUTTER: Some of them were
23 private properties?

24 MS. RUSSO: Some of them were, but I'm
25 not sure as to what we're doing with the actual --

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2 like, I'm not sure if we're lienning the
3 properties, I'm not sure of those aspects of the
4 program.

5 COUNCILMAN NUTTER: Did we tear them
6 down?

7 MS. RUSSO: Yes.

8 COUNCILMAN NUTTER: We took some
9 action?

10 MS. RUSSO: I know that the City's
11 tearing down the properties. What I'm not --

12 COUNCILMAN NUTTER: All right. Why are
13 we tearing them down?

14 MS. RUSSO: With city funds.

15 COUNCILMAN NUTTER: I said, why are we
16 tearing them down?

17 MS. RUSSO: Because it's -- from what
18 I'm -- my understanding is it's because they're
19 imminently dangerous.

20 COUNCILMAN NUTTER: Imminently
21 dangerous.

22 MS. RUSSO: Yes, or in danger of
23 collapsing.

24 COUNCILMAN NUTTER: They present a
25 danger to the health, safety, and welfare out in

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2 the community.

3 MS. RUSSO: Yes, that's my
4 understanding.

5 COUNCILMAN NUTTER: And they're
6 privately owned.

7 MS. RUSSO: Yes. For the most part,
8 yes.

9 COUNCILMAN NUTTER: So what's the
10 difference?

11 MS. RUSSO: From my understanding, from
12 talking to the Streets Department on this issue,
13 there are some retaining walls that are in a state
14 of disrepair; I think we're looking at 90 of them,
15 okay. The cost for repairing them, I think, will
16 be approximately \$9 million, okay.

17 Alleys and driveways, from what I
18 understand, are looked at separately because the
19 costs are so much different.

20 COUNCILMAN NUTTER: I didn't ask you
21 about the cost; I asked about ownership.

22 MS. RUSSO: They're privately owned.

23 COUNCILMAN NUTTER: You said that we
24 tear down privately owned buildings that are
25 dangerous.

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2 MS. RUSSO: Mm-hmm.

3 COUNCILMAN NUTTER: But we can't do
4 anything about dangerous condemned retaining
5 walls, alleys, and driveways. Is that your
6 testimony?

7 MS. RUSSO: Yes, that's my testimony,
8 yes.

9 COUNCILMAN NUTTER: And now I'm asking
10 what you difference is.

11 MS. RUSSO: I don't know. I don't have
12 an answer.

13 COUNCILMAN NUTTER: You don't know?

14 MS. RUSSO: I don't have an answer for
15 that, no.

16 COUNCILMAN NUTTER: Okay. Have you
17 ever seen a condemned retaining wall?

18 MS. RUSSO: No, I've never seen it.

19 COUNCILMAN NUTTER: You've never seen
20 one?

21 MS. RUSSO: No. I know what they are
22 from pictures that have been presented to me by
23 the Streets Department, but I've never actually
24 seen one.

25 COUNCILMAN NUTTER: You've never

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2 personally seen a damaged or a condemned retaining
3 wall.

4 MS. RUSSO: No, sir, no, I haven't.

5 COUNCILMAN NUTTER: But your testimony
6 is that the vacant building that's falling down,
7 we can do something about that, but the driveway
8 in the back or retaining wall that's falling down,
9 it's also private property, it represents a danger
10 to City workers, private citizens, an individuals
11 and children, we can't do anything about that.
12 That's your testimony today?

13 MS. RUSSO: Yes, that's my testimony
14 because it's my understanding that --

15 COUNCILMAN NUTTER: Can you explain the
16 difference?

17 MS. RUSSO: Well, it's my understanding
18 that the Department of L&I is in charges of
19 demolitions in the City and that when a property
20 is demolished, the costs are then assessed against
21 the property owner.

22 COUNCILMAN NUTTER: So why don't you do
23 the same thing in this situation?

24 MS. RUSSO: From what my understanding
25 is --

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2 COUNCILMAN NUTTER: Do you think it's
3 less dangerous in the back than it is out in the
4 front?

5 MS. RUSSO: I think that L&I has a
6 funding line for demolitions and I don't know of
7 any funding line for retaining walls. And that
8 could be --

9 COUNCILMAN NUTTER: Have you inquired
10 about one?

11 MS. RUSSO: Excuse me, sir?

12 COUNCILMAN NUTTER: Have you inquired
13 about one?

14 MS. RUSSO: No, sir.

15 COUNCILMAN NUTTER: Why?

16 MS. RUSSO: Because it was my
17 understanding, from talking to our budget office,
18 that dollars could not be allocated because this
19 was private property.

20 COUNCILMAN NUTTER: Well, why couldn't
21 it be allocated for the demolitions?

22 MS. RUSSO: I don't know that answer.
23 I don't know why L&I has a line item for
24 demolitions.

25 COUNCILMAN NUTTER: I'm not talking

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2 about L&I. You're apparently making a legal
3 judgment and a distinction between private
4 property in the back and private property that's a
5 building that's falling down. I want you to
6 explain into this record what the difference is
7 and what the distinctions are.

8 MS. RUSSO: Well, to my understanding
9 --

10 COUNCILMAN NUTTER: Isn't that what
11 you're here for? You're here to give us
12 information, right?

13 MS. RUSSO: I'm here to give you as
14 much information as I have.

15 COUNCILMAN NUTTER: Okay.

16 MS. RUSSO: Okay, my information with
17 respect to imminently dangerous buildings is that
18 those buildings are I.D.'d as imminently dangerous
19 and on the verge of collapse.

20 COUNCILMAN NUTTER: Well, I know of
21 retaining walls that have been condemned by the
22 Board of Health. Is that less dangerous than what
23 L&I does?

24 MS. RUSSO: I don't know.

25 (To Mr. Lonie) Is that -- what do you

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2 do -- what does the Streets Department do when
3 something's falling down?

4 MR. LONIE: The Streets Department,
5 when a retaining wall has been condemned by the
6 Board of Health, who has the power to do that, the
7 Streets Department does not. In the past, we
8 would go out and hire a contractor to come in and
9 fix it and assess the abutting property owners.
10 However, it was considered proper back in the
11 1980s to change that so that a lot of -- you
12 needed 51 percent of the people on the block who
13 were affected to agree to do that. That was a lot
14 of times --

15 COUNCILMAN NUTTER: Stop right there,
16 stop right there, Mr. Lonie.

17 MR. LONIE: Yes, sir.

18 COUNCILMAN NUTTER: Do we ask for 51
19 percent of the neighbors on the block to decide
20 whether we're going to tear a building down?

21 MR. LONIE: No, sir.

22 COUNCILMAN NUTTER: Oh, who makes that
23 decision?

24 MR. LONIE: I -- I have no idea.

25 COUNCILMAN NUTTER: Miss Russo?

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2 MS. RUSSO: There's notice given to the
3 property owners.

4 COUNCILMAN NUTTER: Do we get a
5 petition for demolitions now?

6 MS. RUSSO: No. There's notice given
7 to the property owner.

8 COUNCILMAN NUTTER: Okay.

9 MS. RUSSO: There is notice given to
10 the property owner and then so much time passes.

11 COUNCILMAN NUTTER: All right, all
12 right.

13 MS. RUSSO: And then L&I could then --
14 or they contract to demolish the building.

15 COUNCILMAN NUTTER: So tell me what the
16 program is going to be to deal with the number of
17 damaged, deteriorated, and condemned retaining
18 walls and driveways and alleys in the City of
19 Philadelphia that represent a serious threat to
20 the health, safety, and welfare of people, similar
21 to what we're doing to make sure that buildings
22 don't fall on people.

23 Tell me what you're going to do the day
24 that a City trash vehicle goes crashing over a
25 wall or a wall fails and you got a 9,000-pound

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2 truck running over it and someone is injured or
3 killed, tell me what you're going to do that day.
4 When that wall is on a list of hundreds that are
5 being condemned or observed to be in deteriorated
6 decision condition, you tell me what the game plan
7 is at that point.

8 MS. RUSSO: The Streets Department --
9 and Paul Lonie could speak better to this -- is
10 exploring some legislative changes whereby we
11 might, might -- and I'm not sure if we're going to
12 do this or not, but might be able to cap the
13 assessment for the contractor for a retaining wall
14 for some number.

15 One of the concerns is -- the
16 difference is --

17 COUNCILMAN NUTTER: Oh, so now we're
18 talking about some of the elements of a program.
19 Is that what you're putting on the record now?

20 MS. RUSSO: The Streets Department has
21 looked -- and Paul Lonie could speak to this, they
22 looked at various possibilities of things to do.

23 COUNCILMAN NUTTER: Right.

24 MS. RUSSO: One of the impediments with
25 respect to contractors doing the work was that in

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2 the past, the only way they could be paid is
3 through assessment billings.

4 COUNCILMAN NUTTER: I understand that.

5 MS. RUSSO: And one of the programs
6 that might be possibly looked into by the Streets
7 Department was if there was a way to get some
8 initial funding, this is just exploring
9 possibilities.

10 COUNCILMAN NUTTER: Mm-hmm.

11 MS. RUSSO: Whereby if you could get
12 some initial funding and thereby -- and more or
13 less like they prime the pump, have like a
14 revolving loan.

15 COUNCILMAN NUTTER: Right.

16 MS. RUSSO: That was one of the things
17 that we looked at, just to look at it to see if it
18 was possible to do that.

19 COUNCILMAN NUTTER: Right. Well,
20 Miss Russo, that's a lot better idea than your
21 first idea, which was, they're private property
22 and there's nothing we can do about it. I like
23 the second idea much better than the first one.

24 What I would like you to do, since
25 you've not had the experience, is to go out to the

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2 5200 blocks of Berks and Euclid, out in the
3 Wynnefield section, and what I'd like you to do is
4 to then come back to me and tell me what you think
5 we should do about that wall and what I should
6 tell my constituents out there who cannot use
7 their driveway, who cannot walk without fear of
8 danger that the retaining wall is going to fall
9 down on them, and then you tell me whether you
10 think it's dangerous enough or not for us to do
11 something about it.

12 MS. RUSSO: Okay.

13 COUNCILMAN NUTTER: Okay?

14 MS. RUSSO: Okay.

15 COUNCILMAN NUTTER: Now, this is what
16 you're going to find. 5200 to 5254 Berks and 5203
17 to 5243 Euclid, this is a 450-foot plus or minus
18 wall long, 0 to 12 inches high, 12 feet high,
19 stone retaining wall, it has a 15-foot wide
20 driveway above to the north behind Berks property
21 and a 12-foot wide driveway below to the south
22 behind the Euclid properties. At about the center
23 of the wall is a major collapse. The entire wall,
24 from top to bottom, for a length of about 20 feet,
25 is collapsed into the driveway below. Stone and

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2 concrete building materials are lying in the
3 driveway, as much of the underlying dirt that
4 supports the upper driveway. The upper driveway
5 has about a 20-foot by 10-foot hole, with much of
6 the remaining concrete surface in the vicinity of
7 the collapse being unsupported. This thing is
8 dangerous.

9 Now, I'd like you to go out and take a
10 look at it as your first of potentially many
11 retaining wall experience, and I'd like you to
12 tell me what we're going to do about it, 'cause
13 I'd like an answer.

14 Oh, by the way, this retaining wall, it
15 was condemned by the Board of Health in 1975. So
16 while we've been sitting around, not doing
17 anything about it, it's been deteriorating, costs
18 have been growing, and it's been a danger to that
19 community for a quarter of a century. It's
20 unacceptable. And if you have any others that
21 you'd like to go to, I've got a list of a couple
22 hundred of them.

23 So that's why I'd like to hear about
24 more what we can do, what we're thinking about
25 doing, what we might possibly do over the next

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2 couple years as opposed to what we can't do. I'm
3 much more interested in the first than I am in the
4 second.

5 Do you have some other elements that
6 you might want to share with us?

7 MS. RUSSO: Paul, is there -- yes.

8 MR. LONIE: Yes. We understand a lot
9 of the concerns. The Streets Department fields
10 them. Again, we get the calls just as often as
11 you do.

12 Where we've been frustrated with the
13 individuals -- and, again, it's not necessarily
14 the responsibility of the Streets Department, but
15 the Streets Department would do anything that we
16 could to help to locate whatever funding source
17 the elected officials of the City of Philadelphia
18 say should be used for this project.

19 We think, with a few adjustments, that
20 we have a system that we're ready to put into
21 place, that could remedy a lot of the situations.
22 The only thing that's lacking is the money to do
23 it. We do not have that ability. Under our
24 charter, we cannot use Streets Department money --
25 and, again, this is in private property, so other

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2 funding sources must be looked at.

3 It's difficult, it's been looked at for
4 30 years to do something like that, no one's been
5 successful, and no one would be happier than I if
6 someone would be successful and find that.

7 COUNCILMAN NUTTER: Mr. Lonie, all I'm
8 saying to you is -- and this is what the request
9 was of the committee a few months ago -- give us
10 some concrete ideas, whether they fit together
11 like a glove or not at the moment you give them to
12 us is secondary to the fact that there is a plan
13 and a proposal and a few ideas that, as I said
14 earlier, then City Council would have some
15 opportunity to try to figure out the intricacies
16 and the details along with the Administration and
17 the Law Department, Controller's Office, and
18 anyone else who cares about this.

19 But until we have a document, until
20 someone can see a flow chart, until you have the
21 ability to say to people, This is what we're
22 thinking about, and put those ideas down in a
23 concrete fashion, we will never have anything.
24 And that's all we asked for. We said look at the
25 financing, come up with a program, and give us a

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2 plan. I'm not saying that that's the plan that's
3 going to be implemented and I'm not saying that
4 it's written in stone or anything else.

5 But something every day beats nothing.
6 Today we have nothing, and all we're asking for is
7 something.

8 Now, Miss Russo?

9 MS. RUSSO: Yes.

10 COUNCILMAN NUTTER: It's my
11 recollection that you're an attorney; is that
12 correct.

13 MS. RUSSO: Yes.

14 COUNCILMAN NUTTER: Okay. You're with
15 the Managing Director's office, right?

16 MS. RUSSO: Yes.

17 COUNCILMAN NUTTER: The information
18 that I read to you about the Berks Euclid
19 retaining wall, that's from a public document
20 produced internally by the government, that I am
21 sure that if something happens out there, as an
22 attorney, you would not like to have that
23 particular document in discovery, right?

24 MS. RUSSO: There -- I -- I --

25 COUNCILMAN NUTTER: It's a known

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2 danger.

3 MS. RUSSO: It's a known danger but --

4 COUNCILMAN NUTTER: And we've know
5 about it for a long time. We've done nothing.

6 MS. RUSSO: But legally, under the
7 political subdivision tort claims, the City's not
8 responsible for that.

9 I hear what you're saying --

10 COUNCILMAN NUTTER: Okay.

11 MS. RUSSO: -- about the fact that --

12 COUNCILMAN NUTTER: If you're willing
13 to take that chance, then fine.

14 MS. RUSSO: Okay.

15 COUNCILMAN NUTTER: Just, you know,
16 you'll lay back on that and you'll spend a whole
17 lot of time in court in argument about it.

18 All I'm saying is, we know about these
19 things. We have some obligation to do something.
20 And if you want to rest on, Well, the law says X,
21 that's great. I don't have that luxury. I've got
22 40 to 50 households on a block. I cannot sit
23 around and have nothing happen while people are
24 out there in danger. That's my problem, I don't
25 want it to be the rest of the City's problem.

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2 And it's not just myself. We've got
3 maps and charts and all kinds of stuff, these
4 situations exist all over the City. I'm not
5 saying they're going to be resolved overnight,
6 it's too expensive, we know that. We're not
7 irresponsible. But you have to start somewhere.

8 When do you think you'll have a program
9 put together without all of the i's dotted and the
10 t's crossed but something that we as a legislative
11 body and as elected officials would have an
12 opportunity to sit down, look at, go over the
13 details, debate it back and forth, and try to and
14 come up with a game plan that makes some sense for
15 the citizens of this city, when?

16 MS. RUSSO: I probably -- a month.

17 COUNCILMAN NUTTER: Is that
18 definitively a month, is it probably a month, is
19 it maybe a month? Give me a date by which you
20 believe that you would have a document that we
21 could sit around and have a discussion about.

22 MS. RUSSO: A month. I mean, we could
23 explore various -- if you're looking for a paper
24 trail of possibilities, I would say a month.

25 COUNCILMAN NUTTER: So you think in a

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2 month, we'll have a document?

3 MS. RUSSO: Yes.

4 COUNCILMAN NUTTER: Thank you.

5 MS. RUSSO: No, I think in a month.

6 One of the issues I think that we
7 really wanted to explore was, we wanted to make
8 sure that if we were coming up with a plan, that
9 it was legal, and that's one of the things that we
10 had, you know, some legal framework to stand on.
11 And I think that in a month, we'll be able to look
12 at a couple of the options and present them, to
13 see if they're viable.

14 COUNCILMAN NUTTER: I appreciate it.

15 Thank you, Mr. Chairman.

16 COUNCILMAN DICICCO: Any other
17 questions for these witnesses?

18 COUNCILMAN COHEN: (Inaudible,
19 off-mic.)

20 COUNCILMAN DICICCO: We're ready for
21 you, Councilman.

22 COUNCILMAN COHEN: Mr. Lonie, earlier I
23 heard you said you had a plan all ready to go.
24 What is that plan?

25 MR. LONIE: The Streets Department has

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2 a tentative plan that I believe the Streets
3 Department, as a political entity of the
4 Administration, needs a little more administrative
5 tweaking before we're ready to release it. And I
6 think the Administration would like to look at
7 that plan a little further.

8 COUNCILMAN COHEN: Well, how soon would
9 that be?

10 MR. LONIE: Well, Miss Russo, from the
11 Managing Director's Office, had said that that
12 would be ready within a month.

13 COUNCILMAN COHEN: So it's not the
14 Streets Department, you mean, it's outside the
15 Streets Department that the plan --

16 MR. LONIE: The Streets Department
17 feels that it's prepared to answer the questions
18 as in the time frame indicated, but we realize
19 that we are an administrative division of -- or an
20 operating division of the Administration and we
21 feel that all of the administrative possibilities
22 need to be looked at.

23 COUNCILMAN COHEN: Do you have any clue
24 as to the kind of problems that there are?

25 MR. LONIE: No. I think you'd have to

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2 talk to the Administration about that.

3 COUNCILMAN COHEN: Because, you know,
4 this problem has existed for years, and I don't
5 want to be rude, but I don't really think it's the
6 business of the Streets Department to start a
7 presentation by saying, "This is private property
8 and, therefore, we don't have any responsibility."

9 MR. LONIE: Excuse me, let me clear the
10 record.

11 COUNCILMAN COHEN: I don't know whether
12 it was you, Mr. Lonie, or another witness who
13 basically said that, 'cause this is a problem of
14 Philadelphians.

15 MR. LONIE: I understand, Councilman.
16 That was not a statement of the Streets
17 Department.

18 COUNCILMAN COHEN: And the City has the
19 responsibility, like Councilman Nutter before
20 talked about legal responsibility. Any -- if
21 anybody falls or trips in any manner or in any of
22 these driveways, particularly where the City in
23 the past has issued a notice, and the City has in
24 many of these cases issued notices as to the
25 dangerous conditions that exist, any lawyer worth

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2 his salt would immediately include the City of
3 Philadelphia as the defendant in the case. And
4 the charge of negligence against the City would be
5 very simple to prove, that knowing the condition
6 existed that was dangerous and the City couldn't
7 deny it because it had sent a notice out, the City
8 did nothing to require a correction to be made.

9 Now, that's from a legal end. We don't
10 want to get into that, we want to avoid those
11 cases, and what we want to do is to keep people
12 from leaving the City for fear that their property
13 values are going downhill, we want to have mothers
14 at peace that their kids playing in the driveway
15 in the back are not going to be hurt by a falling
16 retaining wall. It seems to me that saving
17 properties that are not yet in the blighted
18 condition or totally should be a priority ahead of
19 taking care of blighted neighborhoods, because if
20 you don't take care of them, of those that are
21 still stable, they're going to, you know, add to
22 the supply of blighted neighborhoods and be far
23 more expensive to take care of at a later time.

24 So number one is saving neighborhoods
25 that are worth saving and maintaining and

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2 continuing to stabilize. And I think there's got
3 to be a real sense of urgency on that score in the
4 Streets Department.

5 MR. LONIE: Well, I agree, Councilman.
6 In the Streets Department, that sense of urgency
7 is there. And -- but how money is allocated and
8 spent, that's not something the Streets Department
9 would get involved in.

10 COUNCILMAN COHEN: I agree with you on
11 that; I don't think it is a Streets Department,
12 except that I think that it's appropriate that you
13 look to see if you already have money appropriated
14 that could be used for this purpose, and then we
15 could discuss priorities within the Streets
16 Department as to how you spend your
17 appropriations.

18 But outside of money already in your
19 budget, that's a matter of the total
20 Administration, the Mayor's Office, and the City
21 Council.

22 MR. LONIE: That is true.

23 COUNCILMAN COHEN: There's only 18
24 votes on the budget.

25 MR. LONIE: That's true.

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2 COUNCILMAN COHEN: The Mayor has one
3 and the Council has seventeen, but his one may or
4 may not be greater than our seventeen, depending
5 on our ability to override.

6 MR. LONIE: That's true, Councilman.
7 We have looked extensively within our own budget
8 and we have found, checking --

9 COUNCILMAN COHEN: And we appreciate
10 your saying, Mr. Lonie, that you do understand
11 it's a very serious problem and that you are
12 anxious to be able to move forward with that.

13 MR. LONIE: Yes, we are. And we've
14 worked very hard over the past few months, since
15 April, when we were charged with this, to develop
16 tentative plans how to deal with this.

17 And, again, I think it's incumbent on
18 this body to look to the Law Department and say
19 what funds are available and what are not.

20 COUNCILMAN COHEN: Well, we would like
21 to know, for example, when we deal with funds,
22 what are we talking about, what is the estimate as
23 to the need, how much money is needed for how many
24 things so that we could pick the hundred worse
25 case, you know, situations and deal with them,

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2 say.

3 MR. LONIE: Right. In the tentative
4 plan, one of the things that we wanted to look at
5 what was, we wanted to make it flexible enough
6 because we knew that we can't take care of this
7 problem all at once, no matter what we did, it's
8 just too big. So we wanted to make it flexible
9 enough so that if we had a limited amount of
10 money, we could do a limited amount of driveways
11 or alleys or walls or whatever. And the tentative
12 program is flexible enough that whatever money we
13 have, we can spend it in the most appropriate
14 manner.

15 If Council, whatever, somehow magically
16 comes up with \$9 million for retaining walls,
17 we'll fix them all. If Council doesn't, then
18 we'll fix one this year, one next year, or one
19 whenever we can. We believe we have a program, as
20 was charged, to take care of that type of
21 situation if the funding was found. We could be
22 ready whenever this program could be put into
23 place.

24 COUNCILMAN COHEN: Well, are you able
25 to tell us now or within a short time what money

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2 exists in the Streets Department budget, which you
3 could use for this purpose?

4 MR. LONIE: Right. At this point in
5 time --

6 COUNCILMAN COHEN: Yes.

7 MR. LONIE: -- in the opinion of the
8 Law Department, no money in the Streets Department
9 can be used for anything outside its designated
10 rights-of-way. These alleys, driveways, and
11 retaining walls, none of them, fall within the
12 inventory of the Streets Department; so,
13 therefore, our operational funds are not available
14 for this project. And, again, as an attorney, I
15 am going by what the Law Department tells me and I
16 have no reason to doubt that.

17 So I think we -- that's one of the real
18 stumbling blocks of this is to identify. I've
19 identified in this tentative program some funding
20 sources, but it's been very frustrating because
21 it's difficult.

22 COUNCILMAN COHEN: Well, what if there
23 were, say, a fund of \$100,000, or let's say of
24 \$1 million, would you be in a position to make a
25 specific proposal as to how it would be spent?

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2 MR. LONIE: Yes.

3 COUNCILMAN COHEN: For example, the
4 question is, I've been told over the years the
5 reason the City stopped enforcing these notices
6 that they'd send out about dangerous conditions
7 was that the City couldn't get a contractor to bid
8 because of the City's very bad payment policies,
9 because the City didn't pay contractors.

10 MR. LONIE: Right. The City didn't --

11 COUNCILMAN COHEN: And the second
12 question was, the City limited many contractors
13 because of certain bonding requirements that were
14 too expensive for contractors to pay.

15 MR. LONIE: That's true.

16 COUNCILMAN COHEN: Now, have you
17 overcome those problems? If we identify the
18 million dollars, say, that could be used for this
19 purpose, what would that buy us in terms of doing
20 this kind of work?

21 MR. LONIE: Right. If the funding
22 identified as legal by the Law Department and we
23 could use it, then it would eliminate the main
24 problem, because the problem was that we didn't
25 pay the bill; it's that we gave the contractor

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2 assessment bills and he had to go out and collect
3 it from 80 individual people. They didn't want to
4 do that anymore.

5 If we identified this million dollars,
6 then that's a big part of the program and we could
7 pay the contractor in advance and then send out
8 the bills to the individual property owners so
9 that they would pay their fair share of the
10 assessment. But in that, we wouldn't necessarily
11 have to put in 100 or 200 percent overage that the
12 contractors put in on things like that to collect
13 the bills.

14 COUNCILMAN COHEN: Well, have you
15 proposed ideas such as going back to the old way
16 but telling the contractor that if the citizens
17 don't make the payment, the homeowners don't make
18 the payment, the City will? And then the City
19 will take the enforcement action so that the
20 contractor doesn't have to do that?

21 MR. LONIE: Well, that's one thing we
22 could look into a little more. We haven't looked
23 so much in that simply because, again, we could
24 not identify any funds to pay the contractors
25 with.

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2 COUNCILMAN COHEN: Well, I just think
3 there's so many ways. If the City acted in a
4 responsible fashion rather than, so often like
5 what we talk about when we think of landlords that
6 don't fulfill their property duties, like the slum
7 landlords, a common phrase, if the City stopped
8 acting like a slum landlord in these situations
9 and really rolled up its sleeve, I think they
10 would offer us in Council a number of potential
11 approaches.

12 MR. LONIE: Well, I think --

13 COUNCILMAN COHEN: And we could have an
14 analysis of which approach we should use based
15 upon which approach might produce more per dollar.

16 MR. LONIE: Well, we could -- you know,
17 that is true, and part of our charge is to
18 identify some of these different sources and we
19 feel tentatively we have done that.

20 But it's not our charge in the Streets
21 Department to go to a funding agency and say, Give
22 us money. That's for the elected officials to
23 make an intelligent determination of where the
24 City's money should go. That's not our
25 responsibility.

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2 COUNCILMAN COHEN: Suppose we said,
3 assume that the City is going to have a million
4 dollars available, how would the Streets
5 Department propose dealing with this problem?

6 MR. LONIE: Well, if that was
7 available, the Streets Department would propose
8 that --

9 COUNCILMAN COHEN: The same old way you
10 propose. You would advertise, you would pay
11 double or triple the amount of money you have to
12 pay because you have no alternative method of
13 doing that.

14 MR. LONIE: That's not correct. How we
15 would do it if we didn't have that, we would
16 bundle the driveways or the alleys or the walls
17 into whatever funding source we had, and we would
18 say to a contractor, You're not just doing one
19 thing, you're doing 10, 15 driveways, if the
20 funding was available. At that point in time,
21 we'd also say to the contractor, We're going to
22 pay you with cash so don't put any overage on us,
23 because it's not like the old days.

24 We would at that point in time take on
25 the responsibility of some of that bill-

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2 collecting, but the Water Revenue Bureau has said
3 that they're willing to handle some of that for
4 us.

5 We -- after the contractor was
6 finished, we would measure exactly what he paid
7 the district surveyor, as is outlined in the
8 existing code, would go out and measure the
9 driveway, form the bills, transmit the bills to
10 the Water Revenue Bureau. They would send them
11 out, the people would pay. Eventually, the money
12 would go back into this revolving fund
13 tentatively.

14 COUNCILMAN COHEN: And you would do
15 that system to do what kind of work? You
16 mentioned the Water Revenue Bureau.

17 MR. LONIE: They're just simply the
18 best -- we've identified them as the best funding
19 agency to send out the billings and help us
20 collect it. They have the best accounting system
21 in the City.

22 COUNCILMAN COHEN: So the City would
23 try to get payment from the individual homeowners.

24 MR. LONIE: As is their responsibility
25 under current law.

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2 COUNCILMAN COHEN: Mm-hmm. All right,
3 that's the first specific proposal I have heard.
4 Would it be a bill, which could be paid over
5 time?

6 MR. LONIE: We tentatively would
7 propose that it would be amortized over a
8 four-year period. We feel that the average bill
9 would be at that point in time maybe \$100 a year
10 over 4 years. We feel pretty much everybody could
11 afford that, tentatively.

12 COUNCILMAN COHEN: Well, this is the
13 first time I've heard that kind of a specific
14 proposal. That's encouraging for me to hear that.

15 MR. LONIE: Well, again, that's just
16 some tentative thinking in the Streets Department
17 right now.

18 COUNCILMAN COHEN: And you say that in
19 a month or so, you expect that the City
20 Administration, for which you cannot speak, you
21 would hope that they would be ready with
22 something?

23 MR. LONIE: I would hope so.

24 COUNCILMAN COHEN: And you would be
25 ready with this kind of funding arrangement? Have

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2 you gone through the different steps necessary to
3 get approval for this kind of funding arrangement
4 that you've described?

5 MR. LONIE: Well, no, this type of
6 collect -- the current laws, as they exist, allow
7 us to use that type of collection.

8 COUNCILMAN COHEN: So would --
9 (Unintelligible, parties talking over
10 each other.)

11 COUNCILMAN COHEN: So you would have
12 the authority to use it then?

13 MR. LONIE: Yes.

14 COUNCILMAN COHEN: All right.

15 All right, thank you, Madam -- uh --

16 COUNCILMAN DICICCO: Madam?

17 COUNCILMAN COHEN: I remember the
18 president sitting there before.

19 COUNCILMAN DICICCO: Yeah, yeah.

20 Any other questions for these
21 witnesses?

22 COUNCILMAN NUTTER: Mr. Chairman?

23 COUNCILMAN DICICCO: Councilman
24 Nutter?

25 COUNCILMAN NUTTER: Thank you.

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2 In line with a comment made by
3 Councilman Cohen earlier about the issue the
4 notice when there is a danger and what the City's
5 liability may or may not be, and as the Councilman
6 said, we don't necessarily want to get into a big
7 legal discussion about this, but I think it's also
8 important for the record that whether the City has
9 provided notice in some of these situations,
10 another component of the Streets Department, the
11 Sanitation Division, will take it upon itself, and
12 I think, making the right decision, to reroute our
13 City sanitation vehicles from a driveway or a
14 retaining wall that they've determined to be
15 dangerous for themselves.

16 Forget about whether it's been
17 condemned or not or whether anyone's sent a notice
18 or not. They made a determination that they're
19 not sending their personnel and our equipment in
20 those areas, and reroute the trash pickup to the
21 front. That is the most blatant sign that there
22 is some kind of danger, and the City workers at
23 least are taking it upon themselves to not put
24 themselves in a dangerous situation. It is an
25 admission of a danger right then and there.

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2 COUNCILMAN COHEN: Lawyers would call
3 that very strong evidence of an admission by the
4 City that the condition was dangerous.

5 COUNCILMAN NUTTER: Thank you,
6 Councilman.

7 COUNCILMAN DICICCO: Are there any
8 other questions for these witnesses?

9 (No further questions.)

10 COUNCILMAN DICICCO: This concludes the
11 public hearing on the Streets and Services
12 Committee on Resolution No. 41.

13 We're going into the public meeting.
14 At the request of the sponsor of the resolution,
15 we will recess the meeting on the Resolution 41
16 until November 21st at 10 a.m., on November the
17 21st, the year 2000.

18 Thank you for your testimony.

19 COUNCILMAN NUTTER: Mr. Chairman?

20 COUNCILMAN DICICCO: Councilman
21 Nutter?

22 COUNCILMAN NUTTER: And the expectation
23 on that particular date is --

24 COUNCILMAN DICICCO: Is that the report
25 will be available to this committee.

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2 COUNCILMAN NUTTER: A written report
3 that we can actually hold in our hands and
4 review? I'm sorry, I didn't hear you.

5 COUNCILMAN DICICCO: I didn't -- a
6 report will be available to this committee on
7 November the 21st, at 10 o'clock a.m.

8 MR. LONIE: Yes, yes, it will be.

9 COUNCILMAN NUTTER: Thank you.

10 COUNCILMAN DICICCO: Thank you.

11 MS. RUSSO: Thank you.

12 (Adjourned at 5:25 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, October 24, 2000, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON STREETS AND SERVICES

BILL NO.'s 000506, 000508, 000510, 000511,
000512, 000513, 000538, 000542, 000547,
000582, 000584, 000589, 000604, 000605,
000606

RESOLUTION NO. 000041

JOSEPHINE CARDILLO,
Registered Professional Reporter