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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, January 27, 2009
1:15 a.m.

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PRESENT:

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COUNCILMAN FRANK DiCICCO, CHAIR

11

COUNCILMAN BILL GREEN

12

COUNCILMAN WILLIAM GREENLEE

13

COUNCILMAN CURTIS JONES, JR.

14

COUNCILMAN JAMES F. KENNEY

15

COUNCILWOMAN MARIA QUINONES-SANCHEZ

16

COUNCILWOMAN DONNA REED MILLER

17

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BILLS 080931, 080935, 080945, 080946, 080948
and 080950

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COUNCILMAN DiCICCO: Good

3

afternoon, everyone. This is the

4

Committee on Streets and Services.

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We will begin with the public

6

hearing. I will ask Mr. Abernathy to

7

read the title of the first bill. And we

8

do have a quorum. For the record, to my

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immediate left is Councilwoman Maria

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Quinones. To my immediate right is

11

Councilman Jones, and to his right is

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Councilwoman Donna Reed Miller.

13

Thank you.

14

THE CLERK: Bill No. 080935 is

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being held at the request of the sponsor.

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Bill No. 080948, an ordinance

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authorizing and directing the revision of

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a portion of City Plan No. 231 by

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changing the grades of Cross Street from

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Gates Street to Hermitage Street and

21

Gates Street from Silverwood Street to

22

Cross Street in order to conform more

23

closely with existing physical

24

conditions, under certain terms and

25

conditions.

1 1/27/09 - STREETS - BILL 080931, etc.

2 (Witnesses approached witness
3 table.)

4 COUNCILMAN DiCICCO: Good
5 afternoon, gentlemen. Please identify
6 yourselves for the record and proceed
7 with your testimony.

8 MR. MORELLI: Good afternoon,
9 Mr. Chairman and members of the
10 Committee. My name is Frank Morelli,
11 Survey Bureau Manager of the Department
12 of Streets, and the Department of Streets
13 would like to offer the following
14 testimony on Bill No. 080948.

15 This is not an administrative
16 ordinance, but an ordinance requested by
17 Mr. Lairon D. Lawrence, engineering
18 designer, Stantec Consulting Services,
19 260 South Broad Street, Suite 1210,
20 Philadelphia, PA.

21 The purpose of this ordinance
22 is to change the City Plan grades to
23 match the existing conditions along Cross
24 Street to facilitate the development and
25 construction of 16 single-family

1 1/27/09 - STREETS - BILL 080931, etc.
2 dwellings.

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

7 MR. ERICKSON: Good afternoon,
8 Chairman DiCicco and members of the
9 Streets and Services Committee. I am
10 William Erickson, a City Planner with the
11 Development Planning Division of the
12 Philadelphia City Planning Commission. I
13 am here to testify on Bill No. 080948,
14 which Councilmember Jones introduced on
15 December 11, 2008.

16 This Streets bill will revise
17 the grades of Cross Street from Gates
18 Street to Hermitage Street and Gates
19 Street from Silverwood Street to Cross
20 Street in order to conform more closely
21 to the existing physical conditions.
22 This will allow for the development of 16
23 new single-family dwellings at this
24 location.

25 The Planning Commission at its

1 1/27/09 - STREETS - BILL 080931, etc.
2 meeting of January 20, 2009 recommended
3 that Bill No. 080948 be approved.

4 This concludes my testimony. I
5 appreciate the opportunity to appear
6 before you today and would be pleased to
7 answer any questions you may have.

8 COUNCILMAN DiCICCO: Thank you,
9 gentlemen.

10 Any questions?

11 (No response.)

12 COUNCILMAN DiCICCO: Any
13 comments for these witnesses?

14 (No response.)

15 COUNCILMAN DiCICCO: Is there
16 anyone else who wishes to testify for or
17 against this bill?

18 (No response.)

19 COUNCILMAN DiCICCO: Seeing
20 none, Mr. Abernathy, the title of the
21 next bill.

22 THE CLERK: Bill No. 080950, an
23 ordinance authorizing the paving of Cross
24 Street from Gates Street to Hermitage
25 Street and Gates Street from Silverwood

1 1/27/09 - STREETS - BILL 080931, etc.

2 Street to Cross Street, under certain
3 terms and conditions.

4 MR. MORELLI: Good afternoon,
5 Mr. Chairman and members of the
6 Committee. My name is Frank Morelli,
7 Survey Bureau Manager of the Department
8 of Streets, and the Department of Streets
9 would like to offer the following
10 testimony on Bill No. 080950.

11 This is not an administrative
12 ordinance, but an ordinance requested by
13 Mr. Larion D. Lawrence, engineering
14 designer, Stantec Consulting Services,
15 260 South Broad Street, Suite 1210,
16 Philadelphia, PA.

17 The purpose of this ordinance
18 is to pave Cross Street and Gates Street
19 to facilitate the development and
20 construction of 16 single-family
21 dwellings.

22 This ordinance is supported by
23 the Department of Streets and is
24 recommended to your Committee for
25 favorable action.

1 1/27/09 - STREETS - BILL 080931, etc.

2 COUNCILMAN DiCICCO: Thank you.

3 Any questions for this witness
4 from the Committee?

5 (No response.)

6 COUNCILMAN DiCICCO: Anyone
7 else here who wishes to testify for or
8 against the bill?

9 (No response.)

10 COUNCILMAN DiCICCO: Seeing
11 none, Mr. Abernathy, the title of the
12 next bill.

13 THE CLERK: Bill No. 080931, an
14 ordinance amending Chapter 12-3000 of The
15 Philadelphia Code, entitled "Use of an
16 Automated Red Light Enforcement System to
17 Prevent Red Light Violations," by
18 authorizing the installation of red light
19 enforcement systems at certain additional
20 locations and conforming the Code to
21 state law standards with respect to the
22 recording of violations, all under
23 certain terms and conditions.

24 (Witnesses approached witness
25 table.)

1 1/27/09 - STREETS - BILL 080931, etc.

2 COUNCILMAN DiCICCO: Good

3 afternoon, Mr. Fenerty.

4 MR. FENERTY: Good morning,

5 Mr. Chairman -- or good afternoon. I'm

6 sorry.

7 COUNCILMAN DiCICCO: That's all

8 right. The snowstorm held you up, I

9 know. Please proceed with your

10 testimony.

11 MR. FENERTY: Good afternoon.

12 My name is Vince Fenerty. I'm the

13 Executive Director of the Philadelphia

14 Parking Authority. First of all, I would

15 like to thank Chairman DiCicco and

16 members of the Committee for allowing me

17 to testify today. I would also like to

18 thank Councilmembers Kenney, Clarke and

19 DiCicco for introducing this legislation.

20 I am testifying in favor of Bill 080931,

21 which would add two more intersections to

22 the red light camera program in the City.

23 These intersections will be on North

24 Broad Street at JFK Boulevard, along with

25 South Broad Street at South Penn Square.

1 1/27/09 - STREETS - BILL 080931, etc.

2 I would like to take this time
3 to commend City Council for its past
4 excellent and most previous times
5 unanimous support for this program.
6 Since the first cameras were activated at
7 Grant and Roosevelt Boulevard on February
8 3, 2005, the program has been successful
9 in its main goals: Decreasing red light
10 running, accidents, injuries and
11 fatalities. There are now 64 cameras at
12 13 intersections, the latest being at
13 58th and Walnut Streets, 9th and
14 Roosevelt Boulevard and Broad and Hunting
15 Park Avenue. The addition of these two
16 intersections would bring the citywide
17 total of red light cameras to 15.

18 The intersections at Broad
19 Street which empty into City Hall circle
20 at its north and south points have long
21 been places where pedestrians and
22 motorists alike are held hostage by the
23 dangerous disregard for traffic signals
24 that have become an epidemic at these
25 points. It is not an exaggeration to say

1 1/27/09 - STREETS - BILL 080931, etc.

2 that sometimes you put your life in your
3 hands navigating in these areas. I
4 believe that the red light cameras will
5 change the behavior of motorists here, as
6 they have in other parts of the City, to
7 make walking and driving to City Hall a
8 much safer experience. The establishment
9 of red light cameras at these
10 intersections will continue to enhance
11 and extend this program to the dangerous
12 intersections in the City.

13 I'm asking the Committee to
14 give Bill 080931 a favorable
15 recommendation and request that the rules
16 be suspended to allow first reading at
17 the next Council session.

18 Thank you again for the
19 opportunity to testify before the
20 Committee this afternoon. I would be
21 happy to answer any questions which you
22 may have.

23 COUNCILMAN DiCICCO: Thank you,
24 Mr. Fenerty.

25 Let the record reflect that

1 1/27/09 - STREETS - BILL 080931, etc.
2 Councilman Green, who is a member of this
3 committee, is also in attendance.

4 Mr. Fenerty, I believe you did
5 a survey or your department did a survey
6 of the infractions as it relates to
7 people going through red lights. Do you
8 recall what any of those numbers are?

9 MR. FENERTY: Yes, we do. We
10 did a VIM study, and Mr. Vogler, the
11 Manager of the Red Light Camera
12 Department, can testify on what the
13 findings were.

14 COUNCILMAN DiCICCO: Thank you.

15 MR. VOGLER: Good afternoon,
16 Chairman. How are you today?

17 COUNCILMAN DiCICCO: Please
18 identify yourself for the record.

19 MR. VOGLER: My name is
20 Christopher Vogler, V-O-G-L-E-R, Manager
21 of Red Light Photo Enforcement at the
22 Parking Authority.

23 At intersections that are
24 candidates of red light cameras, it's
25 called -- what is done is called a VIM

1 1/27/09 - STREETS - BILL 080931, etc.
2 study, which really is videotaping of a
3 set intersection, all the approaches for
4 a time, usually 12 hours or less, to be
5 able to see how many vehicles have gone
6 through red lights, either straight or
7 making a right or left turn, depending on
8 the intersection.

9 Statistics for Broad and JFK
10 show that in a 12-hour period, it was
11 7:00 a.m. to 7:00 p.m. on a given
12 weekday, which was done approximately, I
13 think, three or four months ago -- I'm
14 sorry. I don't have the exact date for
15 the Committee -- there were 102
16 violations. That's 102 acts of an
17 automobile going through a red light
18 within a 12-hour period just on South
19 Broad Street going into JFK, when you
20 make the right-hand turn, if you proceed
21 around the Masonic Temple, going into
22 City Hall circle.

23 Going west on JFK Boulevard,
24 either turning right onto North Broad or
25 continuing toward 15th Street, in a

1 1/27/09 - STREETS - BILL 080931, etc.
2 four-hour period -- so that would be
3 right coming from the Mayor's corner,
4 going away from the Mayor's corner --
5 there were 56 violations in a four-hour
6 period. It was taken during the morning
7 rush hour. So 158 violations for the
8 span of less than one day at that
9 controlled intersection.

10 On the south side of City Hall
11 at South Penn Square where South Broad
12 empties into or comes from the circle,
13 there were a total of 76 violations in a
14 12-hour period at that intersection. And
15 that is just on any given day. So, I
16 mean, if you average that out over the
17 span of the rest of the day, which
18 traffic would be less, but average that
19 over a month, I mean, there are thousands
20 of instances at those two intersections
21 where red light running occurs each
22 month.

23 COUNCILMAN DiCICCO: Thank you.
24 I just wanted that for the record. I
25 remember you did have a report. I didn't

1 1/27/09 - STREETS - BILL 080931, etc.
2 recall the exact numbers, but from
3 personal observation is how pretty much
4 this all came about. The numbers, for
5 even myself, were a lot higher than I
6 anticipated.

7 Councilwoman Quinones.

8 COUNCILWOMAN SANCHEZ: Thank
9 you.

10 Is there going to be a warning
11 period? How long will that be, and when
12 are we looking to implement this,
13 assuming we get this out in two weeks?

14 MR. FENERTY: Councilwoman,
15 there would be a warning period after the
16 Mayor would sign the bill, if it's
17 successful. The engineering study would
18 be completed between PennDot and City
19 Streets Department. Once the
20 intersection is constructed, under the
21 current statute it would be a 60-day
22 warning period. Signs would be posted,
23 and the individual who would go through
24 the intersection would receive a warning
25 notice instead of a citation for a period

1 1/27/09 - STREETS - BILL 080931, etc.

2 of 60 days.

3 COUNCILMAN DiCICCO: Thank you.

4 Any other questions from this
5 Committee?

6 (No response.)

7 MR. FENERTY: Chairman DiCicco,
8 your office had asked if we provide
9 current data for the intersections, which
10 we currently have. I have that with me
11 for review by the Committee. It would be
12 for ten intersections. The three that
13 just went live on January 6th, there's no
14 data on them yet. And this information
15 is complete through the end of September.

16 COUNCILMAN DiCICCO: Thank you.
17 Councilman Kenney would like to
18 ask a question.

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman. First, I would like to
21 thank the Chairman for allowing me to
22 co-sponsor the bill with him, and thank
23 the Parking Authority for the cooperation
24 and doing the investigation, the due
25 diligence, necessary to get this

1 1/27/09 - STREETS - BILL 080931, etc.

2 hopefully accomplished.

3 Mr. Chairman, as you know,
4 those four intersections around City Hall
5 are perhaps maybe not as dangerous
6 vehicularly as some of the ones up in
7 Northeast off of like Red Lion Road and
8 some of the other places up there that
9 you initiated the cameras, but I think
10 that the four intersections around City
11 Hall are an absolute disaster as far as
12 pedestrian traffic is concerned. People
13 have absolutely no regard for a red light
14 whatsoever. It's not even only a
15 suggestion, it's almost as if it's a red
16 flag to go through it.

17 I think that vehicular traffic,
18 SEPTA buses, people think that once they
19 get into that crosswalk and the light
20 turns red, that they have somehow a right
21 to continue on through. I watch people,
22 older people, all kinds of people,
23 dodging traffic. I watch people step off
24 the curb at City Hall and have a car blow
25 by them at a high rate of speed through a

1 1/27/09 - STREETS - BILL 080931, etc.
2 red light. And you yell at them, you try
3 to get them to pay attention, you try to
4 get a police officer to chase them, but
5 this at least will bring some sense that
6 they're being punished for the reckless
7 way in which they go through these
8 intersections. I know I got myself a
9 \$100 fine at Broad and Oregon and learned
10 my lesson. When I see the counter going
11 down four, three, two, I put my foot on
12 the brake and not on the accelerator. I
13 paid my fine and learned my lesson, but I
14 do think that around City Hall,
15 especially in some of the blind spots on
16 the northwest corner where you can't --
17 where either there's the parking in the
18 running lane sometimes around City Hall,
19 where there's truck parking or double
20 parking, there's a total blind spot.
21 People walk out thinking it's a green
22 light and that they're safe, and cars go
23 whizzing by them.
24 So as soon as you can possibly
25 get them in, the better. I think that

1 1/27/09 - STREETS - BILL 080931, etc.
2 it's a miracle now that we haven't had
3 anyone killed, but you're taking your
4 life in your hands when you step off the
5 curb with a green light sometimes around
6 City Hall.

7 So I want to thank the Chairman
8 and thank the Parking Authority for your
9 continued cooperation in many areas, not
10 only in the red light camera stuff, but
11 on all the issues that we bring before
12 you relative to service of the Parking
13 Authority. I am very happy with the way
14 in which the Parking Authority conducts
15 themselves and the way in which they
16 respond to complaints about taxi cabs,
17 about sometimes employees that don't
18 interact correctly with citizens. You're
19 right on top of it and very responsive.
20 So I wanted to thank you for all your
21 work.

22 MR. FENERTY: Thank you for
23 your compliments.

24 MR. VOGLER: Thank you.

25 COUNCILMAN DiCICCO: Thank you,

1 1/27/09 - STREETS - BILL 080931, etc.

2 Councilman.

3 Councilman Jones.

4 COUNCILMAN JONES: Thank you,

5 Mr. Chairman.

6 Good afternoon. Right now
7 somewhere in the City of Philadelphia
8 watching Channel 64 or 52 there's
9 somebody writing down a note to write to
10 one of the Councilpeople on how to get
11 their own block qualified for a red light
12 camera. Can you describe that process
13 for the record, please?

14 MR. FENERTY: The process would
15 have to be a request to the Parking
16 Authority from a member of the public to
17 study it, or primarily it should go
18 through the District Councilperson. By
19 the statute, any intersections which the
20 Parking Authority would feel qualified,
21 we have to come to the District
22 Councilperson to have an ordinance
23 written and brought before this Committee
24 and then passed by City Council and
25 approved by the Mayor.

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2 We have generally done most of
3 the studies through citizen complaints,
4 through Councilmember complaints. There
5 are some intersections which we've
6 studied that there were not that many red
7 light runnings. There are some
8 intersections that are almost impossible
9 to control with a red light camera,
10 because you need overhead signals. You
11 can't have tree blockage or shrubbery
12 blocking the cameras.

13 But we've been very successful
14 working with the Councilmembers' staffs,
15 and we will -- I anticipate we would be
16 able to work with any members of the
17 public that would want a study.

18 COUNCILMAN JONES: I just
19 wanted you to say that, because when I go
20 back to my district and there's a
21 committee up in East Falls and Manayunk
22 dealing with Ridge Avenue and Henry
23 Avenue, for them to understand the
24 process of how this is done. So thank
25 you.

1 1/27/09 - STREETS - BILL 080931, etc.

2 MR. FENERTY: I do believe,
3 Councilman, both from citizen complaints
4 and from your office, we're in the
5 process of doing some VIM studies up on
6 Ridge Avenue and Henry Avenue right now.

7 MR. VOGLER: Yes.

8 COUNCILMAN JONES: We
9 appreciate it. Thank you.

10 Thank you, Mr. Chairman.

11 COUNCILMAN DiCICCO: Any other
12 questions from the Committee?

13 (No response.)

14 COUNCILMAN DiCICCO: Is there
15 anyone else here who wishes to testify
16 for or against this bill?

17 Yes, ma'am.

18 (Witness approached witness
19 table.)

20 COUNCILMAN DiCICCO: Vince,
21 just sit over there. You have two more
22 bills, don't you?

23 MR. FENERTY: Two more bills,
24 yeah.

25 COUNCILMAN DiCICCO: Just stay

1 1/27/09 - STREETS - BILL 080931, etc.

2 there. Stay at the table. Save yourself
3 some walking time.

4 Good afternoon.

5 MS. ROSSI: Good afternoon,
6 Councilman DiCicco and Councilmembers.
7 I'm Cathy Rossi, Manager of Public and
8 Government Affairs for AAA Mid-Atlantic.

9 AAA was founded more than 100
10 years ago on the principles of motorist
11 safety and pedestrian safety, and we are
12 a motorist advocate, and so, therefore,
13 I'm representing the viewpoints of
14 motorists. I testified before City
15 Council on this issue in September of
16 2007 prior to the State Legislature's
17 extension of the red light camera
18 program. And AAA has been an advocate of
19 the red light camera program in
20 Philadelphia and in the State, with the
21 caveat that it operate with certain
22 protections for motorists, many of which
23 were incorporated into the enabling
24 legislation, such as the posting of the
25 warning signs, telling motorists the red

1 1/27/09 - STREETS - BILL 080931, etc.
2 light cameras are in effect, reasonable
3 and appropriate penalties, mandate that
4 camera vendors be paid flat fees that in
5 no way correlate to the number of
6 citations issued, that monies from red
7 light citations support transportation
8 projects and not be diverted to other
9 needs.

10 The purpose of the red light
11 cameras is to catch people -- is not to
12 catch people in the act of running the
13 red light and certainly not to enhance
14 revenue merely, but to slow motorists
15 down and stop them from running the red
16 lights in the first place in order to
17 prevent crashes from occurring and
18 pedestrians from being hit. Each year
19 about 5,000 pedestrians die after being
20 struck by automobiles. I don't have
21 Philadelphia's specific numbers, but in
22 Pennsylvania in one year, 5,000 crashes
23 involved pedestrians.

24 We know that cameras are meant
25 to serve as a deterrent to take the place

1 1/27/09 - STREETS - BILL 080931, etc.
2 of police officers who can't be at every
3 intersection. AAA, however, will not
4 blindly accept the success of the
5 program. We have, from the beginning on
6 behalf of motorists, demanded
7 accountability, and we just raise some
8 yellow caution flags, and that's why I'm
9 here today, to raise a couple yellow
10 caution flags.

11 We have two main concerns about
12 the proposed new cameras. One is traffic
13 management, including the timing and
14 sequencing of lights, and the second is
15 statistical accountability and
16 justification. We believe the City needs
17 to address a traffic management and light
18 timing issue in Center City, especially
19 in the vicinity of City Hall, before
20 installing red light cameras. Poor
21 timing of lights and sequencing and
22 congestion produce pure gridlock at
23 certain times, and AAA believes that the
24 City can reassess and perhaps reset some
25 of the traffic signals before installing

1 1/27/09 - STREETS - BILL 080931, etc.

2 the red light cameras.

3 Secondly, the Parking Authority
4 as the administrator of the program
5 should, we believe, publicly disclose
6 more information and analysis about the
7 red light violators and intersection
8 crashes, including comparative data that
9 justifies the new cameras. We assume
10 that you as lawmakers would like to know
11 have the red light running violations
12 dropped at the intersections where the
13 cameras are present and have the number
14 of crashes declined as well. We see some
15 raw data, but we don't always see the
16 comparative data and analysis that we
17 believe is needed, especially as we look
18 at putting more cameras in place.

19 We don't have all the
20 up-to-date answers to the questions at
21 least that AAA is aware of. The last
22 report from the Parking Authority that
23 was published on the website in September
24 falls a little bit short of what we need
25 to make intelligent decisions about

1 1/27/09 - STREETS - BILL 080931, etc.
2 additional cameras. It provides the
3 intersection data in raw numbers, but
4 doesn't really tell us whether the
5 numbers are up, down, sideways, and
6 doesn't provide the relevant crash data
7 about the intersections. We know the
8 crash information has to come from the
9 police. We believe it should be included
10 in the annual red light camera report and
11 in ongoing reports as you consider
12 whether or not to install more cameras.

13 We're concerned about the lack
14 of the relevant statistical disclosure.
15 Are the cameras making things safer? How
16 many cameras are too many cameras? Fair
17 questions, given the pretty rapid
18 expansion of the red light camera
19 program.

20 Even with vendor payments
21 limited to flat monthly fees, the revenue
22 grows, their revenue grows, and
23 government revenue grows every time a new
24 camera is installed. This is not
25 supposed to be about making money. It's

1 1/27/09 - STREETS - BILL 080931, etc.
2 supposed to be about safety and stopping
3 people from running red lights. AAA's
4 interest in this is in keeping the
5 program credible. We have seen the
6 program lose credibility in many other
7 large cities, and we don't want to see
8 that happen here. That's why we say
9 performance has to be measured and
10 publicly stated. Otherwise, it's going
11 to lose face among motorists.

12 To the Parking Authority's
13 credit, it has done the right thing when
14 it issued refunds to some violators who
15 were unfairly ticketed last year, but it
16 did take the case of one motorist to
17 bring that to light.

18 So speaking on behalf of the
19 hundreds of motorists who are members of
20 AAA and pedestrians as well -- and I'll
21 say that I saw someone blow a red light
22 as I walked here across the street today,
23 came right through it. AAA believes the
24 Parking Authority website should list all
25 of Philadelphia's red light camera

1 1/27/09 - STREETS - BILL 080931, etc.
2 intersections. It currently does not.
3 Pretty simple, but an important
4 reference. We need to see information
5 about the justification for these
6 particular red light camera placements.
7 Are these intersections more dangerous
8 than other intersections? How do they
9 compare? The comparative analysis.

10 Anecdotally, you're right, we
11 know that drivers have countless near
12 misses with pedestrians in this area and
13 perhaps the cameras are needed for
14 safety's sake. We agree that they
15 probably are, but we ask that the Parking
16 Authority or City Council provide the
17 statistics, the justification that
18 validates the rationale for approval.

19 We ask that City Council,
20 before approving any additional cameras,
21 including those on Broad Street near City
22 Hall, help the City to address the
23 traffic management issues and require a
24 more comprehensive report on crash and
25 violation data. Otherwise, at some point

1 1/27/09 - STREETS - BILL 080931, etc.
2 AAA will consider withdrawing its support
3 for the program. Right now the program
4 has our support, but I'm here today to
5 simply raise these yellow caution flags
6 as the program moves forward.

7 COUNCILMAN DiCICCO: Thank you.
8 Thank you for your testimony. Do you
9 have copies of your testimony?

10 MS. ROSSI: I do.

11 COUNCILMAN DiCICCO: If you
12 would -- you do have it, you said? Okay.

13 What I will do is, this
14 Committee will obviously have access to
15 that. We'll hand those out, and going
16 forward, I will read through that. I
17 think there's some points that you raise
18 that I would certainly agree with as it
19 relates to the timing of traffic signals.
20 That's a Streets Department issue. Not
21 getting the Parking Authority off the
22 hook with that, but it is their issue,
23 and we've raised that on a number of
24 different occasions, especially in the
25 Columbus Boulevard/Delaware Avenue area.

1 1/27/09 - STREETS - BILL 080931, etc.

2 I think they've made some adjustments
3 there.

4 But I will take this testimony
5 that you've offered today, go through it
6 and take any comments from my colleagues
7 on this Committee as well, and submit
8 them to the Parking Authority.

9 Mr. Fenerty looks like he's anxious to
10 respond, so if you'd like to come up,
11 Mr. Fenerty.

12 COUNCILWOMAN SANCHEZ: Can I
13 ask just one question?

14 COUNCILMAN DiCICCO: I'm sorry.
15 Councilwoman Quinones.

16 COUNCILWOMAN SANCHEZ: Thank
17 you for your testimony. You mentioned
18 about other cities who have lost some
19 credibility with their management. Can
20 you give us an example of a city who is
21 doing it badly and, at the same time, a
22 city that publishes its data in a more
23 responsible, more comprehensive way? Do
24 you have that?

25 MS. ROSSI: Sure. Washington,

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2 DC is an illustration of a city that has
3 extreme difficulties with its red light
4 camera program. Part of that has to do
5 with yellow light timing issues. Part of
6 it has to do with camera placement
7 issues.

8 If you Google news articles
9 about it, they'll come up left and right.
10 They have moved forward with speed
11 cameras, which have only exacerbated the
12 red light camera issue there. There have
13 been lots of issues in Washington, DC.

14 I don't have an example of a
15 jurisdiction that's published a report.
16 I'm sure it exists, but I can't think of
17 one off the top of my head that has a
18 comprehensive report. The more public
19 disclosure and transparency there is with
20 this kind of program, the better it is.
21 Motorists and pedestrians want to know
22 that this is strictly about safety and
23 not about revenue. Where vendor fees in
24 some jurisdictions are paid per citation,
25 that's where we see a lot of problems.

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2 And that's part of the issue in

3 Washington, DC.

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 COUNCILMAN DiCICCO: Again, as
7 I said, there are questions coming
8 already from the Committee, and then
9 we'll give Mr. Fenerty an opportunity to
10 respond. And I appreciate your comments
11 about the timing of the lights and the
12 impact that it may have on motorists, but
13 I've been the Chairman of this Committee
14 since I came to Council in 1996, and the
15 Streets Department, without trying to be
16 too critical, has always -- the emphasis
17 of the Streets Department has always been
18 on vehicular traffic and ways in which
19 they can make it more convenient for
20 people to use vehicles. I, on the other
21 hand, think that we need to have a
22 greater emphasis on pedestrians and
23 pedestrian safety. And some of the
24 things you mentioned might be accurate as
25 to the placement of these cameras and

1 1/27/09 - STREETS - BILL 080931, etc.

2 some of the other things that you talked
3 about, but it's not just about moving
4 cars. And I appreciate AAA's concern,
5 because you're about cars, but for me,
6 it's more about pedestrians.

7 In other countries, pedestrians
8 have the right of way. It's not made for
9 the convenience of automobiles. You step
10 out off a curb in Italy, traffic stops.
11 They come to a screeching halt, the
12 traffic, but they do stop to let people
13 go.

14 So for me, this was about
15 public safety, about pedestrian public
16 safety. And everyone knows you're not
17 supposed to go through a red light, and
18 as Councilman Kenney acknowledged,
19 sometimes that does happen. But this
20 intersection, which I've been working in
21 this building for 13 or 14 years now, is
22 a very scary situation, and for some
23 unknown reason, there have not been any
24 fatalities that I am aware of. There may
25 have been, but I'm not aware of them. It

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2 is a very dangerous situation.

3 When I cross over to go to --
4 when my car was parked at Macy's, people
5 coming around City Hall traveling north
6 see that light and they immediately
7 accelerate. They're doing over 40 miles
8 an hour, no exaggeration.

9 So maybe this is a deterrent,
10 maybe it isn't, but I think they should
11 be made aware -- "they" meaning the
12 motorists -- that you got to obey the
13 laws of the road.

14 MS. ROSSI: If I may. I'm
15 nodding my head because AAA agrees with
16 you and pedestrian safety is also a
17 priority. We realize that we do have to
18 change the behavior of motorists in
19 Center City.

20 It is dangerous. We agree that
21 the cameras are probably necessary and
22 will be a good deterrent, but it's also
23 important to look at the timing of the
24 yellow lights to allow for --

25 COUNCILMAN DiCICCO: You get no

1 1/27/09 - STREETS - BILL 080931, etc.
2 argument from me on that one. Thank you.

3 Councilman Jones and -- I'm
4 sorry. Councilwoman Miller first and
5 then Councilman Jones.

6 COUNCILWOMAN MILLER: Thank
7 you.

8 You actually answered part of
9 my question as it related to the timing
10 issue and the red light cameras. I would
11 think that the red light cameras are a
12 deterrent to someone speeding, because
13 they know a camera is there. And one of
14 the things that we did several years ago
15 was to put those pedestrian countdown
16 timers on the lights surrounding City
17 Hall, and I remember that when we met
18 with the Streets Department originally,
19 they did not want to put those lights
20 around City Hall. That was not on the
21 list. So I was really happy to see that
22 on the list.

23 I cross the same place
24 Councilman DiCicco crosses, and it is
25 pretty dangerous, but I would see it as

1 1/27/09 - STREETS - BILL 080931, etc.
2 more of a deterrent than a way to make
3 money. I mean, certainly you're going to
4 make money from the fines, but I was
5 wondering -- and you did answer the
6 question, though -- how the credibility
7 management issue impacts the timing of
8 the lights. I know that they put -- I
9 think they changed the timing on the
10 traffic light here at this corner here,
11 Market, and it really changes my ability
12 to get across the street now as a
13 pedestrian. Prior to putting that light
14 up, it was somewhat easier, but this is
15 interesting. I'd also be interested in
16 the data.

17 Thank you.

18 COUNCILMAN DiCICCO: Councilman
19 Jones.

20 COUNCILMAN JONES: Thank you,
21 Mr. Chairman.

22 Ms. Rossi, I took a second look
23 at all of your key points and don't
24 particularly have a lot of argument for
25 many of them. But not just in Center

1 1/27/09 - STREETS - BILL 080931, etc.
2 City, but I mentioned a couple of streets
3 in my district, from Parkside Avenue
4 where we have motor races, drag races
5 across Belmont Avenue -- and Belmont
6 Avenue is no small street -- to race to
7 the light and have people at the other
8 end to determine the winners and losers.
9 The losers are the people who have to
10 walk that street corner in fear of their
11 life. Or Ridge Avenue where about a
12 year, a little more than a year ago, a
13 young lady was the victim of a hit and
14 run driver, and we didn't have any
15 documentation of a camera or red light or
16 whatever to at least give us a hint to
17 who that was. Or Henry Avenue that is
18 the Indianapolis speedway of the northern
19 part of my district. As you come through
20 there, you have people moving at
21 tremendous speeds, gaining velocity, and
22 if they see a yellow light, tend to
23 accelerate as opposed to decelerate.
24 So know this one program in and
25 of itself doesn't replace the need for

1 1/27/09 - STREETS - BILL 080931, etc.
2 education by way of the drivers. It
3 doesn't replace any of those things, but
4 it adds one more component that may serve
5 as a deterrent. And, yes, I hate a
6 traffic jam more than anyone, because I
7 always have some place to go and
8 something to do, but if we take a little
9 more time and are a little more cautious,
10 I think at the end, it outweighs --
11 definitely outweighs to me -- some of the
12 possible shortcomings of the camera
13 program.

14 Thank you, Mr. Chairman.

15 COUNCILMAN DiCICCO: Thank you.

16 Any other questions from this
17 Committee?

18 (No response.)

19 COUNCILMAN DiCICCO: Mr.

20 Fenerty, I understand you would like to
21 comment.

22 MS. ROSSI: If I may just say
23 one more thing.

24 COUNCILMAN DiCICCO: Sure.

25 MS. ROSSI: The goal really, I

1 1/27/09 - STREETS - BILL 080931, etc.
2 think, is -- and I know the Parking
3 Authority is on the same page with AAA.
4 The goal is to reduce the number of
5 people running red lights and to reduce
6 pedestrians and to reduce injuries. So
7 to the degree that we can show that
8 that's occurring, that's a win-win.

9 COUNCILMAN DiCICCO: Thank you.
10 Mr. Fenerty.

11 MR. FENERTY: Mr. Chairman and
12 Councilmembers, I'd just like to reply to
13 a few of the comments that Ms. Rossi
14 made. A few I agree with, a few I may
15 disagree with.

16 We would like to be able to
17 disclose on a monthly basis the number of
18 citations which are issued. We're
19 prohibited from doing that by State
20 statute. I testified on behalf of
21 wanting to give the information out and
22 so did Ms. Rossi and so did, as a matter
23 of fact, the newspaper lobbyists last
24 year. We were unsuccessful in getting
25 that ability. It's not part of the open

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2 records law. It has an exemption in it
3 in law that we can't upon request give
4 the data out. That's the wisdom that
5 came from Harrisburg.

6 There are three red light
7 camera reports which are on the website.
8 We have to make a report to the House
9 Transportation Committee. Each year a
10 copy is sent to City Council. In each of
11 those reports, the number of citations
12 are reported. We've been given
13 permission from the Legislature to
14 publish that report on our website. We
15 do do that.

16 To Ms. Rossi's credit, I will
17 admit that in each year, we put each
18 year's data. We don't do accumulative
19 data. So someone could easily look at
20 the data for the fiscal year that the
21 report is on. I can gladly for next
22 year's report, which would be posted
23 sometime next June, include all of the
24 previous year's data so it would be
25 easily available. But the data is on

1 1/27/09 - STREETS - BILL 080931, etc.
2 there.

3 The other times that I am
4 permitted to release information is such
5 as when you asked me, your office asked
6 that I bring the data with me today for
7 the number of citations issued, and I did
8 provide that to the Committee, and that
9 will be part of my public testimony
10 today, so it can become public record.

11 Just to go through it, if each
12 Councilmember has it, beginning at Grant
13 and the Boulevard, during the warning
14 periodic --

15 COUNCILMAN DiCICCO: Vince,
16 excuse me. We do not have the -- we'll
17 make copies. I'm sorry. I have it; the
18 Committee doesn't. We'll make copies.

19 MR. FENERTY: I thought I gave
20 you enough copies. I apologize.

21 COUNCILMAN DiCICCO: No
22 problem.

23 MR. FENERTY: At Grant and the
24 Boulevard, the first month we were there
25 it was 2,498. The highest month was

1 1/27/09 - STREETS - BILL 080931, etc.
2 three months later right -- it used to be
3 a 90-day warning period. Warning notices
4 were going out. People were still
5 running it. At Grant and the Boulevard,
6 the highest month we have for citations
7 was 4,362. The last month we have
8 reported here would be 9/23 to 10/22 of
9 '08. There were 325 citations.

10 COUNCILMAN DiCICCO: Four
11 thousand less?

12 MR. FENERTY: That's about, a
13 fast calculation, a 92 percent decrease.

14 At Red Lion and the Boulevard,
15 the highest number issued were in the
16 third month, which were 1,702. There are
17 232 in the lowest month. And the lowest
18 month is -- it's declining each month.

19 At Cottman and the Boulevard,
20 the high month was 1,735 and the low
21 month was 636.

22 Broad and Oregon in South
23 Philadelphia in your district,
24 Mr. Chairman, the high month was 2,520,
25 the low month was 458.

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2 At 34th and Grays Ferry --

3 COUNCILMAN DiCICCO: Excuse me
4 one minute.

5 (Pause.)

6 MR. FENERTY: At 34th and Grays
7 Ferry, that has a varied history, because
8 the technology had to be adjusted for the
9 left turns. Our highest month there was
10 1,713, the lowest is 242.

11 At Mascher and the Boulevard,
12 in Councilman Clarke's district, it was
13 4,587. It's now 1,783.

14 At Levick and the Boulevard, it
15 was 3,910. Most current is 1,351.

16 Rhawn and the Boulevard was
17 1,038. Most current month is 304.

18 Welsh and the Boulevard, the
19 high month was 560. Most current month
20 is 306. And I'm just glancing through
21 these. Previous month low was 302. And
22 when we get to the final intersection, I
23 have a report, on glancing through, it
24 seems the high was 787, the low is the
25 most current month, is 489.

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2 This is not a revenue-driven
3 program. This is a safety-driven
4 program. And I think by the statistics
5 that I have shown you today, it has shown
6 at each and every one of the ten
7 intersections that the data is here, that
8 it has been a success.

9 Additionally, we have done two
10 reports, which include crash data,
11 injuries, fatalities, one in 2007, one
12 was done in 2008. It was done by Nastel
13 Consulting. The most previous was
14 presented to our Board yesterday. It was
15 presented to us in late winter. We
16 released it to our Board yesterday.

17 In addition to that, each of
18 the Councilmembers know of what happened
19 with the three-tenths of a second being
20 lost last September where we refunded it.
21 We did a full investigation into that,
22 and we're taking remedial measures to
23 make sure that never happens again. The
24 problem was corrected. The Parking
25 Authority admitted that it was partially

1 1/27/09 - STREETS - BILL 080931, etc.
2 human error on my staff for not detecting
3 it and human error on the part of the
4 contractor for not having the technology
5 set with the three-tenths of a second
6 when the conversion was done from wet
7 film to digital technology. The Parking
8 Authority is proud of it, and we looked
9 at some of these intersections where you
10 have 90 percent reductions. Just common
11 sense would show if 90 percent of those
12 people had kept running those
13 intersections, how many rear-end
14 collisions would there have been, how
15 many accidents would there have been, how
16 many injuries would there have been and
17 how many fatalities. Definitely within
18 these statistics it shows that the
19 Boulevard is a much safer and much tamer
20 place to drive, and only our Lord would
21 know how many lives were saved.

22 COUNCILMAN DiCICCO: Thank you.
23 Thank you for your testimony.

24 Ms. Rossi, if you have an extra
25 copy of your testimony, I would suggest

1 1/27/09 - STREETS - BILL 080931, etc.

2 you give it to Mr. Fenerty. He did a
3 good job in critiquing as much of what he
4 could remember of your testimony, but I
5 think it would be important and fair to
6 him to have a copy of it.

7 MS. ROSSI: I did share a copy.

8 COUNCILMAN DiCICCO: Thank you.

9 MS. ROSSI: And, you know,
10 Philadelphia's program, red light camera
11 program, is a model program. We have
12 testified before other states who are
13 starting red light camera programs and
14 held up Pennsylvania's and Philadelphia's
15 as a model. AAA stands behind all the
16 caveats that were built into the program
17 at the State level and how the
18 Philadelphia Parking Authority has done a
19 good job in executing the program. As we
20 move forward with expansion, we think
21 it's important to raise some of the
22 cautionary flags so that it stays a model
23 program, and that's part of why I offered
24 what I did today.

25 We look forward to getting a

1 1/27/09 - STREETS - BILL 080931, etc.
2 copy of the report that was given to the
3 Board yesterday. I'm sure it will
4 continue to show declines, but putting
5 those numbers out there for public
6 consumption is also important.

7 COUNCILMAN DiCICCO: I agree.
8 Thank you.

9 Councilwoman Quinones.

10 COUNCILWOMAN SANCHEZ: Yes.
11 Mr. Fenerty, is there any way to cross
12 reference that with the Police Department
13 on these intersections in terms of can we
14 do a comparative analysis of at this red
15 light, there were so many accidents, now
16 there's less?

17 MR. FENERTY: Yes. That was
18 done in the report that we did in 2007 on
19 three intersections, and it is also
20 included in the report that was done in
21 2008 on five intersections. I'll make
22 sure that each Councilmember gets a copy
23 of that.

24 COUNCILWOMAN SANCHEZ: But we
25 don't do that as a regular part of our

1 1/27/09 - STREETS - BILL 080931, etc.
2 monitoring?

3 MR. FENERTY: We're going to
4 pick intersections and do studies with
5 crash data. It's a very cumbersome
6 analysis, because when the consultant
7 gets it -- I'm just going to pick an
8 intersection. Let's say we pick Grant
9 and the Boulevard. Each and every report
10 has to be read, if it's a Police 48, if
11 it's a AA-45. Each has to be read to see
12 if it was an intersection-based accident
13 or if the police officer responding may
14 have wrote -- I'm just saying 9600 on the
15 Boulevard, and that could be a block on
16 either side, or they could write 1300,
17 that could be a block on either side of
18 the intersection.

19 So it's very cumbersome for us
20 to do that. So we do pick analysis of
21 certain intersections, and we did it on
22 five. And we also did what's called a
23 study of the halo effect of red light
24 cameras. A halo effect means the
25 intersections adjacent approaching and

1 1/27/09 - STREETS - BILL 080931, etc.
2 after a red light camera intersection
3 also became safer, because motorists are
4 aware to slow down. It's what's called
5 the halo effect. It's for surrounding
6 intersections, and that is also included
7 in our report.

8 COUNCILWOMAN SANCHEZ: So this
9 has to do with the way the Police
10 Department gathers and maintains its data
11 which is why it's cumbersome to you?

12 MR. FENERTY: It's cumbersome
13 for us to do it that way, but we feel
14 it's our responsibility to study at least
15 five intersections every year, and we
16 will be doing that and we will be
17 giving -- I had intended to distribute
18 the report to City Council, just as I did
19 to City Council what had happened with
20 the seconds being off.

21 COUNCILWOMAN SANCHEZ:
22 Ms. Rossi also mentioned making available
23 through your website additional data.
24 What of that data can you put up on the
25 website?

1 1/27/09 - STREETS - BILL 080931, etc.

2 MR. FENERTY: What I can do
3 today is, I will post my testimony today,
4 which would include the statistics which
5 were released with the testimony. That
6 would be for public consumption, this
7 data, which we have up until the end of
8 September. And so Council understands
9 why we only have it until September is,
10 there's discovery of the license plate,
11 you have to -- we do discovery of who the
12 owner is, the citation process, and
13 everything has to be sorted out, and then
14 we have it. It usually runs two to three
15 months behind for a report.

16 COUNCILWOMAN SANCHEZ: I know
17 we all agree that this is a public safety
18 measure, not an income-generating one,
19 but how much is this program costing us
20 and is it self-sustainable through the
21 violations?

22 MR. FENERTY: The program
23 costs -- I believe the per camera cost is
24 4,895 at each intersection, and the
25 program is self-sustainable. And off the

1 1/27/09 - STREETS - BILL 080931, etc.
2 top of my head -- and I will send you the
3 exact figure -- I believe there have been
4 over \$4 million forwarded to the
5 Pennsylvania Department of Transportation
6 from the profits from this fund. The
7 money doesn't go to the City. It goes to
8 the Department of Transportation for use
9 by the Department of Transportation in
10 safety.

11 COUNCILWOMAN SANCHEZ: So in
12 one calendar year, you're saying \$4
13 million went to PennDot?

14 MR. FENERTY: Four million
15 dollars covered a period of three years.
16 And it's escalating each year as we build
17 intersections.

18 COUNCILWOMAN SANCHEZ: The
19 Parking Authority puts up the front
20 money. They deduct all of the costs
21 related, including staffing, and then the
22 profit is what it forwarded, right?

23 MR. FENERTY: Yes.

24 COUNCILWOMAN SANCHEZ: Thank
25 you, Mr. Fenerty.

1 1/27/09 - STREETS - BILL 080931, etc.

2 MR. FENERTY: You're welcome.

3 COUNCILMAN DiCICCO: Thank you.

4 Any other questions or
5 comments?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing
8 none, thank you both.

9 MS. ROSSI: Thank you.

10 COUNCILMAN DiCICCO: I'll ask
11 Mr. Abernathy to read the title of the
12 next bill and to also acknowledge that
13 Councilman Greenlee, a member of this
14 Committee, is also present.

15 THE CLERK: Bill No. 080945, an
16 ordinance amending Chapter 12-2400 of The
17 Philadelphia Code, entitled "Towing and
18 Immobilizing of Parked or Abandoned
19 Vehicles," by changing the fees for
20 damage to vehicle booting devices, all
21 under certain terms and conditions.

22 COUNCILMAN DiCICCO:
23 Mr. Fenerty, you have written testimony,
24 so, if you would, unless you feel
25 otherwise, would you please summarize

1 1/27/09 - STREETS - BILL 080931, etc.

2 your statement.

3 MR. FENERTY: Okay.

4 Mr. Chairman, Councilman DiCicco, we're

5 asking that Bill No. 080945 be given a

6 favorable recommendation for the

7 following reason: Currently, the fine

8 for tampering or destroying a boot,

9 removal of a boot improperly, is \$300.

10 This bill calls for a fee to be raised to

11 \$600. We have asked Councilman Kenney to

12 ask that to be amended to \$700 in

13 committee today, and the reason we have

14 asked it to be raised from \$300 to \$700

15 is, this fee and fine has been the same

16 for, as far as I can look back, more than

17 a dozen years. The cost of a boot is

18 \$475. The cost of the safety lock is

19 \$150. The freight on each boot is \$40.

20 That brings it to \$665. For a wide-body

21 boot, the cost is \$585, lock is \$150 and

22 the freight is still \$40. That brings it

23 to \$775. Since we use many of the \$665,

24 we rounded it together and we're asking

25 the Committee to approve an increase to

1 1/27/09 - STREETS - BILL 080931, etc.
2 \$700, so when someone cuts a boot off
3 with a torch or however they may do it,
4 when we retrieve the car, we can collect
5 the money that the Parking Authority is
6 out due to the boot loss.

7 COUNCILMAN DiCICCO: Thank you.
8 Councilman Jones.

9 COUNCILMAN JONES: How many
10 people a year actually disable a boot?

11 MR. FENERTY: In Fiscal Year
12 '06 to '07, there were 240 instances, and
13 in Fiscal Year '07 to '08, there were 282
14 instances. In this year, our fiscal
15 year, which ends March 30th, we think the
16 incidences will be somewhere around the
17 350 range.

18 COUNCILMAN JONES: Is there a
19 criminal penalty associated with --

20 MR. FENERTY: There is a
21 criminal penalty associated with if the
22 person is arrested. It's under the
23 crimes code. It's called interfering
24 with a governmental function or act. The
25 individual, if it can be proven they

1 1/27/09 - STREETS - BILL 080931, etc.
2 actually did the act themself, can be
3 charged with theft of City property.

4 COUNCILMAN JONES: And does
5 your calculation of \$700 include the time
6 of your employees at all?

7 MR. FENERTY: No, sir.

8 COUNCILMAN JONES: So arguably,
9 if we chose to, it would be safe to do it
10 at \$1,000?

11 MR. FENERTY: Yes, sir, it
12 would. I just brought this -- I'd be
13 most happy if you could do that, but I
14 brought what I thought would be
15 reasonable to the Committee.

16 COUNCILMAN JONES: I bend to
17 the will of the Chairman.

18 COUNCILMAN DiCICCO: Do you
19 have an amendment to this bill? Is there
20 going to be an amendment?

21 COUNCILWOMAN SANCHEZ: Yes. I
22 believe Councilman Kenney.

23 I had a question. What is the
24 process? How do you prove that someone
25 did the tampering so that -- we don't

1 1/27/09 - STREETS - BILL 080931, etc.
2 automatically assume it's the car owner?

3 MR. FENERTY: No, we don't.
4 The only time we would get -- when it
5 happens, we make a record of it against
6 the tag of the vehicle which was
7 immobilized. Hopefully our booting crews
8 will come across that vehicle again.
9 When we mobilize it again, we immediately
10 would impound it, and the car owner would
11 have to come in, and in most cases, when
12 we say, This is what it is, you owe us
13 for the boot, they pay for the boot,
14 because two and two equals four.

15 COUNCILWOMAN SANCHEZ: So if I
16 got booted and there was damage to the
17 boot, you put that sort of as a lien, and
18 then you do one of those sweeps, you pay
19 it all or you don't get your car back?

20 MR. FENERTY: That's correct.
21 And you're entitled to a hearing.

22 COUNCILWOMAN SANCHEZ: But,
23 again, who does the investigation to
24 determine who did the damage to the boot?

25 MR. FENERTY: We just assume

1 1/27/09 - STREETS - BILL 080931, etc.

2 that someone that had the legal operation
3 of the vehicle did the damage before we
4 do it. If there would be --

5 COUNCILWOMAN SANCHEZ: So if my
6 car was booted, it goes against the car.

7 MR. FENERTY: It goes against
8 the car.

9 COUNCILWOMAN SANCHEZ: Until
10 the next time there's a booting issue?

11 MR. FENERTY: Until the next
12 time there's a booting issue. If the car
13 was reported stolen -- and we've had
14 cases many years ago like that, someone's
15 car was stolen, it was booted, and we
16 look and we get the police report, the
17 person is not held responsible.

18 Generally in that one instance I'm
19 thinking of that happened many years ago,
20 the person was very thankful that we
21 booted the car because we recovered their
22 stolen car, which we do quite often.

23 COUNCILWOMAN SANCHEZ: Okay. I
24 just want to make sure there's some sort
25 of recourse if folks are not --

1 1/27/09 - STREETS - BILL 080931, etc.

2 MR. FENERTY: It's not
3 arbitrary.

4 COUNCILWOMAN SANCHEZ: Okay.

5 You guys are trying to up this
6 fee and I want to be part of that
7 conversation, too.

8 COUNCILMAN DiCICCO: We'll wait
9 for you.

10 Any other questions for this
11 witness from the Committee?

12 (No response.)

13 COUNCILMAN DiCICCO: Is there
14 anyone else here who wishes to testify
15 for or against the bill?

16 (No response.)

17 COUNCILMAN DiCICCO: Seeing
18 none, Mr. Abernathy, the title of the
19 next bill.

20 THE CLERK: Bill No. 080946, an
21 ordinance amending Title 12 of The
22 Philadelphia Code, entitled "Traffic
23 Code," to establish towing zone locations
24 and hours in the University City area,
25 all under certain terms and conditions.

1 1/27/09 - STREETS - BILL 080931, etc.

2 COUNCILMAN DiCICCO: Again,
3 Mr. Fenerty, unless you see otherwise,
4 would you please summarize your statement
5 since we have written copies.

6 MR. FENERTY: On Bill No.
7 080946, the Parking Authority met with
8 Councilwoman Blackwell. This is for
9 towing zones in her district. If she
10 disagreed with it, naturally she wouldn't
11 have introduced it. This is to unify the
12 tow zones in University City. There are
13 many of them now which have passed by
14 Council. We have encompassed all of them
15 together, with some new ones, so we can
16 clean out by towing, clean out some of
17 the congestion in University City by
18 towing those individuals who are in
19 loading zones, passenger zones, no
20 stopping and no parking zones. All of
21 those areas will be posted before there's
22 any towing.

23 That concludes my testimony.

24 COUNCILMAN DiCICCO: Thank you.

25 Any questions for Mr. Fenerty?

1 1/27/09 - STREETS - BILL 080931, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: Anyone
4 else here who wishes to testify on the
5 bill?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing
8 none, for the record, Bill No. 080935 is
9 being held. We will now go into the
10 public meeting.

11 COUNCILWOMAN SANCHEZ:
12 Mr. Chair, I recommend that Bill 080948
13 be moved out of Committee with a
14 favorable recommendation --

15 (Off-the-record discussion.)

16 COUNCILWOMAN SANCHEZ: Mr.
17 Chairman, I move that Bill 080948, Bill
18 080950, Bill 080931, Bill 080945 and Bill
19 080946 be moved out of Committee with a
20 favorable recommendation.

21 (Duly seconded.)

22 COUNCILMAN DiCICCO: We have to
23 do 080945 separately since there's an
24 amendment. So I'll take a motion on the
25 other bills that have been read into the

1 1/27/09 - STREETS - BILL 080931, etc.
2 record, that it's been recommended that
3 these bills be reported out favorably
4 with a rules suspension.

5 All those in favor?

6 (Aye.)

7 COUNCILMAN DiCICCO: Those
8 opposed?

9 (No response.)

10 COUNCILMAN DiCICCO: All right.
11 Now we'll go to Bill No. 080945.

12 COUNCILWOMAN MILLER:
13 Mr. Chair?

14 COUNCILWOMAN SANCHEZ: Can we
15 read the amendment.

16 COUNCILWOMAN MILLER: The
17 amendment has been circulated. It's a
18 part of everyone's package, and I move
19 for the adoption of the amendment. Wait.
20 Actually, we're going to change the
21 amendment.

22 COUNCILMAN DiCICCO: Where is
23 the amendment? Last page.

24 COUNCILWOMAN MILLER: The last
25 page of the pink sheets.

1 1/27/09 - STREETS - BILL 080931, etc.

2 COUNCILMAN DiCICCO: The
3 amendment that we have in front of us
4 under Section 12-2406.2, Section 2,
5 reads, "Notwithstanding any other
6 provision of this Title, any person
7 violating Section 12-2406.2 (1) shall be
8 subject to a fine or penalty of \$700,"
9 which would be eliminating the current
10 \$300 -- replacing the current \$300 fine.
11 I believe that there may be an amendment
12 to the amendment.

13 COUNCILWOMAN MILLER: Right.
14 There is an amendment to the amendment to
15 change the \$700 to \$1,000.

16 (Duly seconded.)

17 COUNCILWOMAN SANCHEZ: Can we
18 have a discussion on that? I have a
19 problem with giving the Parking Authority
20 more money than they're asking for
21 without us -- I mean, if we want to be
22 considerate of staff salaries, then I'd
23 like them to show us the data. But I
24 have a problem with that.

25 COUNCILMAN DiCICCO: Councilman

1 1/27/09 - STREETS - BILL 080931, etc.

2 Jones.

3 COUNCILMAN JONES: Recognizing
4 the sincere wishes of my Councilperson, I
5 still want to move forward with \$1,000.
6 We have not considered staff time in
7 this, and it just makes sense not to
8 revisit this thing this year, next year
9 and the following year. And I think if
10 we set it right at about \$1,000, that
11 that's a safe bet, keeping in mind the
12 people that do this are destroying public
13 property and also violating our laws, and
14 we should not make it more profitable for
15 them to take the risk than it is in a
16 penalty, and that's just my point.

17 COUNCILMAN DiCICCO: Any other
18 comments?

19 COUNCILWOMAN SANCHEZ: I just
20 think that to come up with a figure
21 without some sort of analysis for it,
22 given all of the fees and fines that we
23 have raised over the last 90 days, I have
24 a concern about. So I would vote against
25 the increase to \$1,000.

1 1/27/09 - STREETS - BILL 080931, etc.

2 COUNCILMAN DiCICCO: So noted.

3 There's been a motion for the
4 amendment to Bill No. 080945 that has
5 been read into the record.

6 All in favor of the amendment
7 signify by saying aye.

8 (Aye.)

9 COUNCILMAN DiCICCO: Opposed?

10 COUNCILWOMAN SANCHEZ: Nay.

11 COUNCILMAN DiCICCO: One nay.
12 Councilwoman Quinones-Sanchez voting in
13 the negative.

14 Now move for a motion to
15 approve the bill, as amended.

16 COUNCILWOMAN SANCHEZ: Motion
17 for Bill 080945, as amended, be voted out
18 of Committee with a favorable
19 recommendation, and I believe they're
20 asking for a suspension of the rules so
21 it could be heard at our next public
22 session.

23 (Duly seconded.)

24 COUNCILMAN DiCICCO: It has
25 been properly moved and seconded that

1 1/27/09 - STREETS - BILL 080931, etc.
2 Bill No. 080945 be reported out of this
3 Committee with a favorable
4 recommendation.

5 All those in favor signify by
6 saying aye.

7 (Aye.)

8 COUNCILMAN DiCICCO: Those
9 opposed?

10 (No response.)

11 COUNCILMAN DiCICCO: The bill
12 is approved.

13 This concludes the public
14 meeting on the Committee of Streets and
15 Services. Thank all members and the
16 public for attending.

17 (Committee on Streets and
18 Services adjourned at 2:10 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on January 27, 2009, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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