

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING BEFORE COUNCIL COMMITTEE
4 ON PUBLIC SAFETY

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Friday, December 3, 1999
9 10:15 a.m.
10 - - -

11 RESOLUTION NO. 990615 - Authorizing the City
12 Council Committee's on Public Safety to hold a
13 public hearing to investigate the possibility of
14 changing the existing procurement process for
15 salvers that pick up abandoned automobiles to a
16 procurement process that creates a
17 request-for-proposal system for each police
18 district.

19 PRESENT: COUNCILMAN ANGEL L. ORTIZ, Chair
20 COUNCILMAN DARRYL L. CLARKE
21 COUNCILMAN MICHAEL A. NUTTER
22 COUNCILMAN JAMES F. KENNEY
23 COUNCILMAN FRANK DICICCO
24 COUNCILMAN FRANK RIZZO

25 - - -

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

3 COUNCILMAN ORTIZ: Could all members of
4 the Public Safety Committee come to the chambers;
5 we're ready to begin. Please make it down to
6 Council chambers.

7 - - -

8 COUNCILMAN ORTIZ: Good morning. The
9 meeting of the Public Safety Committee is opening.
10 We have present in the audience today State
11 Senator Shirley Kitchen, State Representative
12 Dwight Evans, Commissioner John Timoney, and other
13 individuals from different groups that are ready
14 to testify.

15 Will the clerk please read the title of
16 the resolution, please.

17 THE CLERK: A resolution authorizing
18 the City Council Committee's on Public Safety to
19 hold a public hearing to investigate the
20 possibility of changing the existing procurement
21 process for salvors that pick up abandoned
22 automobiles to a procurement process that creates
23 a request-for-proposal system for each police
24 district.

25 COUNCILMAN ORTIZ: And that's

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2 resolution the 90615.

3 Abandoned cars have been one of the
4 biggest, if not the biggest, problems that each
5 and every one of our offices faces. It seems that
6 the abandoned cars in Philadelphia breed. It
7 seems that they have a mating season. And in
8 certain neighborhoods of our city, these cars
9 breed much faster than in other neighborhoods. If
10 you go through Kensington, if you go through North
11 Philadelphia, you will always see abandoned cars.

12 And if you remove them and if you
13 remove them today, they seem to appear as if by
14 magic the next day. They seem to be replaced.
15 And they seem to have countless and countless of
16 numbers. Sometimes I believe that either we have
17 people transporting cars into the City of
18 Philadelphia, or that we have cars that magically
19 reproduce themselves. And, obviously, we need a
20 plan.

21 During the spring, we had hearings on
22 abandoned cars in this Council. We asked the
23 Commissioner then to develop a plan to bring
24 forward how is it that we are going to move
25 forward with this blight that affects the quality

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2 of life in our neighborhoods.

3 Obviously, it is one of the biggest
4 problems that we have. I know crime and drugs are
5 present every day, but there is no bigger source
6 of complaint in my office -- and I know there's no
7 bigger source of complaint in any other district
8 person's office -- than abandoned cars. I have
9 gone to Dwight's district, and the issue that came
10 up during the summer was abandoned cars. It
11 wasn't about criminals; it was about abandoned
12 cars. We need, obviously, to do something about
13 this.

14 The Commissioner, I know, has a plan.
15 I believe the Police Department probably are not
16 the office or the department to begin taking care
17 of this. Dwight Evans and other individuals in
18 the House and in the Senate are prepared to put
19 forth a package to deal with this to give certain
20 tools to the City of Philadelphia to be able to
21 manage, and we welcome that help.

22 So today, working on the Councilman's
23 -- my colleague, my new colleague's --
24 resolution, we will be investigating and looking
25 for solutions, because we know the problem, we

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2 know the problem, and what we want to go forward
3 on is what the solutions are.

4 Darryl? Councilman Darryl Clarke.

5 COUNCILMAN CLARKE: Thank you, Mr.
6 Chairman.

7 As you indicated earlier, Mr. Chairman,
8 this is a problem that is ever-increasing. This
9 morning on my way to work, I had the pleasure of
10 riding down 33rd Street, as I do every day, and
11 there were 10 abandoned vehicles in a 2-block
12 area. And it's gotten to the point that enough is
13 enough.

14 During the last several months, members
15 of this Council have been looking at different
16 ways to alleviate this problem. We've been
17 talking to residents throughout the community
18 about these issues. And I was, frankly speaking,
19 very happy to see that this past week, the Mayor,
20 Commissioner Timoney, Representative Evans, State
21 Senator Fumo, some members of this Council -- I
22 believe Councilman DiCicco, Mariano, and Kenny had
23 a press conference to talk about a number of
24 issues a number of programs that they felt would
25 alleviate this problem.

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2 There were probably touched on base
3 with everything, with the exception of two of the
4 issues that we felt needed to be put as a part of
5 this package to resolve this issue. And one of
6 them was this process of RFPing to make sure that
7 we had a specific entity designated and obligated
8 to remove these vehicles. And I think that the
9 other issue had something to do with the cost or
10 the amount of money that was -- the cap that was
11 put on the vehicles that were listed as junkers.
12 I believe this current cost is 250. And my
13 understanding, from talking to a number of police
14 officers who actually provide that service, that
15 they feel that if that cap was raised up to
16 approximately 750 to \$1,000, it would give them an
17 opportunity to designate probably 95 percent of
18 those vehicles junkers; therefore, being able to
19 queue them and sell them as salvage.

20 So today, one of the things, as the
21 Chairman, Angel Ortiz, indicated, we would like to
22 get to some resolution. We would like to,
23 hopefully, today have this be the final piece of
24 the puzzle, put this together. Then when we
25 reconvene after the end of this session, we would

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2 like to have an extremely comprehensive program so
3 when we traverse the streets during the spring of
4 this year, that will not be an issue in our
5 communities.

6 And I see some of the residents from
7 some of the areas that I represent, and I want to
8 thank you all. I understand we have some
9 representatives from both the east and west of
10 Broad, where this is an extremely difficult
11 problem.

12 So today, we will be hearing testimony.
13 I think the majority of it will be probably
14 information talking about the horrors of this
15 abandoned-vehicle situation, but we would like to
16 leave here today with some resolution to this
17 issue.

18 So, Mr. Chairman, thank you.

19 COUNCILMAN ORTIZ: Thank you,
20 Councilman Clarke.

21 Like Councilman Clarke said, we know
22 the problem. I have seen people come in here
23 during the last hearing we had in the spring. We
24 had a lady come in with pictures of a car with
25 Christmas trees in it, Christmas trees. And it

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2 was not from just one Christmas; it had been there
3 for like two Christmases. So we know what the
4 problem is.

5 What we want is -- the system we have,
6 obviously, is not working. And what is it that we
7 need to do to begin resolving this issue? Does it
8 need to be put in another department other than
9 the police? Does it need to go to Sanitation,
10 does it need to go to the Managing Director's
11 Office? And from the State Representatives that
12 are here, what is the significance of their
13 legislation to us here in the city, and what are
14 the tools that they bring to this City Council to
15 be able -- and this city government to be able to
16 take care of this problem.

17 Commissioner Timoney, can you please
18 come forward, please.

19 (Commissioner Timoney comes forward.)

20 COUNCILMAN ORTIZ: Councilman DiCicco

21 --

22 COUNCILMAN DICICCO: I want to --

23 COUNCILMAN ORTIZ: Excuse me,
24 Councilman. We have Councilman Rizzo, Councilman
25 Clarke, and Councilman DiCicco with us. A quorum

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2 of this committee is present.

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

5 Just for the record, in your opening
6 statement, you mentioned that one of the principal
7 concerns from constituents are abandoned cars in
8 any particular district. I'm not certain if it
9 was always the number-one complaint in my office
10 but recently, since the Streets Department has
11 taken the position to begin cleaning streets in
12 the southern portion of my district on a weekly
13 basis, the biggest complaint I get out of South
14 Philly now is that their cars are being ticketed
15 because we're doing something good by cleaning the
16 streets. So no good deed goes unpunished, as they
17 say.

18 But the interesting thing about that
19 is, I've noticed in the target area where we do
20 the weekly sweeping, a number, a significant
21 number of vehicles have been removed that were
22 formerly abandoned, and in many cases those cars,
23 we didn't know were abandoned; they were cars that
24 may have been owned by a resident on that block,
25 an older car, figured some day they would get

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2 around to fixing it up or repairing it. And we
3 find that because of the sweeping unit, the
4 sweeping program, they have to remove their car.
5 And on that particular day, they were left in a
6 spot, they were ticketed, and then eventually they
7 were towed.

8 So I think it's something probably
9 through this conversation today, through these
10 hearings, there might be some cooperation between
11 the Streets Department and the Police Department
12 and maybe the Managing Director's Office. So I
13 think we can accomplish a few things, one of
14 getting rid of abandoned cars in the same process
15 while we're doing the street-cleaning. It's
16 interesting how that turned out.

17 COUNCILMAN ORTIZ: Efficiency.

18 Commissioner, please identify yourself
19 for the record.

20 COMMISSIONER TIMONEY: Good morning.
21 I'm Police Commissioner John Timoney, Commissioner
22 of Philadelphia.

23 MS. STATEN: Wendy Staten (ph.), legal
24 counsel for the Police Department.

25 COMMISSIONER TIMONEY: Councilmembers,

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2 thank you for the invitation to testify this
3 morning. As you're well aware, we do have a
4 promotions ceremony scheduled at Community College
5 at 11 o'clock.

6 COUNCILMAN ORTIZ: Yes.

7 COMMISSIONER TIMONEY: And so my
8 written testimony has been submitted.

9 (Commissioner Timoney's testimony not
10 submitted to stenographer.)

11 COMMISSIONER TIMONEY: I'll go through
12 it quickly and then be ready to answer any
13 questions, and then hopefully get out of here by
14 quarter to, 10 to 11, if that's okay with you,
15 sir.

16 COUNCILMAN ORTIZ: No problem, sir.

17 COMMISSIONER TIMONEY: During my tenure
18 as Police Commissioner, I've attended hundreds of
19 community meetings and, just as you said,
20 Councilman Ortiz, no matter where it is, no matter
21 what time, no matter how tough the neighborhood,
22 the number-one issue at every community meeting --
23 or almost every community meeting -- is the issue
24 of abandoned cars.

25 COUNCILMAN ORTIZ: I remember the

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2 summer, remember? The 10th Ward?

3 COMMISSIONER TIMONEY: Yes, exactly.

4 And the Police Department's worked very
5 hard to remove as many abandoned vehicles as
6 possible from the streets of Philadelphia.

7 However, major changes in the legislative
8 framework are necessary in order to make our
9 efforts more efficient.

10 The Police Department has taken
11 extraordinary steps to remove abandoned vehicles
12 over the past two years, as I've been here.
13 Through the end of last week, we've removed 32,356
14 abandoned vehicles. This is a 50 percent increase
15 over last year's total and an 80 percent increase
16 over the number of abandoned vehicles removed in
17 1997.

18 However, these numbers are meaningless
19 if you have an abandoned vehicle in front of your
20 home. Quite frankly, even with all of our
21 efforts, the Police Department is still barely
22 able to keep ahead of the calls for removal of
23 additional abandoned vehicles. In fact, I have
24 assigned a chief, a full chief, to oversee the
25 Department's effort to remove abandoned vehicles.

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2 Presently, there is at least one
3 abandoned vehicle officer assigned to each
4 district. Some districts have up to three. The
5 sole job of these officers is to facilitate the
6 removal of abandoned vehicles from within the
7 district. Furthermore, the Police Department
8 engages in roving sweeps throughout the City to
9 target areas with high concentration of abandoned
10 vehicles. And so, for example, just probably
11 about two weeks ago, we hit the 25th District, one
12 of the more problematic ones, and removed 1200
13 vehicles.

14 COUNCILMAN ORTIZ: And I bet you that a
15 week later, in those same areas, you had 1200
16 more.

17 COMMISSIONER TIMONEY: I wouldn't
18 disagree with that, sire.

19 There are more pre-tow and post-tow
20 waiting periods that exist before an abandoned
21 vehicle can be removed and disposed of. By State
22 law, PennDOT regulations and consent decrees, an
23 abandoned vehicle cannot be removed from the
24 street for a minimum of 10 to 12 days. This
25 waiting period ostensibly exists to allow for

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2 notice to the owner of the abandoned vehicle for
3 an opportunity to claim said vehicle. This
4 waiting period exists, even if the vehicle is a
5 burnt-out hulk once.

6 Once the salver removes the abandoned
7 vehicle from the street, the salver is required by
8 law to keep the vehicle in their lot up to three
9 months, while the last known owner is again
10 notified before PennDOT authorizes the destruction
11 of the vehicle. During this post-tow waiting
12 period, the vehicle takes up space on the salver's
13 lot, and ultimately, the salver's ability to
14 remove additional abandoned vehicles is halted.

15 This past September, I notified the
16 City Council that the Police Department had a
17 leading role in the task force established by
18 Mayor Rendell to address the issue of abandoned
19 vehicles. The City has worked hard to identify
20 the legal and procedural obstacles that hamper our
21 efforts to remove abandoned vehicles.

22 I am pleased to report that many of our
23 recommendations have been adopted and enhanced in
24 legislation introduced by State Representative
25 Dwight Evans. Most fundamentally, this

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2 legislation will change the very definition of
3 abandoned vehicles.

4 Many abandoned vehicles are no more
5 than burned out shells. These hulks are the most
6 dangerous and most offensive of all the abandoned
7 vehicles, and they should be treated as any other
8 trash found in the city streets.

9 The legislation will distinguish
10 between a derelict vehicle with only nominal value
11 and abandoned vehicles. Derelict vehicles will be
12 eligible for immediate removal, with no waiting
13 period. Others abandoned vehicles will be marked
14 with a bright sticker that will serve notice to
15 any interested parties that the vehicle will be
16 removed within three days.

17 Once the vehicles are removed by the
18 salver, the waiting period imposed upon the salver
19 will be reduced to 10 days for the derelict
20 vehicles, and 20 days for other abandoned
21 vehicles. Other provisions will increase the fees
22 paid by the State to salvers from the current \$15
23 to \$72 per vehicle, while reducing the payment
24 period from 6 months to 30 days.

25 These changes will stimulate

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2 competition among our salvors, and combined with
3 reduced time periods that the vehicles must be
4 stored in the lot, it will allow salvors to remove
5 many more vehicles in the same period of time.

6 The Police Department will continue our
7 efforts under the current framework, but we are
8 hopeful that the new legislation will allow us to
9 manage abandoned vehicle programs once and for
10 all.

11 Mr. Councilmember and Councilmembers, I
12 thank you for the opportunity to share some
13 thoughts with you, and I'm prepared to answer any
14 questions.

15 Good morning, Mr. Kenney.

16 COUNCILMAN KENNEY: Good morning.

17 COUNCILMAN ORTIZ: We have been joined
18 by Councilman Nutter and Councilman Kenney.

19 Commissioner, one question, which is, I
20 find it a waste of resources that we have the
21 Police Department in charge of removing abandoned
22 vehicles. If we get the tools from the State
23 legislature --

24 COMMISSIONER TIMONEY: Yes, sir.

25 COUNCILMAN ORTIZ: -- to be able to

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2 move on forward, is it your recommendation that we
3 remove -- or would you prefer that that not be one
4 of the law enforcement duties that you look over?
5 Because I believe that it should be either the
6 Sanitation Department, the Parking Authority, or
7 the Managing Director's Office, and we should be
8 able to structure an agency of abandoned vehicles
9 --

10 COMMISSIONER TIMONEY: Right.

11 COUNCILMAN ORTIZ: -- to be able to
12 move forward, instead of wasting the resources of
13 three individuals in the 25th District. I imagine
14 in Philadelphia, we have two or three individuals
15 when we have crime and drug dealers in each of
16 these areas.

17 I'd like your reaction to a proposal of
18 that sort.

19 COMMISSIONER TIMONEY: Well, the one
20 thing that I want to point out is that the
21 officers that are assigned to the Abandoned
22 Vehicle Program are doing a good job. We're doing
23 it more than ever. And so my sense is, I don't
24 want to leave the impression that some of the
25 fault is the Police Department's. There are

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2 clearly structural obstacles to getting these
3 abandoned vehicles off the streets.

4 But I think it's up to Council to make
5 that decision. We are fully prepared with the new
6 recommendations put forth by State Representative
7 Dwight Evans and a whole host of other reforms,
8 which we think will go far in removing this
9 problem -- whether it's done by the Police
10 Department or some department within Sanitation.

11 You know, I have -- would I like to get
12 rid of it? You know, unlike police officers --
13 when you hire a police officer and you ask the
14 average man or woman, What do you hire them for?
15 And they'll tell you, I hired them to be out on
16 the street to lock up the bad guys. It's kind of
17 a basic thing.

18 And anything other than that, one could
19 argue, is clearly going away from your core
20 mission. However, however, let's go back to my
21 opening statement. Every single meeting I go to,
22 I get beat up on abandoned autos, and so right
23 now, I --

24 COUNCILMAN ORTIZ: Because right now
25 it's the responsibility of the Police Department.

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2 COMMISSIONER TIMONEY: Right.

3 COUNCILMAN ORTIZ: Councilman Clarke?

4 COUNCILMAN CLARKE: Yeah, yes. Thank
5 you, Mr. Chairman.

6 Last night, I was at a community
7 meeting in the 22nd Police District in --

8 COMMISSIONER TIMONEY: I spoke to the
9 chief this morning and he said he was with you,
10 yes.

11 COUNCILMAN CLARKE: And Captain
12 (unintelligible) and Officer Braxton were getting
13 beat up.

14 COMMISSIONER TIMONEY: Yes.

15 COUNCILMAN CLARKE: And I actually had
16 to tell the community that it wasn't their fault,
17 and that they were actually doing a good job given
18 the tools that they had.

19 COMMISSIONER TIMONEY: Well, thanks
20 very much.

21 COUNCILMAN CLARKE: And as Councilman
22 Ortiz indicated, I've asked that question on
23 several occasions about using a very valuable
24 resource such as a police officer when we have
25 some of these other issues relating to crime, that

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2 we think that they're better off doing that, in
3 addition to this whole issue about police officers
4 writing sanitation tickets.

5 COMMISSIONER TIMONEY: Mm-hmm.

6 COUNCILMAN CLARKE: So we will
7 probably, in the future, be making some formalized
8 proposal to change that.

9 One of the questions that I would like
10 to ask with respect to that, would the change of
11 such a designation have to do with the bargaining
12 units with the unions?

13 COMMISSIONER TIMONEY: Well, that's
14 some of the questions that we would have to
15 discuss with Council, and we would have to discuss
16 it with the new administration coming in. I mean,
17 there are some issues that I'm sure Mayor Street
18 will want to get his feelings heard on and his new
19 administration's feelings heard. And so while we
20 can hopefully discuss things here, there's no firm
21 commitment on my part or on the part of the
22 Department's, 'cause there are such issues.

23 If the past is any indication of the
24 ruling of arbitrators, my sense is that the
25 abandoned vehicle officer is a thing that will be

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2 in Philadelphia, even if Sanitation takes over
3 that function. You'll have some mindless
4 arbitrator saying, No, that's been a police
5 official's job for the last ten years, and you can
6 never get rid of it.

7 And so I'm not as sanguine as Mr. Ortiz
8 is as far as getting it from -- removing it from
9 -- to move it from the Police Department over to
10 the Sanitation Department. My sense is that the
11 FOP and the arbitrators will not look so kindly on
12 that.

13 COUNCILWOMAN CLARK: Yeah, that's what
14 we were just trying to get a sense of, and I'm not
15 sure that this is the appropriate place to ask you
16 what your position would be, if such a public
17 hearing were held.

18 COMMISSIONER TIMONEY: Oh, I have no
19 problem voicing my opinion on those things.

20 COUNCILMAN CLARKE: All right, so you
21 are forthright, Commissioner.

22 And I'm assuming that at some point in
23 time, that question will be posed to you
24 officially.

25 COMMISSIONER TIMONEY: Good.

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2 COUNCILMAN CLARKE: So we look forward
3 to getting your response on that.

4 COMMISSIONER TIMONEY: Great.

5 COUNCILMAN ORTIZ: Councilman Rizzo?

6 COUNCILMAN RIZZO: Thank you,
7 Commissioner.

8 COMMISSIONER TIMONEY: Councilman
9 Rizzo.

10 COUNCILMAN RIZZO: No matter what
11 occurs, if it does move to the Streets Department,
12 there's always times, I'm sure, where there's a
13 confrontation, where a police presence is good if
14 it's a person that doesn't want their car towed
15 away.

16 COMMISSIONER TIMONEY: Sure.

17 COUNCILMAN RIZZO: So I'm sure there
18 could always be a way to work together in the
19 event that there's a situation where the police
20 presence would be needed.

21 COMMISSIONER TIMONEY: Right.

22 COUNCILMAN RIZZO: Commissioner, my
23 question is more so about the magnitude of the
24 problem. You've given us some numbers on how many
25 vehicles you removed.

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2 COMMISSIONER TIMONEY: Right.

3 COUNCILMAN RIZZO: Yesterday, while
4 visiting someone at Temple Hospital, right at
5 Broad and Sedgley. There's a vehicle burned out.
6 You could tell it's been there -- right on Broad
7 Street -- for months.

8 COMMISSIONER TIMONEY: Yeah.

9 COUNCILMAN RIZZO: How many abandoned
10 vehicles -- do we know how many? Councilman Ortiz
11 indicated that they're continually being dropped.
12 And you, coming from New York, indicated that you
13 just couldn't just believe what occurs here in
14 Philadelphia.

15 COMMISSIONER TIMONEY: Yeah.

16 COUNCILMAN RIZZO: Do you have a
17 number, a possible number, an approximate number
18 of how many abandoned vehicles? If you had the
19 ability to go get them all, how many are out
20 there?

21 COMMISSIONER TIMONEY: You know, it is
22 extremely difficult. We've tried and we've gotten
23 an account from the various -- and it's a fluid
24 account, understandably. But anywhere from, you
25 know, I think at any one time, we're anywhere, you

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2 know, from 8 to 12,000. But it's always in a
3 state of flux. So it's an extremely difficult
4 number to pin down. And even the record-keeping
5 is not the best, which is why we put together this
6 whole comprehensive program.

7 COUNCILMAN RIZZO: So if we were asked
8 as of December 1st, how many abandoned vehicles
9 are out there in process to be removed from the
10 streets of the City of Philadelphia, you could
11 come up with a number?

12 COMMISSIONER TIMONEY: Oh, yeah,
13 absolutely, but --

14 COUNCILMAN RIZZO: Do you have an
15 estimate?

16 COMMISSIONER TIMONEY: Well, here's the
17 problem with the estimate. And let me just give
18 you a practical problem.

19 At the meeting I was at with Councilman
20 Ortiz up in the 35th Police District, that was the
21 week we had completed a sweep, our abandoned
22 vehicle officer in the 35th had called in 850
23 vehicles. We had the logs in. So now you have to
24 go back around and check. Out of the 850 that
25 were called in, only 175 had been removed.

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2 A couple weeks ago, in the 25th, we
3 called in, I think it was 1800, of which, when we
4 went back around, 1200. I mean, they did a great
5 job in the 25th.

6 But it's a constant effort of -- even
7 when you log them in and you know they're coming
8 in, it's extraordinarily -- it's a fungible number
9 that constantly moves, so it's hard to get a grasp
10 of it.

11 I mean, the best estimate is your own.
12 It's -- if you look at the magnitude, it's 32,000
13 so far for one month, an estimate for one month.
14 That's floating, which is -- if you look at the
15 32,000 so far this year, we estimate that there
16 will be around 36,000 for the year that were
17 removed. You just do a quick math. If you divide
18 it by 12, it will give you around 4,000 every
19 month coming in new into the system.

20 If you -- we've actually mapped out --
21 and if you look at the map, we estimate 4600 per
22 month. And this is a map which I'll share with
23 you.

24 COUNCILMAN ORTIZ: Do you have a map?

25 COMMISSIONER TIMONEY: Yeah.

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2 COUNCILMAN ORTIZ: You can stay there,
3 Commissioner.

4 COMMISSIONER TIMONEY: But, again, it's
5 constantly moving.

6 But there's a new, we estimate, 4,000
7 each month coming in. How many are on the street
8 at any given time? Again, hard to estimate. But
9 we know -- we are clear that it's about 36,000 by
10 the end of the year.

11 COUNCILMAN RIZZO: Commissioner, I've
12 heard something that isn't consistent with what I
13 thought I knew. Today you said something about
14 burned-out vehicles that are considered intimately
15 (sic) dangerous. I'm not putting words in your
16 mouth, but you said the were burned-out hulks.

17 COMMISSIONER TIMONEY: Right.

18 COUNCILMAN RIZZO: And that you still
19 had to follow process. I was under the impression
20 that you didn't have to follow a process.

21 COMMISSIONER TIMONEY: You have an
22 emergency excusal (sic), and that's true.

23 But we need in the law the definition,
24 because when you leave discretion into it, your
25 discretion, your idea of what's a hulk or what's

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2 valued at \$2500 or what's valued at \$250 if
3 different than Mr. Kenney's, is different than
4 mine. And with part of the legislation, what
5 we're trying to do, one, is to jack up the value
6 of these cars, that no apparent value needs to be
7 -- I forget the figures. I think it's less than
8 \$600, number one.

9 Number two, automatically describing a
10 burnt-out shell as "a derelict vehicle," which is
11 processed in a completely different manner, so
12 that you don't have to look up and articulate
13 emergency exception to the abandoned vehicle.

14 When you start doing that, you run into
15 all sorts of problems. It's not only a problem
16 with the salvors. I'm sure they'll testify that
17 when they get there and there's garbage in there
18 -- and I can understand there are bricks and
19 everything else and Christmas trees. And they
20 say, I'm not picking up that up, I'm not the
21 Streets Department. And so you have this argument
22 going back and forth.

23 And so we think all the proposed
24 legislation and regulations that we proposed last
25 Monday, along with anything else that comes out of

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2 this committee, we think will clear up the
3 problem.

4 COUNCILMAN RIZZO: Thank you.

5 Thank you, Councilman.

6 COUNCILMAN ORTIZ: Is there a priority
7 about schools and hospitals and that sort of
8 thing?

9 COMMISSIONER TIMONEY: Oh, for me,
10 there is, yeah. I mean think -- and anytime I
11 meet school members, for example, over at the 25th
12 just a couple of weeks ago, we dedicated a lot
13 that had been cleaned out that the principal
14 brought to my attention. And when we sent the
15 officer, right then and there, there were three
16 cars in front of the school. I mean, kids should
17 not be facing that as you're walking out to the
18 sidewalk to get the bus or meet your parents. You
19 should not.

20 COUNCILMAN ORTIZ: Councilman Kenney?

21 COUNCILMAN KENNEY: Thank you very
22 much. I know your time is short, you have another
23 appointment.

24 Often when I see vehicles abandoned in
25 my own neighborhood, there's no wheels, they're

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2 stripped, and they are sometimes burned.

3 COMMISSIONER TIMONEY: Right.

4 COUNCILMAN KENNEY: And I always said
5 to myself, How come nobody ever sees someone
6 taking that car apart? And then I realize that
7 the car is being taken part somewhere else and
8 being dumped there.

9 Isn't that not a problem that we're
10 dealing with a lot of tow truck operators who are
11 paid to perhaps remove a car or have some
12 involvement with a chop shop or some operation
13 where, once the car has been dissected, that it is
14 dumped on a city street, probably by a tow truck.

15 COMMISSIONER TIMONEY: Yeah.

16 COUNCILMAN KENNEY: And have we found
17 that there are --

18 COMMISSIONER TIMONEY: No, actually,
19 we've had some complaints of that. We actually
20 set up -- and I can disclose it now 'cause it's in
21 the past. We actually set up at certain locations
22 pole cameras and we found no evidence of it. It
23 was -- that they were --

24 COUNCILMAN KENNEY: My point is, how do
25 they get there?

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2 COMMISSIONER TIMONEY: Well, this is
3 the \$64,000 question. I mean, do they fall out of
4 the sky? I think you started out that way. I
5 mean, it's just -- you drive by, there's nothing
6 there, you drive there the next day and there's
7 two. How in God's name do they get there? I
8 mean, it's --

9 COUNCILMAN KENNEY: But my point is,
10 when there's no wheels on it, it's got to be
11 brought there by some other method. And in some
12 of the places I've seen them dropped, people would
13 see someone stripping a car.

14 COMMISSIONER TIMONEY: Yeah.

15 COUNCILMAN KENNEY: It's not a desolate
16 neighborhood where no one lives; there's people
17 right across the street.

18 COMMISSIONER TIMONEY: Yeah.

19 COUNCILMAN KENNEY: I mean, even if
20 they were doing it at 3, 4 in the morning, at some
21 point in time, somebody will call 9-1-1, saying
22 there's something going on out there.

23 COMMISSIONER TIMONEY: Yeah.

24 COUNCILMAN KENNEY: So it seems to me
25 to be a very quick operation of a drop and then

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2 they move on.

3 Have we been able to determine the
4 origin of the automobile when we do whatever
5 research we do? Are they coming from inside the
6 City, are they registered outside the City?

7 COMMISSIONER TIMONEY: That's part of
8 the problem. We've done a small study of a sample
9 going back, and part of the problem is -- and this
10 is why we need to deal with this in a wholistic
11 fashion.

12 We wound up going back, in some cases,
13 to five or six past owners. One of the real
14 problems is -- and I've met with Councilman Ortiz
15 and Ben Ramos on this. I mean, we have been lax,
16 the Police Department, in enforcing traffic
17 regulations, insurance regulations, licenses and
18 requirements. I mean, we have been.

19 We have been, over now the last six or
20 eight months, racheting up that pressure. You
21 just can't allow folks to drive. I mean, I
22 understand that it costs a lot of money, but if
23 you can't afford it, then you can't have the car.
24 I mean, that's a simple of fact. If you can't
25 afford the assurance, you just can't have the

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2 car. If you don't have a driver's license, you
3 can't drive. And so we're in the process of
4 enforcing those laws.

5 But there is an issue of, Okay, what
6 are you going to do with the car? There's an
7 issue of capacity that's completely outside the
8 purview of the Police Department.

9 All of those issues of stepped-up
10 enforcement, and then if you confiscate the car,
11 what are you going to do with it? The issue of
12 capacity. My sense is, they're all going to be
13 dealt with in that whole series of proposals that
14 the Mayor put forward on Monday.

15 COUNCILMAN KENNEY: But the question I
16 have is, have we been able to determine through
17 the chain of ownership the origin of the car,
18 where it may have come from? Are they all
19 City-registered -- are they not registered or are
20 they registered in the City, or have they been
21 registered somewhere else?

22 I'm trying to determine --

23 COMMISSIONER TIMONEY: Yeah. John, do
24 you have --

25 COUNCILMAN KENNEY: I mean, don't think

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2 the suburbs have the same problem that we have,
3 obviously.

4 COMMISSIONER TIMONEY: No.

5 COUNCILMAN KENNEY: So I'm wondering
6 whether or not, again, we're becoming the dumping
7 ground for vehicles that may have been registered
8 in surrounding areas.

9 COMMISSIONER TIMONEY: Well, John's
10 been working on this for 18 months and so maybe he
11 can give further insight into that.

12 (John Gallagher comes forward.)

13 MR. GALLAGHER: Good morning. John
14 Gallagher, special advisor to Police Commissioner
15 Timoney.

16 Councilman Kenney, not to give you too
17 brief of an answer, but it's the nature of these
18 vehicles they're not registered. I mean, you
19 don't abandon a registered car. So tracking the
20 last registered owner is really an exercise in
21 futility, for the same reason that the current
22 state of the law, where we notify the last
23 registered owner, not once, but twice, by
24 certified mail while the car stays on the street
25 and then while it takes up space on the lot. It

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2 doesn't make any sense.

3 The problem with these cars is, in many
4 instances, these are unregistered, uninsured cars
5 today; and then tomorrow, they're abandoned cars
6 because they broke down, and no one's going to put
7 another five cents into saving this piece of junk.

8 So it's nothing scientific, but it's
9 our belief that most of these cars are being
10 stripped on the spot where they break down.

11 To go back -- and we have done this and
12 are doing more studies with Chief Bullock (ph.),
13 who couldn't be here today for a family
14 emergency. But his staff is doing these types of
15 studies. And what we're finding is, finding out
16 who the last registered owner is is useless
17 because that person says, Well, I sold it to so
18 and so-and-so, and there's obligation on the last
19 registered owner to make sure that the new owner
20 registers the vehicle. And there's no way to
21 check whether he's telling the truth. You know,
22 he can make up a name, or he can be the one who
23 dumped it.

24 COUNCILMAN KENNEY: Right.

25 Just in one other area. Are all

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2 officers required, while on patrol, to be looking
3 for these vehicles and to be writing them up? Or
4 is it just the abandoned vehicle officer? I would
5 imagine that --

6 COMMISSIONER TIMONEY: Well, I mean,
7 that was my -- when I first got here, that was my
8 great question. Because when I looked at the
9 different staff positions within each district,
10 abandoned vehicles -- I said, Why would you need
11 an officer for abandoned vehicles? That's
12 everybody's responsibility. Well, it turns out it
13 is, and as a result of a consent decree and a
14 whole host of procedural steps, you need one
15 specific officer to handle it.

16 So the officer gets a report of an
17 abandoned vehicle on day one. He walks out and
18 says, Yep, that vehicle looks abandoned. He goes
19 back in, goes out the next day, and if the
20 vehicle's still there, he then begins the process
21 of paperwork, of notifying that owner. That takes
22 ten days. If the owner hasn't responded, the
23 officer now goes out on day 12 and says, Yep,
24 that's the same abandoned vehicle and then
25 institutes the process. And so you need for

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2 continuity, because of these silly regulations, a
3 consent decree, which we've made steps now to get
4 out from underneath that consent decree. And so
5 we've created this bureaucratic maze that you wind
6 up having to have a specialist to handle this.

7 It should be that if any cop who's
8 working his beat or sector finds an abandoned
9 auto, if it's a derelict vehicle, he should be
10 able to call, whatever it is, the Streets
11 Department or somebody else and say, Get it out of
12 there. Or if it's a regular abandoned vehicle,
13 set up a pretty simple process of a three-day
14 notification and notify the owner, Come get your
15 car or else it's going to be towed away.

16 COUNCILMAN KENNEY: But does the
17 uniformed officer on patrol have the requirement
18 to begin that process?

19 COMMISSIONER TIMONEY: No. He -- it's
20 a joke. He notifies the abandoned vehicle
21 officer.

22 COUNCILMAN KENNEY: But at least
23 they're doing that. They're --

24 COMMISSIONER TIMONEY: But here's the
25 problem you're under, here's the practical

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2 problem. They drive down the street and they see
3 an abandoned vehicle; they assume somebody else
4 has done it.

5 We we're now coming up with a -- the
6 sticker to show that at least somebody started
7 that process. People argue against the sticker.
8 You say, But if you put the sticker on, people are
9 going to think it's abandoned and they'll start
10 stripping it. Yeah, that's what they've been
11 doing anyway, so what's the problem? At least
12 we'll be alerted with a day-glow sticker that,
13 Listen, the process of notification has been
14 begun.

15 COUNCILMAN KENNEY: Okay, thank you.

16 COUNCILMAN ORTIZ: Councilman?

17 COUNCILMAN CLARKE: Thank you. Thanks,
18 Mr. Chair.

19 Commissioner, just one quick follow-up
20 on Councilman Kenney's reference to chop shops.
21 Are you telling us -- and correct me if I'm
22 wrong. Are you telling us that the chop shops are
23 not somehow affecting this abandoned vehicle
24 problem? 'Cause it --

25 COMMISSIONER TIMONEY: Oh, no, no.

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2 COUNCILMAN CLARKE: I hear it's just
3 the opposite.

4 COMMISSIONER TIMONEY: No, I'm sure
5 they are. I'm saying there are two or three
6 locations -- and I can't disclose those locations
7 -- where we get information that they were taking
8 them in, stripping them down, and then throwing
9 the hulks in nearby streets. We actually set up
10 pole cameras at two of those locations that were
11 there overnight, and we didn't observe those cars
12 coming after these particular -- they were body
13 and fender places, rather large, coming out and
14 depositing them in nearby streets. We did not
15 observe that. I was just talking about three
16 specific instances where that complaint was made
17 to us and we set up pole cameras monitoring
18 streets and we were not able to prove that case.

19 COUNCILMAN CLARKE: Okay.

20 COMMISSIONER TIMONEY: No, I guarantee
21 that's what's happening. Proving it is another
22 matter, however.

23 COUNCILMAN ORTIZ: Commissioner, I know
24 you have to go.

25 Jim, I actually witnesses, with the

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2 fire marshal, Ben Ramos and I, on Third and
3 American Streets, a car being abandoned. And like
4 ten minutes later, four people were coming in and
5 trying to strip it. And they looked around, they
6 saw the fire marshal, they looked, seemed
7 surprised, and they kept on going, they kept on
8 stripping it.

9 Thank you, Commissioner. I know that
10 you have to go. I appreciate it.

11 COMMISSIONER TIMONEY: Yeah.

12 COUNCILMAN ORTIZ: And I know that if
13 you can give us, in terms of what we have
14 discussed before in the spring, something that
15 this committee can, with the Council, can then
16 begin to look at as to what it is your
17 recommendations have been, what the plan has been,
18 so that then we can begin adding to our
19 recommendations as a committee and moving
20 forward.

21 I know the union problematics that may
22 be involved in removing this from the Police
23 Department, but I really, really believe that this
24 is not a law enforcement issue, that policemen
25 should be going out and catching the bad guys, and

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2 that we should have a department that takes care
3 of abandoned vehicles in an efficient manner in
4 the neighborhoods.

5 Thank you, Commissioner.

6 COMMISSIONER TIMONEY: Thank you, sir.

7 COUNCILMAN ORTIZ: State Representative
8 Evans and State Senator Shelly Kitchen.

9 By the way, the map that you gave us,
10 Commissioner, it looks like the locusts have
11 invaded the City.

12 COMMISSIONER TIMONEY: Sometimes it's
13 easier to put the streets up where there are no
14 abandoned vehicles.

15 COUNCILMAN ORTIZ: But north-central
16 and east of Broad and west of Broad seem to be
17 being attacked much more forcefully than the rest
18 of the City.

19 (State witnesses come forward.)

20 COUNCILMAN ORTIZ: Thank you. Would
21 you please identify yourself for the record and
22 decide who wishes to begin. Beauty before --

23 STATE REP. EVANS: Always.

24 COUNCILMAN ORTIZ: Yes.

25 STATE SEN. KITCHEN: Good morning,

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2 Mr. Chairman and distinguished members of Council.
3 I'm State Senator Shirley Kitchen, representing
4 the Third Senatorial District.

5 STATE REP. EVANS: I'm State
6 Representative Dwight Evans of the 203 Legislative
7 District.

8 MS. TURNER: Kimberly Turner, staff of
9 Representative Evans.

10 STATE SEN. KITCHEN: Last June, I
11 amended Act 75 of the Motor Vehicle Code, which
12 did enact the changes that the Commissioner spoke
13 of, which largely involve shortening removal
14 time.

15 Since that time, I planned to introduce
16 a bill with much off the content and language of
17 Representative Evans' bill, except that I do not
18 know about the fines, the amount of fines. Right
19 now, I think it's \$50 per violation for a fine.
20 And if we're talking about an increase in fines, I
21 hope it's progressive because we do not want to
22 burden people with fines that they cannot pay
23 because of the implications it will have upon a
24 person's life.

25 Now, in the case of abandonment, as we

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2 all know, most vehicles are abandoned because they
3 aren't insured or they are not in repair. So if
4 we are going to burden a person with fines
5 equaling \$500, they're not going to be able to pay
6 it. In addition to that, they may not even be
7 eligible for certain training programs.

8 And also piggybacking off of what the
9 Chairman said and also Councilman Kenney, is that
10 it is a dumping problem in north-central
11 Philadelphia. Some of the vehicles are being
12 dumped from outer-lying counties, as opposed to
13 just being abandoned. So the ownership will be in
14 question.

15 So it would not even be fair if we got
16 off into such a punitive measure, charging \$500
17 fines to a poor person who have abandoned the car
18 in the first place. They won't be able to get
19 into training to even pay the fine. So I just
20 want to caution you how punitive we be in solving
21 this matter.

22 And in terms of the language of my
23 bill, I'll turn it over to my distinguished senior
24 colleague, who is the Appropriations Chair. And
25 my language is identical to House Bill 2004.

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2 Distinguished colleague?

3 STATE REP. EVANS: I want to, one,
4 thank the members and Mr. Chairman and the members
5 of the committee. As Senator Kitchen has
6 indicated, that she, along with a number of other
7 members, I'd like to do a couple things. First
8 explain the specifics relating to House Bill 2004
9 and then talk a little bit about the politics of
10 this particular issue and share some of those
11 thoughts with you.

12 Senator Kitchen indicated to you,
13 correctly so, I think it was last year, that she
14 made some changes in the Motor Vehicle Code, and
15 there's no question that the changes that Senator
16 Kitchen introduced certainly helped move the
17 problem and deal with it in some way. Obviously,
18 we have to go a lot more further than just some of
19 the changes.

20 During the summer, I worked along with
21 Mayor Rendell, President Verna, and along with
22 other members in the House in terms of coming up
23 with House Bill 2004. House Bill 2004, as you
24 see, the first thing you heard the Commissioner
25 talk about was speeding up the process to remove

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2 vehicles, as was indicated in his testimony, which
3 has been a problem, moving it from seven days to
4 immediate. The second aspect is abandoned cars
5 from seven days to three days, and then changing
6 the notification to place the vehicles, instead of
7 certified mail, making it much more direct.

8 The second aspect is speeding up the
9 process of disposing the vehicles, reducing the
10 days' notice, from 30 to 20 days for vehicles, as
11 well as what you call "valueless vehicles," from
12 the 45 days for the salvagers to speeding up that
13 process.

14 In addition, we talked about increasing
15 the incentive for the salvagers. The Commonwealth
16 of Pennsylvania right now pays \$15 per vehicle for
17 a salver to remove it. That was established back
18 in 1964. If you go based on inflation, it would
19 be about \$72 today, looking from 1964 to 1999.
20 And that's why it's \$72 in the bill, based on
21 inflation, using that as incentive.

22 In addition to that, yes, there are
23 some penalties for individuals who dump vehicles,
24 and those are something else that are a part of
25 it. In addition in this legislation, we talk

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2 about the idea of empowering City government in a
3 way be a salvager.

4 One of the reasons we expressed that
5 that option should be available -- and this would
6 be up to you as Council and to the next mayor to
7 make that determination, was, we think that there
8 needs to be some competition in the system. There
9 needs to be competition in the system in terms of
10 private versus public, because my experience has
11 been that the private-sector system has not
12 resolved the problem. That not to say that
13 there's not good salvagers out there, but
14 currently the way the City's operating, they have
15 17 salvagers. And that, in my view, is not
16 solving the problem.

17 COUNCILMAN ORTIZ: But, State
18 Representative, one of the problems has been that
19 the salvagers have operated, as you said, on the
20 market principle. As the price of metal has gone
21 00 if it goes up, they're out there removing
22 vehicles because they can make a profit. If the
23 price of metal is down, as it has been during the
24 last period of years, they are not as quick to be
25 out there removing vehicles because the profit

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2 margin is not as great. And that I got from the
3 Commissioner in a previous hearing and the City
4 Department.

5 STATE REP. EVANS: You are correct,
6 Mr. Chairman. However, explaining that to a
7 constituent who lives on Bouvier Street, they
8 frankly could care less about what happens in
9 terms of the salver making money or not make
10 money, that's not the issue for them.

11 COUNCILMAN ORTIZ: Right.

12 STATE REP. EVANS: I think what I
13 attempted to do in this legislation is basically
14 to induce some sort of competition in the system,
15 that where a salvager may not be responding to a
16 particular problem, once you get a chance to read
17 the legislation, which I've passed onto the
18 President of City Council, my understanding is
19 that she passed it out to everyone. You'll get
20 the general sense that we're trying to induce a
21 system which the bottom line is, the car will be
22 removed -- may it be by the salvager, may it be by
23 the City. That decision -- and I heard some of
24 your discussion earlier -- may be the Police
25 Department, may be the Sanitation Department, the

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2 Parking Authority, whatever entity that you and
3 members of this Council and the mayor decide,
4 that's your decision. I think that the only thing
5 we attempted to do in this legislation in the
6 State is basically to empower you.

7 Let me just tell you where the bill
8 is. There are 73 three cosponsors on the bill.
9 The bill is in the Transportation Committee
10 currently. Every Philadelphian has signed on to
11 the bill. The Majority Leader, John Perzel, is
12 for it. As Senator Kitchen indicated, she, along
13 with Senator Tina Tartaglione, Senator Salvatore,
14 and Senator Fumo, all of them are also on their
15 side of the ledger, working on the same effort.
16 So it is a collective effort.

17 One thing I would like to say, Mr.
18 Chairman, is that we can pass the best legislation
19 in the world, but it really comes down the
20 question of execution and delivery, and that is
21 ultimately what the issue is about. The words on
22 this paper are useless if we're going to make the
23 changes in the system and actually not follow
24 through on what we say that we're going to do.

25 One last thing that I'd like to say to

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2 you, Mr. Chairman and members of the committee,
3 this is not a problem unique to Philadelphia. I
4 have a letter of support from the police chief of
5 Pittsburgh, Erie, York, Lancaster. They also have
6 this kind of a problem.

7 As a matter of fact, to your point when
8 you asked about the police issue, in Erie, the
9 police commissioner made a recommendation that
10 salvers, rather than using police officers, are
11 empowered to do what police officers do here.
12 Where police officers in Erie basically do the
13 same thing, what the police commissioner suggested
14 in Erie is that you empower the salvers.

15 However, you also may have some sleazy
16 individuals. There's a statement in this bill
17 that if a salver should just try to, for some
18 unfortunate reason, just pick up a car that
19 doesn't belong, they can easily be penalized, the
20 authority can be taken away from them.

21 So when you read in there, there's a
22 section in there that talks about the aspect of
23 empowering salvers so that you don't have this
24 issue dealing with the police force. That came
25 from the chief in Erie, because he felt that he

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2 didn't have the manpower in order to have police
3 officers doing it.

4 COUNCILMAN RIZZO: That's interesting.

5 STATE REP. EVANS: So I'll be open to
6 any questions that you may have.

7 COUNCILMAN ORTIZ: Councilman Clarke?

8 COUNCILMAN CLARKE: Thank you, Mr.
9 Chairman.

10 Good morning, State Senator Kitchen and
11 Representative Evans.

12 STATE REP. EVANS: Thank you.

13 COUNCILMAN CLARKE: As my two senior
14 colleagues.

15 (Laughter.)

16 COUNCILMAN CLARKE: The statement about
17 cosponsorship of the bill. You mentioned you had
18 73 cosponsors?

19 STATE REP. EVANS: Correct.

20 COUNCILMAN CLARKE: And in order to get
21 -- I'm assuming that this would be an increase in
22 the State funding required to bring this up to
23 \$72.

24 STATE REP. EVANS: Correct, \$72,
25 correct.

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2 COUNCILMAN CLARKE: So -- and my
3 understanding is we need how many votes?

4 STATE REP. EVANS: You need 102 in the
5 House.

6 COUNCILMAN CLARKE: 102?

7 STATE REP. EVANS: And you need 26 in
8 the Senate.

9 COUNCILMAN CLARKE: So the lack of the
10 102 number probably has more to do with your
11 inability to get the 102 to sign this, or do we
12 anticipate a problem?

13 STATE REP. EVANS: No, I would have had
14 the 102, but since I wanted to introduce it, it
15 was there.

16 This -- I don't foresee this as a
17 problem once it comes up on the floor. What's
18 amazing about this is, though we talk about it as
19 a problem in Philadelphia, as I indicated to you,
20 from Erie and York, they also have the problem --
21 not to the degree that Philadelphia has it as a
22 problem, but they realize that something that
23 needs to be done also.

24 To your question that you asked about
25 the increase of costs, that comes from the Motor

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2 License Fund.

3 COUNCILMAN CLARKE: Okay.

4 STATE REP. EVANS: Which is no cost to
5 local government; Commonwealth of Pennsylvania
6 would be paying that.

7 COUNCILMAN CLARKE: So we fully
8 anticipate we'll be able to get the additional
9 dollars for this?

10 STATE REP. EVANS: Correct, correct.

11 COUNCILMAN CLARKE: Great.

12 The other issue, you mentioned -- you
13 talked about how sometimes, it's the private
14 versus public sector. This particular hearing
15 happened as a result of a resolution that members
16 of this Council cosponsored, and it talked about
17 the RFP process essentially creating an
18 environment where an entity, or entities, could
19 create a proposal that would basically give us an
20 opportunity to select the person that could do the
21 job the best. Is that kind of what you're kind of
22 talking about as related to creating some
23 competition?

24 STATE REP. EVANS: My experience is
25 that the City at one time used to tow the cars

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2 themselves. I think it was under the Bill Green
3 administration that it changed and that it went to
4 the private sector.

5 I think the problem has been that no
6 one has evaluated the system, first; and,
7 secondly, no one has held the system accountable.
8 So what happens is, over the last, in my view,
9 eight or nine years, the problem has gotten out of
10 control. And now we're at this particular point
11 where people are now starting to ask questions
12 about it, 'cause no one's on top of it. The
13 Police Department is overburdened, the Streets
14 Department doesn't focus on it, L&I doesn't.

15 But I want to give you an example,
16 Councilman Clarke. There was an abandoned house
17 in the 12th Division of the 10th Ward. And this
18 house was abandoned for 15 years. There were two
19 abandoned cars on the back of the property, in the
20 back of the driveway. The Police Department could
21 not remove the cars because the house was
22 abandoned, and it was L&I. So then I go to L&I,
23 and L&I says, We can't remove it. So here you got
24 two cars on an abandoned property, and we go back
25 and forth in terms of trying to get this car

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2 moved. That is ridiculous. I mean, the people
3 who lived in that block did not want to hear the
4 jurisdiction battle between Licenses and
5 Inspections and the Police Department.

6 Now, fortunately, through the
7 creativity of the Police Commissioner and some
8 other people, we eventually got 'em moved, but
9 that shouldn't have to happen.

10 COUNCILMAN CLARKE: Right.

11 STATE REP. EVANS: So I'm just saying
12 to you that there are problems like that. And
13 what we're trying to do is, we're trying to -- we
14 have some language in here that even deals with
15 the issue about public property in terms of
16 letting people be more aggressive about dealing
17 with these particular issues.

18 Because, again, the people in the
19 neighborhood don't want don't want to hear this
20 jurisdiction battle between the Police Department
21 and Licenses and Inspections or the Parking
22 Authority or the State not doing what it needs to
23 do to --

24 COUNCILMAN ORTIZ: It's red tape, the
25 red tape.

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2 COUNCILMAN CLARKE: Yeah.

3 STATE REP. EVANS: Exactly. They don't
4 want to hear that.

5 COUNCILMAN CLARKE: Yes.

6 Senator Kitchen, your district
7 encompasses a larger area, larger than any of our
8 Council districts. And if I'm correct, you
9 probably have upwards of five police districts,
10 and a lot of those police districts have been
11 inundated with vehicles.

12 Have you noticed a pattern in terms of
13 the level of response that you get per police
14 district based on the, frankly speaking, the
15 captain of the district or the abandoned vehicle
16 officers? Has it differed based on who's in
17 charge of that police district, or is it pretty
18 much uniform?

19 STATE SEN. KITCHEN: It differs in
20 terms of blocks and neighborhoods where there's a
21 great deal of abandonment of vacant houses and
22 vacant cars. And if a committee person calls,
23 then it's a slow response, but if it's abandoned
24 in front of an occupied, fully intact block, then
25 it appears to be a faster response.

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2 COUNCILMAN CLARKE: Okay, so --

3 STATE SEN. KITCHEN: So it's more or
4 less by what condition the block is in, how many
5 calls, you know, are being received by the Police
6 Department.

7 In the areas where this is a great deal
8 of vacancy, there is a great deal of dumping. And
9 I don't think it's so much as abandonment by
10 neighborhood residents, because there's no
11 residents on the block, but rather, the
12 abandonment from outer-lying areas, and it appears
13 to be right outside of Philadelphia.

14 COUNCILMAN CLARKE: It's some of that
15 squeaky wheel theory.

16 STATE SEN. KITCHEN: Yeah, the squeaky
17 wheel theory.

18 COUNCILMAN CLARKE: All right. Thank
19 you, Senator.

20 Thank you, Mr. Chair.

21 COUNCILMAN ORTIZ: Councilman Rizzo?

22 COUNCILMAN RIZZO: Thank you.

23 Senator, Representative, in
24 Philadelphia County, we have roads that are
25 designated State highways, and I know you talk

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2 about jurisdiction, about who fixes them and who
3 removes the snow, and I know we have an
4 arrangement with the State when it pertains to
5 snow.

6 Do you -- could you explain what
7 responsibility the Commonwealth has in helping pay
8 for the removal of abandoned vehicles that may be
9 dropped on a State highway, the ones that we have
10 identified? Could there be some financial help in
11 removing vehicles that are on State highways?

12 STATE REP. EVANS: Well, the
13 Commonwealth already does pay the \$15 to the
14 salver in the first place. What I'm suggesting is
15 that the \$15 be increased to \$72, first.

16 Secondly, it's up to the local
17 jurisdiction to decide how exactly you want to
18 remove abandoned vehicles. I mean, either you do
19 it through salvers or you do it through your
20 Parking Authority or you do it through your Police
21 Department.

22 But basically, the State government
23 pays the \$15, which I hope, through some
24 negotiations, I will get it to be \$72, which, in
25 itself, will be an added incentive for the salvers

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2 to do what they have to do.

3 COUNCILMAN RIZZO: But you see no
4 additional support or funding from the State on
5 vehicles that are on State highways, like Broad
6 Street, which -- Commissioner Moy can shake his
7 head -- is a State highway?

8 Yesterday, on my way to Temple
9 Hospital, I said this earlier, at Broad and
10 Sedgley, there's a totally burned-out vehicle
11 there, and it's obviously been there for a long
12 time. On that particular instance, couldn't,
13 since it's a State highway, the State be
14 responsible or help fund the removal of that
15 vehicle?

16 STATE REP. EVANS: Councilman, what I'm
17 saying to you is that the State pays already. I'm
18 trying to get it increased to \$72.

19 COUNCILMAN RIZZO: Right.

20 STATE REP. EVANS: So, are you saying
21 that --

22 COUNCILMAN RIZZO: So bump it up a
23 little.

24 STATE REP. EVANS: Are you saying that
25 because it's on top on a State road that you think

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2 it should be more than \$72?

3 COUNCILMAN RIZZO: I'm just looking for
4 a way for us to get more support from the State.

5 STATE REP. EVANS: Well, I don't think
6 that --

7 COUNCILMAN ORTIZ: Well, I think that's
8 in process now. If it's now 15 and it's going to
9 go up to 72, I think that's a huge increase in
10 terms of support.

11 COUNCILMAN RIZZO: That's non-state
12 highways. Understand --

13 STATE REP. EVANS: No, that's
14 anywhere.

15 COUNCILMAN ORTIZ: Anywhere.

16 STATE REP. EVANS: That's anywhere --
17 that's a City highway, that's a State highway,
18 that's a federal highway. It's anywhere in the
19 Commonwealth.

20 COUNCILMAN RIZZO: I'm looking for 150
21 on a State highway.

22 STATE REP. EVANS: Oh.

23 COUNCILMAN RIZZO: Thank you.

24 COUNCILMAN ORTIZ: Well, you're never
25 going to get that.

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2 Councilman Nutter?

3 COUNCILMAN NUTTER: Thank you, Mr.

4 Chairman. And good morning, Representative Evans
5 and Senator Kitchen and your good friend at the
6 table there.

7 Representative Evans, I have had a
8 chance to read through the legislation, and one of
9 the things I wanted to ask about was with regard
10 to -- I know you have a fines and penalty section
11 stating that it's a crime to abandon a vehicle,
12 and I think there's also some provisions for
13 license suspension.

14 What I wanted to ask was with regard to
15 the ability of that person to subsequently
16 register another vehicle, is there a way to track
17 that once a person has been -- I'll kind of use
18 the vernacular -- "popped" for abandoning a
19 vehicle, and if you have license suspension
20 provisions, is there anything that you can do
21 about that person's ability to either register the
22 new car when they haven't taken care of the
23 previous car that we actually keep track through
24 PennDOT, that when that person's name or, I guess,
25 his license number comes up, it tells PennDOT that

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2 this is a person who has abandoned a previous
3 vehicle, And we impact their ability to
4 re-register a new car.

5 STATE REP. EVANS: Councilman Nutter,
6 the answer is yes to your question. The way that
7 it would probably be the most efficient way to do
8 it would be coordinating in terms of regulations
9 within the Department of Transportation, versus
10 actually detailing that in the legislation.

11 I do agree with you that, you know, you
12 can find people who are very creative in trying to
13 find new way to how to manipulate the system.

14 COUNCILMAN NUTTER: Right.

15 STATE REP. EVANS: So although my
16 colleague and I -- and we haven't finished having
17 this debate, this discussion. The attempt to be
18 punitive or some aspect is really to see how we
19 can, you know, slow this process down.

20 COUNCILMAN NUTTER: Right.

21 STATE REP. EVANS: I mean, as the
22 Chairman indicated and the Police Commissioner,
23 1200 cars was removed. And as Councilman Kenney
24 raised, those cars are coming from somewhere.

25 COUNCILMAN NUTTER: Right.

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2 STATE REP. EVANS: So I think we have
3 to have a two-pronged approach. Yes, we got to
4 have a much more efficient system to remove them,
5 but we've also got to say to those individuals,
6 and I think you heard the Police Commissioner talk
7 about the whole culture of the Police Department
8 not enforcing the traffic laws, so I think there
9 has to be a coordination between what the Police
10 Commissioner talked about, what we're going to
11 talk about with some penalties.

12 It's not the idea that you just want to
13 be punitive for the sake of being punitive, but
14 you do want to say to people that you just can't
15 just go around leaving these cars laying all over
16 the streets of the City of Philadelphia.

17 COUNCILMAN NUTTER: Just one financial
18 inquiry, and I'm assuming the legislation passes
19 and the increase from \$15 to \$72 on the salvers'
20 fee. Did I read maybe either in the legislation
21 or in the newspaper that those increased dollars
22 are coming from either the License Fund or some
23 other fund within the State?

24 STATE REP. EVANS: It comes from the
25 Motor License Fund.

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2 COUNCILMAN NUTTER: Okay. So that's
3 when you renew your license, and I guess it's \$36
4 now or thereabouts.

5 STATE REP. EVANS: Well, the Motor
6 License Fund consists of money that comes from gas
7 tax, license, all of that.

8 COUNCILMAN NUTTER: Okay.

9 STATE REP. EVANS: And it's a fund
10 that's off budget. So basically, that's a fund
11 that's independent, and it pays for anything
12 that's related to other license issues.

13 COUNCILMAN NUTTER: One last question.
14 There was the big announcement last week, and
15 maybe it's not a part of this particular package
16 of legislation, but I do understand that the State
17 is also proposing to move forward with getting the
18 stickers, registration stickers off of the plate.
19 And do you anticipate a now third sticker on the
20 windshield, or that one of the two stickers that
21 -- you currently have a regular registration
22 sticker and you have an emissions sticker, most
23 cars. Or people with the older cars, like me,
24 have two stickers on their vehicle.

25 Do you anticipate it being incorporated

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2 into that, or is there now going to be a third
3 sticker on the windshield?

4 STATE REP. EVANS: I couldn't speak to
5 specifically the legislation that Senator Fumo is
6 introducing in terms of how does he see the
7 configuration. But what he basically wants to do
8 is, you know, individuals have been removing the
9 sticker off the back of the car, like 20,000 in
10 the City of Philadelphia.

11 COUNCILMAN NUTTER: Right.

12 STATE REP. EVANS: There was a task
13 force, my understanding, that Senator Fumo's staff
14 was a part of that task force in terms of
15 PennDOT. There's a little of what I should call
16 "a family internal battle" going on between the
17 legislature and the Department of Transportation
18 around this issue about where the sticker should
19 go. My general sense is that PennDOT is saying
20 no, that --

21 COUNCILMAN NUTTER: Could you tell me
22 why? Why do they care?

23 STATE REP. EVANS: Well, it's very
24 similar, Councilman, to -- for example, when the
25 City does sweeps for removing abandoned cars,

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2 PennDOT only has two people. When the Police
3 Department submits this form that has to have a
4 VIN number on it, there's only two people who have
5 that responsibility. There's one to deal with the
6 City of Philadelphia and one to deal with the rest
7 of the Commonwealth of Pennsylvania. But for us,
8 we can use both of them. So it becomes a
9 bureaucratic thing.

10 So we have to kind of use our political
11 muscle by using legislation. We have tried to
12 convince the Secretary of Transportation and
13 others that this is a problem. And just because
14 it's a problem in Philadelphia, we don't want them
15 to take the attitude that, Well, it's not
16 important. So, in other words, they look at it
17 around the tag issue that you just described.
18 Well, it's only in Philadelphia, so why should we
19 deal with it? So that's why I do agree with
20 Senator Fumo and the Mayor in terms of that
21 change.

22 One other thing I want to add to this
23 point. What we tried to do with the announcement
24 that the Mayor made, and I've had some
25 conversations with Mayor-elect Street, is I think

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2 for the first time, we're trying to have a
3 collective agenda on the whole vehicle, quality of
4 life initiative, something which I don't think
5 we've had collectively.

6 And when I met with the Mayor and the
7 Mayor-elect, as well as meeting with President
8 Verna, I indicated that we need to collectively
9 work with you here in Council so we can kind of
10 know what the right and left hand is doing,
11 because basically, historically, we haven't done
12 that. And I think that the issues around vehicles
13 in general, we got a lot of work to do. We need
14 to -- you know, don't want to duplicate anything
15 already that you're doing, we don't want duplicate
16 it; we just want to figure out how we can make it
17 look more efficient, how we can make it a little
18 bit more effective.

19 COUNCILMAN NUTTER: Last question. Is
20 there anything in the legislation that would be a
21 barrier to the proposal and what is essentially
22 the main component of today's resolution, as
23 proposed by Councilman Clarke, that would
24 interfere with the City's ability, if we chose to
25 go into that direction, of having at least one,

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2 and some districts may have two, the kind of RFP
3 process, you know, "Salver XYZ" works for me at
4 the 19th District.

5 STATE REP. EVANS: Right.

6 COUNCILMAN NUTTER: That's their area,
7 that's their responsibility. I mean, it's almost
8 kind of like a franchise.

9 But if there's an abandoned car out
10 there and it hasn't been moved, then either the
11 captain, some civilian, whoever's in charge of the
12 program get in Salver XYZ's case that you haven't
13 picked up these cars, and it is your
14 responsibility.

15 Is there anything in the legislation
16 that impacts our ability to either do that or have
17 people who are salvers, whose business is located
18 outside the City of Philadelphia, to participate
19 in any of these programs?

20 STATE REP. EVANS: The answer is no. I
21 made sure, Councilman, that I, the chairman, in no
22 way wanted to have the Commonwealth of
23 Pennsylvania micro-manage direct as the City or
24 the Council or the Mayor in any way. So we're not
25 interested, Michael.

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2 Anything we wanted to do was to
3 basically empower and streamline the process, add
4 a little bit of money. Sorry to Councilman Rizzo
5 that left, but we wanted to add a little bit of
6 money and some incentive.

7 So no, we're not trying to tell you how
8 you want to set it up; we're not even trying to
9 tell you what agency that you want to decide -- if
10 it's L&I, Streets Department, Sanitation, whatever
11 department you want to do, that's up to the local
12 government to decide.

13 The only thing we're trying to do is
14 limit the days, add some money, empower the people
15 who do what's necessary, but we don't want to
16 micro-manage it in any way. That's not my
17 position.

18 COUNCILMAN ORTIZ: We've got the legal
19 tools needed in order to be able to expedite the
20 process, and we've also got the responsibility to
21 establish the regulations, the process, and the
22 qualifications for salvors.

23 And through that legislation, if I'm
24 correct, we are the entity that will establish
25 qualifications for salvors. We are the entity

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2 that would put the regulations together as to how
3 they do it, when they do it, and in what process
4 and through which agency.

5 STATE REP. EVANS: Correct.

6 COUNCILMAN ORTIZ: That comes down to
7 local entity and local government to be able to
8 put forward.

9 STATE REP. EVANS: Correct.

10 COUNCILMAN ORTIZ: And that would be
11 through legislation and regulations in City
12 Council.

13 STATE REP. EVANS: Correct.

14 One other thing I want to make mention
15 of, particularly to Councilman Clarke, Mr.
16 Chairman.

17 Right now, you have 17 salvagers. You
18 can actually have salvagers -- what is it, ten
19 miles? About salvagers in a 30-mile radius could
20 actually.

21 Now, those who have been here may get a
22 little upset over a little competition, but, you
23 know, I think our interest has to be the outcome.
24 And the outcome is the car.

25 COUNCILMAN ORTIZ: Our interest is to

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2 eliminate the locusts.

3 STATE REP. EVANS: So what I'm saying
4 is, may it be 17 here, maybe within a 30-mile
5 radius, you decide whatever agency it is, and then
6 we increase the dollar amount. You know, at the
7 end of the day, we can actually say to our
8 constituents, In Chicago -- which was just told me
9 top by the EPOP group -- they have kind of a
10 commitment that in an hour and a half -- I mean,
11 it would be nice if we could say to John or Jane
12 Q. Philadelphia that in an hour, or in an hour and
13 a half, if your car's not removed, you're going to
14 get your money back you know, your portion of your
15 wage tax. I betcha that would be some incentive
16 if we said to people, We're going to give
17 something back to them if you don't get the car
18 removed.

19 So I think you -- and I'm very sincere
20 about the level of -- you know, it's great to have
21 laws, but it's the execution.

22 COUNCILMAN ORTIZ: And I just want to
23 say to you and the senator that usually the
24 relationship between Harrisburg and the City has
25 been one in which Harrisburg tries to take away

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2 some of our powers to legislate and implement.

3 And here, I would like to thank you for trying to
4 give us some tools to be able to legislate and
5 implement. So I want to thank you for doing that
6 and introducing that legislation, and I hope this
7 passes very quickly.

8 Thank you very much.

9 STATE REP. EVANS: If I could ask
10 something of you Mr. Chairman.

11 COUNCILMAN ORTIZ: Yeah.

12 STATE REP. EVANS: Maybe you and
13 members of the Council -- and I have not said this
14 to your President of your City Council, but I
15 would appreciate it if you would collectively --
16 it doesn't have to be a resolution, but sent a
17 nice letter collectively to all of the people.
18 One to the majority leader of the House so that he
19 can have that on record, and the chairman of the
20 Transportation Committee, that you collectively,
21 you know, if you are in support of this
22 legislation --

23 COUNCILMAN ORTIZ: We will do that,
24 sir.

25 STATE REP. EVANS: Good. The sooner

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2 the better.

3 COUNCILMAN ORTIZ: We will do it this
4 week, sir.

5 STATE REP. EVANS: Thank you.

6 COUNCILMAN ORTIZ: Okay?

7 COUNCILMAN RIZZO: I would appreciate
8 it if I could ask a follow-up question.

9 COUNCILMAN ORTIZ: Councilman Rizzo has
10 a --

11 COUNCILMAN RIZZO: I just have one
12 quick follow-up question.

13 I just want to know for the record,
14 when we talk about salvers, could you just
15 explain? One of the problems that we're having is
16 that when a vehicle is first identified as
17 abandoned, that vehicle is a very valuable
18 commodity. What happens after it sits a week, ten
19 days, the windshield gets broken, the starter gets
20 stolen, the air-conditioning compressor gets
21 stolen. The most important -- what the salvers
22 tell me is that if they could get access to these
23 vehicles, they would be more responsive if they
24 could get it with all those components, before the
25 wheels are gone, before the windshield's smashed.

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2 This legislation will permit how
3 quickly once a vehicle is reported abandoned that
4 the salver can respond and take it away. Because,
5 believe me, a salver can make a lot of money on a
6 car if it's not stripped and they tow it back to
7 their yard and start to dismantle it. A front
8 windshield is worth a lot of money.

9 How quickly can we start moving these
10 cars with this legislation?

11 STATE REP. EVANS: Councilman, that car
12 you talked about on Broad Street that was burned
13 out?

14 COUNCILMAN RIZZO: Right.

15 STATE REP. EVANS: Based on the current
16 law, current City law and current State law, that
17 should immediately be removed. The car that you
18 are talking about on Broad Street, under your
19 current City ordinance, and under your current
20 State law, that car should be removed right away.

21 The problem has been historically is
22 that it's not removed right away, 'cause if it's
23 burned out, I could imagine what it looks like.
24 There's no value to it so it's not removed.

25 So I'm saying to you that we could do

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2 all of these changes, but that car should be
3 removed right now.

4 COUNCILMAN RIZZO: But two months ago
5 when, that car first appeared, that car had a
6 value. It was a late model Ford Taurus. Now it
7 has no windshield, now the hood's gone. Now the
8 engine is being dismantled.

9 Three months ago, a salver, if he was
10 able to take away before it got into that
11 condition, had a vehicle, I'll bet, worth a couple
12 thousand dollars.

13 STATE REP. EVANS: Yeah, I understand,
14 but I think -- you know, Mr. Chairman, and I say
15 this to you all very sincerely, 'cause I know you
16 go through the same thing we go through in
17 Harrisburg.

18 It would be nice, and you asked the
19 right question. We don't need to describe the
20 problem, we don't need to rehash it.

21 COUNCILMAN RIZZO: Right.

22 STATE REP. EVANS: We need to talk
23 about a solution. It would be nice if we
24 collectively could make a pledge to the people in
25 this city that if there's a car, there's a certain

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2 period of time that car is going to be removed.

3 If not, if the car is not going to be removed,
4 there has to be some sense of consequence. The
5 problem is there's no sense of a consequence.

6 So, Councilman Rizzo, I mean, we could
7 report it, and the car's reported, but there's no
8 consequence on anybody if a car's not removed.

9 COUNCILMAN RIZZO: I want to move on.
10 My point being, with the new legislation, the
11 vehicle that is not burned out, that is not a
12 hulk, right now, we've got the ten-day
13 notification period. When will it change?

14 STATE REP. EVANS: It's seven days,
15 seven days.

16 COUNCILMAN RIZZO: We're going to speed
17 it up by three.

18 STATE REP. EVANS: By three days.

19 COUNCILMAN RIZZO: But what you say is
20 import, if we do it in a timely fashion, it won't
21 be a hulk, it won't be burnt out.

22 STATE REP. EVANS: Correct.

23 COUNCILMAN RIZZO: It will have a
24 higher value to the salver, which will give them
25 an incentive to get out there and get it, because

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2 they can strip it and make a lot of money.

3 COUNCILMAN ORTIZ: But there has to
4 also be -- if a car is in regular, good condition,
5 what we need to do is have the tools to speed up
6 the process of identification. Because if you, by
7 accident, go out and take a car that belongs to
8 someone that has parked it there, then you got a
9 lawsuit on your hands.

10 STATE REP. EVANS: Correct, correct.

11 COUNCILMAN ORTIZ: And that's why we
12 have the consent decree --

13 STATE REP. EVANS: Correct.

14 COUNCILMAN ORTIZ: -- that we are
15 operating under because a lot of salvers in the
16 1980s went into poor neighborhoods, specifically
17 in north-central Philadelphia, and took cars that
18 belonged to someone, that were not abandoned, but
19 were just parked in front of a car for like a week
20 or so. And that's why we have the consent decree
21 a.

22 We got to have the speeded-up process,
23 a streamlined process in which we identify the
24 owner, registration, and we're able to communicate
25 with those cars that are intact or in somewhat

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2 good shape. And those are the tools that you are
3 giving us at this time.

4 STATE REP. EVANS: And the other thing,
5 Mr. Chairman, that we're trying to do, there's the
6 issue around the VIN number, which is a number
7 that usually a police officer has to locate. What
8 we're suggesting under this legislation is that if
9 there happens not to be a VIN number, 'cause it
10 could be a car like that, that we should take the
11 word of the police officer, that they have to, you
12 know, sign something in order to say that they
13 could not locate or identify, rather than, you
14 know, you can't find it 'cause the car's really
15 destroyed.

16 So what we're trying to do is strike a
17 balance. We're trying to strike a balance; we're
18 not trying to have a situation where, as the
19 Chairman just described it, we go too far. We're
20 trying to strike a balance to meet the objectives
21 to get the cars off that street.

22 COUNCILMAN ORTIZ: And I want to thank
23 you again for the tools, I want to thank you for
24 doing that. And the letters of --

25 Councilman Clarke, go ahead.

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2 COUNCILMAN CLARKE: Thank you, Mr.

3 Chairman.

4 Representative Evans, that vehicle that
5 Councilman Rizzo talked about, isn't, in reality,
6 the reason why that car is still there is because
7 nobody's obligated to pick it up?

8 STATE REP. EVANS: Correct.

9 COUNCILMAN CLARKE: All right. That's
10 all.

11 STATE REP. EVANS: I mean, it should
12 be. Technically, if it's been reported, I don't
13 know if the Councilman checked on it.

14 One, if it's reported and then the
15 police officer comes out and validate it and they
16 write down that information and send to it
17 PennDOT, technically, the salver should be picking
18 it up. That's who should be picking it up.

19 But going back to the point that the
20 Chairman mentioned earlier, when you get into the
21 market costs of metal and other things, if
22 somebody don't see the value in it, then nobody's
23 picking it up.

24 So really, truthfully speaking, the
25 salver should be picking that up, but they're

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2 not. I don't know why, but they're not picking it
3 up.

4 COUNCILMAN ORTIZ: And I will draft a
5 letter and I will send it out this week.

6 STATE REP. EVANS: Thank you.

7 COUNCILMAN ORTIZ: Okay, thank you.

8 COUNCILMAN CLARKE: Thank you.

9 COUNCILMAN ORTIZ: Could the City, in
10 mass, come forward.

11 (City witnesses come forward.)

12 COUNCILMAN ORTIZ: Please identify
13 yourself for the record.

14 MS. FRANKLIN-SUBER: Good morning.

15 COUNCILMAN ORTIZ: Good morning.

16 MS. FRANKLIN-SUBER: Chairman Ortiz,
17 members of the Committee on Public Safety, my name
18 is Stephanie Franklin-Suber. I am City Solicitor
19 for the City of Philadelphia.

20 Thank you for inviting me here today to
21 testify on the process for removing abandoned
22 vehicles from our City streets. In particular,
23 Darryl Clarke asked me to testify about the
24 federal court consent decree that currently
25 governs the City's procedure for removing

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2 abandoned vehicles.

3 I'm happy to summarize the procedures
4 in the consent decree, but I think it's very
5 important, before I do that, to inform the members
6 of the committee that at the request of
7 Commissioner Timoney, my office has already
8 reviewed the consent decree and examined the
9 possibility of moving to vacate the consent
10 decree. We believe we have strong arguments in
11 support of that. I have made that recommendation
12 to Mayor-elect Street, and I have been authorized
13 to advise the committee publicly that he supports
14 my plan to go into federal court and to move to
15 vacate the consent decree.

16 We hope that the other parties to the
17 decree would join with the City in its request to
18 vacate, but even if they oppose it, we are
19 prepared to immediately take that action.

20 COUNCILMAN ORTIZ: I think the problem
21 really has been solved. It was in the '70s, the
22 late '70s when we had really a problem in poor
23 neighborhoods -- specifically in Kensington and in
24 north-central Philadelphia, where the police would
25 just go in with salvers and take people's cars

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2 that were not abandoned.

3 And Legal Services -- I was in Legal
4 Services at that time, and Jonathon Stein and
5 myself and other folks at that time this case into
6 courts. So, you know, I don't think that we have
7 that type of police department any long are.

8 MS. FRANKLIN-SUBER: I would be happy
9 to summarize the procedures in the consent decree,
10 if the committee is interested in that.

11 COUNCILMAN ORTIZ: Please do.

12 MS. FRANKLIN-SUBER: All right.

13 By way of background, the consent
14 decree is a settlement of class action
15 litigation. And it was brought by, as Chairman
16 Ortiz, mentioned Community Legal Services on
17 behalf of ten named plaintiffs.

18 And they basically made two claims.
19 Number one, their cars had been towed off the
20 streets by the Police Department, without any
21 notice at all to the owners that the cars were
22 even considered abandoned. And number two, the
23 Police Department then disposed of those vehicles
24 without giving the owners a chance to even reclaim
25 them.

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2 So in 1981, 1981, in addition to
3 entering into the consent decree, the City also
4 agreed to pay the named plaintiffs a certain
5 dollar-amount by way of monetary settlement, and
6 that was \$29,000. Basically, the plaintiffs'
7 claim was based on the right to due process
8 guaranteed by the constitution.

9 Generally speaking, as required by the
10 courts, requires government to give notice and an
11 opportunity for a hearing before you can simply
12 seize someone's property, unless, of course,
13 there's some legitimate or public-safety concern
14 that the government has to address and that
15 precludes us from giving notice.

16 Notice by the government prior to
17 seizing property gives the vehicle owner the
18 opportunity to cure the violation. So, for
19 example, the vehicle owner can move the car. Or
20 to contest the validity of the violation, for
21 example, by explaining why the car is located
22 where it is, that it is not abandoned, etc.
23 But after more than three years of litigation, the
24 parties settled in 1981.

25 The consent decree is still in effect

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2 today. The consent decree will remain in effect
3 indefinitely unless we take affirmative action by
4 going to the court and asking the court to vacate
5 the decree, modify the decree, or at least give
6 the City permission to be relieved of the
7 restrictions and avoid the consent decree's
8 requirements.

9 Generally speaking, the consent decree
10 governs four different aspects of the process for
11 removing vehicles, abandoned vehicles. Number
12 one, towing without notice. Number two, notice
13 prior to towing when the police are able to
14 identify the owner of the vehicle. Number three,
15 notice prior to towing, where the owner cannot be
16 identified. And, finally, an additional notice
17 after the vehicle has been towed.

18 With respect to towing without notice,
19 the consent decree does allow the Police
20 Department to remove abandoned vehicles without
21 prior notice where there is an imminent safety or
22 health hazard, or when the vehicle has been used
23 in the commission of a crime.

24 But in all other circumstances, the
25 consent decree requires basically two levels, two

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2 stages of notice -- before towing and after
3 towing.

4 COUNCILMAN ORTIZ: And is there a
5 period in which a car can be -- that process
6 begins after a car has been notified to the Police
7 Department?

8 MS. FRANKLIN-SUBER: Yes. Where the
9 owner can be identified, the police have to mail
10 notice to the last registered owner, and the owner
11 has to have ten days' notice to remove the car, or
12 else the police will remove it. But notice can't
13 even be mailed unless the Police Department
14 believes the vehicle has been unattended on the
15 street for at least 48 hours.

16 So there has to be, in the first
17 instance, a 48-hour period where the car is left
18 unattended on the street. That makes the vehicle
19 abandoned, under the State Vehicle Code. Then the
20 officer can mail the notice. And in addition, the
21 car is stickered with a, you know, bright-colored
22 sticker that also gives notice.

23 Where the owner cannot be identified,
24 the Police Department, again, has to observe the
25 48-hour period and then can sticker the car. And

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2 clearly, because they can't identify the owner,
3 they're not required to mail notice.

4 After the abandoned vehicle has been
5 towed, within 72 hours, if the owner can be
6 identified, the police have to send the owner
7 additional notice. The notice has to explain to
8 the owner that the vehicle has been seized because
9 it's been abandoned, that it will returned to the
10 owner if he or she provides proof of ownership
11 within 30 days, so it allows 30 more days. And
12 the owner is notified that the car may be sold for
13 scrap or destroyed after 30 days.

14 The notice procedures established by
15 the consent decree, certainly from the perspective
16 of the Police Department, are cumbersome, they're
17 onerous, and they at least impact and slow down
18 the process for removing abandoned vehicles from
19 the street.

20 But as I mentioned at the beginning of
21 my testimony, my office plans on requesting that
22 the court vacate the constraints imposed by the
23 decree. Of course, that's not going to remove all
24 the impediments.

25 COUNCILMAN ORTIZ: When are we doing

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2 this?

3 MS. FRANKLIN-SUBER: We are prepared to
4 do it immediately.

5 COUNCILMAN ORTIZ: Why don't we do it
6 immediately.

7 MS. FRANKLIN-SUBER: We will do that.

8 COUNCILMAN ORTIZ: Thank you.

9 Commissioner?

10 COMMISSIONER APPLEBAUM: Good morning.
11 My name is Louis Applebaum. I'm the Procurement
12 Commissioner of the City of Philadelphia.

13 I suggest that the City issue a
14 competitive bid for the towing of abandoned
15 vehicles, in accordance with House Bill 2004. We
16 should make awards by police district and to a
17 sufficient number of towing companies within each
18 district. Towing companies could bid on only the sections
19 that they desire. The bid document would require
20 prequalification and information such as having
21 all necessary licenses and certificates. They
22 must be engaged in the towing business, they must
23 maintain adequate storage facilities, and they
24 must also have adequate and sufficient equipment.
25 They must submit insurance certificates and attend

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2 prebid meetings to make sure that all people will
3 understand the process.

4 The bid document should be very
5 specific in identifying the scope of services.
6 These should be in great details, including
7 specific time requirements so that there can be no
8 disagreement of what is required.

9 Salvagers not following the
10 requirements would be defaulted and removed from
11 the list. This competitive document --

12 COUNCILMAN ORTIZ: Have we ever removed
13 any salvers from the list?

14 COMMISSIONER APPLEBAUM: Not that I
15 know of.

16 This document could be very similar to
17 a document --

18 COUNCILMAN ORTIZ: I assume, then, that
19 every salver has followed the requirements and are
20 --

21 COMMISSIONER APPLEBAUM: There are two
22 programs that we have now. One program is salvers
23 for the towing of stolen vehicles. That was
24 issued as a competitive bid, and we have a
25 document covering all of the rules and

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2 regulations.

3 There is one other document that was
4 issued by the Law Department, which we call a
5 "no-fee agreement" with salvers for abandoned
6 cars.

7 COUNCILMAN ORTIZ: How many salvers do
8 we have right now in the contract?

9 COMMISSIONER APPLEBAUM: On the
10 abandoned cars, I think there's 16 or 17.

11 COUNCILMAN ORTIZ: 16 or 17.

12 COMMISSIONER APPLEBAUM: 16 to 17
13 various --

14 COUNCILMAN ORTIZ: Are there other
15 salvers other than those 17?

16 COMMISSIONER APPLEBAUM: Oh, there
17 aren't many other salvers, but it's very difficult
18 to get people to come to the program when they're
19 only getting paid \$15 a vehicle.

20 COUNCILMAN ORTIZ: And that's because
21 of the price of metal.

22 COMMISSIONER APPLEBAUM: Well, not even
23 the price of metal; it's just that \$15 is not
24 sufficient to compensate them for removing the
25 vehicles.

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2 The documents could, as I mentioned, be
3 similar to the document and bid that we have for
4 towing and storage of recovered stolen vehicles.

5 The City could, within this document,
6 designate the flat fee that will be similar to the
7 fee that eventually will be passed in House Bill
8 2004. So I would recommend that if it's \$72, we
9 would indicate in this document that you will get
10 paid \$72 for each vehicle, hopefully the State
11 would reimburse the City, and the City would pay
12 the salvors that particular fee.

13 That amount, I think, will bring more
14 people to the party and will get them to respond,
15 and most important, respond in a timely basis that
16 they remove the cars based on the program that we
17 have developed, and they do it within the next 20
18 hours, or whatever program we can work on.

19 COUNCILMAN ORTIZ: The salvors work
20 directly with the Police Department, the Police
21 Department contacts the salver once an abandoned
22 car has been identified; is that correct?

23 COMMISSIONER APPLEBAUM: That's what I
24 understand, yes, sir. That happens after this
25 whole process that was just outlined by the City

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2 Solicitor. They then notify a salver. They have
3 a whole list of --

4 COUNCILMAN ORTIZ: And the
5 responsibility of the salver is to respond in what
6 period of time?

7 COMMISSIONER APPLEBAUM: As I know it,
8 there is no specific requirements.

9 COUNCILMAN ORTIZ: So if I'm the
10 policeman in charge of abandoned cars in the 25th
11 District, and I get a notice of an abandoned car
12 on American Street and Ontario or on Third and
13 Ontario.

14 COMMISSIONER APPLEBAUM: Right.

15 COUNCILMAN ORTIZ: And I call "Salver
16 A," and I say, Look, I want you to go over there
17 and remove this car. There are two cars over
18 there, and I want to them removed, okay?

19 I have no way, as a policeman, as the
20 policeman in charge of abandoned cars, I have no
21 way of saying to that salver, I need to do that
22 within 24 hours, I need to do that within 48
23 hours. And if I say I need it done immediately or
24 in 24 hours, what happens to the salver if it's
25 not done in 24 hours?

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2 COMMISSIONER APPLEBAUM: To the best of
3 my knowledge, the Police Department has no
4 leverage over the salvers to have them perform and
5 respond. If the salver decides not to come or not
6 to come within that day, there are no penalties,
7 there's no leverage at all.

8 COUNCILMAN ORTIZ: So then let's say
9 the community --

10 COMMISSIONER APPLEBAUM: What we're
11 suggesting is that this would be a lucrative
12 contract, and the salvers would be earning 72 --

13 COUNCILMAN ORTIZ: But I'm talking
14 about right now.

15 COMMISSIONER APPLEBAUM: Right now,
16 there's no leverage at all.

17 COUNCILMAN ORTIZ: And let's say, then,
18 that "Community Group X" gets angry and comes back
19 to the Police Department and says something, and
20 the police says, We have no leverage. And then
21 they come down to Councilman Clarke's office and
22 they say, Look, you've got to do this, all right?
23 You got to remove those cars because that's what
24 happens. If nothing happens, what leverage do we
25 have?

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2 COMMISSIONER APPLEBAUM: As I mentioned
3 before, basically, we have no leverage.

4 COUNCILMAN ORTIZ: Do we call, then,
5 Commissioner Moy? Because that's what I would do
6 then. I would say, Can you get one of your trucks
7 to get over and remove that car?

8 And we did that at one point. We went
9 up to Third Street -- and remember, I think we had
10 to remove some cars from up there because the
11 salvers could not do it.

12 (Commissioner Moy comes forward.)

13 COMMISSIONER MOY: We have very limited
14 capability within the Department to do that, but
15 we can do an isolated case. You know, it's just
16 the Police Department on that.

17 COUNCILMAN ORTIZ: But you have no
18 capacity at the present time to be able to remove
19 any of those abandoned cars?

20 COMMISSIONER MOY: We really don't have
21 any capacity. You know, Fleet Management and the
22 Parking Authority have the iron, the equipment
23 there to handle that, but we have no tow trucks as
24 such.

25 COMMISSIONER APPLEBAUM: Now, the

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2 Police Department does have some tow trucks.

3 Whether they call upon their own to do that work
4 or not, I really don't know.

5 COUNCILMAN ORTIZ: So then, do we then
6 call up the Commissioner and say, Look, we need
7 your tow trucks to be able to go over there and
8 remove those cars? So then, instead of having one
9 police officer removing cars, we have like four
10 police officers removing abandoned vehicles.

11 COMMISSIONER APPLEBAUM: You're exactly
12 right, Councilman. And I don't believe that the
13 Police Department's tow trucks have the capability
14 of removing hulks if they're not on tires. I
15 think you need a flatbed, and I don't believe they
16 have flatbeds.

17 COUNCILMAN ORTIZ: And the Parking
18 Authority doesn't have those type of trucks
19 either, right?

20 COMMISSIONER APPLEBAUM: I -- I don't
21 know. I --

22 COMMISSIONER MOY: I think they've got
23 more capability than the police in terms of towing
24 them with flatbeds.

25 COUNCILMAN ORTIZ: But the Parking

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2 Authority's not under -- according to this City
3 Solicitor, the Parking Authority doesn't have any
4 jurisdiction within its charter, as such, to be an
5 enforcement agency of car removal in the City, of
6 abandoned cars.

7 MS. FRANKLIN-SUBER: It's the Police
8 Department.

9 COUNCILMAN ORTIZ: It's the Police
10 Department.

11 Councilman Rizzo?

12 COUNCILMAN RIZZO: In the new proposal,
13 one of the frustrations that the Police
14 Department's experiencing, and Commissioner Moy, I
15 believe, has tried to cooperate, but I don't know
16 if it's been official developed, where the car
17 that Councilman Ortiz described, with the
18 Christmas trees and debris. How are we going to
19 deal with the salver that pulls up and it's a
20 vehicle full of trash? I know that we've tried to
21 -- we've had to physically coordinate with the
22 Sanitation Division and the salver to go clean the
23 car.

24 Could we formalize that condition, when
25 a salver arrives, how we deal with that, rather

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2 than the salver expend the time go out there and
3 say, I'm not touching this car 'cause there could
4 be a dead body in it? How are we going to deal
5 with that issue that has frustrated every captain
6 in the Philadelphia Police Department that's
7 responsible for abandoned automobiles?

8 COMMISSIONER APPLEBAUM: Well, I would
9 recommend that the responsibility would be upon
10 the salver to remove that vehicle, no matter what,
11 which, realize, the fee that he's going to earn is
12 really more than they are expecting or
13 anticipate. So this will be a valuable contract
14 to them.

15 And if there are one or two situations
16 that are more difficult than the others, they will
17 have to handle that in order to stay on that
18 contract. And I believe they all would want to be
19 a part of that contract.

20 COUNCILMAN RIZZO: Commissioner, in all
21 due respect, I know many of these salvers, and
22 they tell me that they will not touch a vehicle
23 that is full of trash because they don't know what
24 they're dealing with in there. They've found dead
25 dogs, they've found you name it -- I wouldn't even

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2 want to describe some of the things they tell me
3 they find.

4 If you don't have that formalized in
5 there and identify the responsibility in the
6 process, you're going to have a problem once this
7 is implemented. So my suggestion to you is to
8 address that issue and work it out, because I
9 think the Commissioner has been very supportive.
10 His Sanitation people have coordinated with the
11 salver. Because if they clean that car out two
12 days on a Monday and that salver doesn't get to it
13 by Wednesday, it's full of trash again.

14 Those cars have become waste
15 receptacles. I saw -- I was riding up Fifth
16 Street. I saw a car that had a sun roof, and the
17 occupants in it actually opened the sun roof and
18 tossed the soft drink cup right into the abandoned
19 automobile, and it was almost filled. You might
20 have to put plastic bags in some of these
21 abandoned cars. But if that car is cleaned on
22 Monday and it's not taken away on Monday, by
23 Wednesday, it's a problem again.

24 So, in my opinion, that should be
25 something that's understood, and there's no

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2 confusion, no gray area when it comes to the
3 salver's responsibility.

4 COMMISSIONER APPLEBAUM: Well, I agree
5 with you. And the specifics and specifications of
6 the bid document will have to be very clear and
7 cover those issues, and it will have to be a joint
8 effort between the Police Department and the
9 Department of Procurement to get together and do
10 it right.

11 COUNCILMAN RIZZO: The Streets
12 Department, in my opinion, has gone beyond the
13 call of duty, and I don't think they've gotten any
14 funding for what they do. They've gone out, and I
15 don't know what area salvers stood by while they
16 cleaned them up and took them away.

17 COMMISSIONER APPLEBAUM: And that's the
18 details we'll have to work out.

19 COUNCILMAN ORTIZ: Councilman Clarke?

20 COUNCILWOMAN CLARK: Miss Suber, the
21 responsibilities of tagging, so to speak, of these
22 vehicles. Right now, we currently have a system
23 where we use the Police Department to write up
24 abandoned vehicles, and the issue came up about
25 what would be required to possibly get some

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2 civilian personnel or some other entity in City
3 government to take that responsibility.

4 Legally, can you give us a sense of
5 what's required, if it was based on this program
6 that we're formulating, if we decided that we
7 would prefer to see some other entity in
8 government do the actual writing up of the
9 tickets? Legally, where do we stand with respect
10 to the unions, the bargaining agreement, the whole
11 nine yards as it relates to how we deploy
12 personnel. Can you give us a sense of that?

13 MS. FRANKLIN-SUBER: I'm not prepared
14 to give you a sense of that at the moment, but I'm
15 certainly prepared to do that once I understand
16 the particulars of all of the proposals. I did
17 not have the benefit of hearing all of the
18 testimony. Certainly --

19 COUNCILMAN CLARKE: Well, what we asked
20 the Commissioner was -- I don't know if you were
21 here when the Commissioner was here.

22 MS. FRANKLIN-SUBER: I heard part of
23 his testimony.

24 COUNCILMAN CLARKE: We asked him
25 essentially, and the Chairman basically said that

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2 the Police Department is a resource that we need
3 to have out there fighting crime, and I think we
4 all agree to that.

5 MS. FRANKLIN-SUBER: Mm-hmm.

6 COUNCILMAN CLARKE: And the
7 Commissioner alluded to the fact that his
8 preference is to have them do that, but he
9 indicated that it would have something to do with
10 the unions as it relates to changing that process.
11 And he also indicated that he thought the FOP
12 would have concerns about officers not having that
13 responsibility anymore, and I'm just trying to get
14 a sense legally of where we would stand if the
15 Council decided that we wanted to change that
16 function.

17 COUNCILMAN ORTIZ: Yeah. Is there --
18 and maybe you can give it to us and look at the
19 bargaining agreement between the FOP and the
20 City. Because we're not talking about decreasing
21 the amount of personnel in the Police Department.
22 I just believe that we right now have police that
23 are not doing police work, that could be doing
24 police work, and that perhaps another department
25 -- maybe Sanitation, if we then give them the

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2 capacity, that would mean giving them some tow
3 trucks and being able to do this to be able to do
4 that task.

5 Is there anything within the bargaining
6 agreement that would prevent this Council from
7 moving forward with the next mayor to say that we
8 are establishing a Department of Abandoned-Car
9 Removal, under the Sanitation Department or under
10 the Managing Director's Department, all right?
11 And that they will be responsible.

12 Is there anything in the bargaining
13 agreement of the Police Department that would
14 prevent us from legislating and putting that
15 forward?

16 MS. FRANKLIN-SUBER: Councilman Ortiz,
17 I'm going to treat your question like Councilman
18 Clarke Clark's question, as a request for advice
19 and an opinion from my office to the members of
20 the committee.

21 COUNCILMAN ORTIZ: I would like you to
22 do that. Thank you. I would like to see that. I
23 would appreciate that.

24 COUNCILMAN CLARKE: Miss Suber, one
25 other follow-up question.

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2 With respect to representative Evans'
3 proposal that would have salvers have the ability
4 to go onto privately-owned vacant lots to remove
5 abandoned vehicles, and I know in the past that
6 only the City's Department of Licenses and
7 Inspections has the ability to abate a nuisance on
8 an abandoned, privately-owned lot. Where would we
9 stand legally with respect to the City's governing
10 powers to do that?

11 MS. FRANKLIN-SUBER: We have not looked
12 at that question in relation to the pending
13 legislation. We will do that, and I can give you
14 a response to that question as well.

15 COUNCILMAN CLARKE: Thank you.

16 COUNCILMAN ORTIZ: Are there any other
17 questions?

18 (No further questions.)

19 Commissioner?

20 COMMISSIONER MOY: My name is Lawrence
21 Moy. I'm the Commissioner of Streets. Councilman
22 Clarke asked us to address some activities in the
23 abandoned cars and how they affect our mission and
24 how they affect our operation. And we can be
25 brief there.

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2 The first issue is traffic. For the
3 most part, when the abandoned cars are in a
4 traffic lane there, we get very good action by the
5 police, and it's generally not a long-lasting
6 problem. I think most of the abandoned cars, as
7 we know, are in the parking lanes.

8 The second area, those, is in terms of
9 our operations in resurfacing. As you're maybe
10 aware, we have a milling operation that precedes
11 resurfacing, generally. We're confronted at that
12 time with frequently removing any cars that are
13 not moved in order to mill and work on the
14 streets. We usually have a vendor tow truck
15 operator that we pay in order to relocate, simply
16 to relocate the cars. There are, on occasion,
17 abandoned cars. It does constitute a problem for
18 us in that way. We have to relocate abandoned
19 cars, and it certainly is troublesome.

20 The third area, though, is in
21 Sanitation, and we've talked about the clean-out.
22 Sanitation becomes involved with abandoned
23 vehicles when we're requested to clean them prior
24 to towing. This request usually comes from either
25 the police or elected officials.

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2 And just as some kind of a scale here,
3 during the period from October the 12th, 1999 to
4 December the 2nd, 1999, the Sanitation Division
5 cleaned 164 abandoned autos, and 128 of them were
6 within the Operation Sunrise area. So only 36 --
7 the balance of the 36 was done within the rest of
8 the City.

9 So Councilman Rizzo's talked about the
10 way we go at it, and we try to do just in time
11 cleaning with the limited resources that we have.
12 I would agree that if we go with this proposal
13 that Commissioner Applebaum talked about, we'd be,
14 you know, happy to talk about a policy of whether
15 or not the Streets Department should continue this
16 or whether, in fact, a salver should be addressing
17 it. I agree that someone should be addressing it,
18 though.

19 COUNCILMAN ORTIZ: But if you address
20 it, you would need more money, more personnel.

21 COMMISSIONER MOY: That's the question,
22 and I think that would be -- I think there's a
23 series of issues that have raised today that need
24 to be addressed by the new administration about
25 broadening --

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2 COUNCILMAN ORTIZ: But in order to help
3 the new administration, and I know that we have
4 very short time, because today is, what, the 3rd
5 or the 2nd.

6 Can you give this committee, in a very
7 short form, what type of needs -- what the needs
8 would be of the Sanitation Department to do
9 something, as Councilman Clarke and I have and
10 Councilman Rizzo have stated, so that these
11 abandoned cars do not become garbage dumps, so
12 that the Sanitation Department also takes into
13 consideration, as they're going around cleaning
14 and picking up garbage that they would have to
15 clean these cars and so on.

16 What would it take, what would be the
17 necessary personnel or monies and so on that would
18 be needed in order to implement a project such as
19 this?

20 COMMISSIONER MOY: We would probably
21 have to do some kind of an analysis. But based
22 upon some of those numbers that you can see in the
23 small pocket of Sunrise there, we could do some
24 gross estimates.

25 COUNCILMAN ORTIZ: Could you

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2 extrapolate from that?

3 COMMISSIONER MOY: We would have to do
4 some analyzing; we couldn't do it here today.

5 COUNCILMAN ORTIZ: Not to do it today,
6 but could you -- because we're trying to see how
7 we set a framework for functioning in the next
8 administration so that we can -- so that, you
9 know, we're not sitting here four years from now,
10 talking about this.

11 COMMISSIONER MOY: Right.

12 COUNCILMAN ORTIZ: And we want to be
13 able to end the abandoned-car problem right now.
14 We want to at least set the framework for that, if
15 possible.

16 COMMISSIONER MOY: Well, we will get
17 you an analysis as soon as we can here and back to
18 you.

19 COUNCILMAN ORTIZ: Councilman Rizzo?

20 COUNCILMAN RIZZO: Commissioner Moy and
21 Commissioner Applebaum, we described the
22 worse-case scenario, but just the day-to-day
23 operation of removing abandoned vehicles, a
24 vehicle is parked for two months, debris is under
25 the vehicle, parts of the vehicle is there as the

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2 salver tows it away. I have watched salvers work,
3 and what they leave behind is whatever is under
4 the car. They leave behind whatever parts fall
5 from that car in the process of loading it on.
6 And I know that I've called the Commissioner's
7 office a dozen times just to send a crew out to
8 clean an area where a car was removed from.

9 So, again, in this contract or this
10 formalization, that possibly that salver should
11 have to sweep up behind them and not leave a --
12 they don't take tires, which is a perfect
13 example. If there's a tire laying underneath that
14 vehicle or in proximity of the vehicle, when they
15 tow that car away, that trash pile s left there
16 until eventually, the Streets Department cleans
17 that block.

18 And so, again, some real, real thought
19 has to go into this thing to leave the community
20 and neighborhood in a clean condition after that
21 vehicle is removed.

22 COMMISSIONER APPLEBAUM: Well, I would
23 recommend that the specifications of this document
24 include that type of information. And it is not
25 difficult for a salver to do that 'cause when they

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2 go to an accident scene and they're picking up a
3 car to take it to a auto body shop for body
4 repairs, they sure sit there with their brooms and
5 whatever and they clean the streets up real good.

6 So they would, sure, have the same
7 responsibility to pick up an abandoned car, to
8 leave the street in the same condition that they
9 leave it when they pick up cars for accidents.

10 COUNCILMAN RIZZO: Well, they certainly
11 don't do it now.

12 COMMISSIONER APPLEBAUM: That's for
13 sure, but if it's a requirement and if they want
14 to be a part of that contract, they'll have to do
15 it.

16 COUNCILMAN RIZZO: That's great. I'm
17 glad we'll dial in on this to make the system work
18 as well as possible. Thank you.

19 COMMISSIONER APPLEBAUM: Absolutely.

20 COUNCILMAN ORTIZ: Thank you all.

21 COMMISSIONER APPLEBAUM: Thank you very
22 much.

23 COUNCILMAN ORTIZ: And we can depend on
24 those things, right? Yes. Thank you.

25 Next is the delegation from EPOP.

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2 (EPOP witnesses come forward.)

3 COUNCILMAN ORTIZ: Thank you for your
4 patience. Well, we've been dealing with this now
5 for quite a long time. We've had hearings before,
6 this is another hearing on it. Hopefully, this
7 will bring us to a solution, as we've been
8 saying. Because today is not to talk about the
9 problem, but to talk about the solutions.

10 And I like what you have proposed and
11 sort of read it and the steps that are needed, and
12 a lot of the suggestions and questions that I have
13 been putting forward have come from the hearings
14 that we had before and from the materials that
15 EPOP has given my office and myself.

16 As you have seen the trend that we have
17 asked the Commissioner and the City departments,
18 you can see where Councilman Clarke is going, or
19 I'm going, with this, and the concerns of
20 Councilman, Kenney and DiCicco and myself, we want
21 this committee to really put forward a set of
22 recommendations to the next mayor that will be
23 implemented and funded, 'cause we need the
24 funding, and funded.

25 So could you identify yourself for the

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2 record. Father, are you going to begin?

3 FATHER HALLORAN: My name is Father
4 John Halloran (ph.). I'm the Pastor of
5 Incarnation Church, in Olney.

6 MS. TORRES: My name is Janet Torres,
7 and I come from Christ of St. Andrews Church, and
8 I'm a member from EPOP.

9 MS. LEBRON: My name is Carmen Maria
10 Lebron, and I am a member of Incarnation of
11 (unintelligible) and EPOP.

12 MS. BROWN: Good morning. My name is
13 Helen Brown. I'm the community organizer for
14 Project H.O.M.E.

15 MS. THOMPSON: Good morning. Vicki
16 Thompson, and I'm the assistant to the community
17 director.

18 COUNCILMAN ORTIZ: Who's going to
19 begin? And are you all going to testify? Okay.

20 Go ahead. Father?

21 FATHER HALLORAN: As I said,
22 Incarnation is my parish. It's in the Olney
23 section of Philadelphia, and Incarnation is one of
24 the member institutions of EPOP, which, I'm sure,
25 you all know of by now, the Eastern Philadelphia

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2 Organizing Project.

3 We are 20 organizations, 20
4 institutions of churches, schools, community
5 organizations. And basically what we do is, we
6 work together, A, to develop leadership within our
7 own institutions; and, B, in order to use that
8 leadership to effect changes in our neighborhood.
9 And among all of us, we probably represent upwards
10 of 20,000 families, from Kensington, Port
11 Richmond, Hunting Park, and the Olney area of the
12 City.

13 The reason we are here is that one of
14 the things that we do as we organize ourselves is,
15 we conduct what we call "listening campaigns."
16 And in our listening campaigns, all of the people
17 in our organizations and in our institutions get
18 to voice their hopes and their frustrations, their
19 anger and their relief about whatever happens to
20 be going on in their area.

21 And after we heard so many voices in
22 these listening campaigns, we decided that there
23 were certain issues that repeated themselves over
24 and over again. And based on those issues, we
25 came up with a Neighborhoods First platform, which

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2 we wanted to use to influence the mayoral
3 election.

4 And so what we did was, in March, we
5 called the six candidates together who were
6 running for mayor, and we all met together at the
7 Franklin Plaza, and we presented them with our
8 platform and asked them if they would or would not
9 support our agenda for the neighborhoods. And
10 then after that, when the field narrowed down to
11 Mr. Street and Mr. Katz, both of them came back to
12 us, and at Incarnation Church, they both listened
13 to our concerns again, and we again tried to
14 influence the next mayor's agenda for what's going
15 to happen in our neighborhoods.

16 We think that this issue of abandoned
17 cars is an ideal issue that fits into one of our
18 concerns in our platform, and that concern is
19 coordinated City services. We've all heard
20 testimony about how frustrating it is to get
21 different City departments to cooperate. For
22 example, Mr. Rizzo just mentioned the frustration
23 about whether it's a Sanitation issue or if it's a
24 Streets issue or if it's a Licenses and
25 Inspections issue. So many of our frustrations

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2 come from the fact that they don't cooperate with
3 each other or communicate or even agree with each
4 other.

5 In order to effect the wider city in
6 terms of this issue, abandoned vehicles, we think,
7 is the issue in order to work on that part of our
8 platform. And it all depends on who will hold our
9 city officials accountable, who will hold what
10 department accountable. And we do think, we at
11 EPOP believe that this is a decision point, where
12 if we can effect this issue, we really can move
13 forward on improving City services, not just
14 around abandoned cars, but if we do this one
15 right, we believe that City services can be
16 improved for our people in a lot of different
17 areas.

18 COUNCILMAN ORTIZ: Father, the job of
19 holding City agencies accountable, and this issue
20 would fall on the City Council, and specifically
21 on this committee. So they have to do their job
22 and we have to do our job of being able to
23 monitor.

24 FATHER HALLORAN: We will lend our
25 voices to your job to make sure that it's done

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2 well.

3 COUNCILMAN ORTIZ: Right. And that's
4 why we began hearings on abandoned cars a year
5 ago, so that we could begin. Because we've had
6 hearings on abandoned cars, let me tell you, over
7 the years many times. And the frustration has
8 been that ability to coordinate and hold the
9 administration and the departments accountable.
10 And the inability, really, the inability of the
11 Police Department from doing -- because I don't
12 believe that they are structured and organized,
13 and they should not be asked to do this job
14 personally, that's my personal belief. The Police
15 Department should fight crime; some other agency
16 should remove vehicles.

17 MS. LEBRON: Okay. Good morning.
18 Again, I introduce myself. My name is Carmen
19 Maria Lebron, and I am a member of the Incarnation
20 of our Lord Parish since 1969, and I'm presently a
21 part of the Eastern Philadelphia Organizing
22 Project. I am from the Olney section of
23 Philadelphia and I have worked in the North
24 Philadelphia area for over 20 years, 25th
25 District.

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2 Throughout the last years, I've seen my
3 neighborhood and other neighborhoods around me
4 deteriorating, with the experiences of personally
5 witnessing the abandoned homes and the vehicles.
6 I've experienced up to 11 abandoned vehicles in a
7 2-block stretch on Tabor Road, a victim of a chop
8 shop that was closing down, and the cars were
9 moving out into the streets.

10 I begin to wonder, when we host the
11 Republican convention here in Philadelphia next
12 summer, do we want the Republicans to come in --
13 we're looking forward to receiving over 10,000
14 people --

15 (Brief interruption.)

16 (Power outage.)

17 (Proceedings resume.)

18 COUNCILMAN ORTIZ: Are we ready now?

19 Continue, Carmen.

20 MS. LEBRON: Okay, I want to go back to
21 the fact that I've experienced up to 11 abandoned
22 vehicles in a 2-block stretch onto Tabor Road. I
23 feel this to be a disgrace. And I was mentioning
24 the fact that when the Republican Convention comes
25 to Philadelphia, do we want them to see the

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2 conditions of our streets?

3 Through my involvement with the EPOP, I
4 have been a part of a research team looking at the
5 abandoned-car issues. We represent the hundreds
6 of community residents, as Father mentioned,
7 community organizations, abandoned vehicle
8 officers from a variety of various police
9 districts, police captains, City officials,
10 including the Police Commissioner, and Mr. Dwight
11 Evans. We have also looked at how other cities
12 have identified and have resolved the issue.

13 In our research, we have learned that
14 there is a different way to approach the
15 abandoned-vehicle problem, and I want to share
16 this with you.

17 We feel that the City of Philadelphia
18 needs to create an office for abandoned vehicles,
19 with the sole responsibility of getting these cars
20 off the streets, whether or not the City
21 department does it or if the Police Department
22 does it, but we need someone who works exclusively
23 just with the issue of abandoned auto vehicles.

24 We think that there's a need to have a
25 hotline established so that people can report

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2 abandoned cars. Having a hotline will enable the
3 officer or the person on the other end to track
4 cars and for the permanent removal from the
5 streets. We've noted in our particular district
6 that we're removing cars that have been reported
7 on paper, not on computer, not networking, but
8 from other districts, and they're dropped into our
9 district.

10 We feel that the City needs to make a
11 commitment to remove the hazardous vehicles
12 immediately -- and that has been discussed
13 repeatedly here if the City has to use its own
14 tow trucks.

15 We support Councilman Clarke's proposal
16 to have salvers apply to work in specific
17 districts or divisions. Salvers need to be
18 responsible for the removal of all -- and I
19 reiterate -- all vehicles, not just those that
20 they choose to remove, but all vehicles in that
21 particular district.

22 We think that police officers should be
23 responsible for reporting the abandoned vehicles
24 on their beat, and to investigate whether these
25 vehicles are either stolen or have been involved

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2 in crimes.

3 To summarize, the State changes are
4 good, but not good enough to resolve the problem.
5 The City needs to change how it is presently
6 dealing with the abandoned vehicles.

7 And if I may ask a question. I get up
8 in the morning and I'm walking a block and I see
9 that there's a burnt-out vehicle in front of my
10 home or in the block itself. Why can't I pick up
11 a phone, make a call to anyone, and state the
12 condition of the vehicle, and have that vehicle
13 removed, either within the 24 hours or the 48
14 hours?

15 If other large cities can accomplish
16 this, why can't we, working together and
17 coordinating our services, figure out a way. This
18 is an issue that has been presented for a great
19 length of time before City Council, before
20 community, before other organizations, the State,
21 and it's still not being addressed. Why?

22 COUNCILMAN ORTIZ: Well, you've heard.
23 And one of the commitments that we got today from
24 the City Solicitor is that they're going to move
25 immediately to federal court to have the consent

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2 decree vacated. And that will take -- that will
3 begin the process.

4 The other aspects are the reasons that
5 you have heard here from City administrators, from
6 the Police Commissioner, from the Procurement,
7 from the Sanitation, and down the line. We need
8 to streamline the process. We need to be able to
9 put a department, we need to be able to assign.
10 The Police Commissioner has said it: they cannot
11 do this job, they cannot. They don't have the
12 resources to be able to do it, and we need to
13 believe, together with the State, to put the
14 resources together.

15 I think the aspect of getting \$72 per
16 car is a big step forward. But we need to be able
17 to establish an agency within this City that
18 directly deals with the abandoned-car issue.

19 MS. LEBRON: I think also have to --

20 COUNCILMAN ORTIZ: And to give the
21 resources to that agency to be able to do that.

22 MS. LEBRON: Can we commit to a
23 timeframe? Because it seems like ten years ago,
24 we were discussing something and now --

25 COUNCILMAN ORTIZ: Like we said, I

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2 don't want to be here discussing this over and
3 over. We go through the same frustration.
4 Remember, we live in the same neighborhoods.

5 MS. LEBRON: Yes, we do.

6 COUNCILMAN ORTIZ: Okay? And we have
7 the same problems.

8 I have abandoned cars -- I had a lot
9 down the block, that you take an abandoned car out
10 of there, and two days later, abandoned cars are
11 there again. Okay? And that's my neighborhood.

12 And so we don't want to be here. I
13 said it. I don't want to be here doing these
14 hearings. Councilman Clarke doesn't want to be
15 here doing these hearings. And that's why we
16 emphasize that we need solutions to the City, to
17 the departments.

18 The Police Commissioner's going to be
19 here in January, he's not going to go anywhere.
20 The Mayor-elect understands the problem because he
21 sat here for the last few years dealing with this
22 problem. We need to put forward -- and, you know,
23 we can only, like Dwight Evans said, they can
24 legislate and then we can legislate, but we cannot
25 implement. That will be the job and the role of

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2 the Mayor-elect and his commissioners.

3 We are trying to find out what are the
4 legal aspects that would prevent us from
5 establishing this department or putting this job
6 onto somewhere else. You heard the questions that
7 I asked of the City Solicitor and that Councilman
8 Clarke asked the City Solicitor. We're trying to
9 see what would be the impediments, what prevents
10 us from establishing what you're talking about.

11 MS. LEBRON: I also heard you
12 commenting on the fact of the tow trucks, okay?
13 How does a car with no wheels, burnt out, appear
14 in our community in one day?

15 COUNCILMAN ORTIZ: Well, we would need
16 the equipment, we would need equipment. Do we do
17 it ourselves? Do we have salvers do it? And what
18 are the responsibilities of those salvers and what
19 is the leverage that we're going to have as a
20 city, the departments that are responsible for
21 that, to make those salvers accountable?

22 MS. TORRES: Excuse me, Councilman
23 Angel Ortiz. I live in a community that the
24 schools and day care centers, there's 750 kids on
25 the school and it's 80 kids on a the day care

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2 centers, all right? I collect and I write
3 signatures (sic) of cars that have been
4 abandoned. If I could do it, and I go around and
5 get signatures of abandoned vehicles and I help
6 and I give them to the officers, and I'm one of
7 the community that works in that and I give them
8 to the persons and I write 'em down, and I'm
9 helping the Councilpeople -- I mean, the 25th
10 District, for them to take them cars out -- could
11 I say this in Spanish? Because --

12 (Ms. Torres and Councilman Ortiz
13 converse in Spanish.)

14 MS. TORRES: And I work very hard, very
15 hard, Angel. I work very hard to get my community
16 very clean.

17 COUNCILMAN ORTIZ: She expressed the
18 frustration of why she is a volunteer, a community
19 resident that does not get a City salary, and
20 she's out there doing the work of City employees.

21 MS. LEBRON: That's right.

22 COUNCILMAN ORTIZ: That she goes out
23 and lists and describes the cars and then reports
24 them to the police precinct, and that these cars
25 are right next to a day care center, right? These

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2 cars are next to 80 and 200 kids that --

3 MS. TORRES: 750 kids in the school.

4 COUNCILMAN ORTIZ: That go into the
5 schools. And why, if she can do that, if she does
6 that, why is it that people who get paid to do
7 that job are not doing the job?

8 And that's why -- that's the questions
9 we've asked, that's the question we asked a year
10 ago from the Commissioner, seven months ago from
11 the Commissioner, and that's the question we asked
12 the Commissioner today.

13 And what we're trying to do is --

14 (Councilman Ortiz and Ms. Torres resume
15 conversation in Spanish.)

16 MS. TORRES: But, you see, them people
17 that they're not doing their jobs, they should be
18 -- they don't do their work at all. We've been
19 here six months, we came here six ago. They
20 should not get hired then.

21 (Councilman Ortiz and Ms. Torres resume
22 conversation in Spanish.)

23 MS. TORRES: I am very upset, because
24 we came here six months ago and --

25 (Councilman Ortiz and Ms. Torres resume

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2 conversation in Spanish.)

3 COUNCILMAN ORTIZ: I'm sorry that you
4 guys are not -- but I will translate it at one
5 point.

6 (Councilman Ortiz and Ms. Torres resume
7 conversation in Spanish.)

8 COUNCILMAN ORTIZ: We've had police
9 commissioners that have not functioned, that have
10 not put a priority on this. And the point is that
11 this has not been a priority of the Police
12 Department, okay? This has not been a priority of
13 the Police Department. Because the Commissioner
14 said --

15 (Councilman Ortiz and Ms. Torres resume
16 conversation in Spanish.)

17 COUNCILMAN ORTIZ: So the priority is
18 not the cars.

19 (Councilman Ortiz and Ms. Torres resume
20 conversation in Spanish.)

21 COUNCILMAN ORTIZ: It is staff time
22 that we waste in our offices.

23 MS. TORRES: Right.

24 COUNCILMAN ORTIZ: So what we're doing
25 here, whether you believe it or not, this today is

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2 car issue, too. I want to be able to begin
3 dealing with building houses and jobs and making
4 kids safe, okay? We want to do that, and we need
5 to be able to -- and we are finding out right now,
6 in these hearings, what is it that we need
7 legally.

8 (Councilman Ortiz and Ms. Torres resume
9 conversation in Spanish.)

10 COUNCILMAN ORTIZ: What we need in
11 terms of resources.

12 (Councilman Ortiz and Ms. Torres resume
13 conversation in Spanish.)

14 COUNCILMAN ORTIZ: How much is it going
15 to cost?

16 (Councilman Ortiz and Ms. Torres resume
17 conversation in Spanish.)

18 COUNCILMAN ORTIZ: We asked the City
19 Solicitor what would be the problem with the union
20 with the bargaining contract, the bargaining
21 agreement that we have with the FOP if we decide
22 to go ahead and establish, with the new mayor, a
23 Department of Abandoned Cars.

24 MS. TORRES: I figure whatever it takes
25 to get them vehicles out, because I feel that 750

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2 and 80 kids of the day care center, those are my
3 kids. And I see them kids going up and down the
4 sidewalks every single day because I volunteer in
5 schools, and those are 750 kids that they mines
6 (sic).

7 COUNCILMAN ORTIZ: Bur right here, you
8 see this? These are thousands of kids across the
9 city.

10 MS. LEBRON: Take notice where the most
11 condensation is, where the most abandoned vehicles
12 are, that's what we represent.

13 Now, take notice up above the Greater
14 Northeast, west, and all those other areas, they
15 don't have the problems.

16 COUNCILMAN ORTIZ: I know that. That's
17 what I said.

18 MS. LEBRON: It's discrimination.

19 COUNCILMAN ORTIZ: Councilman Clarke?

20 COUNCILMAN CLARKE: You're right. It's
21 not right for you to have to go out and write up
22 vehicles. It's not right for the City and us to
23 ask you to be block captains.

24 MS. TORRES: And I'm a disabled person.

25 COUNCILMAN CLARKE: Let me say

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2 something 'cause I want to talk about a broader
3 issue 'cause it's not just about abandoned
4 vehicles; it's about the responsibility that we
5 continue to lay in the laps of people and
6 communities. 'Cause government, we can't do
7 everything, and we continually ask you to do
8 things in your neighborhood, right, that you don't
9 get paid for.

10 MS. TORRES: Mm-hmm.

11 COUNCILWOMAN CLARK: But we ask you to
12 do that. You know, I got a lady sitting over
13 there, two ladies, they run a drill team, right?
14 But they don't get paid for that, you know what I
15 mean? But we ask them to do that, to take care of
16 our kids. And you are right, it's not right for
17 us to continue you to ask you to do these things
18 in these communities while we in government, who
19 get paid to do this, do not respond properly. And
20 what Councilman Ortiz is saying is that we're
21 going to do something about this.

22 What I ask you to do is, we will be
23 having budget hearings starting next year, and I
24 ask the same people here, if you don't see a
25 response to some degree or some movement towards a

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2 resolution of this issue, you need to come down
3 here to these budget hearings and hold us
4 responsible again. Now, I can't say every one of
5 the people who spoke for the City individually
6 will be there, but their departments will be
7 there.

8 And you need to keep a score card, a
9 score card, and don't let it be every four years
10 'cause too often people say, Well, I'm going to
11 get 'em when election time comes. That's too
12 long, don't wait for four years. You need to stay
13 on us. You know, and I'm obviously a new
14 Councilmember by saying this, right? But you need
15 to stay on us on a continuous basis.

16 COUNCILMAN ORTIZ: That is true.

17 COUNCILMAN ORTIZ: You need to come
18 down here for these budget hearings and if these
19 things have not been implemented and you don't see
20 some movement, you need step to us.

21 All right? So that's all I ask you,
22 give us a chance. And I think you're going to see
23 some movement.

24 COUNCILMAN ORTIZ: Okay?

25 Yes, go ahead.

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2 MS. THOMPSON: Yes. My name is Vicki
3 Thompson, and I am with Project H.O.M.E.

4 The one reason that Councilman Clarke
5 suggested that you keep your score card is because
6 he knows we keep his score card.

7 COUNCILMAN CLARKE: That's right.

8 MS. THOMPSON: Before he became
9 Councilman, we sat down and we talked about these
10 issues. Before he campaigned to become
11 Councilman, we talked about these issues, and I'm
12 glad today to see that he's acting on those issues
13 'cause he knows we're keeping a score card.

14 I just need about three minutes of your
15 time.

16 COUNCILMAN ORTIZ: You can have four.

17 MS. THOMPSON: Thank you.

18 I am happy that we have come to the
19 agreement, I believe, that there needs to be a
20 department to handle this problem. I really don't
21 think that it should be totally the Police
22 Department's responsibility for this. However, I
23 do think that they need to have a major part in
24 it.

25 In our particular community, abandoned

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2 cars -- and I'm sure this is happening all over
3 the City -- abandoned cars are becoming the
4 storage places for drugs, along with the trash and
5 the dead bodies that we talked about. I think
6 salvagers do have a legitimate complaint about not
7 cleaning out a car before they move it. There is
8 just too much along with what's in the car and the
9 germs that it breeds. I think they have a
10 legitimate reason not to want to clean out a car.

11 But we do need the cars removed. And
12 when I say "we," I mean me, myself, and Helen
13 Brown, we work in the community that we live in,
14 and we have done exactly what you have done --
15 walked the neighborhood and listed every car,
16 written them down, sent them a formal letter,
17 networked with the police captains for the 22nd
18 and 23rd District and expressed all of the
19 abandoned cars and the abandoned houses that are
20 being used for drug havens. And, to our dismay,
21 very few cars get removed until something major
22 happens.

23 And during the time of Operation
24 Sunrise, we seem to have had a major increase in
25 the amount of cars that were brought to our area,

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2 because, of course, they couldn't get over there
3 to their usual dumping ground. We are not angry
4 about that, that it was switched from one place to
5 another; we're angry that it's happening totally.

6 I think, also, that coordinating
7 services has been a key issue here. If we can do
8 that, we can alleviate a lot of the problems. If
9 we can just get -- like you said, they came out
10 and they cleaned out a car now so that the salvage
11 can move it in a couple of hours, that's fine.
12 But in that process, if something is found in that
13 car, can the Police Department respond in a timely
14 manner too so that the salvager can get that car
15 today, not three days from now. Or is the Police
16 Department going to impound it because of whatever
17 evidence was found in it. And we've come to the
18 agreement that we need equipment.

19 So, again, as expressed about the
20 budget hearings, these things need to be inclusive
21 in that, and we do need to be here to voice that.
22 And like you said, we're asking for the same
23 people here to support us.

24 I don't know if there are salvagers
25 here, but they seem to have taken a big beating.

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2 I'm not a salvager, but if I was, I wouldn't want
3 to come out and get a car for \$15. So I think the
4 \$72 incentive is great. I hope the bill passes,
5 but I don't think they need to be the ones
6 responsible for cleaning out a car.

7 (Applause.)

8 MS. THOMPSON: And I don't think they
9 really need to be responsible for cleaning up the
10 major trash that's left behind. Maybe they should
11 be responsible for taking away the tires and
12 scraps of the car.

13 COUNCILMAN ORTIZ: Let me tell you
14 something. The salvers, they cannot be
15 responsible for cleaning out the cars because, I
16 think, the insurance aspects of it alone would be
17 enormous. I mean, there are many things that are
18 put into those abandoned cars.

19 MS. THOMPSON: Right.

20 COUNCILMAN ORTIZ: Needles that have
21 been used over and over again. And if you are not
22 within the structure the City, just the aspect of
23 insurance would be an enormous, enormous expense
24 for any salver to be able to do. So I don't --
25 you know, that's why I said it. The City has a

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2 responsibility here, and we have not -- the Police
3 Department and the structure that we have had in
4 the city has not functioned, has not worked. And
5 that's what we were saying. It needs a new
6 direction.

7 And like you say, very clearly, the
8 roles have to be very clearly defined. If it's
9 going to be Sanitation, if it's going to be the
10 Police Department, but the salvers have a role to
11 play, and their role has to be defined.

12 But the final responsibility lies with
13 the City of Philadelphia. And like Dwight Evans
14 said and Darryl Clarke and I have said, we have
15 the responsibility to our citizens to be able to
16 eliminate this blight and make sure that this dark
17 cloud in Broad and east and west of Broad
18 disappears.

19 MS. THOMPSON: Thank you.

20 COUNCILMAN ORTIZ: Anything else?
21 Anything else?

22 (No response.)

23 COUNCILMAN ORTIZ: Thank you very much.

24 (Applause.)

25 COUNCILMAN ORTIZ: And please come to

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2 the budget hearings, okay? And any hearing, any
3 meeting that you have, invite us to talk about
4 these issues because we need you to be informed of
5 what we're doing and how we're proceeding, okay?

6 Thank you.

7 Is there anyone else to testify? A
8 salver? Thank you.

9 (Witness comes forward.)

10 COUNCILMAN ORTIZ: Please identify
11 yourself for the record.

12 MR. GROVES: Good morning, Mr. Chairman
13 and Council. My name is George Groves. I work
14 with the City salvers.

15 COUNCILMAN ORTIZ: Okay, go ahead.

16 MR. GROVES: You know, we moved 1228
17 cars out of the 25th District, and it doesn't seem
18 like did anything. But I'm sure if we worked
19 together in a combined effort that we've done in
20 the 25th, I'm sure that we'd have no problem
21 cleaning the rest of the City.

22 The problem lies in the fact that
23 Harrisburg has tied us back four months with
24 paperwork. If they don't move the paperwork, then
25 we can't move the cars. That's been the biggest

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2 problem.

3 COUNCILMAN ORTIZ: Say that again?

4 Repeat that.

5 MR. GROVES: Harrisburg has backlogged
6 us with their paperwork for four months.

7 COUNCILMAN ORTIZ: When you say they
8 have backlogged you with their paperwork, explain
9 that to me.

10 MR. GROVES: In order for us to move a
11 car, we need a control number from Harrisburg, and
12 it has to sit 30 days after it gets a control
13 number.

14 COUNCILMAN ORTIZ: So the Police
15 Department gives you the car.

16 MR. GROVES: Exactly. And then we
17 process the paperwork and send it to Harrisburg.

18 COUNCILMAN ORTIZ: And you send it to
19 Harrisburg.

20 MR. GROVES: And sometimes it's taking
21 us two to three months to get a control number
22 back from Harrisburg.

23 COUNCILMAN ORTIZ: So before you remove
24 that car from that street --

25 MR. GROVES: No, no. We can remove the

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2 cars when we get the 952.

3 COUNCILMAN ORTIZ: Oh?

4 MR. GROVES: But then we have -- each
5 lot only has a certain amount of space.

6 COUNCILMAN ORTIZ: Okay.

7 MR. GROVES: If we hold 400 cars for
8 120 days, that's way beyond what we're supposed to
9 be holding when Harrisburg has us backlogged that
10 far.

11 Okay, it's not the City causing the
12 problem here. I love Philadelphia. Actually, I
13 can move but I don't want to.

14 You know, if you want to continue to
15 move cars, then we need the ability to do it. But
16 it's Harrisburg that's putting a stop on
17 everything. It's not Philadelphia, and it's not
18 the salvors. And I think we do get a lot of heat
19 for this.

20 COUNCILMAN ORTIZ: So we have to be
21 able -- and that's PennDOT?

22 MR. GROVES: That's PennDOT, sir.

23 COUNCILMAN ORTIZ: So we have to be
24 able to communicate with PennDOT and find out why
25 it is taking them so long to process --

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2 MR. GROVES: Mr. Chairman, do you know
3 how many people that have been working up there,
4 salvaging the problem with abandoned cars? Two.
5 Two people. They get burdened from 17 salvers
6 with as many papers as they can feed them.

7 COUNCILMAN ORTIZ: And is that for the
8 whole state or for Philadelphia alone?

9 UNIDENTIFIED SPEAKER: For
10 Philadelphia.

11 COUNCILMAN ORTIZ: What?

12 UNIDENTIFIED SPEAKER: For Philadelphia
13 alone.

14 MR. GROVES: Two people.

15 COUNCILMAN ORTIZ: Two people for the
16 whole of Philadelphia.

17 MR. GROVES: Yes, sir. Actually, no,
18 that's for the entire state. That's for the
19 state, not for Philadelphia.

20 UNIDENTIFIED SPEAKER: It's for the
21 whole state.

22 MR. GROVES: It's two people for the
23 whole, entire state.

24 COUNCILMAN ORTIZ: Two people for the
25 entire state?

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2 MR. GROVES: Yes, sir.

3 COUNCILMAN ORTIZ: I would have loved
4 to have had that knowledge with Dwight here.

5 MR. GROVES: Well, that's the way it
6 goes.

7 COUNCILMAN ORTIZ: Okay, all right.

8 MR. GROVES: I also understand that
9 Senator Fumo has also offered to help them with
10 staffing.

11 COUNCILMAN ORTIZ: Okay. That's
12 interesting.

13 COUNCILMAN RIZZO: Could I ask a quick
14 question?

15 COUNCILMAN ORTIZ: Yes, go ahead.

16 COUNCILMAN RIZZO: Have you developed a
17 position paper or some -- again, this is great
18 today, but do you see a way of streamlining the
19 process -- does Harrisburg need to be as involved
20 as they are in the process? I mean, do you have
21 some recommendations on how to make this run
22 better?

23 MR. GROVES: Councilman (sic.) Evans
24 has the right idea -- by not being able to reject
25 any of the paperwork, and for the hulks to be

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2 destroyed within ten days and get a salvager
3 certificate. That's the way it needs to be done.

4 The City of Philadelphia right now is
5 in a state of emergency with abandoned cars, if
6 I'm not mistaken, correct?

7 COUNCILMAN ORTIZ: A state of
8 emergency? Well, we haven't declared it, but we
9 do have it.

10 COUNCILMAN RIZZO: Unofficial.

11 COUNCILMAN ORTIZ: But it is not a
12 declared state of emergency.

13 MR. GROVES: Mr. Chairman, you said you
14 wanted to take the police away and put it in
15 another person's hands. The way we were able to
16 move 1228 cars was by having police officers with
17 us, okay?

18 There's a House Bill, it's called House
19 Bill 433. Any car that has stickers on the
20 windshield that are 90 days or older is declared
21 an imminent danger and could be removed too, no
22 matter what the status of the car is like.

23 COUNCILMAN RIZZO: So are you telling
24 me that if the system that we have right now
25 worked the way it should work, we wouldn't be

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2 where we are?

3 MR. GROVES: That's what I'm telling
4 you, sir.

5 COUNCILMAN RIZZO: So we're not in as
6 not a bad shape with the laws that govern your
7 job; we're just not doing it to the best of our
8 ability?

9 COUNCILMAN ORTIZ: Well, if we could
10 set up a system that processed, instead of having
11 you send the paperwork to Harrisburg --

12 MR. GROVES: You mean a centralizing
13 office in Philadelphia.

14 COUNCILMAN ORTIZ: A centralizing
15 office in Philadelphia. Then we would be able to
16 remove move that paperwork through Harrisburg very
17 quickly, you know, with --

18 MR. GROVES: I think the only thing we
19 wouldn't have -- we wait for control letters from
20 Harrisburg for them to notify the owner. We could
21 do that in Philadelphia. I think the only thing
22 we couldn't do is get a salvager certificate out
23 of Philadelphia 'cause that would directly have to
24 come from Harrisburg.

25 COUNCILMAN ORTIZ: Well, we need

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2 legislation, we need some tools to be able to do
3 that.

4 What I'm trying to see is, how do we
5 cut out that process that we are able to process,
6 and then, you know, maybe write a report to the
7 state of Pennsylvania and PennDOT and say that
8 these things have been done, these cars have been
9 removed, these cars -- I'm just trying to see how
10 it is that we are able to cut some of the some of
11 the bureaucracy out of this process.

12 And it's going to take work between
13 this committee, Darryl, myself and our staffs, and
14 see how we can research it and do this. Okay?

15 MR. GROVES: I agree, sir.

16 COUNCILMAN ORTIZ: I appreciate it.

17 MR. GROVES: All right.

18 COUNCILMAN ORTIZ: Thank you.

19 MR. GROVES: Thank you, sir.

20 COUNCILMAN ORTIZ: Ruth Birchett and
21 Mary Gibson.

22 (Ms. Birchett and Ms. Dirkson come
23 forward.)

24 COUNCILMAN ORTIZ: I know you from
25 somewhere.

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2 MS. BIRCHETT: I know you from
3 somewhere too.

4 My name is Ruth Birchett. I am
5 president and founder of Heritage Community
6 Economic Development Corporation in Philadelphia.
7 I'm also a community person in the 32nd Ward.

8 My comments are in reference to the
9 abandoned-car problem that we have, and I'm not
10 sure if you've heard the angle that I'm interested
11 in sharing with you. Our neighborhood, as many
12 statistics, the census statistics or whatever
13 would prove out, is a neighborhood where
14 unemployment is and poverty is prevalent.

15 And because of that, having a vehicle,
16 if you happen to own a vehicle, that's a promise
17 of opportunity and being able to access
18 employment. Everyone knows that there is much
19 more employment available outside of the --
20 immediately outside of the City area, in places
21 such as King of Prussia and other places such as
22 that, or even at the airport, than there are here
23 in the limits of the City. And so residents of
24 our community have been affected by the economics
25 as much as people in other areas.

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2 The difference is that if you live in a
3 part of the City where you happen to have a garage
4 and you've been laid off and you have a vehicle,
5 your vehicle is protected, and you don't have to
6 worry about in 30 days, you will also -- or
7 perhaps in 90 days, you're also going to lose that
8 vehicle, which might be a potential way for you to
9 get to your next hopeful place of employment.

10 And so we're in a real Catch-22 here.
11 When you put a little sticker waiting for tags on
12 your car and you're hoping and praying that
13 because none of the neighbors have complained
14 about it whatsoever, that you're able to try and
15 acquire that employment and are still be able to
16 utilize that car to get there, you know, in the
17 meantime. But, unfortunately, it happens too
18 often that the clock runs out, and the car gets
19 towed, and then you're in a worse situation than
20 you were.

21 I would advocate for, in areas where
22 there is no neighborhood complaints about it,
23 about a vehicle, that the owner of the vehicle is
24 responsible enough to make sure that trash isn't
25 accumulating around it, will attempt to keep the

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2 tires inflated and things of that sort, that the
3 owner has exercised some level of responsibility
4 in making sure that that vehicle is not a public
5 nuisance, that it shouldn't be tampered with. It
6 shouldn't be tampered with unless there is cause.

7 I think another angle with regard to
8 this situation -- and actually before I go there,
9 let me just say, too, there's a situation, for
10 example, where a community-based organization that
11 works on housing, a person working there who
12 doesn't live in the neighborhood, nevertheless,
13 was able to get -- kept talking to me about this
14 abandoned car, that it's been there forever, it's
15 been there forever.

16 Well, it comes to find out that it was
17 a car of an elder. It was a classic '59
18 automobile, and the owner had nowhere to put it
19 but in front of his door. Because, again, we
20 don't have garages. It was towed, through the
21 efforts of this individual. And it's an example
22 of what outside forces cause to happen when no one
23 whatsoever in the neighborhood had any complaints
24 whatsoever.

25 COUNCILMAN ORTIZ: But that shouldn't

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2 happen.

3 MS. BIRCHETT: But it did, and it was a
4 vehicle that was -- and people like me. I have
5 the same address and phone number as when I was
6 born. You know, I don't have any other place that
7 I want to put my vehicle in front of. You know,,
8 we've been there 49 years. And if I have a
9 vehicle and if I have something that belongs to me
10 and I want it in front of my house, then I should
11 be able to do that -- as long as it's not
12 interfering with anyone else and is not creating
13 any type of a nuisance.

14 COUNCILMAN ORTIZ: I don't disagree.
15 And I hope that -- and in fact, the reason why we
16 have the consent decree that we have is because in
17 the '70s and through that, that was happening
18 very, very commonly in many areas across north-
19 central and in poor neighborhoods by the Police
20 Department. They were towing cars just that were
21 sitting in front and were not abandoned, were
22 being taken care of. And that's why we have that
23 consent decree.

24 I don't think we have a police
25 department right now that does that. I don't

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2 think we have an administration incoming or
3 outgoing that would tolerate a police department
4 doing that. But, you know, we have to be able to
5 watch and for the due process rights of citizens
6 poor, rich, or whatever. But we have to make sure
7 that that does not happen.

8 MS. BIRCHETT: Well, I'll tell you
9 another situation that's happened. My
10 organization is an emergency food cover site, and
11 we distribute food to the elderly. And we have to
12 go to the Share Program to pick up food, and we
13 have to go to the food bank to pick up food.

14 Well, the food bank had a old 1979
15 Chevrolet van donated for a raffle out to another
16 organization. Basically another program got a new
17 van. We won the drawing for this clunker.
18 Nevertheless, it worked, but we're an organization
19 that doesn't have a budget to immediately run out
20 and get the tags transferred and get the insurance
21 and things of that sort. So it stayed parked
22 across the street from my house while we attempted
23 to try to get the funds. We used a bicycle pump
24 to keep the tires inflated and, you know, kept
25 going out there and sweeping underneath of it.

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2 But we got an alarming call at our
3 community center from a neighbor saying, There's a
4 policeman in your van, he's in the van, he's
5 looking all around. I think they're going to tow
6 it. And so, you know, we had to get another
7 organization come and help us take the van, you
8 know, move it around the corner so that it's not
9 at risk of being towed while we try and scramble
10 around, just like the individual homeowner or
11 individual citizen would do to try to protect this
12 so that we can continue providing a totally
13 volunteer service to over 100 elders in every
14 single month.

15 COUNCILMAN ORTIZ: And in anything we
16 come up with, we've got to make sure that that
17 does not happen.

18 MS. BIRCHETT: Yeah. Well, I don't
19 know who it was crawling around the van.

20 The other issue is, there is a garage,
21 for example, at 19th and Norris Street, right on
22 the corner. And everybody knows that they have
23 car auctions and things of this sort. And I've
24 talk with the environmental officer as well as the
25 abandoned-car officer at the 22nd District in

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2 relation to this problem.

3 But it seems that this particular
4 person will go and purchase vehicles from the
5 auction, come and find out whether they are able
6 to be repairable or not, and trying to sell them.
7 And it's discovering that some of them, it seems
8 at least, that some of them are not repairable,
9 and they end up on the street. This guy is saying
10 that the City trucks just dump them there. And I
11 think that he has this little thing going where
12 the abandoned cars in the 2000 block of Norris
13 Street are from this particular business. And it
14 makes it appear as if individual citizens has them
15 there.

16 So that's one thing I want the Council
17 to be aware of, that there may be some businesses
18 that are in auto repair or whatever that might be
19 also dumping some of these cars onto our City
20 streets.

21 And that's the end of my comments.

22 COUNCILMAN CLARKE: Thank you, Miss
23 Route, and good afternoon.

24 MS. BIRCHETT: And thank you,
25 Councilman Clarke, for your sponsorship on this

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2 issue. It is very much an issue for our
3 community. And we appreciate your diligence.

4 COUNCILMAN CLARKE: You're welcome.

5 And as your Councilperson and also as your ward
6 leader and as your neighbor, I think that the
7 emphasis on what we're trying to do today will
8 deal more with the burned-out junkers, the
9 abandoned vehicles that are designated as
10 nuisances.

11 My understanding in talking to the
12 Police Department is that there is a certain
13 status that's given to each individual vehicle
14 that's written up. Based on that status, there's
15 a required time that notification is given to that
16 particular owner. And my understanding is if the
17 vehicle has no tires, no windows, no tag, no VIN
18 number, then it's designated as an emergency, and
19 there's a short timeframe.

20 And my understanding is that what State
21 Representative Evans is working on, and I know
22 what we're talking about here in this committee
23 and this Council, will be targeted more towards
24 these vehicles.

25 When the City Solicitor was here

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2 earlier and she was talking about the consent
3 decree, I think she mentioned the fact that it
4 would either be vacated or modified. So if, in
5 fact, there was some instances like you brought up
6 and we find that to be an issue, there may be
7 modifications made to address those vehicles that
8 are designated as an emergency or an extreme
9 nuisance to a community.

10 MS. BIRCHETT: Okay.

11 COUNCILMAN CLARKE: Living in your
12 community, I happen to get a lot of complaints
13 about the vehicles every time I go in my house.
14 So there is a lot of human cry about the
15 conditions in our community, not just about the
16 abandoned vehicles, but about other things.

17 And frankly speaking, as I've indicated
18 to you as a person that worked with me during the
19 course of the campaign, I think that we need to
20 take it to another level as it relates to cleaning
21 up some of these nuisance activities in our
22 communities.

23 There will probably be an instance
24 where we will make a mistake when we're talking
25 about something of this magnitude 'cause this will

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2 be a citywide policy. There's no way in the world
3 that we won't probably take somebody's vehicle
4 that falls within the category that you spoke of
5 today. That is unfortunate, but that is what
6 happens in cities of this size.

7 But our attempts will be to minimize
8 the possibility of that happening. And we're very
9 happy to hear that testimony.

10 MS. BIRCHETT: Sure. I'm happy to hear
11 that because there are many issues that
12 neighborhood people, who are very active in the
13 community and are often sought after for problems
14 that citizens have, we often are blind-sided by
15 things that happen that we could have helped out
16 with if we had only had the chance to have input,
17 and you've provided this opportunity. I would not
18 have known about this hearing if I had not gotten
19 a letter from you, and I want to thank you for
20 that.

21 COUNCILMAN CLARKE: You're welcome.

22 MS. BIRCHETT: Honestly, as a block
23 captain, too, you know, just -- there's a
24 mechanism for putting out information to people as
25 well. And there are like over 6,000 block

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2 captains in the city, and that might be, you know,
3 a good vehicle to put out information to us as
4 well.

5 So thank you.

6 COUNCILMAN CLARKE: Okay, thank you.

7 Ms. Dirkson?

8 MS. DIRKSON: Good afternoon. My name
9 is Maria Dirkson. I'm a committee person and also
10 in charge of concerned organized blocks in my area
11 in North Philadelphia.

12 I've been here, I've had a very
13 educated morning and afternoon, providing about
14 abandoned cars. Every day, by me being a leader,
15 somebody calls my house and says, I want the
16 abandoned car moved. And so I get tired, and I
17 say, Call Darryl Clarke's office. And I know your
18 office is being ringing off the hook.

19 But I have abandoned cars in the 2600
20 block of North 17th Street, which I've been
21 calling for nine months. We've got about five of
22 them, and they've been setting and setting. And,
23 I mean, some of them has been fire, broken into
24 'em, and the kids play and fall over everything.

25 But I know it takes time here today,

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2 listening to how long you have to go through and
3 the procedures which you have to do while they're
4 not moved. But I look forward to in the future,
5 maybe in January, that they will be moved.

6 So I thank God I'm here today and that
7 you all are doing a wonderful job. And you will
8 be able to help me in January so my neighbors and
9 friend that call me 'cause I'm a leader, won't
10 call me and say, Move the abandoned car.

11 COUNCILMAN CLARKE: Thank you.

12 COUNCILMAN RIZZO: This hearing of the
13 Public Safety Committee on Resolution 990615 is
14 recessed until December 13, at 10 a.m.

15 (Adjourned at 2:30 p.m.)

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RE: COUNCIL COMMITTEE ON PUBLIC SAFETY

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RESOLUTION NO. 990615

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JOSEPHINE CARDILLO,

Registered Professional Reporter