

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING BEFORE THE COUNCIL COMMITTEE ON
4 PUBLIC TRANSPORTATION AND PUBLIC UTILITIES

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Tuesday, 9/25/01
9 10:14 a.m.
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11 BILL 010340 - amending Section 10-602 of the
12 Philadelphia Code with respect to smoking on any
13 vehicle of public transportation and in any public
14 transit station or fare-paid area and increasing the
15 amount to be paid in response to a violation notice to
16 waive court appearance; amending Section 10-605 of the
17 code to increase the penalty for consuming food or
18 beverages on a vehicle of public transportation;
19 amending Section 10-606 of the code to clarify the
20 penalties for violations under Chapter 10-600; and
21 amending Section 10-609 of the Code with respect to
22 urination or defecation on a vehicle of public
23 transportation; all under certain terms and
24 conditions.

25 RES.010433 Authorizing the Committee on Transportation
and Public Utilities to hold hearings into access to
transportation services for Philadelphia residents to
expand their regional employment opportunities.

PRESENT: COUNCILMAN W. WILSON GOODE, JR., Chairman

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INDEX

PAGE

Dominic Cermele.....	4
Deputy Director of Finance Office of Administrative Review	
David Scott.....	7
Deputy Chief, SEPTA Police	
Administrative Sergeant Michael J. Crowther....	10
Administrative Sergeant at PATCO	

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433

2 COUNCILMAN GOODE: Good morning. This is
3 a public hearing and public meeting of the Committee
4 on Transportation and Public Utilities on Bill
5 010340 and Resolution 010433.

6 I would acknowledge the other committee
7 members if they were present, but they are not yet,
8 but we anticipate them coming, but we'll start with
9 testimony anyway after the clerk reads Bill 010340
10 and the resolution also.

11 THE CLERK: Bill 010340, an ordinance
12 amending Section 10-602 of the Philadelphia Code
13 with respect to smoking on any vehicle of public
14 transportation and in any public transit station or
15 fare-paid area and increasing the amount to be paid
16 in response to a violation notice to waive court
17 appearance; amending Section 10-605 of the code to
18 increase the penalty for consuming food or beverages
19 on a vehicle of public transportation; amending
20 Section 10-606 of the code to clarify the penalties
21 for violations under Chapter 10-600; and amending
22 Section 10-609 of the Code with respect to urination
23 or defecation on a vehicle of public transportation;
24 all under certain terms and conditions.

25 And Resolution No. 010433, a resolution

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 authorizing the Committee on Transportation and
3 Public Utilities to hold hearings into access to
4 transportation services for Philadelphia residents
5 to expand their regional employment opportunities.

6 COUNCILMAN GOODE: Good morning ask
7 Mr. Cermele and to testify as one panel.

8 (Witnesses come forward.)

9 COUNCILMAN GOODE: Good morning and thank
10 you for coming in to testify. I will ask Mr.
11 Cermele, Deputy Chief Scott, and the Administrative
12 Sergeant Crowther to testify as one panel in any
13 order you'd like.

14 Please state your name for the record.

15 MR. CERMELE: Good morning. I'm Dominic
16 Cermele, Deputy of Finance Director. I serve as the
17 executive director of the Office of Administrative
18 Review.

19 Good morning, Mr. Chairman. Thank you for
20 the opportunity to appear before you today.

21 Before I offer specific testimony on Bill
22 No. 010340, I want to share with you some
23 information about the code violation notice process.
24 CVNs are noncriminal civil infractions issued for
25 various violations of the Philadelphia Code. This

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 program was first conceived as mechanism to cite
3 those in violation of the City's trash, storage, and
4 setout requirements, but has been expanded over the
5 years to include a number of other property-based
6 conditions as well as personal contact and behavior
7 infractions.

8 In the recently concluded fiscal year,
9 43,319 CVNs were issued resulting in revenue of just
10 over \$700,000; this is up from fiscal year 00, when
11 30,000 CVNs were issued, bringing in \$450,000. The
12 average payment per ticket issued has increased
13 recently from \$14.93 to \$16.16.

14 Our code unit at the Bureau of
15 Administrative Adjudication, which is part of the
16 Office of Administrative Review, processes the CVNs
17 written by eight departments or agencies in the
18 City, including the Police, Streets Department,
19 Health Department, Fairmount Park, Licenses and
20 Inspections, the Airport, and the University
21 Pennsylvania Police. The Unit also collects
22 associated revenue, schedules administrative
23 hearings, and files code enforcement complaints in
24 Municipal Court for failure to pay. Our hearing
25 University adjudicates disputed CVNs via

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 administrative hearings.

3 The primary purpose of this bill is to
4 extend the definition of "vehicle of public
5 transportation" to include those operated by public
6 authorities and agencies other than the Southeastern
7 Pennsylvania Authority.

8 The Delaware River Port Authority, through
9 the PATCO police, sought authorization to issue code
10 violations notices in lieu of summary violations
11 occurring in PATCO stations and on PATCO trains. In
12 researching whether this authorization could be
13 granted, the Office of the City Solicitor advises
14 that the current code could be interpreted to refer
15 to only SEPTA facilities and trains. The
16 legislation before you would address that ambiguity
17 by making all transportation facilities owned or
18 operated by a public agency subject to smoke
19 prohibitions.

20 In addition, the amount required to be
21 remitted in response to a code violation notice for
22 smoking is now to be clarified to be \$100. Other
23 provisions of this bill standardize the maximum fine
24 for eating or drinking on a vehicle of public
25 transportation at \$300 maximum. This will allow the

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 code violation notice to be issued for the initial
3 infraction in the amount of \$25. The final change
4 adds vehicles of public transportation to the list
5 of locations where public urination or defecation is
6 prohibited.

7 Representatives of SEPTA and PATCO here to
8 today to testify and answer questions you may have
9 about the need for these code changes and their
10 plans for enforcement.

11 Thank you, Mr. Chairman.

12 COUNCILMAN GOODE: Thank you, Mr. Cermele.
13 Deputy Chief Scott.

14 DEPUTY CHIEF SCOTT: Good morning,
15 Mr. Chairman. Thank you for affording me the
16 opportunity to provide you testimony regarding Bill
17 No. 010340.

18 The Southeastern Transportation Authority
19 police officers have been issuing code violations
20 notices since January 23, 1997. This is a part of
21 our ongoing effort to address quality-of-life
22 offenses. These noncriminal civil instruments have
23 been issued to passengers who violated City
24 ordinances while using public transportation.

25 Issuing code violation notices for

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 quality-of-life offenses are an essential ingredient
3 of SEPTA's ability to reduce felony offenses on the
4 transit system in Philadelphia. Concentrating on
5 minor infractions clearly sends a message that
6 serious offenses will not be tolerated.

7 Over the past 11 years, the felony crimes
8 have been reduced 93 percent. We attribute much of
9 this success to our ability to issue code violation
10 notices. Issuing code violation notices does not
11 require our officers to leave the system, nor to
12 handcuff and process offenders at police districts.
13 Taking an offender to a police district can take two
14 to three hours.

15 Currently, the offender is issued a code
16 violation notice on the spot, and the officer never
17 leaves the transit system. This procedure takes
18 approximately 10 to 15 minutes. Issuing a code
19 violation notice is similar to receiving a traffic
20 ticket. The process is less offensive and a good
21 public relations tool. At the same time, the
22 message is sent to passengers that SEPTA views all
23 offenses committed on public transportation
24 seriously. Additionally, many offenders cited for
25 minor infractions have been taken into custody for

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 possession of firearms, narcotics, or they may have
3 had felony warrants issued against them.

4 SEPTA and PATCO are requesting that this
5 committee amend the Philadelphia Code with respect
6 to redefining a public authority or agency that owns
7 or operates mass transportation so that all such
8 agencies can issue code violation notices. The
9 current language in this ordinance can be
10 interpreted as being only applicable to SEPTA.
11 Consistent enforcement of City ordinances by all law
12 enforcement personnel, regardless of the agency
13 affiliation, will assist the City of Philadelphia in
14 reducing its overall crime rate.

15 In addition, the bill clarifies that the
16 amount of \$100 is assessed to all violators who are
17 issued code violation notices for smoking, 10-602.

18 Language in this bill also clarifies that
19 passengers are issued code violation notices for
20 violating City Code 10-605. Food or beverages on
21 vehicles of public transportation shall receive a
22 maximum fine of \$300. The ticket amount of \$25
23 shall be assessed to all violators of any provisions
24 except where otherwise specifically provided.

25 The final change incorporates language

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 that includes vehicle of public transportation.
3 This will clearly enable law enforcement officers to
4 issue code violation notices to those who violate
5 City Code 10-609, public urination or defecation, if
6 the infraction is committed on public transportation
7 conveyances.

8 SEPTA believes that these changes will
9 improve the quality of life for all citizens that
10 use public transportation in the City of
11 Philadelphia.

12 COUNCILMAN GOODE: I thank you, Deputy
13 Chief Scott.

14 Administrative Sergeant Crowther.

15 SGT. CROWTHER: Good morning. My name is
16 Michael Crowther. I'm the administrative sergeant
17 at PATCO. Good morning, Mr. Chairman. Thank you
18 for affording me the opportunity to present this
19 testimony regarding Bill No. 010340.

20 The Port Authority Transit Corporation,
21 PATCO, provides quality transportation services
22 across the Delaware River and invests in the
23 economic growth of Southeastern Pennsylvania and
24 southern New Jersey. PATCO's emphasis is on safety
25 and customer service.

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433

2 The Port Authority Transit Police
3 Department is that division of the department within
4 PATCO's organization that is charged with
5 implementing protection and service, using fully
6 marked police cruisers and a uniformed police
7 presence supplemented with a plain-clothes unit and
8 unmarked cars.

9 The department uses a proactive approach
10 to patrol procedures to ensure freedom from
11 intentional danger and discomfort for PATCO patrons,
12 employees, and revenue property. The department
13 attempts to maintain a level of compliance and to
14 deter incidents of not only criminal nature but
15 those quality-of-life issues for which the code
16 violation notice was created. By accomplishing its
17 mission, the department promotes an environment of
18 positive public perception, which relates to safety
19 and security, thus inviting and encouraging
20 ridership growth.

21 If legislation is approved to extend
22 enforcement of the prohibitions in Section 10-600 of
23 the Philadelphia Code to PATCO stations and train
24 cars operating in Center City, it would allow the
25 Port Authority Transit police officers to use code

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 violation notices instead of effecting arrests for
3 minor offenses. This would enable a more efficient
4 use of available police manpower and better
5 management of current resources.

6 Historically, it takes one of our PATCO
7 officers approximately one hour to fully process and
8 release someone on a summary violation for offenses
9 which would just as easily be issued on a code
10 violation notice, which takes approximately 15
11 minutes to complete. Both scenarios have the same
12 end result in mind, which is to enforce
13 quality-of-life issues and create an environment of
14 compliance.

15 It is more prudent and better for public
16 perceptions of law enforcement officers to issue a
17 code violation notice instead of effecting an arrest
18 and processing a minor offender as if a criminal.
19 When subjects are arrested for a quality-of-life
20 type of offense and placed on a summary citation,
21 they must appear in court. This causes an already
22 overburdened legal system to address issues that can
23 be avoided with the issuance of code violation
24 notice. The offender then has the choice of
25 directly paying the fine and eliminating any further

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 action. This option in and itself would assist in
3 removing a backlog of cases from the court docket
4 and allowing officers to be back on the streets,
5 where they are much more needed, than sitting in
6 courtrooms, waiting to testify. As you can see, the
7 use of a code violation is not just beneficial for
8 the police but also the public we serve and the
9 courts that must ultimately resolve the matter.

10 Any consideration you could give this
11 request is greatly appreciated.

12 (Interruption.)

13 COUNCILMAN GOODE: Please continue.

14 SGT. CROWTHER: Actually, I was just done.
15 That worked out just great.

16 COUNCILMAN GOODE: Thank you for your
17 testimony. Your testimony will be submitted to
18 members of the committee.

19 Is there anyone else to testify on this
20 bill?

21 (No response.)

22 COUNCILMAN GOODE: This committee will
23 stand in recess until 11:30.

24 (Committee stands in recess until 11:30
25 then reconvenes.)

1 9/25/01 TRANS. COMM. BILL 010340, RES. 010433
2 COUNCILMAN GOODE: This hearing of the
3 Committee on Transportation and Public Utilities on
4 Bill 010340 and Resolution 010433 is now recessed
5 until Thursday, October 4, at 8:45 a.m.

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CERTIFICATE

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I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia's meeting of the Committee
Transportation and Public Utilities of Tuesday,
September 25, 2001, are contained fully and
accurately in the stenographic notes taken by me
upon, and that this is a true and correct transcript
of same.

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14 RE: Ordinance 010340, Resolution 010433

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Josephine Cardillo

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Registered Professional Reporter
and Notary Public

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