

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 26, 2010
10:25 a.m.

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JACK KELLY
COUNCILMAN JAMES KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO, JR.

RESOLUTION 100587 - Resolution authorizing
City Council's Committee of the Whole to hold
a public hearing to investigate and determine
the cause of the ongoing problems with the
rotational towing program in the City of
Philadelphia.

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1
2 COUNCIL PRESIDENT Verna: Good
3 morning, everyone. This is a public
4 hearing of the Committee of the Whole
5 regarding Resolution No. 100587.

6 Theresa, would you please read
7 the title of the bill.

8 THE CLERK: Authorizing City
9 Council's Committee of the Whole to hold
10 a public hearing to investigate and
11 determine the cause of the ongoing
12 problems with the rotational towing
13 program in the City of Philadelphia.

14 COUNCIL PRESIDENT Verna: And
15 our first witness?

16 THE CLERK: Everett Gillison.

17 COUNCIL PRESIDENT Verna:
18 Everett Gillison, Deputy Mayor for Public
19 Safety.

20 (Witnesses approached witness
21 table.)

22 COUNCIL PRESIDENT Verna: Good
23 morning.

24 DEPUTY MAYOR GILLISON: Good
25 morning.

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2 COUNCIL PRESIDENT VERNA:

3 Please identify yourself for the record
4 and proceed with your testimony.

5 DEPUTY MAYOR GILLISON: Thank
6 you. Good morning, President Verna and
7 members of City Council. My name is
8 Everett Gillison. I'm the Deputy Mayor
9 for Public Safety. Thank you for the
10 opportunity to appear before you today to
11 testify on Resolution No. 100587, which
12 seeks to investigate issues surrounding
13 the rotational towing program.

14 I was present before a
15 committee of this body last week
16 testifying on these same issues. Much of
17 my testimony will be duplicative, but I
18 want this record to be clear. Councilman
19 Rizzo's legislation creating the
20 rotational towing program was designed to
21 rectify serious problems that existed and
22 still exist, to a certain extent, in the
23 towing industry in the City. Many of
24 these problems, such as wreck chasing,
25 impacted public safety. Many of these

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2 problems, such as improper licensing,
3 setting reasonable fees, requiring towers
4 to maintain secure storage facilities,
5 impact consumer protection. Councilman
6 Rizzo should be proud of his efforts in
7 creating a legislative scheme designed to
8 fix those issues and combat those abuses.

9 The rotational towing program
10 implemented by the Police Department and
11 the Department of Licensing and
12 Inspections helps to alleviate some of
13 the problems that existed with the towing
14 industry in the City. Many abuses,
15 however, still exist, and some towers
16 have even found ways to work around the
17 rotational system. As I testified last
18 week, we have all heard countless
19 complaints of citizens who have had
20 encounters with tow operators who seem to
21 take advantage of the drivers' difficult
22 circumstances. Tow operators imperil
23 public safety by racing to accident
24 scenes in attempt to secure a tow.
25 Certain tow operators do not operate

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2 trucks suitable to perform towing and
3 fail to carry the necessary safety
4 equipment. We've all heard the
5 complaints about tow operators failing to
6 heed a vehicle owner's instructions on
7 where to take their vehicle or tow
8 operators who take vehicles to certain
9 body shops where the owner's vehicle is
10 essentially held for ransom. We know
11 certain tow operators fail to accept
12 credit cards for payment, fail to provide
13 safe and secure storage and a host of
14 other failures. All of this conduct
15 imperils public safety.

16 Again, as I testified last
17 week, we are all familiar with the
18 situation that occurred at Whitaker and
19 Hunting Park Avenues during the summer
20 where two tow operators engaged in
21 reprehensible conduct over which operator
22 would tow a vehicle involved in an
23 accident.

24 In response to some of the
25 problems that still exist, the

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2 Philadelphia Police Department has made
3 changes to the way in which it operates
4 the rotational towing system. Police
5 officers are no longer dispatched to
6 accident scenes via police radio where
7 the broadcast may be intercepted by a tow
8 operator with a scanner. Officers are
9 now dispatched via their mobile data
10 terminals, to which the public has no
11 access. For instance, when the
12 responding officer arrives on the scene
13 and is in need of a fire rescue for a
14 crash victim, that call does go out over
15 police radio. So unfortunately the
16 towers now monitor the fire band and
17 respond to these calls.

18 As I added last week, this will
19 require another change in our procedure,
20 and we will do that as soon as possible.
21 For every action, there's an equal and
22 opposite reaction, and we are adapting to
23 the changes and challenges that we see.

24 Another change that the
25 Department has made is that once police

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2 radio dispatches an officer to an
3 accident scene, the dispatcher calls the
4 tow operator next in line on the
5 rotational list. Before the change,
6 police officers at the scene of the
7 accident would make the determination as
8 to whether or not a tow was needed. Now,
9 the rotational system is activated at the
10 same time the officer is dispatched to
11 the scene.

12 These changes have helped to
13 curtail wreck chasing and the inherent
14 dangers of that practice. For most
15 accidents where police respond, the
16 vehicles are not impeding traffic, so the
17 rotational system does not apply. The
18 rotational towing program only applies to
19 non-consensual tows, those situations
20 where the vehicles are not movable and
21 are blocking the highway. So currently,
22 despite dispatching a rotational tower to
23 every accident where the police respond,
24 the law actually only applies to those
25 situations where vehicles are impeding

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2 traffic. If the vehicles involved in the
3 accident are not impeding traffic, it is
4 a consensual tow scenario, beyond the
5 scope of the law.

6 The Police Department assumes
7 that every accident it dispatches meets
8 the legal standards, but clearly they do
9 not. Too often officers at the accident
10 scene are left refereeing disputes
11 between towers. Moreover, the secondary
12 problem with this approach involves the
13 financial disincentive for the towers to
14 be a part of the rotational program.

15 Since the Police Department is
16 dispatching a rotational tower to every
17 accident that were thought to initially
18 fit the criteria of the non-consensual
19 tow, many rotational towers are being
20 sent to assignments where they are not
21 needed. Because there are large number
22 of towers on each list, this has become a
23 strong financial disadvantage for the
24 towers. We are exploring options as to
25 how to reconcile this situation, since

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2 without responsible towers the program
3 will not succeed.

4 To reiterate our position, the
5 Police Department is committed to the
6 rotational tow system. The Department
7 desires that the system operate in a safe
8 and efficient manner, and will continue
9 to monitor the system and make
10 operational changes when necessary to
11 achieve these goals. Also, I am
12 committed to work with Council to craft
13 solutions that may require legislation or
14 any changes in legislation.

15 I thank you for the opportunity
16 to testify, and I'll be happy to answer
17 any questions from the Committee. Also
18 with me today is Otis from License and
19 Inspection and Fran Healy from the Police
20 Department.

21 Thank you very much.

22 COUNCIL PRESIDENT Verna: Thank
23 you.

24 The Chair recognizes Councilman
25 Rizzo.

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2 COUNCILMAN RIZZO: Thank you,
3 Madam Chair.

4 Thank you, Deputy Mayor
5 Gillison, for your testimony. I know in
6 your testimony you did mention additional
7 changes, but could you or your colleagues
8 talk about what some of the additional
9 changes by regulation, not by ordinance,
10 are planned to enhance the rotational tow
11 system that we have today.

12 DEPUTY MAYOR GILLISON: Well,
13 the ones that I testified to are the ones
14 that, what I call the departmental policy
15 changes, that have already been enhanced.
16 We've talked about and have already
17 changed the way that we dispatch. So now
18 we do it by way of the mobile data
19 terminals. As I've indicated to you and
20 to other members of Council, we are
21 looking to expand our mobile data
22 terminals now even into the Fire
23 Department so that we will, in essence,
24 take all of the dispatch, both for Fire
25 and for Police, and make it just one part

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2 of the public safety network that we're
3 building. So that's one of the matters
4 that we've done.

5 There are a couple of others.
6 If Mr. Healy wants to comment on it, I'm
7 sure that he can.

8 LIEUTENANT HEALY: As I had
9 mentioned previously, the two primary
10 issues that we have concern is, one,
11 legislatively, is the bright line when
12 this law actually takes effect, from a
13 police officer's perspective. The way
14 it's written, as we explained, is, it's
15 when the cars are actually blocking the
16 sidewalk or the highway. At that point
17 in time is when the non-consensual tow
18 takes effect.

19 What we've done is to alleviate
20 or actually to create a self-created
21 bright-line rule, we dispatch tows on
22 every one of these jobs. As the Deputy
23 Mayor mentioned, that's not absolutely
24 correct, but nonetheless, it's the
25 Department's effort to make sure that we

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2 overcome that hurdle of making sure that
3 every tow gets the proper response and
4 there's not wreck chasing.

5 The second side of that is the
6 disadvantage for the towers, which has to
7 be addressed as well. As the Deputy also
8 mentioned, without the towers, the
9 program will not succeed. I mean, they
10 are the integral part of it, the honest
11 towers in the program. The thing is,
12 we're starting to send so many towers to
13 jobs that aren't founded, it becomes
14 financially not in the best interest to
15 be part the wheel of one of these
16 rotational wheels. So we need to
17 reevaluate from an administrative
18 perspective on how to better manage the
19 wheel, much more akin to the recovered
20 stolen auto program, which is basically a
21 template that we tried to replicate
22 because of its efficiency. It absolutely
23 works very well, but there's very small
24 number of towers on the list.

25 So we're trying to balance the

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2 interest of keeping this open for the
3 consumers as well as for the business
4 towers, but also having it from an
5 efficiency perspective of what is the
6 most manageable side for this wheel. And
7 internally we're going to try to fix
8 that. That seems to be the biggest
9 problem, because we do get complaints
10 from the towers, legitimately so, that
11 they are not getting called enough times
12 on the wheel or they've been passed. It
13 is a problem and it needs to be
14 addressed. And I think the heart and
15 soul of it is the size the wheel, the
16 number of people on the wheel. From the
17 Department's perspective, we want to make
18 sure that the cars that are taken under
19 this program are secured, protected,
20 along those lines.

21 So administratively we're
22 looking to address the wheel, but from a
23 legislative perspective, it's the
24 bright-line rule is where we could
25 possibly need some more help.

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2 COUNCILMAN RIZZO: So we'll

3 obviously address those concerns. And
4 you hit it. Many of the towers that have
5 communicated to many of us indicated
6 they've been on the rotational towing
7 program for a long time and some have
8 never received a call, some have received
9 calls rarely, one or two a month, and
10 others receive a lot. And I know that
11 the industry is concerned that some of
12 the rotational towers that are on the
13 wheel are, let's say, dispatched by AAA
14 to the scene lose their spot on the
15 rotation.

16 So these are the kinds of
17 things that we have to look at. It's not
18 fair for a tower that represents AAA to
19 lose their spot on the rotation if the
20 consumer or the member calls them
21 directly.

22 So I'm sure now with the change
23 in the regulation or the internal change
24 of all calls being dispatched, you
25 indicated that, yeah, there may be some

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2 false alarms, but I would assume now that
3 more people are getting calls to respond
4 to clear the highway.

5 LIEUTENANT HEALY: Yeah. I
6 believe so, yes.

7 COUNCILMAN RIZZO: Okay. I
8 would like to ask L&I to just briefly for
9 the record and for people here today to
10 talk about -- we know the Police
11 Department's role. Mr. Haigler, could
12 you please talk about what L&I's role is
13 in the rotational towing program, please.

14 MR. HAIGLER: Good morning. My
15 name is Otis Haigler, Jr., Director of
16 Legislative Affairs for the Department of
17 Licenses and Inspections.

18 L&I's role with regard to the
19 rotational towing system is to receive
20 applications from individuals who wish to
21 be placed on the list for rotational
22 towing. What we do is, once we get a
23 request, we send out a packet to the
24 company indicating the -- with the
25 application in there, as well as the bill

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2 of rights, the consumer bill of rights,
3 as well as frequently asked questions, as
4 well as a letter from the Commissioner
5 detailing what the requirements are.

6 I have a copy of all of the
7 information that we send out. I'm sorry,
8 I don't have enough copies for everyone,
9 but I believe if the Sergeant-at-Arms
10 would make copies of the packet, this is
11 the packet that we send out to all of the
12 towing companies.

13 It indicates in the packet
14 itself all the requirements. We also
15 include in the packet a copy of the
16 regulations that were promulgated and
17 adopted back in 2005, as well as the
18 amended regulations that were adopted in
19 2009.

20 COUNCILMAN RIZZO: Mr. Haigler,
21 you heard the Police Department's counsel
22 indicate some changes that they want to
23 make. Is there anything that L&I sees
24 needs to be changed? You described the
25 role. Do you know how many towers that

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2 we presently have? Is that L&I's -- does
3 L&I keep track of that?

4 MR. HAIGLER: The number of
5 total towers or the number of towers on
6 the rotational list?

7 COUNCILMAN RIZZO: Towers that
8 are part of the rotational system.

9 MR. HAIGLER: I believe it's
10 between 87 to 89 on the list.

11 COUNCILMAN RIZZO: Is there
12 anything that L&I desires changed in the
13 system or is your role basically
14 administrative?

15 MR. HAIGLER: Our role is very
16 administrative. We really are not on the
17 scene to deal with the dispatch of the
18 towers. Our role is to take any
19 applications, to make sure that the
20 information that's required on the
21 application is filled out and to prepare
22 lists for distribution to the Police
23 Department.

24 COUNCILMAN RIZZO: Deputy Mayor
25 Gillison, constantly we get complaints or

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2 at least input from the industry
3 indicating that the process of bringing
4 someone into the rotational system might
5 not be as tight as it needs to be. Do
6 you anticipate or the Police Department
7 anticipate any changes in making someone
8 eligible to be part of the rotational
9 program?

10 DEPUTY MAYOR GILLISON: Well, I
11 think that that's part of the data that
12 we've been collecting over the last
13 couple of months to see how we can make
14 the program better and to see how we
15 might be able to "up" some of the
16 standards to make the program better. So
17 that may affect eligibility.

18 There's a lot of very good
19 suggestions that are out and we've been
20 in discussion for a number of months, and
21 I hope to continue with those discussions
22 with you, with other members of Council
23 to be able to come up with what we
24 believe will be the fairest way to adapt
25 the program.

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2 So the short answer to your
3 question is yes, but I don't know what
4 the exact form that will take at this
5 time, but we're still working and working
6 forward.

7 COUNCILMAN RIZZO: Thank you.

8 Madam Chair, I thank you for
9 that opportunity.

10 COUNCIL PRESIDENT VERNA:

11 You're welcome.

12 The Chair recognizes
13 Councilwoman Sanchez.

14 COUNCILWOMAN SANCHEZ: Thank
15 you, Madam Chair.

16 I wanted to continue the line
17 of questioning to Otis in terms of L&I,
18 and I don't have a copy of the packet in
19 front of me.

20 When we talk about the criteria
21 for licensing and L&I taking care of the
22 administrative role, does that mean that
23 we are cross-referencing to ensure people
24 have BPT licenses? Is that part of the
25 criteria?

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2 MR. HAIGLER: Yes, it is. At
3 the initial application for the license,
4 there's a requirement that you have a
5 business privilege license. We do check
6 for that in the initial application
7 process.

8 As you know, the business
9 privilege license is a lifetime license,
10 so they're really -- at that point it's
11 not renewable, and any renewed license we
12 would check at the time of renewal, but
13 business privilege licenses are not
14 renewed.

15 COUNCILWOMAN SANCHEZ: Do we
16 check to see if they owe the City any
17 taxes?

18 MR. HAIGLER: At the initial
19 application process, yes.

20 COUNCILWOMAN SANCHEZ: Do we
21 check to see that their establishment is
22 appropriate for what we are licensing
23 them to do, their location?

24 MR. HAIGLER: Appropriate in
25 what way? The location?

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2 COUNCILWOMAN SANCHEZ: If we're
3 licensing someone to be part of the tow
4 operation, do we know if their physical
5 location meets the standards to allow
6 them to, one, tow the car and potentially
7 store the car?

8 COUNCILMAN KENNEY: Point of
9 information.

10 COUNCIL PRESIDENT VERNA: The
11 Chair recognizes Councilman Kenney for a
12 point of information.

13 COUNCILMAN KENNEY: Thank you,
14 Madam Chair.

15 Councilwoman, the problem with
16 the adequacy of the facility is, there's
17 no qualifications for the adequacy of the
18 facility. There's no requirements for
19 the size of a storage lot to be secured
20 to any -- so anyone who has a business
21 privilege license and does not have to
22 prove any facility can get at least
23 approved for the rotation tow. The
24 problem is is that some of these towers
25 will use their business privilege license

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2 to access the rotation tow list without
3 having a tow license. So they will
4 bypass the Police and L&I process, apply
5 under the business privilege license and
6 get on the rotation list without a tow
7 license or a facility.

8 Thank you.

9 COUNCILWOMAN SANCHEZ: I wanted
10 that on the record, because I think,
11 again, going back to the discussion
12 around this, there are some regulatory
13 things that we could quickly enhance that
14 would help us do this.

15 (Off-the-record discussion.)

16 COUNCILWOMAN SANCHEZ: Say it
17 on the record. We're having a public
18 discussion.

19 DEPUTY MAYOR GILLISON: I'm
20 sorry.

21 MR. HAIGLER: After you, ma'am.
22 I'm sorry.

23 COUNCILWOMAN SANCHEZ: I think
24 Councilman Kenney's point is if we know
25 the loopholes -- people are using the

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2 loopholes, isn't that a regulatory matter
3 that you can quickly resolve, because
4 you're the licensee?

5 MR. HAIGLER: Well, we require
6 that the tow trucks be licensed.

7 COUNCILWOMAN SANCHEZ: Right.

8 MR. HAIGLER: All tow trucks
9 have to be licensed in the City. As part
10 of the rotational towing, though, the
11 only requirement is that you have a
12 business license in order to be on the
13 rotational tow list. If the truck
14 itself, once it's inspected by the Police
15 Department, that's a separate entity for
16 towing. They're two separate, I guess,
17 entities where you have general towing
18 and you have rotational towing. The only
19 thing we're dealing with here is the
20 rotational list, and the application
21 process for rotational towing require
22 that you have a business license.

23 COUNCILWOMAN SANCHEZ: Right.

24 And I guess that's my point, because I
25 haven't heard in the discussion around

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2 how we're going to enhance -- I'm very
3 concerned around this issue of qualifying
4 towers, because I think part of the
5 problem with the rotational towing is we
6 have too many folks on the list, as you
7 said, between 87 and 90 folks, and I
8 think part of the issue has been how we
9 qualify towers, and I think you heard the
10 industry at our hearing last week say
11 that in other places where this
12 rotational towing has worked, it's been
13 because the criteria and the bar is set
14 higher.

15 So is there any plans in
16 enhancing the criteria for the licensing?
17 Because ultimately we control who is
18 licensed. So if there are bad guys out
19 there, we're at fault because we're not
20 going after them. So I haven't heard us
21 talk to -- and I know some of these
22 pieces were in Councilman Kenney's bill,
23 but a lot of those could be done
24 regulatory, and I haven't heard that
25 mentioned.

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2 DEPUTY MAYOR GILLISON: We are
3 looking --

4 COUNCILWOMAN BROWN: Point of
5 order.

6 COUNCIL PRESIDENT Verna: The
7 Chair recognizes Councilwoman Brown.

8 COUNCILWOMAN BROWN: Thank you,
9 Madam President.

10 Councilwoman Sanchez, my
11 question goes to the same perspective.
12 In addition to licensing, what are the
13 insurance requirements and/or bonding
14 requirements, if you would put that all
15 in the answer.

16 Thank you, Madam President.

17 Thank you, Council Lady.

18 MR. HAIGLER: The insurance
19 requirements for towing is, you need
20 \$100,000 personal liability insurance,
21 \$300,000 aggregate amount, \$50,000
22 property damage and \$100,000 garage
23 keepers insurance.

24 COUNCILWOMAN BROWN: Bonding?

25 MR. HAIGLER: There is no

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2 bonding requirement.

3 (Microphone not on.)

4 COUNCILWOMAN BROWN: A way of
5 ensuring the taxes are being paid by
6 the --

7 MR. HAIGLER: What's that
8 again?

9 COUNCILWOMAN BROWN: What
10 measures are in place to ensure that
11 taxes are being paid by all of the 89?

12 MR. HAIGLER: At the time of
13 application, there is a check to see
14 whether or not their taxes have been
15 paid. That's a Revenue Department's
16 function, to give the Department the
17 information regarding taxes at the time
18 of application. Just like for any
19 license, we do a record check or a
20 cross-reference with the Revenue
21 Department to ascertain whether or not
22 there are any taxes owed or if there's an
23 agreement between the party and the Law
24 Department to pay the taxes.

25 COUNCILWOMAN BROWN: Thank you,

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2 Madam President.

3 Thank you, Council Lady.

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 Going back to the issue of the
7 qualifying of towers, one of the things
8 we heard mentioned at the hearing last
9 week was the issue of requiring that
10 people be in business for a certain
11 amount of time. Again, I guess my issue
12 is, last week we had a pretty lively
13 discussion. This week I expected for the
14 Administration to at least come forward
15 and say these are one, two, three, four
16 things we can do right away that don't
17 require legislation that we're not
18 enforcing. So has anything other than
19 the dispatch piece changed?

20 DEPUTY MAYOR GILLISON: Not in
21 the last week, Councilwoman. We have
22 continued our review of certain internal
23 processes. Quite frankly, between last
24 week and today, there's been two
25 additional meetings about certain

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2 suggestions, but obviously one thing that
3 I don't want to do is change something
4 from week to week without really thinking
5 the entire matter through and also being
6 able to have an opportunity to talk to
7 each of you about your concerns and how
8 we can end up working together to meet
9 those concerns.

10 So the answer is yes, we are
11 looking at making some changes to the
12 matter. Where we can take action, we
13 will. But we want to make sure that we
14 just don't do it in a week-to-week,
15 almost knee-jerk way. We want to make
16 sure we get it done right.

17 COUNCILWOMAN SANCHEZ: When you
18 say that there have been some meetings,
19 are we meeting with some of the industry
20 folks as we vet these, or these are
21 internal meetings to vet some of the
22 suggestions?

23 DEPUTY MAYOR GILLISON: Some of
24 the suggestions have to be vetted first
25 to see exactly how our internal folks

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2 believe it will work in the long run, and
3 then we will actually begin meeting --
4 not begin, but continue to meet with
5 people from the industry.

6 Quite frankly, I've been
7 approached by a number of persons in the
8 industry who have asked to meet with me
9 or members of my staff about certain
10 suggestions that they have, and we're
11 open to everyone meeting at the same
12 time.

13 COUNCILWOMAN SANCHEZ: Okay.

14 One last thing. I want to get to the
15 issue of the Police Department's vehicle
16 inspection, because this is actually one
17 of the areas that there's some agreement
18 is done well. I wondered if for the
19 record we can speak to the car
20 inspections -- the vehicle inspections
21 that we're doing and if there's any
22 changes expected in that area.

23 LIEUTENANT HEALY: There's no
24 anticipated changes, because actually
25 what we're doing is actually very good.

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2 This was initially an L&I function to
3 inspect the trucks, but we all realize
4 between the agencies that the Police
5 Department had better capacity and
6 resources and knew what needed to be part
7 of the vehicles.

8 So right now the vehicles get
9 approved to the general towing -- this is
10 just general towing -- go through
11 annually through Neighborhood Services, I
12 believe, and they're the ones who
13 actually do the inspections. It's done
14 rather efficiently. The question after
15 the fact, people bring in different type
16 of towers that aren't part -- like if I
17 have a tow truck, I bring in my one truck
18 and everything is lined up in order, but
19 I also have two pickup trucks that have
20 like the winches in the back, which are
21 not, but they still have my name on them,
22 so when they show up, they look official,
23 but they're technically not.

24 So we're working, from the
25 Police Department's perspective, to come

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2 up with an enforcement guide, because
3 it's been a little fuzzy for the officers
4 on the street, when can they enforce
5 things and when they can't, because the
6 rotational tow program doesn't kick in
7 all the time. So it's really when the
8 officer gets on scene, if the cars are
9 blocking something and they can't be
10 moved, only then can the officers really
11 start to enforce the law if anybody is
12 violating it. Up to that point,
13 technically if a tow truck driver drives
14 by and just happens to stop, he's not
15 soliciting per se and he didn't violate
16 the rotational tow, that's pretty much
17 where my officers get struck.

18 So we're looking to come up
19 with a more bright-line rule for them
20 when to enforce from the accident side of
21 it. But from the inspection side, they
22 do a very good job. They process -- all
23 the tow trucks in the City get processed
24 through the Police Department
25 inspections, and everyone that gets

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2 approved for the stickers on the side
3 have been approved by the Philadelphia
4 Police Department.

5 COUNCILWOMAN SANCHEZ: Well,
6 one of the things that was clear last
7 week in the discussion was the issue of
8 the training of the Police Department,
9 and you're saying you're coming up with a
10 manual. So when we implemented the
11 rotational, we didn't do any training for
12 the police officers?

13 LIEUTENANT HEALY: What I did
14 is, personally I put together an
15 instructional thing of what the law was,
16 what the officers' expectations were, but
17 kind of the law of unintended
18 consequences were, my officers really --
19 they had to get on scene to make the
20 determination of whether or not it was or
21 was not part of the rotational tow
22 program. So, in essence, the towers kind
23 of got on to that real quick. They
24 realized they needed to get on scene
25 prior to the Police Department. So if

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2 they moved the car, whether they drug it,
3 pushed it, whatever, it was off the side
4 of the road and my officer showed up,
5 it's not blocking the sidewalk. Now --

6 COUNCILWOMAN SANCHEZ: Because
7 that takes it from a forced tow to an
8 optional tow.

9 LIEUTENANT HEALY: Correct.
10 And that was some of the things we --
11 that the purpose -- or the law was
12 actually designed to prevent, it actually
13 expedited. So that was the way the law
14 is drafted, and that's why I recommend
15 maybe tweaking it, so there's a bright
16 line when it actually takes effect, like
17 upon the dispatch of a police officer
18 versus upon the -- because theoretically
19 that's a public safety issue. A police
20 officer is dispatched and, from my
21 perspective, it's a Police Department
22 concern at that point whether or not
23 something is blocking the sidewalk or
24 not, because I need a police officer
25 there. Maybe that could be a bright

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2 line. That's up for debate, but this way
3 here, my officers don't have to make the
4 decision when they get on scene. This
5 way, we can activate the system much
6 sooner. But, like I said, the downside
7 of it is, some towers will be going to
8 jobs where they won't be needed. So
9 that's where we, in tandem, we need to
10 work with not only the front end of the
11 problem but the wheel on the back end.

12 Like I said, if you have a
13 person and there's 60 people on one
14 wheel, the chances of them getting
15 called, very few, but when they do get
16 called, now they're getting called to
17 jobs that they're not making money off
18 of, sooner or later they're going to all
19 jump off the wheel, and that's not what
20 we want. We want an efficient wheel and
21 we just have to balance.

22 In the previous Administration,
23 this was a very big issue. We initially
24 wanted to basically model this program on
25 the recovered stolen auto program, which

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2 has, I believe, six to eight towers on
3 each wheel, making it incredibly
4 efficient, but the bottom line is, the
5 Administration wanted to open this up for
6 businesses, and we didn't want to
7 restrict business either, but we're kind
8 of balancing now what we've seen as the
9 inefficiency of having such large wheels
10 and we need to kind of retool.

11 So we've learned from
12 experience that the large wheel isn't
13 working, despite the efforts or the
14 motive behind it. We are going to have
15 to restrict it somehow, and I think
16 administratively through regulations, it
17 would be the way to go. But that was the
18 most contentious part of the previous
19 Administration, is we wanted the smaller
20 wheel initially because we knew what
21 would work, but everybody wanted it open
22 to everyone, and that's caused a problem.

23 So we need to somehow balance
24 the two, and that's what we're in the
25 process of doing.

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2 COUNCILWOMAN SANCHEZ: In

3 addition to the copies that Otis is
4 providing us on the L&I protocols, I'd be
5 interested to see what the Police -- you
6 said you put a packet together. Because
7 this isn't rocket science and it doesn't
8 have to be as complicated as it's become,
9 and part of the reason it's become
10 complicated is because we've allowed some
11 loopholes. And obviously the industry is
12 ahead of us on this, but to me it would
13 appear that if we did a basic script on
14 an accident scene, assuming we tweaked
15 the legislation to institute the law
16 quicker, can we do that locally or is
17 that at the state, on the accident scene
18 on the towing rotation? Is that an
19 amendment that would have to go on
20 Rizzo's initial legislation?

21 DEPUTY MAYOR GILLISON: Yes.

22 That would have to be -- it's a local
23 ordinance, so it would be within the
24 power of City Council to act on.

25 COUNCILWOMAN SANCHEZ: So one

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2 of -- that's one of the things being
3 reviewed right now.

4 DEPUTY MAYOR GILLISON: There's
5 a lot of different things that we're
6 reviewing. There's a lot of suggestions,
7 and I think that we're all working
8 together to try and improve the program
9 in order to make sure whatever we do, it
10 answers the problem and it answers the
11 questions that are out there. And we
12 always have to kind of look at the law of
13 unintended consequences as well to kind
14 of think through.

15 The good thing is, we've had
16 some experience now and we can see how to
17 tweak this and how to -- or make some
18 changes that, in a major way, will help
19 us get to where we need to go. But I
20 think that we need to just continue to
21 work together to get there.

22 COUNCILWOMAN SANCHEZ: Okay. I
23 have some additional questions, but I'll
24 let my colleagues and I'll come back.

25 COUNCILMAN RIZZO: Point of

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2 information.

3 COUNCIL PRESIDENT VERNA: The
4 Chair recognizes Councilman Rizzo for a
5 point of information.

6 COUNCILMAN RIZZO: I just want
7 to go back a few years. When we first
8 initially passed this legislation in '05,
9 it was very, very stringent. Matter of
10 fact, there were requirements for
11 storage. To become eligible for the
12 rotational towing system was very, very
13 stringent. You really had a guideline
14 that you had to follow to even become
15 eligible. But because we did not want to
16 knock out a lot of people that were in
17 this industry, many of my colleagues said
18 please could we amend this legislation to
19 allow everyone to be involved, and,
20 again, I think that that also was a
21 mistake, that we allowed too many people
22 without the appropriate credentials to
23 become part of this program.

24 One of the other things people
25 have asked is the fact that there is no

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2 flow for a person that would like to file
3 a compliment or a complaint. To this
4 day, if I had to tell someone who do they
5 call if they feel as though they were
6 abused by a tower, who do they call?

7 DEPUTY MAYOR GILLISON: 311.

8 COUNCILMAN RIZZO: Who do they
9 call, Deputy Mayor?

10 DEPUTY MAYOR GILLISON: 311.

11 COUNCILMAN RIZZO: 311?

12 DEPUTY MAYOR GILLISON:

13 Absolutely.

14 MR. HAIGLER: And that's
15 information that's in our packet as well.
16 If there are any complaints related to
17 towing, they're directed to contact 311.
18 That would be the resource where they
19 would have the information recorded. Any
20 complaints that would come in would be
21 recorded. They will send it out to the
22 proper agency for response, and they
23 would be given a tracking number so they
24 could follow up on the complaint.

25 COUNCILMAN RIZZO: Could you

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2 for our record tell me -- and if you're
3 not prepared to do it at the moment --
4 how many complaints have we gotten?

5 DEPUTY MAYOR GILLISON: I'm not
6 prepared. I'd have to provide that to
7 the Chair.

8 COUNCILMAN RIZZO: I realize
9 you wouldn't be prepared. That's why I
10 said -- but I would like you to come
11 back, Mr. Haigler, or whoever the
12 appropriate, 311, to let us know how many
13 complaints they've gotten and how they've
14 been adjudicated.

15 Thank you, Madam Chair.

16 COUNCIL PRESIDENT VERNA:
17 You're welcome.

18 The Chair recognizes Councilman
19 Kenney.

20 COUNCILMAN KENNEY: Thank you,
21 Madam President, and thank you to
22 Councilman Rizzo for asking for this
23 hearing and for everyone who is here
24 today, because this issue is, in the
25 scheme of things, probably moderately to

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2 more important than the average issue,
3 because it affects people's consumer
4 rights and public safety, and this issue
5 has been going on for quite some time and
6 it's multi-faceted. It has issues
7 relative to application, to inspection,
8 to qualification, to the establishment of
9 the rotation tow list, to the dispatch,
10 to the list.

11 But, Mr. Haigler, in the end,
12 does L&I mind giving up the application
13 process for tow licensing? Do you have
14 some other buildings that may be
15 teetering or tottering or other issues
16 you may want to deal with rather than
17 inspecting -- or taking applications for
18 tow truck licenses? Because we've had
19 these discussions before, and L&I has
20 been very clear that they don't mind
21 giving it up.

22 MR. HAIGLER: I'm not at
23 liberty to discuss what the Department --

24 COUNCILMAN KENNEY: What we
25 talked about before?

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2 MR. HAIGLER: -- will or will
3 not do. It's above my pay grade.

4 COUNCILMAN KENNEY: Why don't
5 you nudge the guy to your right and see
6 if he's at liberty. We've had these
7 discussions.

8 DEPUTY MAYOR GILLISON: We have
9 had this, Councilman --

10 COUNCILMAN KENNEY: We
11 recognize the length and breadth of the
12 issues facing L&I, and licensing tow
13 trucks seems to be kind at the bottom of
14 the pile.

15 DEPUTY MAYOR GILLISON:
16 Councilman, as you know, we've had a lot
17 of discussions about where we're going to
18 come out on this and where we end up.
19 Whether it's L&I or not, I think it will
20 be part of a general fix on this
21 particular issue.

22 COUNCILMAN KENNEY: Let me ask
23 if you're at liberty, the Police
24 Department on the other side, the
25 right -- check our liberties to see if

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2 we're allowed to answer or not.

3 Truck Enforcement, what is the
4 mission of Truck Enforcement, the main
5 mission of Truck Enforcement?

6 LIEUTENANT HEALY: Highway
7 safety.

8 COUNCILMAN KENNEY: Highway
9 safety. And what are some of the things
10 that Truck Enforcement does to ensure
11 highway safety?

12 LIEUTENANT HEALY: They make
13 sure that the trucks that are operating
14 through Philadelphia are --

15 COUNCILMAN KENNEY: Non-tow
16 trucks.

17 LIEUTENANT HEALY: Pardon?

18 COUNCILMAN KENNEY: Not tow
19 trucks.

20 LIEUTENANT HEALY: All trucks.

21 COUNCILMAN KENNEY. No. I'm
22 saying but --

23 LIEUTENANT HEALY: Oh,
24 non-trucks? The weight class, make sure
25 they're properly weighted, not

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2 overweighted in some form.
3 COUNCILMAN KENNEY: Safety
4 issues on the trucks themselves?
5 LIEUTENANT HEALY: All safety
6 issues.
7 COUNCILMAN KENNEY: Mud flaps?
8 LIEUTENANT HEALY: Right.
9 COUNCILMAN KENNEY: Appropriate
10 lighting, covers for the debris on the
11 demolition trucks, all those kind of
12 things?
13 LIEUTENANT HEALY: Correct,
14 everything.
15 COUNCILMAN KENNEY: Do you know
16 the average fine for an overweight truck?
17 LIEUTENANT HEALY: I don't
18 know.
19 COUNCILMAN KENNEY: I've
20 heard --
21 LIEUTENANT HEALY: It goes by
22 weight.
23 COUNCILMAN KENNEY: I've heard
24 some of the numbers and they're pretty
25 astounding. I was surprised at how high

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2 they are. I've heard anywhere from 8 to
3 10 to 12 to 15 thousand dollars a stop.

4 LIEUTENANT HEALY: I don't know
5 particularly. I know they go up by
6 class, just like a speeding ticket goes
7 up by how fast you're driving.

8 COUNCILMAN KENNEY: But they're
9 pretty substantial fines.

10 LIEUTENANT HEALY: They're very
11 substantial.

12 COUNCILMAN KENNEY: How many
13 people are in Truck Enforcement?

14 LIEUTENANT HEALY: I don't
15 know. I can get back to you on that.

16 COUNCILMAN KENNEY: I think
17 there's eight.

18 LIEUTENANT HEALY: There's not
19 a lot.

20 COUNCILMAN KENNEY: Eight or
21 ten.

22 Do you know what percentage of
23 time the members of Truck Enforcement
24 spend inspecting the safety of tow trucks
25 in the City?

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2 LIEUTENANT HEALY: I believe
3 they do it annually when the new
4 licensing. How long that takes? A
5 couple weeks, I believe.

6 COUNCILMAN KENNEY: Percentage,
7 what percentage of their time?

8 LIEUTENANT HEALY: I don't
9 know.

10 COUNCILMAN KENNEY: But is it
11 safe to say that if they weren't doing
12 that, they would be out weighing and
13 inspecting trucks on the highway?

14 LIEUTENANT HEALY: There's an
15 opportunity, yeah, of course.

16 COUNCILMAN KENNEY: If they
17 didn't have that role to play, they would
18 be out on the highway potentially writing
19 10, 15 thousand dollar fines as opposed
20 to inspecting tow trucks.

21 LIEUTENANT HEALY: Potentially,
22 yes.

23 COUNCILMAN KENNEY: The
24 implementation and creation of the
25 rotation system and the dispatch, again,

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2 is something that comes down to the
3 ability for us to appropriately provide
4 the personnel. Right now the dispatch of
5 a rotation tower to an accident scene is
6 done by whom?

7 LIEUTENANT HEALY: Police
8 radio.

9 COUNCILMAN KENNEY: 911?

10 LIEUTENANT HEALY: Correct.

11 COUNCILMAN KENNEY: And how
12 many folks in 911 are assigned to
13 dispatch tow trucks to accident scenes?

14 LIEUTENANT HEALY: Well, no one
15 is specifically assigned. It's the
16 divisional dispatcher. So the wheels are
17 broken up by division. So if you're in
18 the East Division, it would be whatever
19 is on that wheel to dispatch or just look
20 up the next name, and if you're
21 dispatching an accident, you'd also now
22 dispatch that, too.

23 COUNCILMAN KENNEY: Who makes
24 the telephone call?

25 LIEUTENANT HEALY: Pardon me?

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2 COUNCILMAN KENNEY: Who makes
3 the phone call?

4 LIEUTENANT HEALY: The
5 dispatcher.

6 COUNCILMAN KENNEY: So the
7 dispatcher gets the information, picks up
8 the phone, dials the tow company?

9 LIEUTENANT HEALY: Correct.

10 COUNCILMAN KENNEY: Gives them
11 the information, whatever information
12 they take back, and dispatches the truck?

13 LIEUTENANT HEALY: Correct.

14 COUNCILMAN KENNEY: Why?

15 LIEUTENANT HEALY: That's the
16 system we have.

17 COUNCILMAN KENNEY: Does it
18 seem, considering the volume of calls
19 that 911 receives in a year, that I
20 should have anybody from any divisional
21 desk taking a telephone and calling a tow
22 truck to send it to an accident scene?
23 Does it seem the best use of that
24 dispatcher's resources?

25 Deputy Mayor Gillison?

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2 DEPUTY MAYOR GILLISON: I would
3 suggest that the answer to that question
4 is, it's part of the efficiencies of what
5 we do in the Department. I mean, a
6 dispatcher is going to have to make a
7 call, and whether we call one person or
8 call three people, we're there to do the
9 job.

10 And so I understand the point
11 should a dispatcher make the call to a
12 tow truck or should it maybe go to
13 another person or party.

14 COUNCILMAN KENNEY: I'm not
15 even suggesting where it should go. I'm
16 just asking --

17 DEPUTY MAYOR GILLISON: Right.
18 It's just part of getting the job done.

19 COUNCILMAN KENNEY: -- from a
20 stretched city's resources, a stretched
21 L&I and a stretched 911 system, wouldn't
22 I want to maybe move those items
23 somewhere else? I'm not saying where in
24 government, because I don't want to bring
25 up the dreaded words, but I just want to

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2 say somewhere else in government so that
3 a busy East Division desk on a Saturday
4 night, one or two dispatchers are not
5 making telephone calls to tow truck
6 operators. That seems reasonable?

7 DEPUTY MAYOR GILLISON: We're
8 always open to trying to find
9 efficiencies anywhere and everywhere, and
10 that would be something we can also talk
11 about.

12 COUNCILMAN KENNEY: But
13 let's -- these are the administrative and
14 enforcement issues relative to getting
15 into the system. Let's get into what the
16 system and the argument is all about,
17 because since we started this whole trek
18 in dealing with this new iteration of
19 legislation, I've come to the conclusion
20 that the main argument, the main rub, has
21 very little to do with L&I or the Police
22 or the rotation list. It has to do with
23 the storage of vehicles. It comes down
24 totally to the storage of vehicles, and
25 that's where the rub is. And the problem

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2 with the storage of vehicles is where the
3 issues relative to the damage to the cars
4 take place.

5 Now, I just want to read a
6 letter that was a response to Councilman
7 Rizzo's inquiry, I assume, relative to
8 this resolution from GEICO. It's dated
9 October 22nd. It says, Dear Councilman
10 Rizzo, I am writing on behalf of the
11 GEICO group of companies regarding this
12 resolution.

13 GEICO is the sixth largest
14 private passenger auto insurer in
15 Pennsylvania and the third largest in the
16 country. Because collision tows are
17 typically insured losses, we have a great
18 deal of familiarity with towing concerns
19 and abuses in Philadelphia.

20 While towing expenses are often
21 initially paid by insurers, consumers
22 ultimately bear the brunt of excessive
23 fees in the form of higher premiums. We
24 applaud the Council's ongoing efforts to
25 protect Philadelphia consumers by

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2 establishing fair and effective
3 regulation of city towing.

4 GEICO's concerns -- and I won't
5 read them all, but I'll read the one that
6 popped out at me the most.

7 GEICO's concerns of proposed
8 remedies are outlined below.

9 The current ordinance 9-605 is
10 commonly ignored by Philadelphia towers
11 due to non-enforcement. Towers regularly
12 engage in on-site solicitation in
13 violation of this code.

14 This is the most important
15 section for me.

16 Towers regularly charge storage
17 fees that exceed the \$25 limit under this
18 code. In an internal survey of tows
19 GEICO paid during the last two months, 93
20 percent of the tow bills reviewed
21 included excess storage fees, averaging
22 44 percent above the legal maximum.

23 This is what it is. This is
24 what this whole conversation is about.
25 It is about who gets the car. Because we

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2 have a system that does not require a
3 specified location to take the car, it's
4 wide open. I have compared it in many
5 ways to tuna fishing on the Pacific. The
6 tuna boat goes out and the tuna boat
7 picks up a nice new Lexus that's smashed
8 up on the drive and now we take the tuna
9 around and we sell it to the highest
10 restaurant, the highest body shop. If
11 the car is required -- I don't care what
12 the rotation system looks like. I don't
13 care who inspects the trucks. If the car
14 is required to be taken to an impoundment
15 lot controlled by the government, then
16 the pristine nature of the car in its
17 condition, damaged or not, will be
18 insured. Therefore, we will have no
19 overcharging fees for storage, we will
20 have no charges to the consumer, which of
21 the 93 percent of the overcharges, towers
22 regularly charge for incidentals,
23 fabricated to inflate the tow charges.
24 In the recent tow surveys by GEICO, 90
25 percent included an administrative fee,

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2 56 percent included a winching fee, 49
3 percent included a gate fee, 19 percent
4 included a garage keeper fee. So all of
5 these fees that are being applied in the
6 private sector, in a
7 government-controlled system of
8 controlling the car will no longer be
9 charged, or at least we can as a Council
10 control what they can and cannot charge.
11 I believe in a system like that where we
12 inspect, vet, we take the application, we
13 vet the applicant, we inspect the truck,
14 whoever does it, and then we demand where
15 they take that car I think in the end
16 serves the consumer and it serves
17 everybody who has not been in an accident
18 because their insurance rates are going
19 to go up.

20 Now, this is from GEICO.

21 Unless that little green gecko works for
22 the Parking Authority, which I would have
23 to confirm that he doesn't because I'm
24 not sure, possibly he could, but
25 considering that, but unless the gecko

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2 works for the Parking Authority, this is
3 a pretty clear indictment of the system
4 that we're dealing with now. It is
5 inflated, overcharged and gouging, and it
6 serves no one. And the real problem here
7 in the whole debate, last week and this
8 week, has to do with the storage of the
9 car. It's got -- around the edges there
10 are issues relative to licensing and
11 inspection and who does that and who does
12 the application and how much the fees
13 are, but the bottom line is, the value is
14 in the vehicle, and unless we control
15 where the vehicle goes and who it's
16 released to, this problem will never be
17 resolved and we'll have wreck chasing
18 forever.

19 Thank you, Madam President.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 The Chair recognizes
23 Councilwoman Miller.

24 COUNCILWOMAN MILLER: Thank
25 you. Thank you, Madam Chair.

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2 I'm actually going to ask some
3 questions about rotation towing, because
4 that's what the hearing is about, because
5 I think that's where it starts. I mean,
6 if there's a problem with rotation towing
7 and then wherever the car ends up, such
8 as in Councilman Kenney's bill, we need
9 to -- I think the purpose of the hearing
10 is to take a look at the rotational
11 towing issues and how we can make them
12 better.

13 Deputy Mayor Gillison, I have a
14 question, because I think that some of
15 this is an assumption that everybody
16 knows what the problems are with the
17 towing industry, and we all don't. And
18 in your testimony, your last sentence
19 states that, "We know certain tow
20 operators fail to accept credit cards for
21 payment, fail to provide safe and secure
22 storage," and I understand that.

23 Does the lack of -- does their
24 inability to accept a credit card, what
25 does that indicate about the tower? I

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2 mean, is this a convenience or does it
3 impact public safety?

4 DEPUTY MAYOR GILLISON: Well,
5 actually, public safety can be impacted
6 in two ways. One is that if there is
7 a -- if they don't accept credit card
8 payments, it goes to the nature of the
9 business and the permanency, quite
10 frankly, of the business. So it's one of
11 the things that we use as a criteria or
12 at least just finding some insight into
13 how to judge the business that we're
14 dealing with.

15 So it is a convenience, but it
16 also can tell you a lot more about the
17 business, and I know that that's part and
18 parcel of the evaluation that L&I does.
19 It's part and parcel of the evaluation
20 that we're looking at to see how we can
21 help make some changes to require certain
22 additions. So it's not just convenience,
23 but it also impacts safety overall.

24 COUNCILWOMAN MILLER: Okay. Is
25 your mike on?

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2 DEPUTY MAYOR GILLISON: Yes, I
3 believe it is. I can talk closer to it.

4 COUNCILWOMAN MILLER: That's
5 better, much better. Okay.

6 And this question, I guess, is
7 either for you or for L&I. Can you
8 explain the current process that a tow
9 truck company has to go through in order
10 to get on the rotational list?

11 DEPUTY MAYOR GILLISON: I
12 believe that Mr. Haigler explained that
13 and he actually passed out the packet.

14 COUNCILWOMAN MILLER: I have
15 that.

16 DEPUTY MAYOR GILLISON: That
17 pretty much details everything that they
18 have to do.

19 COUNCILWOMAN MILLER: It's good
20 when we get it, but if we get it during
21 the course of the hearing, you don't
22 really have time to read it.

23 DEPUTY MAYOR GILLISON: Okay.

24 MR. HAIGLER: I'll be happy to
25 explain it again. It's not a problem.

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2 Anybody desiring to be on the
3 rotational list, they contact our
4 department. If they're a licensed tower,
5 they are given a packet. In that packet
6 includes the application. They have to
7 complete the application. And also
8 within that packet includes the consumer
9 bill of rights. That's a requirement
10 that's in the regulation that they have
11 to be given that.

12 They also are given a letter
13 from the Commissioner detailing what the
14 requirements are for rotational towing,
15 that there are six rotational towing
16 areas, that you can be placed on four
17 lists, but the list that you're on, it
18 has to be contiguous, where if you are on
19 a list, it has to be right next to
20 another area. It can't be one area of
21 the City and then all the way to the
22 opposite end of the City on another list.

23 They're given requirements. In
24 that packet it also includes what the
25 fees are, what the fees are you're

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2 allowed to charge for towing, as well as
3 storage. Other requirements are in that
4 packet. There's frequently asked
5 questions, a fact sheet in there as to
6 certain questions that might be asked and
7 some of the answers to those questions.
8 It's pretty comprehensive.

9 COUNCILWOMAN MILLER: Okay.

10 MR. HAIGLER: And we check to
11 see whether or not, once you complete the
12 application, you have to -- there's a
13 place on there for your business license
14 number. We check to see whether or not
15 that is a valid business license number.
16 And there was questions that were asked
17 before about taxes and those types of
18 issues. We coordinate with the Revenue
19 Department to make sure that the taxes
20 are taken care of or at least you have an
21 agreement to take care of the taxes at
22 the time of the application.

23 COUNCILWOMAN MILLER: So last
24 week when we had our hearing, I know that
25 you've broken the City down into, I'll

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2 just use the word, zones. If you only
3 have one tow truck, can you be on the
4 list, and if you are, does it mean that
5 you can only tow within a certain zone?

6 MR. HAIGLER: Yes. Yes and
7 yes.

8 COUNCILWOMAN MILLER: All
9 right. Good.

10 About how many accidents do we
11 have a day?

12 MR. HAIGLER: What's that
13 again?

14 COUNCILWOMAN MILLER: About how
15 many auto accidents do we have a day that
16 needs a tow?

17 DEPUTY MAYOR GILLISON:
18 Councilwoman, we would have to get back
19 to you on the approximation, but we feel
20 that it's about 700 accidents thus far in
21 the last ten months. So we'd have to do
22 just an approximation to see what that
23 comes down to.

24 COUNCILWOMAN MILLER: I just
25 ask that question because last week when

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2 people were in, they said -- some people
3 said they hadn't been called, and I
4 believe some towers were called more
5 frequently, a lot more frequently than
6 others, and with 87 folks on the list,
7 then I was wondering why some people
8 never got called.

9 LIEUTENANT HEALY: Ma'am,
10 Lieutenant Healy from the Police
11 Department. If I could answer that very
12 quickly. I asked that very same question
13 this morning to some of my radio folks,
14 and basically the answer is this:
15 There's 87 people, but they're not all on
16 the same list. Some wheels are six
17 wheels around the City, just like there
18 are divisions, six police divisions. The
19 wheels correspond with every geographical
20 police division.

21 Some wheels may have 20 on
22 them, some may have ten. The bottom
23 line, some may have 60. Depending upon
24 what wheel you're on, it depends on how
25 often you're called. And, more

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2 importantly, I asked, Well, what
3 happens -- you have to understand,
4 there's a time limit of them to respond
5 in 20 minutes. That's part of -- you
6 want to be part of the program? There's
7 no restrictions, no limitations. If you
8 have a tow license, all you do is fill
9 out the application and you're on the
10 list. There's no additional requirements
11 other than you're promising that you'll
12 show up within 20 minutes. We need you
13 to show up in 20 minutes. Basically you
14 promise that, you're part of the program.

15 The problem is sometimes when
16 we call, if we get a voice mail or if we
17 don't get -- if it rings a certain number
18 of times, we hang up and go to the next
19 one. This is a public service emergency,
20 so we can't sit here and leave messages
21 for people. So a lot of times these
22 people on the list, if they're smaller
23 players and if they don't have a live
24 person answering the phone, that could go
25 to their detriment. So if I don't get a

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2 live person, I need a tow truck en route,
3 I'll go right to the next person on the
4 list if you don't answer.

5 So that's the reason why some
6 people have been passed. And what I just
7 asked this morning, I said, is there a
8 possible way to let me know how many
9 times certain people have been passed
10 over and for what reasons.

11 So I'm trying to get that
12 report now to figure out -- so I do agree
13 there's some problems, but if you're on a
14 list with 60 people or 30 people, your
15 likelihood of being called is less than
16 if you're on a smaller list. And some
17 people that are on a list may have four
18 and five trucks, so they can respond
19 quicker and they get more jobs.

20 So it's not a perfect system,
21 and that's where we're trying to fix the
22 wheel. The wheels are really too
23 unwieldy right now to actually manage,
24 and that was some of the problems when we
25 initially started the program, but we

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2 opened it up and it's time to tweak it
3 and it's time to fix it and make it
4 better. But the bottom line, originally
5 everybody wanted to be -- it should be
6 open to everyone and anyone who has a tow
7 license should be able to participate,
8 but we're seeing from experience that's
9 not necessarily the most efficient model.
10 So we're looking to balance the
11 efficiency with the right of the business
12 owners to participate, and that's what
13 we're trying to work out now.

14 COUNCILWOMAN MILLER: Okay.

15 Well, that's why I asked the question,
16 because I want to thoroughly understand
17 the actual problem. So I'm glad for your
18 explanation. Thank you.

19 What is the penalty if, say, a
20 driver just doesn't show up? You've
21 called him, they've responded and they
22 don't show up. Are there any penalties?

23 LIEUTENANT HEALY: According to
24 the program, you can be dropped from the
25 rotational tow program. That's part of

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2 the administrative stuff that L&I would
3 actually be responsible for. We would
4 notify them. They would give them a
5 warning letter, and that is an
6 administrative burden. But they could be
7 dropped from the rotational list. That's
8 a penalty.

9 MR. HAIGLER: And if it's three
10 infractions, I believe -- I think that's
11 what the criteria is, if there's three
12 infractions, then they're removed from
13 the list.

14 COUNCILWOMAN MILLER: Okay.
15 That's it. Thank you.

16 Thank you.

17 COUNCIL PRESIDENT Verna:
18 You're welcome.

19 The Chair recognizes Councilman
20 Jones.

21 COUNCILMAN JONES: Thank you,
22 Madam President.

23 Still morning. Good morning.

24 DEPUTY MAYOR GILLISON: Good
25 morning.

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2 MR. HAIGLER: Good morning.

3 COUNCILMAN JONES: We have a
4 reality TV show called, what is it,
5 Parking Wars, and I saw something on
6 Lifetime with wreck chasers, Scavengers,
7 or something like that. There's no
8 reality TV show being planned for tow
9 truck drivers, is there?

10 AUDIENCE MEMBER: Yes.

11 COUNCILMAN JONES: There is?
12 There actually is?

13 AUDIENCE MEMBER: I can't wait.

14 COUNCILMAN JONES: This is
15 amazing to me.

16 So this has obviously captured
17 the imagination of not just this Council
18 but a wide audience of viewers. But I
19 have a couple of questions.

20 In the process of the rotation,
21 it's my understanding that from time to
22 time a tow truck driver will be on the
23 scanner and then jump ahead. What is the
24 penalty and/or fine for doing that
25 infraction, jumping ahead of somebody,

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2 getting to the scene before the actual
3 rotation driver is there? Is there a
4 penalty?

5 DEPUTY MAYOR GILLISON:
6 Councilman, Everett Gillison, Deputy
7 Mayor for Public Safety.

8 There's two things in order to
9 answer your question. One, you have to
10 remember that it has to be part of the
11 rotational tow first. So that
12 determination currently has to be made on
13 the scene by the officer.

14 If it is a rotational tow and
15 someone tries to, quote/unquote, jump in
16 and take the vehicle over top of that,
17 that is about a thousand-dollar fine that
18 can be written up at the time and to be
19 given at that point. But the issues that
20 we detailed earlier about trying to
21 figure out whether or not once the
22 officer gets to the scene, securing the
23 scene, determining whether it is a
24 rotation tow, all of those other things
25 have to be addressed before we could

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2 actually get to that point.

3 COUNCILMAN JONES: So how many
4 fines were issued last year?

5 DEPUTY MAYOR GILLISON: I don't
6 believe there have been any, but I will
7 have to ensure. But from what I
8 understood, I do not believe that there
9 were -- there was not one that was
10 written.

11 COUNCILMAN JONES: That piques
12 my interest as to why. I mean, we tend
13 to do this, we put laws on the books that
14 we don't or can't or won't enforce, which
15 suggests to me that we need to look at
16 that particular aspect of it. And then
17 the question I have is, does the state
18 have any mirroring regulations regarding
19 tow truck drivers in the other counties
20 around the state? Does the state govern
21 this at all?

22 DEPUTY MAYOR GILLISON: The
23 state regulates different aspects of what
24 goes on here in Philadelphia. I mean,
25 obviously you know that the state is the

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2 one that provides towing off of 76 and
3 the highways.

4 COUNCILMAN JONES: Has anybody
5 analyzed their regs and how closely do we
6 mirror what they do in the surrounding
7 counties? Has there been an analysis of
8 that?

9 DEPUTY MAYOR GILLISON: I am
10 not aware. No. I'm not aware.

11 COUNCILMAN JONES: That would
12 be number two issue I'd like this body to
13 at least get some information on.

14 And has anyone done an analysis
15 of -- and I think -- let me just first go
16 on the record saying that not just
17 because of the reality TV shows, but the
18 reality of everyday citizens having to
19 deal with this, that this is a good
20 process, no matter how painful it is to
21 go through all these hearings, but out of
22 it may come some good.

23 But I'd like to know, has an
24 analysis been done on the cost benefit of
25 all of these proposed changes from one

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2 side to the other, from a private sector
3 kind of addressing of a consumer need of
4 tows to a more regulated analysis by the
5 Parking Authority? Who wins? Who loses?
6 And what does the treasury of the City of
7 Philadelphia stand to gain?

8 If you look at that we have a
9 law on the book that says that if someone
10 jumps ahead of another person, that's a
11 thousand dollars and we're not collecting
12 it, what does this mean? Any of these
13 shifts have a budgetary impact from who
14 has to enforce it, who is employed to do
15 so and who loses a job in the private
16 sector? Has anybody kind of looked at
17 that to determine where these shifts will
18 have us?

19 DEPUTY MAYOR GILLISON: That's
20 all a part of the analysis that we are
21 doing and have been vetting with not only
22 members of Council but also internally to
23 see how what any changes, from increased
24 training to increased MDT, MDT sending
25 them out from both Police and Fire, what

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2 the various costs are of doing something
3 like that, what is the cost of changing
4 some of the regulations. I mean, we
5 really wanted to take a comprehensive
6 look at how to get it done, what's the
7 cost, what's the benefit to the City and
8 where do you come down in trying to
9 improve the situation that where we are
10 at present.

11 So, yes, we are doing that.

12 That's why there hasn't been an
13 immediate, quote/unquote, fix put in.
14 It's really more of a deliberative
15 process that we are engaging in and
16 engaging with partnerships all over.

17 COUNCILMAN JONES: So number
18 one is service to the public.

19 DEPUTY MAYOR GILLISON:
20 Absolutely. And the public safety.

21 COUNCILMAN JONES: Safety of
22 the public.

23 DEPUTY MAYOR GILLISON:
24 Absolutely.

25 COUNCILMAN JONES: But also as

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2 we start to peel the layers of -- and I
3 think Councilman Kenney said it best,
4 that it's a multi-layered issue. One of
5 those layers is where following the money
6 and the change, cause and effect, of
7 where those dollars wind up is something
8 I'd be interested in taking a look at.

9 DEPUTY MAYOR GILLISON: And so
10 will we. We'll share everything that
11 comes up obviously, and we thank you very
12 much.

13 COUNCILMAN JONES: Do you have
14 a timetable for that analysis?

15 DEPUTY MAYOR GILLISON: We are
16 trying to move as quickly as possible. I
17 know that there's a lot of suggestions
18 that we've made to various parties, and
19 I'm hoping to continue that discussion.
20 I don't have a set timetable. There are
21 some hurdles to any of this. It is
22 complex, but the sooner that we can
23 resolve this, the better for all of us, I
24 believe.

25 COUNCILMAN JONES: Thank you,

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2 Madam President.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 The Chair recognizes
6 Councilwoman Brown.

7 COUNCILWOMAN BROWN: Thank you,
8 Madam President.

9 Good morning, gentlemen.

10 DEPUTY MAYOR GILLISON: Good
11 morning.

12 COUNCILWOMAN BROWN: Much
13 discussion has been given to the rotation
14 process. I'm curious to know about where
15 many of these cars ultimately land, where
16 they get stored, of which Councilman
17 Kenney gave great detail. So to Curtis
18 Jones' recommendation, has any analysis
19 been done to see what percentage of the
20 89 actually own the lots where they're
21 taking these cars?

22 DEPUTY MAYOR GILLISON: I don't
23 know that offhand, Councilwoman, but --

24 LIEUTENANT HEALY: Very
25 quickly, the answer is no. The

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2 requirement of having a lot was taken
3 away from the initial design of this
4 program. So you don't need a lot. I
5 mean, you could contract with someone or
6 theoretically you could put it in front
7 of an auto body shop. Therein lies some
8 of the problems that we see.

9 COUNCILWOMAN BROWN: Yes. So
10 you go exactly to where I'm headed, and,
11 that is, there may be indeed different
12 incentive for those who own the lots and
13 how they treat their customers that they
14 see, consumers that they have out or meet
15 out on the street, and those who don't
16 have lots who are inspired for a
17 different set of reasons, if you will,
18 for the consumers that they're dealing
19 with.

20 So I think in the analysis,
21 that would be useful to know, useful to
22 know that information, number one. And,
23 number two, what requirements exist for
24 those lot owners, given the list of fees
25 that persons are charged? Are those fees

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2 universal? Are they uniform across the
3 system of the 89?

4 LIEUTENANT HEALY: Well, the
5 fees, when you're taken as part of this
6 program, are set by statute. Now, here's
7 the problem: The statute takes effect
8 theoretically when a car is blocking a
9 sidewalk or a highway, but if no one is
10 there to figure out whether or not it's
11 actually blocking it, who makes that
12 determination? It's the police officer
13 when he gets there.

14 Now, if a tow truck gets there
15 before I do, police officer, and takes it
16 and pushes it off to the side, I get
17 there, the car is not blocking the
18 sidewalk, then it's now a consensual
19 situation that the tow fees and the
20 situation, all those exorbitant fees,
21 that's a private contract between a
22 businessowner and a person that the City
23 has no right to deal with. That's why we
24 have the rotational system. It's a
25 public emergency service, and based upon

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2 that is the only reason why we can
3 legally set fees. So that's why we want
4 cars in these situations to be
5 incorporated or encapsulated into this
6 program to protect the consumer, but it
7 also helps the police officer clear the
8 scene as quickly as possible.

9 COUNCILWOMAN BROWN: Sure.

10 Sure. And to further protect the
11 consumer, it's useful to know if where
12 they're taking the car, if they have an
13 L&I license, do they have insurance, are
14 they bonded, or are they just a shoddy
15 operation and everything that comes with
16 that.

17 LIEUTENANT HEALY: Originally
18 the vision of this program, we modeled it
19 on the recovered stolen auto program,
20 which has lot requirements, lot size
21 requirements, insurance requirements, for
22 that very same reason. If someone's car
23 gets stolen, we recover it, we put it in
24 a secure lot so it doesn't get re-stolen,
25 vandalized more. So we put it in a

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2 secure lot. To be a member of that
3 program, you have to have all of those
4 requirements, which are above and beyond
5 just a tow license. That's what we
6 wanted originally here, but what it did
7 is, it cut out too many small players,
8 and we understood that and we tried to
9 come up with a happy compromise, and it
10 just didn't sell. So we basically opened
11 the door to everyone, and what we're
12 seeing now is that we need to re-tweak
13 that. And I think administratively
14 through the Deputy Mayor's office, we're
15 going to revisit that idea, but I'm sure
16 many of the small players that get cut
17 out will be calling you and your --

18 COUNCILWOMAN BROWN: So then
19 the further challenge of the team of you
20 all that work this magic, so to speak, is
21 to figure out a common ground where you,
22 for those small players that are doing
23 the right thing, trying to feed their
24 families, that they are kept whole while
25 we deal with the rotten apples. And so

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2 enforcement, I think, becomes a factor in
3 this as well. Like of those lots where
4 these cars are taken, what enforcement,
5 what review is done of those lots to
6 ensure that on every four year -- we have
7 to renew our license every four years.
8 Are they looked at every four years to
9 make sure they're in compliance? I don't
10 know the answer to that, but those type
11 of oversight operations, it seems to me
12 based on what I'm learning, have to be
13 instituted to get rid of the bad apples.

14 DEPUTY MAYOR GILLISON:

15 Councilwoman, you've hit on a number of
16 matters that are correct, and we agree
17 with you, and that's why this entire
18 process is one that requires us to make
19 sure that we anticipate where we want to
20 go and what we're trying to do and, at
21 the same time, balance the various
22 interests that are going on here. So we
23 agree.

24 COUNCILWOMAN BROWN: Okay. So

25 then let me underscore, while we look

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2 very carefully at the rotation part of
3 this equation, let's also look at where
4 these cars are ending up --

5 DEPUTY MAYOR GILLISON: Very
6 well.

7 COUNCILWOMAN BROWN: -- to
8 ensure that they are legitimate and
9 honoring whatever you have in place
10 around standards, et cetera.

11 DEPUTY MAYOR GILLISON: We
12 agree.

13 COUNCILWOMAN BROWN: Thank you.
14 Thank you, Madam President.

15 COUNCIL PRESIDENT VERNA:
16 You're welcome.

17 The Chair recognizes Councilman
18 Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Madam President.

21 Just quickly, and I want to
22 follow on the line of questioning and
23 some of the comments that Councilman
24 Jones and Councilmember Brown made.
25 Again, I don't want to get into another

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2 piece of legislation, and I won't, but at
3 this point now, we don't have the
4 wherewithal to inspect those private lots
5 and to make sure that they're doing what
6 they're supposed to be doing, and in an
7 effort to be as expansive as possible in
8 who could be on the rotation tow, we
9 unwittingly let ourselves in or expanded
10 the opportunities for these people who
11 don't have lots to take these cars
12 directly to body shops. And understand
13 the body shop dynamic, and it varies
14 based on the age of the car, the luxury
15 value of the car, whether the car is good
16 for parts, whether the car is good for a
17 good insurance settlement. You take a
18 pretty expensive luxury car to a body
19 shop, you're going to get 15, 2 thousand
20 dollars cash for the get-go of that, so
21 that that person ensures that that body
22 shop gets that car and does that
23 insurance fee, does that insurance claim
24 and gets paid. So it's not just the \$25
25 a day.

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2 On the older cars where the car
3 may be not worth as much as a Lexus or
4 Mercedes or BMW, but it's a car that is
5 needed for parts and it may be
6 underinsured, so the car only has minimum
7 liability insurance. So the owner has it
8 smashed up, I'm not coming to get it. So
9 in addition to racking up the storage
10 fees, which never may be paid, there's
11 another process after a certain number of
12 months where the lot owner files a piece
13 of paper with PennDOT and winds up owning
14 the car. Now, all of the individual
15 parts of that car are part and parcel of
16 the profit. So, as I said, it's very
17 multi-faceted.

18 My concern with having a
19 secure, consistent storage, whether you
20 like the people, whether you like the
21 entity that's storing the cars or not --
22 and nobody likes them anyway -- at least
23 I know where they are. I know that
24 they're not in the corner being
25 sledge-hammered into another \$5,000 in

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2 insurance damages. I know that they're
3 not being rifled through and ripped off
4 inside the car. I know that when AAA
5 comes or the dealer comes or the
6 appointed body shop person that the owner
7 wants comes, it's going to be released
8 without a fight, it's going to be
9 released without 3, 4 hundred dollars in
10 fees. Because, remember, when the body
11 shop guy has your car and you don't want
12 him to have it and your brother-in-law
13 has a body shop and you send his tow
14 truck to get it, there's like a little
15 battle there. The guy doesn't want to
16 give the car up.

17 I think we can get rid of all
18 of the storage issue by having one entity
19 that's licensed by the government or
20 maybe is the government to do the
21 storage. And as far as -- if my intent
22 of my bill was to get the Parking
23 Authority the world, I would have gave
24 them the towing. I would have got the
25 private people out. But I said, as we

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2 talked when we were developing the
3 legislation, let's keep the private
4 people in so they can do the tow, but
5 they have to take it to one specific
6 consistent place, and that's really where
7 we were and where we are in this. And I
8 know this is a resolution dealing with
9 rotation, but it's all interrelated.

10 As far as the Police are
11 concerned, I feel somewhat sorry for them
12 and sometimes angry at them on the scene,
13 because they're really not given
14 direction that they need to make the
15 decisions, and sometimes they may be out
16 there free-lancing. Who knows. But the
17 point is, I'd rather take that burden
18 away from them so they don't have to make
19 a decision.

20 If you show up on the scene of
21 an accident without being designated
22 there, you're in violation, and that
23 police officer will now know to issue a
24 fine the first time, the second time, and
25 the third time your license is suspended

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2 for six months.

3 There are no fines. There are
4 no ramifications for any of this stuff.
5 I was telling some of my colleagues
6 recently, I was sitting at an
7 intersection at 7th and Packer about a
8 month ago and I saw a blue streak coming
9 from my east to west. It was going --
10 and I'm not a police officer, I can't
11 gauge the speed, but it was going faster
12 than the speed limit, I can tell you
13 that, and it was barreling frighteningly,
14 blew the light at 7th, blew the light at
15 10th. And I was on my way to the Navy
16 Yard, so by the time I got to the Navy
17 Yard, there was an accident with
18 injuries, which means that they monitor
19 fire radio, because MDTs now preclude
20 them listening to the police radio. So
21 when fire radio is dispatched, there's
22 usually an injury.

23 So now I have two blown lights,
24 probably the third blown at Broad Street
25 and a couple blown lights down Broad, and

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2 the truck that was barreling down Packer
3 was sitting there. The officer, to his
4 or her credit -- I'm not sure it was a
5 male or female officer -- had them off to
6 the side and was doing the right thing.
7 But it's just -- it's the wild west. And
8 it's not -- you know, people say this
9 whole issue got raised because people
10 shooting each other and people were
11 killed and arguing over cars. This has
12 more to do with that guy barreling down
13 Packer Avenue than it does about those
14 particular incidences.

15 So I appreciate the
16 Administration's ongoing look at this
17 situation. I appreciate all the
18 Councilmembers' input, but I think at
19 some point in time, we got to do
20 something definitive about this and not
21 bite around the edges anymore.

22 Thanks.

23 COUNCIL PRESIDENT VERA: Thank
24 you.

25 Any other questions from

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2 members of the Committee?

3 (No response.)

4 COUNCIL PRESIDENT VERNA:

5 Mr. Gillison, do you mind waiting until

6 after the hearing, please.

7 DEPUTY MAYOR GILLISON: Not a

8 problem.

9 COUNCIL PRESIDENT VERNA: Our
10 next witnesses?

11 THE CLERK: Ronald W. Kosh,

12 Vice-President, Public and Government

13 Affairs, AAA Mid-Atlantic, please.

14 (Witnesses approached witness
15 table.)

16 COUNCIL PRESIDENT VERNA: Good

17 morning. Kindly identify yourself for

18 the record and proceed with your

19 testimony.

20 MR. KOSH: Hi. Good morning,

21 Madam President and members of City

22 Council. My name is Ron Kosh and I'm

23 Vice-President of Public Affairs for AAA

24 Mid-Atlantic. Councilman Rizzo was

25 gracious in extending us an invitation to

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2 AAA to discuss our position on the City
3 of Philadelphia's rotational towing
4 system.

5 For 110 years, AAA has advanced
6 the interest of motorists. Today, at
7 least one in every three licensed drivers
8 is a AAA member. Here in the
9 Philadelphia five-county region, AAA
10 Mid-Atlantic serves nearly three-quarters
11 of a million members, and in the City of
12 Philadelphia, we have over 50,000
13 households with AAA membership.

14 AAA has long supported adoption
15 of a rotational towing system for the
16 City, with caveats that I will explain.
17 A well-designed and fairly operated
18 rotational system can eliminate the
19 multiple safety and consumer issues
20 inherent in so-called wreck chasing.
21 Safety is a primary concern of motorists
22 in need of assistance and should be for
23 those who respond to their cars, and we
24 believe it is.

25 Had a rotational system signed

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2 into law by then-Mayor Street in January
3 2008 been implemented as intended, the
4 wreck chasing-related incidents that took
5 place this past July would likely never
6 have happened. Clearly, wreck chasing in
7 Philadelphia is a dangerous activity that
8 has continued for whatever reason or
9 reasons.

10 AAA views the creation and
11 proper execution of a rotational towing
12 system as both a safety and a consumer
13 issue. We support a measure that will
14 give structure to the selection of towing
15 companies and to protect the public from
16 predatory and unfair towing practices.
17 Members of the public, including the many
18 AAA members and all those others who have
19 prepared for emergency situations and
20 prepaid for roadside assistance, should
21 be able to use their respective provider
22 in the event that need arises. They
23 should be able to do so as long as their
24 vehicle is not unduly obstructing or
25 impeding traffic and blocking an

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2 intersection. As long as traffic can
3 safely move around a disabled vehicle,
4 drivers should not be forced to use the
5 next tower on the rotation list.

6 AAA believes it is important to
7 protect the motorist consumers by
8 preserving their basic right to determine
9 who tows their vehicle, whether it be by
10 AAA or any other organization or business
11 the motorist may prefer or have
12 pre-engaged.

13 In addition, AAA also wants to
14 be certain that the rights of those
15 towers who provide service as part of a
16 rotational system are protected. If a
17 motorist calls AAA or another similar
18 organization, of which there are many,
19 for emergency roadside assistance and AAA
20 or one of our towing contractors who also
21 happens to be a participant in the
22 rotational system responds, we believe
23 that tower should not be penalized by
24 then being moved to the bottom of a list
25 for responding. Rotational contractors

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2 responding to calls for tows outside of
3 being dispatched from the rotational list
4 should, quote, not lose their place in
5 the line. A tower should not be
6 penalized for responding to a AAA member
7 or other calls for assistance if they
8 indeed were not actually dispatched from
9 the list.

10 We encourage the City of
11 Philadelphia, the Police Department and
12 L&I to implement and properly execute a
13 fair rotational system immediately to
14 protect those stranded motorists who rely
15 on them for assistance.

16 We appreciate the opportunity
17 to present our views. AAA advocates for
18 motorist safety to prevent vehicle
19 crashes, but in the event of a crash, AAA
20 continues to advocate for safety, safety
21 for motorists whose vehicles are disabled
22 and for those who respond to their calls
23 for assistance.

24 I'll be happy to answer any
25 questions you may have.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 The Chair recognizes Councilman
5 Rizzo.

6 COUNCILMAN RIZZO: Thank you.

7 Thanks for taking the time to
8 be with us today. In your testimony, and
9 I'll quote, had a rotational towing
10 system signed into law by then-Mayor
11 Street in January 2008 been implemented
12 as intended, the wreck casing-related
13 incidents that took place likely would
14 not have happened.

15 Could you point out some of
16 the -- and I know you've analyzed this
17 very carefully -- some of the areas that
18 you believe the rotational system has not
19 been implemented based on the legislation
20 that passed and signed by the then Mayor.

21 MR. KOSH: Well, I think the
22 objective obviously was to use a list
23 that for whatever reason -- and a lot, I
24 guess, had to do with the fact that how
25 that dispatching was taking place.

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2 That's now since been addressed by moving
3 off of clear radio onto the MDTs. I
4 think we've addressed that. The Police
5 Department has addressed that very
6 effectively.

7 I think there are still a lot
8 of folks out there who are still
9 operating under the other assumption, and
10 I think it was pretty aptly described by
11 Councilman Kenney a moment ago that
12 people are still blowing lights because
13 they're still finding a way to get that
14 information, whether it's -- since the
15 Police have gone off MDT, they're still
16 getting it off the fire radios, emergency
17 radios. So obviously there's operational
18 issues that I think are being addressed
19 as time goes on. I think we still have a
20 little ways to go there. It's pretty
21 obvious from today's testimony earlier.

22 COUNCILMAN RIZZO: Well, I
23 think today this hearing is putting a lot
24 more ideas out there, and I think that
25 this Administration is committed to

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2 making this work, whether some storage
3 issues need to be changed, but by
4 regulation, many of these problems that
5 are being discussed today can be dealt
6 with, and I think that the tow truck
7 operator that operates his vehicle or her
8 vehicle recklessly needs to be ticketed
9 by the Police Department. Because,
10 again, what Councilman Kenney described
11 is not a unique situation in our city.
12 Tow trucks operate recklessly all the
13 time, and I think once there's some rigid
14 enforcement on that conduct, the Police
15 Department really needs to crack down on
16 these people that are conducting their
17 businesses in this manner. There's a way
18 to get to the scene of an accident if
19 they're called, but going through red
20 lights and driving down the shoulders of
21 roadways recklessly is not the way to do
22 it.

23 MR. KOSH: No disagreement
24 here, Councilman.

25 COUNCILMAN RIZZO: Thank you.

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2 Thank you very much, Madam

3 President. I appreciate it.

4 COUNCIL PRESIDENT Verna: Thank

5 you.

6 Any other questions from

7 members of the Committee of this witness?

8 (No response.)

9 COUNCIL PRESIDENT Verna: Thank

10 you so much.

11 MR. Kosh: Thank you very much,

12 Madam President.

13 COUNCIL PRESIDENT Verna: Our

14 next witness?

15 THE CLERK: The next witness is

16 Jose Giral from Derkas Towing.

17 (Witnesses approached witness

18 table.)

19 COUNCIL PRESIDENT Verna: Good

20 morning. Kindly identify yourself for

21 the record.

22 MR. GIRAL: My name is Jose

23 Giral from Derkas Towing, and I'm here in

24 support of the towing rotation. I think

25 it hasn't had time to completely run

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2 efficiently, but I think it's the right
3 thing to keep in place.

4 I just have a question for the
5 Police Department. Is it okay if I ask a
6 question?

7 COUNCIL PRESIDENT VERNA:
8 Certainly.

9 MR. GIRAL: The towing
10 rotation, it's been in place for about
11 two years right now, right, more or less,
12 right? How long did you go to the MDT?

13 LIEUTENANT HEALY: About three
14 months ago.

15 MR. GIRAL: My question is why
16 they started three months ago when the
17 rotation system was in effect for two
18 years already. That just shows that
19 there are some methods that could be put
20 in place in order to make the program
21 more efficient.

22 COUNCIL PRESIDENT VERNA: Okay.

23 MS. HARRISON: Hi. Good
24 morning. My name is Mikina Harrison, and
25 I have a question. Well, I have a

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2 statement, but first I have a question
3 that I'm not clear on, and it refers to
4 what AAA had just spoke about.

5 We also do roadside service for
6 companies like GEICO and Cross Country
7 and different motor clubs, and I'm not
8 clear on if the law says that we are
9 allowed to tow that car still if it's in
10 an accident and not blocking the road or
11 if we have to forego that tow because a
12 rotational person does it. Is that --
13 I'm not clear on that.

14 COUNCIL PRESIDENT VERNA: Would
15 somebody come up to respond to that
16 question, please.

17 (Witness approached witness
18 table.)

19 LIEUTENANT HEALY: Good morning
20 again. Lieutenant Healy.

21 From my understanding of the
22 question is, if a car is not blocking the
23 sidewalk or the highway, it's not part of
24 the rotational tow program, period. So
25 none of the rules and regulations

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2 applying to this program apply. It would
3 be a consensual agreement between a tower
4 and whoever is involved in the accident
5 or disabled vehicle, and whatever fees
6 and arrangements they made, it's
7 irrespective or outside the scope of the
8 City.

9 COUNCILMAN RIZZO: Point of
10 information.

11 COUNCIL PRESIDENT Verna:
12 Councilman Rizzo.

13 COUNCILMAN RIZZO: Madam
14 President, I want to restate that -- and
15 I appreciate what Councilman Kenney was
16 trying to communicate, but if a car is
17 towed by the rotational tower, it is
18 protected by the rules of the
19 legislation. It's when a car is hooked
20 by other than a rotational tow it's fair
21 game. If one of the rotational towers
22 tows the car, and a tower is here, will
23 be protected by law, fee structure, et
24 cetera; am I right?

25 LIEUTENANT HEALY: Correct.

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2 Correct. That's the heart and soul of
3 the rotational tow system, is to quickly
4 move cars that are creating a public
5 service emergency and quickly move them
6 in an efficient manner, and that's what
7 the rotational tow system is about. The
8 problem with the rotational tow, as I
9 testified, is when does it take place,
10 when does it kick into place. That's a
11 bit of a problem that needs to maybe
12 probably be tweaked.

13 The thing is, for the officer
14 on the street, before he gets there if
15 the cars are moved or drug off to the
16 side of the road and I get there, does it
17 really apply, does the rotational system
18 apply? Technically, theoretically, yes,
19 it does, but how does the officer that
20 comes to that scene enforce that
21 provision? How do I know for a fact that
22 that car was blocking the sidewalk? So
23 what he does, he handles whatever
24 paperwork he has to do and goes on to the
25 next job.

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2 So that's part of the problem
3 with where's the bright line, and that's
4 what the Police Department has done.
5 That's an inherent problem with the
6 statute as drafted. It's a minor
7 problem, but what we've done is, we've
8 taken the very aggressive position of
9 creating that bright line. We now assume
10 that every call that a police officer is
11 dispatched to is a rotational tow. Quite
12 honestly, they're not going to be, and
13 that's a problem. But this way here, at
14 least we got a bright line in the scene.
15 When my officers are dispatched, if
16 someone else other than who is supposed
17 to be there is there, then they're
18 actually in violation. But still, even
19 that's a little bit of a technical flaw,
20 because even though we both get there on
21 scene and the cars are -- everybody has
22 got four wheels and they roll it to the
23 side, I can't then force that tower to
24 take that tow or I can't force the
25 individual to take that tow, because it's

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2 a consensual situation. It's not
3 blocking the sidewalk.

4 So it is not a perfect system.
5 What we've done in the Police Department
6 is a temporary fix until we can come up
7 with a more permanent and solid solution.
8 But we're trying to resolve some of those
9 issues administratively, but they are
10 problematic, and it's problematic for the
11 towers.

12 A lot of these towers will be
13 going on scene and, like I said, if
14 you're the fifth person of the wheel and
15 you've only been called in two weeks, you
16 get called to a tow and it's not a
17 legitimate tow, you don't need to be
18 towed, it's kind of a waste of their
19 time. But right now it's the best way we
20 can do the system until we can work out
21 the bugs.

22 COUNCIL PRESIDENT VERNA: Does
23 that answer your question, dear?

24 MS. HARRISON: Yes.

25 MR. GIRAL: I just have another

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2 statement. I think what's happening is
3 basically what -- the Police Department
4 and L&I are trying to do this by
5 themselves. I think what they need to do
6 is sit down with industry, because I've
7 been in all these meetings and I never
8 sat down with any of these individuals as
9 far as to create something that will
10 work, because without industry input,
11 nothing is going to work.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 MR. GIRAL: And by that I mean
15 that maybe these guys should put together
16 a task force with Police Department, L&I,
17 Managing Director's Office and also
18 industry to try to resolve some of these
19 issues, because they've been resolved in
20 other places, similar issues.

21 LIEUTENANT HEALY: If I may
22 very quickly, when this legislation was
23 first passed, Councilman Rizzo did
24 convene meetings with all the players and
25 all the stakeholders, and we went back

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2 and forth for quite some time creating
3 what we created, and I think it's a great
4 testament to everybody coming together
5 that we did get it done, because there
6 were a lot of conflicting interests and
7 people had different points of views to
8 how this program should be run. The fact
9 that it's not working as we planned does
10 not mean we didn't participate or we
11 didn't try.

12 I think the meetings and the
13 efforts we're doing today with the
14 Department and through legislature
15 recognizes some of the minor problems
16 that we've addressed and we need to
17 address them and we're on the right page.
18 We're all on the right page. But we did
19 include industry. Industry was included.
20 I don't know if the gentleman was
21 included personally, but, like I said, we
22 did the best we could to include
23 industry, because we understand the
24 towers are the heart and soul of this
25 program. We need good, honest towers to

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2 be a part of the rotational system for
3 this to work. And the problem is,
4 there's some players out there that
5 aren't such, and that's the problem. But
6 nonetheless, I think administratively and
7 collaboratively with City Council we will
8 come up with a good resolution.

9 MS. HARRISON: Finally, my
10 statement is, I agree with this gentleman
11 right here. There are a lot of dishonest
12 towers. And my company is one of the
13 honest towers and we have a one-acre lot
14 and I insure a small number of trucks,
15 six, and when we do roadside service and
16 tows, we have to -- we actually asked
17 GEICO to write a lot of those letters
18 that Councilman Kenney referred to,
19 because what happens is, the wreck
20 chasers do get the car first and they're
21 supposed to come to our lot because we're
22 contracted with that person that was in
23 the accident through GEICO, and we have
24 to then pay a fee for GEICO because they
25 have to release the car to us, and

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2 sometimes it's 700, 800 dollars and the
3 tow is not even 24 hours old.

4 So I agree that it's a bad --
5 some of the people in the business are
6 bad and they do bad practices, but we all
7 should not be punished for those actions
8 of those individuals. They should be
9 fined, fined highly actually, but we
10 should not have to send the car to an
11 assigned lot. I have a secured lot and
12 I'm capable of not causing damage to a
13 car that's stored on my lot and -- I
14 mean, that's basically what I wanted to
15 say.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 COUNCILMAN RIZZO: Madam
19 President, point of information.

20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilman Rizzo.

22 COUNCILMAN RIZZO: Madam
23 President, thank you.

24 I am in receipt of a fax
25 transmission. This is for the record.

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2 The witness indicated that GEICO sent us
3 a communication, so I'd like to read it
4 into the record.

5 I am in receipt of a fax
6 transmission of a letter dated October
7 22nd from John Taylor, counsel for GEICO
8 Insurance Company. No one from GEICO
9 will be here to testify today, but I am
10 submitting a document per Mr. Taylor's
11 request as part of the record of today's
12 hearing. The letter essentially outlines
13 GEICO's concerns and suggestions
14 pertaining to the rotational towing
15 program. Mr. Taylor has indicated in the
16 document and has copies of all members of
17 Council, so I'd like to give the
18 stenographer a copy for our record.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 The Chair recognizes
22 Councilwoman Sanchez.

23 COUNCILWOMAN SANCHEZ: Thank
24 you.

25 I wanted to take an opportunity

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2 to ask Mr. Giral, one of the summations
3 that my colleague Councilman Kenney made
4 was around the storage situation, and I
5 wanted to know what financial impediment
6 that creates if for some reason we
7 decided to go in a different direction
8 and force the tow into another location.

9 MR. GIRAL: You're talking
10 about forcing us to tow the car back to
11 the Parking Authority?

12 COUNCILWOMAN SANCHEZ: Yes.

13 MR. GIRAL: Well, basically
14 that's going to -- we're not going to be
15 able to make any income based on the
16 storage and maybe even possibly towing
17 the vehicle a second time if it doesn't
18 go back to our lot. And I just want to
19 say there's two things going on here.
20 There's the wreck chasers that are taking
21 the cars and storing the cars and
22 overcharging, and there's the guys like
23 me that are on the rotational system and
24 want to see it work and are charging a
25 fair rate that's regulated by L&I and

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2 which we follow.

3 COUNCILWOMAN SANCHEZ: So there
4 is a loss of income for --

5 MR. GIRAL: Yes, there will be
6 a loss of income if it gets towed back to
7 the Parking Authority.

8 COUNCILWOMAN SANCHEZ: Just one
9 more thing, because I think part of the
10 discussion obviously when we say PPA, PPA
11 has been doing 95. I'd like to get your
12 comments on how that has functioned and
13 how PPA has coordinated with the industry
14 as it relates to 95, first of all.

15 MR. GIRAL: Well, they haven't
16 coordinated at -- I'm sorry.

17 COUNCILWOMAN SANCHEZ: And then
18 I'd like to get Healy's kind of response
19 to how the 95/PPA in coordination with
20 the City has happened. So first you and
21 then...

22 MR. GIRAL: Well, basically
23 what PPA has done on the expressway is
24 created a monopoly. They exclusively tow
25 on the expressways. They don't allow any

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2 private tow companies to tow up there,
3 and they set their own rates. And they
4 actually -- they tow every car back to
5 the Parking Authority. They do not give
6 the option to the consumer to have the
7 vehicle towed any other place.

8 LIEUTENANT HEALY: To be honest
9 with you, I really wouldn't have a
10 comment. It's a State Police matter.
11 We're not involved in it in any way. So
12 I really wouldn't even know anything
13 about the contract per se. It's
14 completely up to the State Police.

15 COUNCILWOMAN SANCHEZ: It was
16 done through a memo of understanding, and
17 I think it's important as we look to
18 fixing the towing rotation that we look
19 at that, because my understanding is,
20 it's just not on a memo of understanding
21 between State Police and the Parking
22 Authority. And I think that has created
23 some of the hostility that you see with
24 the towers saying, Here comes PPA coming
25 into our industry again. And I want to

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2 put that on the record because I think
3 it's an important part of what's
4 happening and why this has transpired and
5 people feeling like we set them up to
6 fail on this. We've already taken 95
7 from them. Now we set up a system here
8 that we didn't enforce properly and here
9 again we're going to impede on private
10 industry. So it's the undertone, and I
11 think it's important.

12 LIEUTENANT HEALY: I agree with
13 you completely, but the difference I
14 would say on the highway, PPA is taking
15 actually the towing as well as the
16 storage, and what's being presented here
17 would be that we're trying to still keep
18 it open for the small towers that they
19 could still have the business of doing
20 the towing. It's just where the cars are
21 being stored by PPA. That would be the
22 distinction, but I understand where
23 you're coming from.

24 COUNCILWOMAN SANCHEZ: But I
25 think that took a lot of business from

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2 the tow operators already. So when we
3 talk about taking -- we already took all
4 of the highways, 76, 95. So now we're
5 talking about potentially giving the rest
6 of this over to PPA, and that's why
7 there's a hostility back and forth,
8 because it is a private industry piece,
9 and the fact is that there's a monopoly
10 there. You give them the rest of the
11 City, it's a little bit too much power
12 sometimes.

13 MR. GIRAL: I just have one
14 thing to add. Originally when Rizzo
15 presented the towing rotation, it was
16 supposed to include the expressways. Is
17 that true?

18 LIEUTENANT HEALY: Pardon me?

19 MR. GIRAL: Originally --

20 LIEUTENANT HEALY: Maybe the
21 Councilman can answer that.

22 COUNCILMAN RIZZO: It was all
23 towing that was conducted within the
24 County of Philadelphia. What happened
25 was that there was a move to have the

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2 Philadelphia Police reassigned from the
3 I-95, the Vine Street extension and the
4 Schuylkill Expressway. That patrol was
5 taken over by the Pennsylvania State
6 Police and at the same time, what my
7 colleague Councilwoman Sanchez said, that
8 that then became the responsibility of
9 the Philadelphia Parking Authority,
10 because the State Police by that letter
11 of understanding indicated that the only
12 tower that would respond to a wreck on
13 any of those three highways would be the
14 Philadelphia Parking Authority. No other
15 towers, other than if your car became
16 disabled, would be able to go and
17 relocate the vehicle.

18 COUNCILWOMAN SANCHEZ: That's
19 all, Madam President. Thank you.

20 COUNCIL PRESIDENT VERNA:
21 You're welcome.

22 Are there any other questions
23 from members of the Committee of these
24 witnesses?

25 (No response.)

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2 COUNCIL PRESIDENT VERNA: Thank
3 you. Thank you very much.

4 Our next witness?

5 THE CLERK: Samuel R. Marshall,
6 President and CEO of the Insurance
7 Federation of Pennsylvania, Incorporated;
8 John R. Doubman, Secretary and Counsel of
9 the Insurance Federation of Pennsylvania,
10 Incorporated.

11 (Witnesses approached witness
12 table.)

13 COUNCIL PRESIDENT VERNA: Good
14 afternoon. Welcome. Kindly identify
15 yourself for the record and proceed with
16 your testimony.

17 MR. MARSHALL: Thank you. Sam
18 Marshall with the Insurance Federation of
19 Pennsylvania, and thanks for the chance
20 to be here today and thank you for your
21 ongoing interest in remedying the towing
22 abuses that impact all City drivers.

23 First, an introduction. The
24 Insurance Federation is a trade
25 association for the insurance industry

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2 here in Pennsylvania. Our focus is on
3 state legislative, regulatory and
4 judicial matters that impact insurers,
5 policyholders and claimants at the state
6 level, but we occasionally face problems
7 that call for local as well as state
8 attention, and the towing abuses found
9 here and in other parts of the
10 Commonwealth are an example.

11 Councilmember Rizzo's
12 resolution and the changes to the City's
13 rotational ordinance proposed by
14 Councilmembers Kenney and Jones reflect
15 two traits we've noticed in the attempt
16 to address towing abuses. First, towing
17 laws need an ongoing and evolving
18 approach, with standards and protections
19 evolving to stop new tricks and twists
20 from abusive towers.

21 Second, towing laws are only as
22 good as they are enforced. Abusive
23 towers are a brazen group, and laws
24 preventing their most egregious and most
25 profitable acts only work if rigorously

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2 enforced.

3 I'll confess a bias. First, we
4 and our policyholders are the ones who
5 get ripped off by towing abuses. We're
6 the ones who pay the bills, and our
7 policyholders pay the higher premiums.

8 Second, whatever the weaknesses
9 of the Philadelphia towing ordinance, at
10 least you have one. We just finished a
11 legislative session up in Harrisburg with
12 a fairly mild towing consumer protection
13 bill. It was sponsored by a democrat,
14 House Insurance Committee Chairman Tony
15 DeLuca from the Pittsburgh area. It was
16 supported by the AAA. It was supported
17 by Attorney General Tom Corbett, as you
18 know, a republican. It was supported by
19 the State Police, passed by a decisive
20 and bipartisan majority in the House in
21 March, was approved unanimously in the
22 Senate's Consumer Protection Committee,
23 but somehow it died in the waning days of
24 the legislative session.

25 So at the state level, we don't

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2 even have a law. Consumers, whether
3 they're insures or individuals, have
4 nowhere to turn for help. As a city,
5 you're way ahead of that curve. The
6 current ordinance you have is better than
7 nothing. Frankly, it's better than the
8 much-compromised bill that stalled in the
9 State Senate this year.

10 That said, I think you're
11 seeing two things with your own
12 ordinance. First, it needs to be updated
13 to address the way some towers figure out
14 to circumvent the current ordinance, and
15 I think that's just an ongoing
16 responsibility that you'll have under it.

17 We have a number of proposals.
18 It was mentioned -- Councilmember Rizzo
19 mentioned the GEICO suggestions from John
20 Taylor, and we'd ask that they be
21 adopted.

22 Second, and probably most
23 important, the ordinance needs better
24 enforcement. We don't have enough
25 experience with City agencies or with the

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2 District Attorney's Office or the Parking
3 Authority to give you any great advice on
4 who is the best staff outfit to enforce
5 the protections, but you need more
6 protection. We can offer some experience
7 as insurers, because we're pretty heavily
8 regulated. The best enforcement comes
9 before a violation occurs. That means
10 the greater your standards in licensing
11 and in annual reports, the greater your
12 ongoing audits of towers, the greater
13 chance you have of preventing abuses, not
14 just punishing them.

15 We also think and we urge that
16 the City's efforts be enhanced by having
17 a state law. We mentioned the efforts
18 from a geographically and politically
19 diverse group came up short in our
20 legislative session. It may have been
21 more of the clock running out than any
22 substantive differences. I'm not sure
23 what the objections to the statewide
24 protections were, but in any event, we
25 and the AAA and public officials ranging

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2 from Tom Corbett to Tony DeLuca are going
3 to be back next session. We hope that
4 the City of Philadelphia gets involved at
5 that state level. I think that will make
6 your own ordinance more effective,
7 because the proposed state law puts
8 enforcement coming from the Attorney
9 General's Office, which might be better
10 funded and staffed for this type of
11 enforcement given its experiences under
12 the Unfair Trade Practices Act.

13 So as you improve your own
14 ordinance in both updating and enforcing
15 it, I'd ask that you get involved in the
16 state effort, working with the
17 Philadelphia Delegation in both the
18 Senate and the House and in working with
19 others in the Legislature. That will
20 help the rest of the state,
21 Philadelphia's muscle being considerable,
22 but I think it is also going to help
23 Philadelphia by gaining another
24 enforcement agency to clean up the
25 problem that has plagued consumers too

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2 long.

3 Thanks. I'm happy to answer
4 any questions.

5 COUNCIL PRESIDENT Verna: Thank
6 you.

7 Are there any questions of this
8 witness?

9 Councilman Rizzo.

10 COUNCILMAN RIZZO: Madam
11 President, I want to thank everyone today
12 both from the Administration side, you
13 personally and my colleagues in Council
14 for taking the time to hear this
15 important issue, and I'm confident that
16 we will be able to resolve the issues
17 associated with the current rotational
18 towing system. And, again, Madam
19 President, thank you for your indulgence.

20 COUNCIL PRESIDENT Verna:
21 You're welcome.

22 It is my understanding we don't
23 have any other witnesses from our list.
24 Is there anyone in the audience that
25 would like to be recognized?

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2 (No response.)

3 COUNCIL PRESIDENT VERNA:

4 Seeing no one, again, I thank you.

5 This resolution will be
6 continued until the call of the Chair.

7 Thank you all very much.

8 (Committee of the Whole
9 adjourned at 12:05 p.m.)

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2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on October 26, 2010, and that
8 this is a true and correct transcript of same.

9
10
11
12 -----
13 MICHELE L. MURPHY
14 RPR-Notary Public
15
16
17
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19 (The foregoing certification of this
20 transcript does not apply to any reproduction
21 of the same by any means, unless under the
22 direct control and/or supervision of the
23 certifying reporter.)
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