

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, May 4, 2015
10:35 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN ED NEILSON
COUNCILMAN DAVID OH

BILLS 130905, 140644, 150214, 150218, 150237,
150238, 150267, 150268, 150277, 150278,
150279, 150280, 150281, 150282, 150283,
150287, 150353, 150354, and 150372

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COUNCILMAN SQUILLA: Good morning. Good morning, everyone. Please be seated, prepare for the hearing.

Good morning. I'm Councilman Squilla, Chairman of the Committee on Streets and Services. A quorum of the Committee is present. We will now begin the hearing.

I'd like to introduce Councilman Greenlee on my left. To my right, Councilman Neilson and Councilman Oh.

Mr. McMonagle, please read the title of the first bill.

THE CLERK: Bill No. 140644, an ordinance amending Chapter 12-3000 of The Philadelphia Code, entitled "Use Of An Automated" -- I'm sorry. That's the wrong bill number.

Bill No. 140644, an ordinance amending Section 9-203 of The Philadelphia Code, entitled "Street Vendors," by providing for the inspection and regulation of mobile food vehicles

1 5/4/15 - STREETS - 130905, etc.
2 that use propane or other combustible
3 fuel, adding definitions, providing for
4 enforcement and penalties and making
5 technical changes, all under certain
6 terms and conditions.

7 COUNCILMAN SQUILLA: People
8 from the Administration here to testify
9 on Bill No. 140644, please come to the
10 desk.

11 (Witnesses approached witness
12 table.)

13 COUNCILMAN SQUILLA: Thank you
14 for being here. Please state your name
15 for the record and then proceed with your
16 testimony.

17 DEPUTY COMMISSIONER CORRIGAN:
18 Good morning. My name is Deputy
19 Commissioner Robert Corrigan from the
20 Philadelphia Fire Department, and with me
21 is Deputy Chief Jeffrey Spina. He is the
22 Commander of the Fire Code Unit for the
23 Fire Department.

24 COUNCILMAN SQUILLA: Please
25 proceed.

1 5/4/15 - STREETS - 130905, etc.

2 DEPUTY COMMISSIONER CORRIGAN:

3 Good morning, Chairman Squilla and
4 members of the City Council's Committee
5 on Streets and Services. My name is
6 Robert Corrigan and I'm the Deputy Fire
7 Commissioner for Technical Services.

8 Thank you for the opportunity to appear
9 before you this morning to testify on
10 Bill No. 140644, as amended.

11 The Fire Code Unit is one of
12 the units under my command. It is
13 responsible for inspection, review, and
14 approval of most of the requirements in
15 the Philadelphia Fire Code where Fire
16 Department approval is required.

17 The amended version of this
18 bill proposes that the Fire Department is
19 authorized to, one, enforce mandatory
20 propane maintenance reporting and, two,
21 inspect propane and natural gas systems.

22 Although our Home Rule Charter
23 charges the Fire Department with
24 administering and enforcing statutes,
25 ordinances, and regulations relating to

1 5/4/15 - STREETS - 130905, etc.
2 fire and explosion hazards, Pennsylvania
3 Statute, Title 35, Chapter 14A overrides
4 this function to the extent that no
5 municipality, including the City, may
6 adopt or enforce any ordinance which
7 conflicts with the provisions of state
8 law with regards to permits, maintenance,
9 operation, inspection, location or
10 placement of LPG containers or
11 facilities, or any other matters related
12 to this industry. The plain fact of the
13 matter is that the Department has no
14 authority to conduct operations or
15 services that conflict with state or
16 federal law.

17 The necessity for propane
18 safety is clearly evident given the
19 tragic July 2014 explosion of a food
20 truck in the Feltonville section of the
21 City. This incident is still currently
22 under investigation by the United States
23 Department of Transportation, and the
24 final results of that investigation,
25 along with any other policy

1 5/4/15 - STREETS - 130905, etc.
2 recommendations, are not yet available.
3 Nevertheless, in the interest of public
4 safety and under the direction of the
5 previous Deputy Commissioner Henry Costo,
6 the Fire Code Unit responded by
7 collaborating with personnel from the
8 Pipeline and Hazardous Materials Safety
9 Administration of the U.S. Department of
10 Transportation to conduct safety
11 inspections in preparation for and during
12 the City's Made in America festival on
13 August 30th and 31st, 2014. The day
14 before the event, 36 tanks were inspected
15 on the Parkway at fixed tent vending
16 sites. Six tanks were tagged for failing
17 due to not being recertified within 12
18 years of the manufacturing date.

19 On the morning of the first day
20 of the event, all mobile food vehicles
21 entering the festival were directed to
22 enter at the Parkway and 20th Street.
23 All propane tanks on these vehicles were
24 inspected by DOT before being permitted
25 to go to their designated area. The Fire

1 5/4/15 - STREETS - 130905, etc.

2 Code Unit assisted DOT with those matters
3 related to propane safety and inspected
4 mobile food vendors for fire extinguisher
5 safety in compliance with our Fire Code.

6 The collaborative inspection
7 operation was required because, as I
8 previously mentioned, the Fire Department
9 does not have the authority under state
10 and/or federal law to administer or
11 enforce statutes with regard to the
12 inspection of propane tanks on street
13 vendors or mobile food vehicles.

14 To explore the potential for
15 acquiring additional authority to provide
16 for propane safety, in late 2014 Deputy
17 Commissioner Costo directed the Fire Code
18 Unit to investigate the possibility of
19 entering into a memorandum of
20 understanding or some other formal
21 partnership between the Department of
22 Transportation and the Philadelphia Fire
23 Department. We collaborated with the Law
24 Department to pursue this matter with the
25 Pipeline and Hazardous Materials Safety

1 5/4/15 - STREETS - 130905, etc.
2 Administration of the DOT. PHMSA reports
3 to the City -- reported to the City that
4 the state, citing the statutory
5 limitations of the City and the state's
6 existing inspection practices, indicated
7 that it was not interested in
8 coordinating a joint agreement to
9 facilitate further inspections of
10 installations and other propane-related
11 equipment as covered by Title 35, Chapter
12 14A. The state did make it clear that it
13 was willing to follow up on any
14 complaints the Philadelphia Fire
15 Department sends them if it finds
16 propane-related issues during the course
17 of its informal inspections or those it
18 conducts under other authority. Over the
19 past few months and few weeks, we have
20 reengaged the state again in these talks,
21 but have not reached any resolution.

22 The men and women of this Fire
23 Department execute many duties related to
24 community outreach and the administration
25 of the Philadelphia Fire Code. These

1 5/4/15 - STREETS - 130905, etc.

2 duties are inclusive, but not limited to,
3 developing and operating comprehensive
4 community risk reduction programs;
5 distributing and installing smoke
6 detectors; conducting the Block Check
7 inspection program; collecting and
8 documenting vital building information;
9 inspecting all the City's fire hydrants.

10 The Fire Code Unit specifically
11 is tasked with consultations and meetings
12 related to fire, life safety, and
13 building design; approval of convention
14 and exhibition floor plans; approval of
15 storage and transport of explosives and
16 blasting operations; approval of
17 fireworks and pyrotechnic displays;
18 approval of theatrical flame effects;
19 special inspections related to VIP and
20 dignitary visits; telephone and e-mail
21 inquiries; variance inspections related
22 to appeals of Fire Code violations;
23 administrative staff for the Board of
24 Safety and Fire Prevention; and support
25 and coordinate the current Fire Code

1 5/4/15 - STREETS - 130905, etc.
2 referral processes within the Fire
3 Department.

4 We have also recently been
5 tasked with a primary role, in
6 partnership with L&I, in the development
7 and implementation of the Vacant Building
8 Task Force, as well as recommendations
9 outlined in the Safety First and
10 Foremost, the report by the Mayor's
11 Special Independent Advisory Commission
12 to Review and Evaluate the Philadelphia
13 Department of L&I. The Department is
14 currently working with L&I to make
15 Philadelphia safer by jointly conducting
16 inspections to identify unsafe buildings.

17 A concern of the Department, if
18 the preemption were lifted, is that
19 mandating these additional duties will
20 create undesirable competition for
21 resources that could result in
22 diminishing the effectiveness of the
23 programs the Department is currently
24 charged with managing as I previously
25 listed. It goes without saying that

1 5/4/15 - STREETS - 130905, etc.

2 public safety is a primary obligation of
3 City government. It is equally true that
4 resources are needed to ensure the safety
5 have to be planned for. Moreover, the
6 Philadelphia Fire Department, for good
7 reason, has customarily conducted
8 inspections, but left ultimate
9 enforcement action to its sister
10 agencies. We have proposed amendments to
11 the sponsor addressing these concerns.

12 In closing, the safety of the
13 citizens, visitors, and business
14 operators are of prime importance to the
15 Fire Department. Unfortunately, however,
16 the PFD is legally unable to enforce any
17 provisions of this bill due to the
18 preemption previously discussed. I
19 concede the irony of being unable to
20 enforce a bill that is directed to a
21 significant safety concern, but we are
22 necessarily bound by law. We do support
23 similar legislative concepts that have
24 been discussed at the state level, which
25 would place more restrictive standards on

1 5/4/15 - STREETS - 130905, etc.
2 this kind of propane use. Nevertheless,
3 we will continue to provide rapid,
4 all-hazards emergency response and
5 comprehensive community risk reduction
6 services that include the inspections and
7 code enforcement duties, which we do have
8 the authority to conduct.

9 Regarding propane safety
10 specifically, the Department is committed
11 to continuing the partnerships we have
12 established with the state and federal
13 regulatory agencies in the pursuit of
14 public safety.

15 Thank you for this opportunity
16 to provide the Department's testimony on
17 Bill No. 140644. I will be happy to
18 answer any of your questions at this
19 time.

20 COUNCILMAN SQUILLA: Thank you.
21 Thank you for your testimony. I just
22 have one question, and a couple of my
23 colleagues have questions.

24 As part of the amendment to the
25 bill, you're saying you're opposing the

1 5/4/15 - STREETS - 130905, etc.
2 amendment at this point because you
3 believe that it's not -- state law would
4 supersede our ordinance here in the City
5 of Philadelphia; is that correct?

6 DEPUTY COMMISSIONER CORRIGAN:
7 That's correct.

8 COUNCILMAN SQUILLA: On the
9 amendment, under Section 2, the ordinance
10 says that it shall -- the ordinance shall
11 take effect immediately, provided that
12 any provisions, requiring authorization
13 of the General Assembly, shall take
14 effect six months after such
15 authorization.

16 So if this bill would not take
17 effect until six months after General
18 Assembly authorization, would you still
19 oppose it?

20 DEPUTY COMMISSIONER CORRIGAN:
21 The Fire Department has two concerns with
22 the bill. The first is the legality of
23 the bill. If the bill were legal and we
24 could properly go out and inspect,
25 appropriately go out and inspect, we

1 5/4/15 - STREETS - 130905, etc.

2 would be in favor of that.

3 The second problem -- the
4 second overarching concern is the
5 resources. The Fire Code Unit currently
6 has only three inspectors for a city of
7 1.5 million. We believe that if we were
8 required to go out and conduct these
9 inspections, we would need far more
10 resources than we currently have, and
11 that the resources will compete with all
12 of the other responsibilities which we
13 do, which we previously discussed.

14 COUNCILMAN SQUILLA: But
15 wouldn't this bill be legal if the
16 General Assembly passed legislation to
17 say that you could do this?

18 DEPUTY COMMISSIONER CORRIGAN:
19 Any specific legal questions, I would
20 like to refer to the legal department.
21 I'm not -- this wouldn't be appropriate
22 for me to respond to legal questions.

23 COUNCILMAN SQUILLA: Okay. Is
24 somebody here from legal to answer?

25 MR. RESNICK: Good morning,

1 5/4/15 - STREETS - 130905, etc.

2 Councilman. Mike Resnick, Director of
3 Public Safety. I'm not representing the
4 Solicitor nor do I propose to give legal
5 advice this morning, but to answer your
6 question, yes, I believe if the General
7 Assembly were to act as you indicate,
8 then this body would have the authority
9 to enact this bill and it would be legal.

10 COUNCILMAN SQUILLA: So if the
11 legislation states that it won't become
12 in effect until six months after such
13 authorization, then you wouldn't oppose
14 it or you would still?

15 MR. RESNICK: We wouldn't
16 oppose it on preemption grounds, but I
17 think the Chief is saying that it's a
18 resource matter. It's competing
19 resources given the litany of other
20 requirements and duties that the Fire
21 Code Unit needs to accomplish and the
22 other inspections that they undertake.
23 Now to add this to the list, unless there
24 were additional resources for that unit,
25 the finite small amount of resources that

1 5/4/15 - STREETS - 130905, etc.
2 they currently have would be chasing even
3 larger obligations.

4 COUNCILMAN SQUILLA: How much
5 resources would we be talking to to
6 enable the Department to do this?

7 MR. RESNICK: I'd leave that to
8 the Chief.

9 COUNCILMAN SQUILLA: Okay.

10 DEPUTY COMMISSIONER CORRIGAN:
11 That's something that we'd have to do
12 pretty detailed planning on. I'm going
13 to be calling the Board of Health this
14 week and I'm going to talk about -- kind
15 of get an idea how they go about
16 permitting food trucks. And we would
17 need an understanding of how many food
18 trucks there are, we know how many times
19 we'd want to inspect them, how we would
20 find them. We would have to do some
21 pretty detailed planning to figure out
22 what kind of resources we'd be required.

23 COUNCILMAN SQUILLA: Do we see
24 that this will have enabling legislation
25 sometime soon? I mean, obviously the

1 5/4/15 - STREETS - 130905, etc.

2 state has to authorize this, and then it
3 won't become in effect until six months
4 after that. Would that be enough time
5 for you to gather information?

6 DEPUTY COMMISSIONER CORRIGAN:

7 Yes, I think so.

8 COUNCILMAN SQUILLA: Okay.

9 Thank you very much.

10 Councilman Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman.

13 Good morning. I had similar
14 questions, but just specifically on the
15 preemption issue, can someone tell me
16 exactly how this conflicts. Does it
17 specifically say -- like we know a lot
18 about preemption. We get preempted a
19 lot, and I know in some preemption it
20 says the City shall not do this. Is this
21 more of because the state is doing it,
22 it's being interpreted the City can't?

23 MR. RESNICK: To cite to a
24 memorandum from the Law Department,
25 Councilman, it cites a provision of the

1 5/4/15 - STREETS - 130905, etc.
2 state code which says, "No municipality
3 or any other political subdivision shall
4 adopt or enforce any ordinance or
5 regulation which differs from or
6 conflicts in whole or in part with the
7 provisions of this act or with the
8 regulations promulgated under this act
9 with regard to...or any other matters
10 related to this industry within this
11 Commonwealth." And it's the opinion of
12 the Law Department that the state statute
13 is -- any legislative action by a local
14 municipality would be totally preempted
15 by the state, the specific language of
16 the state law.

17 COUNCILMAN GREENLEE: By the
18 way, do we have a copy of that?

19 MR. RESNICK: I can give you
20 one.

21 COUNCILMAN NEILSON: Yeah.

22 COUNCILMAN GREENLEE: Okay.
23 It's in here? Okay. I see it. I'm
24 sorry. I see it. All right.

25 I think that's it. Thank you,

1 5/4/15 - STREETS - 130905, etc.

2 Mr. Chairman.

3 COUNCILMAN SQUILLA: Councilman
4 Neilson.

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

7 Thank you for your testimony
8 today. You mentioned about resources,
9 that you only have three inspectors for
10 1.5 people. Is this something you've
11 requested through your department and
12 through our budget process that you need
13 more resources? Because like you, three
14 inspectors for 1.5 seem a little small.
15 We're going through the budget process
16 now, and I've noticed the Department's
17 numbers have not asked for any kind of
18 increase in staff nor personnel or cost.
19 If you need them, we want to give them to
20 you now. Now is our time.

21 DEPUTY COMMISSIONER CORRIGAN:
22 The resources that we have are adequate
23 currently for what we're required to do.
24 If we were able -- if we were, as shown
25 in this bill, required to go out and do

1 5/4/15 - STREETS - 130905, etc.
2 the food vending trucks, that would
3 require more resources.

4 COUNCILMAN NEILSON: So three
5 inspectors for the entire City of
6 Philadelphia is enough to do these safety
7 inspections that you currently do that's
8 required?

9 DEPUTY COMMISSIONER CORRIGAN:
10 Yeah. They're currently --

11 COUNCILMAN NEILSON: It just
12 seems small. Coming out of a firefighter
13 family, that just seems real low.

14 DEPUTY CHIEF SPINA: When you
15 talk about safety inspections, I need to
16 define it on a narrow scope.

17 COUNCILMAN NEILSON: The three
18 inspectors that you have currently, what
19 are their duties and what do they
20 inspect?

21 DEPUTY CHIEF SPINA: The Unit
22 is currently charged with -- the main
23 inspections that they do are for appeals
24 from the fire violations, not building
25 code, but fire violations from Licenses

1 5/4/15 - STREETS - 130905, etc.
2 and Inspections. When the violation is
3 appealed by the person, our inspectors
4 will inspect the building in relation to
5 exactly what that section of the Code is
6 to be appealed. We prepare the case, and
7 then the case is presented to the Board
8 of Safety and Fire Prevention once a
9 month. And from there, the case is
10 determined whether it's going to be
11 denied or recommended for a variance to
12 the Fire Commissioner, and the Fire
13 Commissioner can either agree or disagree
14 with the recommendation from the Board.

15 The other inspections that we
16 do are the dignitary visits, the fire
17 prevention safety visits -- fire
18 prevention safety checks for the building
19 or the facility where a President or Vice
20 President will come to visit, and that's
21 coordinated with the Secret Service as
22 well.

23 And then there's a few other
24 ones. We're also charged with the
25 inspections for pyrotechs for pre- and

1 5/4/15 - STREETS - 130905, etc.
2 post- and during the event, and then
3 there's some special inspections. But as
4 a rule and as a routine, the Fire
5 Department Fire Code Unit inspectors do
6 not go on a daily inspection schedule as
7 Licenses and Inspections were. They're
8 two different --

9 COUNCILMAN NEILSON: Two
10 different units.

11 DEPUTY CHIEF SPINA: Well, two
12 different departments. And the Fire
13 Department Fire Code Unit, we rely on
14 Licenses and Inspections for their
15 expertise in a lot of different areas,
16 whether it's to do with an issue as far
17 as a fire command center, if you will,
18 for a new high rise or with the Board of
19 Safety inspections that we are charged
20 with to do.

21 COUNCILMAN NEILSON: And they
22 take mostly inspections from the Uniform
23 Construction Code and all that stuff. So
24 that's not what kind of inspectors we're
25 talking about.

1 5/4/15 - STREETS - 130905, etc.

2 DEPUTY CHIEF SPINA: That's
3 correct. We deal directly with the Fire
4 Code.

5 COUNCILMAN NEILSON: Thank you.

6 DEPUTY COMMISSIONER CORRIGAN:
7 Councilman, I also want to add that the
8 Administration is currently looking at
9 expanding the Fire Code Unit. We do have
10 plans for an increase next year for seven
11 more Fire Code inspectors and then the
12 year following that, and there are a
13 couple different things happening at
14 once. That increase is due to lessons
15 learned from the building collapse at
16 22nd and Market. So we are looking at
17 expanding the Fire Code Unit, and that is
18 in the budget.

19 COUNCILMAN NEILSON: Thank you.

20 Back on this, we can all sit
21 here, we've known for a few years now
22 that Representative Tina Davis has been
23 working on propane legislation in the
24 Pennsylvania House of Representatives,
25 and we're being told through the

1 5/4/15 - STREETS - 130905, etc.

2 grapevine that it has a great chance of
3 passing.

4 Does this bill, if passed
5 today, put us in the right position in
6 alliance with that? Because that's what
7 we would try not -- from my understanding
8 of the conversations with Council
9 President Clarke, the reason, we want to
10 get ahead of the curve here. We try not
11 to wait until somebody else does
12 something. We're trying to get ahead so
13 maybe we can have a greater impact or
14 influence on the state legislation.

15 DEPUTY COMMISSIONER CORRIGAN:
16 I think what's important to note is that
17 whatever bill passes, you want to make
18 sure that it's in sync with the state
19 law. So if the state passes a law
20 regulating the amount of hazardous
21 materials on a food vending truck, that
22 will get around the preemption
23 requirement and then we'll be able to
24 through the City, however we decide to do
25 that, enforce that.

1 5/4/15 - STREETS - 130905, etc.

2 I think one of the reasons why
3 preemption was put in place in the first
4 place is because they didn't want this
5 industry to have to answer to different
6 laws for every single municipality in the
7 Commonwealth. So I think the Fire
8 Department would be comfortable if the
9 Commonwealth was going to pass a law
10 which then we could go ahead and through
11 our City agencies enforce.

12 COUNCILMAN NEILSON: Have you
13 had a chance to look at that law?

14 DEPUTY COMMISSIONER CORRIGAN:
15 I did. I did review it, and it appears
16 that the limits that they're placing on
17 the LPG are the same that -- when we
18 researched, New York City and Boston have
19 the same limits, and it seems like they
20 dovetailed on that, the limits that
21 they're requiring that they're going to
22 limit the food trucks to.

23 COUNCILMAN NEILSON: I have no
24 further questions, Mr. Chairman.

25 Thank you.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN SQUILLA: Councilman
3 Greenlee.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Chairman.

6 I don't want to go back and
7 forth on this, but Deputy Commissioner,
8 you hit a nerve with me when you said
9 that the state -- I'm not saying this is
10 your opinion, but that the state feels
11 that they don't want different laws in
12 different counties. I guess my answer to
13 that would be, Philadelphia is different
14 from a lot of the rest of the state. I
15 mean, we're right on top of each other in
16 many cases. So I think it is
17 appropriate. I'm not talking a legal
18 sense. Just realistically appropriate
19 that maybe we do need to have a little
20 different or more stringent requirements
21 on this kind of issue. And obviously as
22 you state in your statement, what
23 happened at Feltonville is a good example
24 maybe why we need that. And I understand
25 your resources issue, and I think that's

1 5/4/15 - STREETS - 130905, etc.

2 one of the reasons why the whole
3 six-month after piece was put in the
4 section here so that we could work out
5 those kind of issues.

6 And just one other thing, and I
7 don't know if anybody can answer this.
8 Really in a sense, the City Solicitor's
9 memo is a little outdated, right?
10 Because it says in here -- it talks about
11 the bill's effective date provision
12 states any provision shall take effect
13 upon such authorization. Well, we've
14 changed that to say dealing with the --
15 requiring authorization of the General
16 Assembly and shall take effect six months
17 after. So the Solicitor's opinion isn't
18 exactly timely now, correct, would you
19 say?

20 MR. RESNICK: I think it
21 says --

22 COUNCILMAN GREENLEE: Given the
23 latest amendment, I would say, right?

24 MR. RESNICK: I guess,
25 Councilman, I read her opinion to be sort

1 5/4/15 - STREETS - 130905, etc.
2 of consistent with what we were talking
3 about here, that the language in this
4 bill about the effective date, we would
5 need action from the General Assembly,
6 and then this bill -- if that action from
7 the General Assembly authorized us to do
8 this, then this bill would take effect
9 within six months of that period. Other
10 than that, it's ineffective until such
11 time as they act to allow this to then
12 become effective.

13 COUNCILMAN GREENLEE: I guess
14 what I'm saying is, this Section 2 kind
15 of addressed her concerns, correct?

16 MR. RESNICK: Yes. Yes.

17 COUNCILMAN GREENLEE: Okay.
18 Thank you.

19 DEPUTY COMMISSIONER CORRIGAN:
20 Councilman, I want to make sure you
21 understand that we appreciate Council's
22 concern for public safety and --

23 COUNCILMAN GREENLEE: No. I
24 understand.

25 DEPUTY COMMISSIONER CORRIGAN:

1 5/4/15 - STREETS - 130905, etc.

2 We appreciate that.

3 COUNCILMAN GREENLEE: I wasn't
4 saying that was your -- and I understand
5 the state says that all the time, they
6 don't want different -- there's another
7 issue here in City Council that they say
8 that about all the time. So that just
9 hit a nerve when I heard that, because
10 Philly is different from -- some people
11 would say thank goodness it's different.

12 DEPUTY COMMISSIONER CORRIGAN:
13 It is, and the statement was really
14 informational for you.

15 COUNCILMAN GREENLEE: No. I
16 understand.

17 DEPUTY COMMISSIONER CORRIGAN:
18 I feel comfortable for the state to be
19 able to pass a law that was reasonable.

20 Hazardous materials, less is
21 always better, but there is a balance, as
22 we all know, between public safety and
23 commerce and to be able to strike that
24 right balance, and for that to be done at
25 the state level would relieve us of a lot

1 5/4/15 - STREETS - 130905, etc.

2 of the concerns with preemption.

3 COUNCILMAN GREENLEE: I got
4 you. I would hope the state sometimes
5 would understand Philadelphia sometimes
6 has, if not unique problems, special
7 problems, and, again, Feltonville proved
8 that, I think.

9 Thank you.

10 Thank you, Mr. Chairman.

11 COUNCILMAN SQUILLA: Thank you,
12 Councilman Greenlee.

13 My question then goes to if the
14 state for some reason never authorizes
15 any changes, then there would never be --
16 right now who would be responsible under
17 the current law to, I guess, look at
18 these containers and make sure they're
19 safe? Is there anybody?

20 DEPUTY COMMISSIONER CORRIGAN:
21 Well, it would be the Pennsylvania Labor
22 and Industry, and I spoke with them last
23 week. They have 14 inspectors for the
24 whole state. And they also do boilers.
25 They do boil inspections as well as LPG.

1 5/4/15 - STREETS - 130905, etc.

2 So what you essentially have is a
3 self-regulating industry.

4 COUNCILMAN SQUILLA: So Labor
5 and Industry is supposed to go right now
6 any time -- if we request them to come
7 and have an event, they would be
8 responsible right now to do these
9 inspections; is that correct?

10 DEPUTY COMMISSIONER CORRIGAN:
11 We would work in partnership with them.

12 MR. RESNICK: In all
13 large-scale special events, Councilman,
14 the Fire Department is out there
15 inspecting these things, as the Chief
16 indicated in his testimony, before
17 Welcome America. I mean, the Feltonville
18 incident happened just before that. So
19 in an abundance of caution, we were out
20 there for Welcome -- for Made in America.
21 We will be out there for Welcome America,
22 Made in America again. Any other
23 large-scale vending, large-scale special
24 event, the Fire Department will be there
25 assisting and inspecting.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN SQUILLA: But they
3 can't do anything. They can't really
4 inspect because it's superseded by the
5 state. So really even if you do, you
6 have no authority --

7 MR. RESNICK: Well, we inspect
8 in conjunction with them. They're also
9 there on location.

10 COUNCILMAN SQUILLA: They're
11 there?

12 MR. RESNICK: Yes.

13 COUNCILMAN SQUILLA: Labor and
14 Industry is there?

15 MR. RESNICK: There were there
16 with us for Made in America when we did
17 the inspections.

18 Federal DOT. I stand
19 corrected. They also have jurisdiction.
20 It was federal DOT, Department of
21 Transportation.

22 DEPUTY COMMISSIONER CORRIGAN:
23 We've never been able to work out with
24 the state where they jointly inspected
25 with us. We had luck with the federal

1 5/4/15 - STREETS - 130905, etc.
2 government, with the PHMSA, and they came
3 out and we used their jurisdiction to be
4 able to inspect with us.

5 COUNCILMAN SQUILLA: But can we
6 request at our events, at our food
7 trucks -- since the state supersedes us,
8 they must do these inspections, correct?

9 COUNCILMAN NEILSON: I can help
10 you here. Currently, yes, the Department
11 of Labor and Industry is the inspection
12 agency on record.

13 DEPUTY COMMISSIONER CORRIGAN:
14 They are.

15 COUNCILMAN NEILSON: And they
16 have to apply the federal guidelines.
17 They get funding from the federal
18 government to do these inspections. And,
19 yes, there are 14, which means good news,
20 because last time I was there, there was
21 only nine. So they hired some people.

22 But I think what the Councilman
23 is trying to say is, there's inadequate
24 resources, and unless you do a special
25 request for a special task force, reality

1 5/4/15 - STREETS - 130905, etc.

2 is they're not inspecting.

3 DEPUTY COMMISSIONER CORRIGAN:

4 That's the reality, that's correct. They
5 do not have the resources.

6 COUNCILMAN NEILSON: I think
7 that's what he's trying to do, because
8 with the boilers inspections and all that
9 stuff, this actually falls -- because the
10 boilers in larger buildings have a large
11 impact on a lot of people and they're
12 constantly reacting to those kind of
13 resources.

14 DEPUTY COMMISSIONER CORRIGAN:
15 Yes, sir. They have a backlog of boiler
16 inspections too. So that's essentially
17 how it becomes a self-regulating
18 industry. They establish the
19 requirements, the requirements for the
20 people who do the filling, the education
21 requirements for them, and then the
22 people who use the propane, it's the
23 fillers who are supposed to have the
24 training and the knowledge to know what
25 container is safe.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN NEILSON: And at
3 those filling stations, they're supposed
4 to inspect that container every time they
5 refill that container and put a new tag
6 on it, correct?

7 DEPUTY COMMISSIONER CORRIGAN:
8 Yes. That's one of the requirements of
9 them doing a fill, is to make sure that
10 the container is safe.

11 COUNCILMAN NEILSON: I think
12 that's what you wanted to know,
13 Councilman. That would help there.

14 COUNCILMAN SQUILLA: Thank you,
15 Councilman, yes.

16 And just one other thing. I
17 mean, it states in the testimony that the
18 City and state -- limitations of the City
19 and state existing inspections practices
20 indicate that it was not interested in
21 coordinating a joint agreement to
22 facilitate further inspections or
23 installations of propane-related
24 equipment. So they don't want to do it.
25 They're not interested in doing it. Is

1 5/4/15 - STREETS - 130905, etc.

2 that correct?

3 DEPUTY COMMISSIONER CORRIGAN:

4 And I think that's because of their
5 resource problems. They're afraid to
6 enter into an agreement with the City,
7 because they only have 14 inspectors
8 statewide and they don't want to be
9 obligated to do something that they can't
10 perform.

11 COUNCILMAN SQUILLA: Well, I
12 think it's up to us then to make sure we
13 try to protect our residents as best as
14 possible, because if we have an
15 opportunity to say, Listen, they don't
16 have the resources, we don't have the
17 resources, so we can't do anything, we
18 have to make sure you have the resources
19 to do it, because it also says the state
20 did make clear that it was willing to
21 follow up on any complaints that the Fire
22 Department sends them if it finds
23 propane-related issues during the course
24 of its informal inspections. So you guys
25 do informal inspections now, correct?

1 5/4/15 - STREETS - 130905, etc.

2 DEPUTY COMMISSIONER CORRIGAN:

3 We do on a voluntary basis at large
4 events where the event holder wants us to
5 come and take a look at the food trucks.
6 And we do -- we can do fire inspections,
7 the fire inspection portion of the truck.

8 COUNCILMAN SQUILLA: And during
9 this budget season, if we were to pose --
10 and I see that you're going to increase,
11 it looks like increase, the number of
12 inspectors next year?

13 DEPUTY COMMISSIONER CORRIGAN:

14 Yes.

15 COUNCILMAN SQUILLA: And then
16 the following year also, which is
17 important. But if there were more funds
18 available to you, would you -- you're
19 only doing these at the request of the
20 organizations, these propane inspections.
21 So at this point, people could be out
22 there unregulated or have tanks that
23 aren't safe and we have no authority to
24 do anything about it.

25 DEPUTY COMMISSIONER CORRIGAN:

1 5/4/15 - STREETS - 130905, etc.

2 We believe that because of the preemption
3 law, we do not have the authority to --
4 if we see something that's obviously
5 unsafe, we can stop the operation, but we
6 don't have an authority to go out and
7 actually do inspections.

8 COUNCILMAN SQUILLA: But how
9 would you see it's unsafe if you don't
10 inspect it?

11 DEPUTY COMMISSIONER CORRIGAN:
12 Right. We can't compel them to do the
13 inspection.

14 COUNCILMAN SQUILLA: You can't
15 say, We want to check your tanks on the
16 food trucks?

17 DEPUTY COMMISSIONER CORRIGAN:
18 No.

19 COUNCILMAN SQUILLA: That's
20 really -- that's something that we need
21 to fix immediately, I would think. I
22 mean, I think it's preempted, but we
23 can't use that excuse for the safety of
24 our residents and our taxpaying citizens
25 to say, Sorry, state don't allow us to do

1 5/4/15 - STREETS - 130905, etc.
2 this, so if they're unsafe, we could let
3 them blow up and our hands are tied. I
4 mean, I don't think that's an answer we
5 want to give to the residents. I think
6 what this bill does, it says we could
7 work with the state, and if they pass
8 such laws, that will take effect six
9 months after that.

10 And, again, we're not
11 pressuring or picking on you in this
12 hearing. It's kind of hard for us to
13 understand. Obviously it's public
14 safety. People are interested in it and
15 as yourself are. I mean, that's the
16 first and foremost thing as a first
17 responder. So we're just trying to
18 understand this whole thing. So I hope
19 you're taking this --

20 DEPUTY COMMISSIONER CORRIGAN:
21 Right.

22 COUNCILMAN SQUILLA: We're
23 coming down on you in any way. We want
24 to try to help you get the resources
25 necessary to make us safe.

1 5/4/15 - STREETS - 130905, etc.

2 DEPUTY COMMISSIONER CORRIGAN:

3 Right. We appreciate that. And when we
4 analyze the problem, I mean, we look at
5 two overarching issues. One is the
6 legality and two is the resources. And I
7 think if you look at the problem, that's
8 essentially where we're at, is one is
9 legality to be able to do the inspections
10 that we want to do to keep our people
11 safe and the second is having the
12 resources to be able to do it.

13 COUNCILMAN SQUILLA: Well, I
14 think both of them are there. Legality
15 would be there because this would not
16 take effect until after the General
17 Assembly passes it, and then secondly the
18 resources with the Administration having
19 new inspectors is there. So thank you.

20 Any other questions?

21 (No response.)

22 COUNCILMAN SQUILLA: Thank you
23 for your testimony.

24 DEPUTY COMMISSIONER CORRIGAN:

25 Thank you, gentlemen.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN SQUILLA: Anybody

3 else here to testify on Bill No. 140644?

4 Please come forward.

5 (Witness approached witness

6 table.)

7 COUNCILMAN SQUILLA: Thank you

8 for coming this morning. Just state your

9 name for the record and then proceed with

10 your testimony.

11 MR. MITCHELL: My name is

12 Robert Mitchell. I am the Board of

13 Directors for the Philly Mobile Food

14 Association.

15 First, I'd like to thank

16 Council for allowing the PMFA the

17 opportunity to represent our

18 association's viewpoint on this issue. I

19 also wish to thank the Philadelphia Fire

20 Department, first and foremost, for their

21 service to our city, their attention to

22 this matter, and their diligent

23 communication with the PMFA as we work

24 together to find a solution.

25 With regard to the bill, I

1 5/4/15 - STREETS - 130905, etc.

2 would just like to talk about what the
3 PMFA does currently with our food truck
4 members to promote propane safety with
5 our trucks.

6 We always stress the integrity
7 of the food truck builder. To us that's
8 a huge concern, that the person who is
9 building their truck is out of a licensed
10 facility, that they have a proven track
11 record, that they use NSF-certified
12 pieces in their truck, and have the
13 background and experience to put together
14 a quality truck. And we encourage them
15 to use a safety protocol, an established
16 one, and they incorporate this into their
17 daily business plan.

18 Now, the first one, we can only
19 tell the consumers to do their due
20 diligence, but ultimately they'll make
21 the decision. But the second one we can
22 promote with our association, as we will
23 tonight at our general membership
24 meeting.

25 We encourage them to use tanks

1 5/4/15 - STREETS - 130905, etc.
2 that are carbon steel tanks, to make sure
3 that the dates on the tanks are not
4 outdated. We encourage them to use -- to
5 maintain their hoses and their
6 regulators; that they purchase their
7 propane from a reputable source; that
8 they're not buying it off the street;
9 that they're going to a propane filling
10 station; that they keep their valves
11 closed when they're not in use; that
12 they're very familiar with their cooking
13 equipment; that they don't smoke in the
14 vicinity of propane; to know that when
15 their propane tanks do run out, they shut
16 off their valves and not allow moisture
17 to seep inside, which can cause rust, and
18 that could cancel out the pungent odor
19 that's put into the propane to be the
20 first indicator of a leaky tank.

21 We want them to always visually
22 inspect their tanks for rust or
23 corrosion, and if they are, we want them
24 to have them replaced right away. We
25 encourage the soapy water bottle spray

1 5/4/15 - STREETS - 130905, etc.
2 test. So when the tank is turned on, we
3 spray it with soapy water bottle and we
4 watch for the bubbles. That could be the
5 first line of defense. As of the last
6 meeting here, we started to encourage
7 truckers to also, if they can afford, to
8 buy the handheld, the UL listed gas
9 detector. If not, there's a more
10 affordable model at places like Home
11 Depot.

12 So we are on top of this, and
13 from our end with what we can do, we
14 encourage our truckers at all times that
15 propane is safety rule number one. We
16 are the pilots. We don't want to go down
17 with the plane, so to speak.

18 COUNCILMAN SQUILLA: Thank you
19 for your testimony. One quick question
20 before I go to others. The Association,
21 how many members are in the -- how many
22 food trucks, first of all, do we know are
23 working in the City of Philadelphia? Do
24 you have any idea?

25 MR. MITCHELL: That's a hard

1 5/4/15 - STREETS - 130905, etc.
2 question, Councilman. We can speculate
3 it between 200 and 300. I'd say between
4 250 and 300, but that's just a
5 guesstimate. We know right now we have
6 close to 80 PMFA food truck members.

7 COUNCILMAN SQUILLA: So out of
8 your 80, you believe most of them are
9 being compliant or at least trying to do
10 the right thing?

11 MR. MITCHELL: We know that all
12 80 of them are given the instructions and
13 strongly encouraged to follow these
14 protocols.

15 COUNCILMAN SQUILLA: And I
16 think our concern would be with the ones
17 who are not members, who do not maybe get
18 the truck filled correctly or maybe do
19 not follow the protocol of your group.
20 And thank you for putting this group
21 together, because it does make it easier
22 for us to do that.

23 Does the City work with you on
24 events? Do they work with the
25 Association or do they grab food trucks

1 5/4/15 - STREETS - 130905, etc.

2 from all other aspects of the City?

3 MR. MITCHELL: We find we have
4 a very strong and successful working
5 relationship with everyone from the
6 Health Department to the Fire Department,
7 whenever they're involved, and with L&I.

8 COUNCILMAN SQUILLA: All right.
9 Thank you.

10 Councilman Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman.

13 Again, along the same lines,
14 just so I'm clear, the proposed bill, do
15 you have any problem with it?

16 MR. MITCHELL: Actually, we
17 have some issues with it, just some
18 questions that we had. The first one
19 would be, I guess, with Section (10)(g),
20 which calls for inspections every 90
21 days. We would prefer to see them done
22 every six months, as is the protocol for
23 the inspection of an Ansul suppression
24 system. That way, it wouldn't vary from
25 the current inspection protocol that we

1 5/4/15 - STREETS - 130905, etc.

2 do have.

3 We did have questions on
4 Sections (10)(a) and (10)(c) with regard
5 to safety placards and overfill
6 protective devices. I think we just need
7 more information. To our knowledge, the
8 safety placards were an industrial type
9 of insertion there where they're only
10 required if you have, I think, 1,000
11 pounds, but we need clarity on that from
12 an authority on propane.

13 With the overfill protective
14 device, I believe they only go on tanks
15 up to 40 pounds and not on tanks over 40
16 pounds. So, again, that would be an area
17 where we would need to get more
18 information to find out that we would be
19 in compliance.

20 With the safety course, we
21 highly favor that, but we do have
22 questions regarding the cost and like
23 what would that be for the truckers and
24 will there be an additional fee, as the
25 Health Department does with the food

1 5/4/15 - STREETS - 130905, etc.

2 handlers license. So those were some
3 concerns that we had.

4 And, finally, the UL-certified
5 combustible gas leak detector, just
6 whether or not you would want the food
7 truck owners to have that or would that
8 be a requirement of the propane fill
9 stations, that we were required to have
10 that test done as we filled up propane
11 tanks as needed.

12 COUNCILMAN GREENLEE: Okay.
13 Obviously you know more about this bill
14 than we do. But I just want to repeat
15 what the Chairman said, that obviously
16 you guys are trying to do the right
17 thing, but I think you have to also know,
18 and as was stated here in the Deputy
19 Commissioner's testimony, that I think
20 there were six at the Made in America
21 event, six were found in some way not
22 compliant. So obviously any regulation
23 we do, we understand there's a lot of
24 people that do it right, but
25 unfortunately there's folks that do it

1 5/4/15 - STREETS - 130905, etc.
2 wrong, and that's why we put in these
3 regulations. But the specifics you say,
4 I think we're still open to discussion on
5 them.

6 MR. MITCHELL: Okay.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 COUNCILMAN SQUILLA: Councilman
10 Greenlee -- I mean Neilson. I'm sorry.

11 COUNCILMAN NEILSON: Greenlee,
12 Oh, Henon. I get called a lot of things.
13 All good.

14 Thank you for testifying today
15 and thank you for what you do. I wanted
16 to point out to the other members and to
17 the public that the last time we spoke in
18 quite detail about the federal -- how the
19 federal government is looking at this as
20 a new industry, and together with
21 industry partners from the Fire
22 Department, from the food truck industry,
23 all across the board are attempting to
24 get real strong federal guidelines to
25 pass down to the state. And I just

1 5/4/15 - STREETS - 130905, etc.

2 wanted to say thank you for educating me
3 on that and I appreciate your testimony
4 here today.

5 MR. MITCHELL: Thank you. We
6 appreciate your service.

7 COUNCILMAN NEILSON: I have
8 nothing further. Thank you,
9 Mr. Chairman.

10 COUNCILMAN SQUILLA: Thank you,
11 Councilman.

12 Mr. Mitchell, on your aspect of
13 the concerns or maybe tweaks that need to
14 be done, have you worked with the Council
15 President's office on those concerns to
16 see if it's something that they would
17 look into?

18 MR. MITCHELL: Can you repeat
19 that, please.

20 COUNCILMAN SQUILLA: Your
21 concerns that you had on this
22 legislation, have you worked with the
23 Council President's office?

24 MR. MITCHELL: Yes. We've had
25 communication with the Council

1 5/4/15 - STREETS - 130905, etc.

2 President's office.

3 COUNCILMAN SQUILLA: So is it
4 still ongoing and something that you see
5 that you will continue to work on during
6 this process?

7 MR. MITCHELL: Yes.

8 COUNCILMAN SQUILLA: Okay.

9 Thank you very much. Thank you for your
10 testimony.

11 Any other questions?

12 (No response.)

13 COUNCILMAN SQUILLA: Seeing
14 none, anyone else here to testify on Bill
15 No. 140644?

16 (No response.)

17 COUNCILMAN SQUILLA: Thank you.
18 Thank you for your testimony.

19 Mr. McMonagle, please read the
20 title of the next bill.

21 THE CLERK: Bill No. 150354, an
22 ordinance amending Chapter 12-1000 of The
23 Philadelphia Code, entitled "Parking
24 Meter Regulations and Penalties," to
25 specify the fee for parking meter

1 5/4/15 - STREETS - 130905, etc.

2 payments made through mobile payment
3 systems; all under certain terms and
4 conditions.

5 COUNCILMAN SQUILLA: Thank you.

6 Anybody from the Administration
7 here to testify on Bill No. 150354?

8 Hold on one second.

9 MR. FENERTY: You can go to the
10 next bill.

11 COUNCILMAN SQUILLA:

12 Mr. McMonagle, will you please -- let's
13 put this bill on hold for a second and
14 then we'll skip to Bill No. 150277.

15 (Witness approached witness
16 table.)

17 THE CLERK: Bill Nos. 150277,
18 an ordinance establishing parking
19 regulations in the vicinity of 57th
20 Street and Lansdowne Avenue; and

21 Bill No --

22 COUNCILMAN SQUILLA: Thank you.

23 Ms. Bracley, please state your
24 name for the record and then continue
25 with your testimony.

1 5/4/15 - STREETS - 130905, etc.

2 MS. BRACLEY: Good morning,
3 Council. My name is Dionne Bracley,
4 Deputy Manager for the Philadelphia
5 Parking Authority. Thank you for
6 allowing me to testify before Council
7 regarding Ordinance 150277 establishing
8 parking regulations.

9 The Philadelphia Parking
10 Authority has no objection to the
11 ordinance previously read before Council
12 and recommends favorable consideration.

13 Thank you again.

14 COUNCILMAN SQUILLA: Thank you.

15 Any questions?

16 (No response.)

17 COUNCILMAN SQUILLA: Seeing
18 none, Mr. McMonagle, please read the
19 title of the next bills.

20 THE CLERK: Bill No. 150279, an
21 ordinance establishing parking
22 regulations in the vicinity of Smick
23 Street and Fountain Street; and

24 Bill No. 150280, an ordinance
25 establishing parking regulations in the

1 5/4/15 - STREETS - 130905, etc.

2 vicinity of Parkside Avenue and 52nd

3 Street; and

4 Bill No. 150281, an ordinance

5 establishing parking regulations in the

6 vicinity of Rexford Road and 52nd Street;

7 and

8 Bill No. 150283, an ordinance

9 establishing a parking regulation on 6th

10 Street, both sides, Christian Street to

11 Carpenter Street.

12 COUNCILMAN SQUILLA: Thank you.

13 MS. BRACLEY: Good morning,

14 Council. My name is Dionne Bracley,

15 Deputy Manager for the Philadelphia

16 Parking Authority. Thank you for

17 allowing me to testify before Council

18 regarding Ordinances 150279, 150280,

19 150281, 150283 establishing parking

20 regulations.

21 The Philadelphia Parking

22 Authority has no objection to the

23 ordinances previously read before Council

24 and recommends favorable consideration.

25 Thank you again.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN SQUILLA: Thank you
3 very much.

4 Any questions?

5 (No response.)

6 COUNCILMAN SQUILLA: Seeing
7 none, thank you for your testimony.

8 For the record, I'd like to say
9 that Bill No. 150282 is being held at the
10 call of the sponsor.

11 Mr. McMonagle, please read the
12 title of the next bill.

13 THE CLERK: Bill No. 150218, an
14 ordinance amending Section 9-204 of The
15 Philadelphia Code, entitled "Sidewalk
16 Vendors in Center City," by eliminating
17 previously designated vendor locations in
18 Center City; all under certain terms and
19 conditions.

20 COUNCILMAN SQUILLA: Thank you.

21 Mr. DiPietro, please come
22 forward, state your name for the record,
23 and proceed with your testimony.

24 (Witness approached witness
25 table.)

1 5/4/15 - STREETS - 130905, etc.

2 DEPUTY COMMISSIONER DiPIETRO:

3 Good morning, Chairman Squilla and
4 members of the Committee on Streets and
5 Services. My name is Ralph DiPietro.
6 I'm the Deputy Commissioner of Operations
7 for the Department of Licenses and
8 Inspection. Today I am here to provide
9 testimony on Bill No. 150218, which, if
10 enacted, will amend Section 9-204 of The
11 Philadelphia Code, entitled "Sidewalk
12 Vendors in Center City."

13 The bill eliminates one vending
14 location on the east side of 2nd Street
15 between Church Street and Market Street.
16 This action is necessary to ensure
17 pedestrian safety due to insufficient
18 footway width.

19 The Department of Licenses and
20 Inspection offers no objection to the
21 enactment of this bill and is prepared to
22 enforce its provision should it pass in
23 Council and become law.

24 Thank you for the opportunity
25 to provide the Department's testimony on

1 5/4/15 - STREETS - 130905, etc.

2 Bill No. 150218, and I'm happy to answer
3 any questions.

4 COUNCILMAN SQUILLA: Any
5 questions?

6 (No response.)

7 COUNCILMAN SQUILLA: Seeing
8 none, Mr. McMonagle, please read Bill No.
9 150267, as amended.

10 THE CLERK: Bill No. 150267, an
11 ordinance amending Section 9-203 of The
12 Philadelphia Code, entitled "Street
13 Vendors," by permitting street vending on
14 the 5500 block of North 13th Street, all
15 under certain terms and conditions.

16 COUNCILMAN SQUILLA: Please
17 proceed.

18 DEPUTY COMMISSIONER DiPIETRO:
19 Good morning once again. My name is
20 Ralph DiPietro. I'm the Deputy
21 Commissioner of Operations for the
22 Department of License and Inspection.
23 I'm here to provide testimony on Bill No.
24 150267, which, if enacted, will amend
25 Section 9-200 of The Philadelphia Code,

1 5/4/15 - STREETS - 130905, etc.
2 entitled "Commercial Activities on
3 Streets."

4 This bill amends Subsection
5 9-203, entitled "Street Vendors," by
6 adding a single vending spot on the east
7 side of North 13th Street between West
8 Olney and West Tabor Road to the list of
9 approved locations.

10 The Department of License and
11 Inspection offers no objection to the
12 enactment of this bill and is prepared to
13 enforce its provision should it pass in
14 Council and become law.

15 Thank you again for the
16 opportunity to provide the Department's
17 testimony on Bill No. 150267.

18 COUNCILMAN SQUILLA: Thank you.

19 Any questions?

20 (No response.)

21 COUNCILMAN SQUILLA: Seeing
22 none, Mr. McMonagle, please read the
23 title of the next bill.

24 THE CLERK: Bill No. 150372, an
25 ordinance amending Section 9-213 of The

1 5/4/15 - STREETS - 130905, etc.
2 Philadelphia Code, entitled "Farmers'
3 Markets," by adding and amending the
4 permissible locations, all under certain
5 terms and conditions.

6 COUNCILMAN SQUILLA: Please
7 proceed.

8 DEPUTY COMMISSIONER DiPIETRO:
9 Thank you, Chairman. Once again, my name
10 is Ralph DiPietro and I'm the Deputy
11 Commissioner for Operations for the
12 Department of License and Inspection.
13 Today I am also here to provide testimony
14 on Bill No. 150372, which, if enacted,
15 will amend Section 9-213 of The
16 Philadelphia Code, entitled "Farmers'
17 Markets."

18 The bill adds two locations
19 where farmer markets may be conducted,
20 all under certain conditions and
21 limitations. Those locations include the
22 south side of Market Street at 3rd and
23 the north side of Chestnut Street from
24 10th.

25 The Department of License and

1 5/4/15 - STREETS - 130905, etc.

2 Inspection offers no objections to the
3 enactment of this bill and is prepared to
4 enforce its provision should it pass
5 Council and become law.

6 Again, thank you for the
7 opportunity to provide the Department's
8 testimony on Bill No. 150372.

9 COUNCILMAN SQUILLA: Thank you.

10 Any questions?

11 (No response.)

12 COUNCILMAN SQUILLA: Seeing
13 none, anyone else here to testify on Bill
14 No. 150372?

15 (No response.)

16 COUNCILMAN SQUILLA: Thank you
17 for your testimony.

18 Mr. McMonagle, please read the
19 title of the next bill.

20 THE CLERK: Bill No. 150214, an
21 ordinance amending Chapter 12-3000 of The
22 Philadelphia Code, entitled "Use Of An
23 Automated Red Light Enforcement System To
24 Prevent Red Light Violations," by
25 authorizing the installation of red light

1 5/4/15 - STREETS - 130905, etc.

2 enforcement systems at the intersection
3 of 2nd Street and Erie Avenue, all under
4 certain terms and conditions.

5 COUNCILMAN SQUILLA: Please
6 proceed. Is there anyone here to testify
7 on Bill No. 150214?

8 (Witness approached witness
9 table.)

10 COUNCILMAN SQUILLA: Thank you.
11 State your name for the record and
12 proceed with your testimony.

13 MR. ALI: Sure. Good
14 afternoon, Mr. Chairman and members of
15 the Committee. Thank you for the
16 opportunity to appear before you today.
17 My name is Kasim Ali. I'm the Assistant
18 Chief Traffic Engineer with the Streets
19 Department. I am here to offer my
20 testimony on Bill No. 150214.

21 The bill authorizing the
22 installation of the red light enforcement
23 system at the intersection of 2nd Street
24 and Erie Avenue. The Streets Department
25 supports this bill in the interest of

1 5/4/15 - STREETS - 130905, etc.
2 traffic safety. These devices have shown
3 to lower red light running at other
4 locations where they have been used in
5 the City.

6 Thank you for the opportunity
7 to appear before you today. I would be
8 happy to answer any questions at this
9 time.

10 COUNCILMAN SQUILLA: Thank you
11 for your testimony.

12 Councilman Neilson.

13 COUNCILMAN NEILSON: Hi.
14 Thanks for coming today. A couple
15 things. Traffic safety, how many
16 accidents have been at the intersection
17 over the last ten years?

18 MR. ALI: I don't have that per
19 se right now, but I could --

20 COUNCILMAN NEILSON: You don't
21 have that information with you? We're
22 here to testify for traffic safety, and
23 you have no safety -- I mean, I'm just
24 going by your testimony here. The
25 installation of the red light cameras in

1 5/4/15 - STREETS - 130905, etc.

2 Philadelphia was due to safety concerns.

3 I just want to make certain it's not a
4 little money grab here.

5 MR. ALI: No. What I can tell
6 you --

7 COUNCILMAN NEILSON: Has there
8 been any child incidents with kids
9 crossing the street? Is this a school
10 crossing at all, do we know? Do kids
11 cross the street to go to school?

12 MR. ALI: There is kids in the
13 vicinity. Like Front and Erie, the next
14 intersection, is one of the highly used
15 ones.

16 COUNCILMAN NEILSON: Does that
17 have red light cameras there?

18 MR. ALI: No, it doesn't.

19 COUNCILMAN NEILSON: So we're
20 asking for another block instead of the
21 one that --

22 MR. ALI: Let me clarify.

23 COUNCILMAN NEILSON: It's okay.
24 If you don't have the information,
25 because I'm going to ask for these bills

1 5/4/15 - STREETS - 130905, etc.
2 to be held and then you can come back and
3 testify later.

4 MR. ALI: Absolutely.

5 COUNCILMAN NEILSON: Because if
6 it's a traffic safety concern that we
7 have, we should at least bring that
8 information with us here and let us know
9 the stats, and I'm certain that -- I'm
10 going to ask that we hold this bill,
11 Mr. Chairman. I'm going to ask for the
12 other bill to be held as well, because
13 I'm certain you don't have the stats for
14 the next one as well.

15 MR. ALI: If I may, can I
16 interrupt?

17 COUNCILMAN NEILSON: Sure you
18 can.

19 MR. ALI: The determination is
20 made by Philadelphia Parking Authority in
21 consultation with PennDot and Streets
22 Department, and they hire a consultant
23 specifically to evaluate each
24 intersection before they make a final
25 decision.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN NEILSON: Is there a
3 representative from the Parking Authority
4 that would provide us with this
5 information to testify in front of us
6 today?

7 (Witness approached witness
8 table.)

9 MS. O'CONNOR: Hi. I'm Corinne
10 O'Connor, Deputy Executive Director of
11 the Parking Authority.

12 Before installation of any red
13 light camera intersection, we do what we
14 call a vin study, which is a video that
15 the vendor would install for a 24-hour
16 period. That tracks how many red light
17 runners there are at that intersection.
18 The way we pick an intersection is when
19 you see a high amount of red light
20 runners at the intersection.

21 COUNCILMAN NEILSON: When the
22 state enacted this legislation, it was
23 for safety concerns, and Roosevelt
24 Boulevard, Route 1 was one of the main
25 perpetrators here. Do we have any stats

1 5/4/15 - STREETS - 130905, etc.

2 on how many accidents occurred at this
3 intersection?

4 MS. O'CONNOR: No. Normally
5 PennDOT would have a study where they
6 have a list of high accidents at certain
7 intersections.

8 COUNCILMAN NEILSON: So the
9 Department has done no study to the
10 24-hour --

11 MS. O'CONNOR: We just do the
12 24-hour where we see a high amount of red
13 light runners at those intersections. We
14 usually go and -- at 2nd and Erie you do
15 have a school within a block. You have a
16 lot of businesses in that area. It is
17 close to a residential neighborhood. So
18 you have a lot of pedestrian traffic, let
19 alone vehicular traffic. So we basically
20 once we do that study, we base it on the
21 study.

22 COUNCILMAN NEILSON: Can you
23 share that study with City Council prior
24 to us passing this legislation?

25 MS. O'CONNOR: Yes. Yes. We

1 5/4/15 - STREETS - 130905, etc.

2 have copies. They supply copies.

3 COUNCILMAN NEILSON: Don't you
4 think -- okay. Do you have something,
5 Mr. Fenerty, you would like to add?

6 MR. FENERTY: Yes, Councilman.
7 Vince Fenerty, Executive Director of the
8 Parking Authority.

9 What Ms. O'Connor did not state
10 is in each of these instances -- there's
11 two red light camera bills in front of us
12 today. The intersections are
13 generally -- or not generally. Excuse
14 me. Are always discussed with the
15 District Councilman. Many of the
16 intersections which we get to evaluate
17 are sent to us by the District
18 Councilman, and they all have reduced the
19 number of accidents at those
20 intersections. Not one sitting in front
21 of us, but I'm very proud to say there's
22 one at Byberry and Worthington, Byberry
23 and Worthington where on a monthly basis
24 there was a car on the lawn and there had
25 been five fatalities there. Not only did

1 5/4/15 - STREETS - 130905, etc.
2 we put a red light camera in, but when we
3 go into an intersection, we pick up the
4 cost of rebuilding the intersection. And
5 at about Byberry and Worthington,
6 although there have been one or two
7 accidents there, there had been no
8 fatalities. That saves lives.

9 We also put one at Byberry and
10 Bustleton to accomplish something that
11 Police cannot do, which is slow the
12 people who have the green light on
13 Bustleton Avenue from it being a drag
14 strip to make it across Bustleton Avenue
15 on Byberry. There have been a dramatic
16 decrease in motor vehicle accidents there
17 and there have been no fatalities.

18 I can also say since 2005,
19 since the institution of the red light
20 camera program, there have been no
21 fatalities at any red light camera
22 intersection in Philadelphia.

23 Unlike other cities who have
24 had controversies with them, we have not
25 had controversies here because we work in

1 5/4/15 - STREETS - 130905, etc.
2 a partnership with the Streets Department
3 and with PennDOT. Whenever a new
4 intersection is put up, PennDOT engineers
5 do a study of the number of seconds of
6 green light, number of seconds of yellow
7 light, so that everything is timed
8 perfectly within accordance of ordinance
9 of law and of traffic engineering
10 studies. And it's only through this
11 partnership, which we established over
12 ten years with the City, the City Streets
13 Department. The actual supervisor who
14 supervises red light cameras to make sure
15 they're running right is Tom Buck from
16 the Streets Department. They worked very
17 hard to make sure that these are good
18 intersections.

19 We have also had a number of
20 intersections, particularly in Councilman
21 Jones' district, where we have not been
22 able to accommodate red light cameras in
23 the past, but now with the newer
24 technology, which is not a puck buried or
25 pizzazo (ph) buried in the street, that

1 5/4/15 - STREETS - 130905, etc.
2 it's now radar technology, that we're now
3 able to move to some of the intersections
4 that Councilmembers had asked us to study
5 with this new radar technology.

6 So it's not like, Councilman,
7 we go out and grab an intersection and
8 say let's put it there. The only one
9 that we actually went out and studied and
10 brought to everyone's attention was
11 Byberry and Worthington, and that's --
12 quite frankly, I got tired of looking at
13 bodies on the two lawns there. I live in
14 the vicinity, and that's the one that we
15 brought up. They've been brought to us
16 by the Fire Department. The battalion
17 chief came to us from Ladder 10,
18 Battalion 2 with Kensington and Castor
19 about Castor and Aramingo, that he was
20 having an excessive amount of time
21 cleaning up accidents there.

22 We generally get them as
23 suggestions and then we go back and look
24 at them and do the study of how many red
25 light runnings there are. We sometimes

1 5/4/15 - STREETS - 130905, etc.

2 look at the accidents.

3 Roosevelt Boulevard has been a
4 tremendous success as well as the other
5 areas. And if you have any suggestions,
6 anything you would like us to look at,
7 I've always offered -- I probably haven't
8 offered it to you through my own
9 oversight. If you have an intersection
10 you would like us to study, we'd be glad
11 to do that for you and report back to
12 you.

13 COUNCILMAN NEILSON: Thank you.

14 Out of the \$100 fine that's
15 collected on these violations, how much
16 of that directly goes back to the City?

17 MR. FENERTY: The legislation
18 is, all of the money that is collected,
19 the expenses are paid out of it, the
20 rental of the cameras, the maintenance,
21 the few employees we have, all of that
22 comes out. Then the money goes up to
23 PennDOT to the Motor Vehicle Fund, and
24 through an agreement with the City of
25 Philadelphia and PennDOT, 50 percent of

1 5/4/15 - STREETS - 130905, etc.
2 that money is designated to come back to
3 Philadelphia in grants. The same thing
4 is done if the money comes from
5 Springfield Township or the other couple
6 townships that have it. The money, I do
7 believe -- the money does go up to the
8 state treasury, to the Motor Vehicle
9 Fund, and then comes back down. So 50
10 percent is designated back through funds
11 from PennDOT directly to -- I believe the
12 Streets Department handles that, those
13 requests. Mr. Stober is here from the
14 Mayor's Office of Transportation to
15 testify on another bill. I think he
16 would be an expert on that, how the City
17 gets it back.

18 COUNCILMAN NEILSON: I just
19 want to know how much, like dollar
20 amount. If we put a red light camera up
21 in the intersection at Grant and Academy,
22 gets 30 violators a day, and you multiply
23 that money out and it looks like minimum
24 we're getting back. So, I mean, at
25 minimum, I mean, after -- what do you

1 5/4/15 - STREETS - 130905, etc.
2 send up to the state? For every hundred
3 dollar ticket, do we not have an average?
4 Like that hundred dollar ticket that we
5 write, just to collect it, just to
6 administer it might cost us \$35 per
7 ticket or \$40 a ticket. So we send the
8 state up \$60 per hundred we collect. Is
9 there any data on that?

10 MR. FENERTY: We have a whole
11 report which is on our website. We can
12 give it to you. We never counted this
13 per intersection. It never was this
14 intersection brought this amount of money
15 in. We don't do it that way. It's about
16 a life-saving program. All the fines
17 that come in go into one pool. We pay
18 the expenses and we send it up to
19 PennDOT. So we don't look at an
20 intersection and say, We pay \$4,400 for
21 that camera per month, but we only took
22 \$2,800 in. We don't evaluate it that
23 way.

24 COUNCILMAN NEILSON: I'm
25 looking at millions of dollars we're

1 5/4/15 - STREETS - 130905, etc.

2 sending to the state and the little bit
3 of resources we get back for the same.
4 If we send them \$10 million --

5 MR. FENERTY: You would get 5
6 million back.

7 COUNCILMAN NEILSON: -- we
8 would get \$5 million back in grants and
9 the rest gets distributed throughout the
10 state, except it's the burden of
11 Philadelphia residents to do this.

12 MR. FENERTY: That's not
13 necessarily true.

14 COUNCILMAN NEILSON: That's
15 what I'm trying to figure out.

16 MR. FENERTY: Because many of
17 the residents who get the tickets are
18 from outside the City.

19 COUNCILMAN NEILSON: Do you
20 have stats on that that you can share
21 with us too?

22 MR. FENERTY: I believe we do,
23 and I probably could get them, but the
24 formula is very similar to that of moving
25 violations. The City retains, I believe,

1 5/4/15 - STREETS - 130905, etc.
2 52 percent on moving violations to pay
3 for their expenses and the state gets 48
4 percent. So the setup is very similar,
5 Councilman. It's a 50/50. If the
6 Parking Authority were to send up -- and
7 I'll use for an example \$6 million in a
8 year overall. We make quarterly payments
9 to PennDOT. Three percent of that comes
10 back -- I'm sorry; 50 percent of that
11 comes back, which would be \$3 million in
12 grants. And they're not -- it's a
13 specific grant fund. It's not mixed with
14 any other grant fund that the City gets
15 from PennDOT or from the state. It's the
16 red light camera grant fund.

17 And just so you know and not to
18 be longwinded, I went to a hearing in
19 PennDOT in front of the House at the
20 request of Mayor Nutter with Deputy Mayor
21 Cutler to try to get more of the money
22 back.

23 COUNCILMAN NEILSON: I was
24 there. That's what -- I was in the
25 House. I'm trying to get more now.

1 5/4/15 - STREETS - 130905, etc.

2 MR. FENERTY: You were there.

3 You were there. And many of the members
4 of the House questioned, Well, if you
5 need this, we send tax money down to you
6 for this. And they equated it back. And
7 I don't know if you were on that
8 committee or at that particular hearing,
9 but it was like, You came up here for the
10 wrong subject. We're not entertaining
11 letting you keep everything that's there.
12 It's 50/50 basically on movers statewide
13 and parkers statewide, because every
14 place, except Philadelphia, parkers fall
15 under Title 75. The 50/50 formula was
16 there. That was as far as I could get.
17 And I went with Rina during this Mayor's
18 first couple years she was there, and the
19 best that we could get was 50/50.

20 COUNCILMAN NEILSON: All right.
21 Where the red light cameras are currently
22 situated, has there been City permits
23 pulled out on there or is there no need
24 for that?

25 MR. FENERTY: It goes through

1 5/4/15 - STREETS - 130905, etc.
2 the full process. It's permitted by the
3 City. They're approved by the state. I
4 believe all the permitting goes through
5 PennDOT and through Streets. Streets
6 could explain that a little better.

7 MR. ALI: Councilman, all the
8 normal protocols are followed. They send
9 us all the plans exactly, the timings and
10 everything. We evaluate them, make sure
11 everything is as per the standards and
12 work we have agreed upon, and then only
13 Parking Authority or the contractor goes
14 and starts installing them. And even
15 during installation, like he mentioned,
16 Tom Buck, who is a construction engineer
17 who works for me, he's always there to
18 make sure everything is done according to
19 plans and work we have agreed to.

20 COUNCILMAN NEILSON: Under the
21 testimony Mr. Fenerty said that they pick
22 up all the costs of reconstruction of the
23 entire intersection?

24 MR. ALI: Depends on -- like
25 most of our intersections are very old

1 5/4/15 - STREETS - 130905, etc.

2 and they still have those
3 electromechanical controllers which --

4 COUNCILMAN NEILSON: So they
5 put all new signaling throughout that
6 whole intersection?

7 MR. ALI: Yes. They are kind
8 enough, and if an intersection is very
9 old and not capable of running this, they
10 upgrade the whole intersection, which
11 costs several thousand dollars.

12 COUNCILMAN NEILSON: All right.

13 Thank you, Mr. Chairman. I
14 have nothing further.

15 Thank you for your testimony
16 today.

17 MR. ALI: Thank you. And may I
18 add one more thing before I go, please.
19 I was recently promoted and took over
20 Charlie Denny's position. He has since
21 retired. So forgive me if I don't have
22 all the information you asked for, but
23 next time I will make sure.

24 And just to add another thing,
25 I've been a traffic safety engineer for

1 5/4/15 - STREETS - 130905, etc.
2 more than 20 years and I was involved in
3 the very first red light running light
4 that was installed, camera that was
5 installed, and I can assure you the only
6 reason we have survived for this long and
7 we have been very successful is because
8 we tediously make sure we don't commit
9 the same mistakes other cities did. That
10 was primarily -- one of the big mistakes
11 they made was, they shortened the
12 clearance intervals, and that's how you
13 trap more people. But over here, we do
14 not do that. In fact, we round off to
15 the next level to make sure people are
16 able to safely clear the intersection.

17 COUNCILMAN NEILSON: So just
18 the next time we have one of these bills,
19 if we can have some kind of report for us
20 to give us about some of the accidents,
21 pedestrian accidents and stuff like that,
22 because this is a safety concern or we
23 can have a report, hey, look, we did a
24 24-hour film and we had 19, 30 or 100 or
25 200 violators, that would be great,

1 5/4/15 - STREETS - 130905, etc.
2 because what we get from the public in
3 the calls and the e-mails is, the City is
4 doing another money grab, and I want to
5 make certain that I put it on the record
6 that's not what it's about, because we
7 get a lot of this money back. And
8 Mr. Fenerty said -- last I looked, this
9 could be up to a hundred thousand dollars
10 to reconstruct an intersection, and
11 that's why I want to make certain that
12 gets on the record, so people aren't
13 thinking we're just doing a money grab.
14 This isn't about money grabbing. This is
15 about safety.

16 MR. ALI: Absolutely. I'll do
17 that, and I'll make sure that we have a
18 report before we testify next time.

19 COUNCILMAN NEILSON: Thank you.

20 MR. ALI: Thank you.

21 COUNCILMAN SQUILLA: Thank you.

22 Any other questions?

23 (No response.)

24 COUNCILMAN SQUILLA:

25 Mr. McMonagle, read the title of the next

1 5/4/15 - STREETS - 130905, etc.
2 bill.

3 THE CLERK: Bill No. 150278, an
4 ordinance amending Chapter 12-3000 of The
5 Philadelphia Code, entitled "Use Of An
6 Automated Red Light Enforcement System To
7 Prevent Red Light Violations," by
8 authorizing the installation of red light
9 enforcement systems at the intersection
10 of Belmont and Parkside Avenues, all
11 under certain terms and conditions.

12 COUNCILMAN SQUILLA: Thank you.
13 Please state your name again
14 for the record and proceed with your
15 testimony.

16 MR. ALI: Good afternoon, Mr.
17 Chairman and members of the Committee.
18 Thank you for the opportunity to appear
19 before you today. My name is Kasim Ali
20 and I'm the Assistant Chief Traffic
21 Engineer with the Department of Streets.
22 I'm here to offer testimony on Bill
23 150278.

24 This bill authorizing the
25 installation of red light enforcement

1 5/4/15 - STREETS - 130905, etc.
2 system at the intersection of Belmont
3 Avenue and Parkside Avenue. The Streets
4 Department supports the bill. These
5 devices have been shown to lower red
6 light running at the other locations
7 where they are used in the City.

8 Thank you for the opportunity
9 to appear before you today, and I would
10 be happy to answer any questions you may
11 have at this time.

12 COUNCILMAN SQUILLA: Thank you.

13 Any questions?

14 (No response.)

15 COUNCILMAN SQUILLA: Seeing
16 none, anyone else here to testify on Bill
17 No. 150278?

18 (No response.)

19 COUNCILMAN SQUILLA: Seeing
20 none, thank you very much for your
21 testimony.

22 Mr. McMonagle, please read the
23 title of the next bill.

24 THE CLERK: Bill No. 130905, an
25 ordinance establishing a one-way

1 5/4/15 - STREETS - 130905, etc.
2 regulation on East Duval Street, from
3 Mansfield Avenue to Stenton Avenue,
4 westbound.

5 MR. ALI: Mr. Dave Dlugosz
6 couldn't make it, so I'm going to testify
7 on his behalf.

8 COUNCILMAN SQUILLA: Just state
9 your name again and then proceed.

10 MR. ALI: Good afternoon,
11 Mr. Chairman and members of the
12 Committee. Thank you for the opportunity
13 to appear before you today. My name is
14 Kasim Ali. I'm the Assistant Chief
15 Traffic Engineer for the Department of
16 Streets. I'm here today to offer
17 testimony on Bill No. 130905.

18 The Streets Department has no
19 objections to the bill. This street has
20 been converted to one-way westbound
21 operation on a trial basis as of August
22 29, 2014. We have not received any
23 complaints to date.

24 Thank you for the opportunity
25 to appear before you today. I would be

1 5/4/15 - STREETS - 130905, etc.

2 happy to answer any questions you may
3 have at this time.

4 COUNCILMAN SQUILLA: Thank you
5 for your testimony.

6 Any questions?

7 (No response.)

8 COUNCILMAN SQUILLA: Seeing
9 none, anyone else to testify on Bill
10 130905?

11 (No response.)

12 COUNCILMAN SQUILLA: Thank you
13 so much.

14 Mr. McMonagle, please read the
15 title of the next bill.

16 THE CLERK: Bill No. 150353, an
17 ordinance amending Section 11-301 of The
18 Philadelphia Code, entitled Street
19 Improvements," to revise the method by
20 which the Board of Surveyors may approve
21 supplemental plans relocating the
22 curblines and changing the roadway widths
23 of streets, and to expand the purposes
24 for and circumstances under which such
25 changes may be made, all under certain

1 5/4/15 - STREETS - 130905, etc.

2 terms and conditions.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN SQUILLA: Thank you.

6 This bill will be testified as
7 amended. So please state your name and
8 proceed with your testimony.

9 MR. MARRO: Good morning,
10 Mr. Chairman and members of the
11 Committee. My name is Thomas Marro, a
12 City Plans Officer for the Department of
13 Streets. The Streets Department would
14 like to offer the following testimony on
15 Bill No. 150353.

16 This is an Administration
17 ordinance requested by the Department of
18 Streets. The purpose of this proposed
19 ordinance is to amend Section 11-301 of
20 The Philadelphia Code, entitled "Street
21 Improvements," to revise the method by
22 which the Board of Surveyors may approve
23 supplemental plans relocating the
24 curblines and changing the roadway widths
25 of streets, and to expand the purposes

1 5/4/15 - STREETS - 130905, etc.
2 and circumstances under which such
3 changes may be made. This section of the
4 Code allows such changes which commonly
5 include curb bump-outs and lay-bys and
6 other non-linear curblane configurations,
7 to be shown on the City Plan without
8 going through the full City Plan action
9 process to confirm a revision of lines
10 and grades.

11 Such curblane configurations
12 have been a standard of modern urban
13 street design and are featured in almost
14 every major streetscape or reconstruction
15 project, as well as in many private
16 development proposals. The language in
17 this section provides a means by which
18 the Department of Streets maintains an
19 official record of the locations and
20 extents of such curb configuration and
21 assures that routine modifications are
22 properly documented.

23 In addition to the already
24 included changes in curblane locations
25 and roadway widths, the new language to

1 5/4/15 - STREETS - 130905, etc.
2 be established by this bill will also
3 allow for minor adjustments to grades and
4 will convey authority to make all such
5 changes even when they extend for an
6 entire block, provided there are no
7 changes to any abutting houselines. The
8 purposes for which such changes may be
9 made will be expanded to include
10 facilitating traffic or pedestrian
11 movement, increasing compliance with
12 accessibility guidelines and with the
13 City's Complete Streets policy, and
14 improving drainage and stormwater
15 management.

16 This bill will also amend the
17 conditions which the Department of
18 Streets may require for approval when
19 such curblane changes are requested by
20 private parties in order to allow for
21 greater flexibility by the Department
22 regarding the requiring and submittal of
23 maintenance and indemnity agreements and
24 to provide for protection of the rights
25 of other property owners when their

1 5/4/15 - STREETS - 130905, etc.
2 properties may be affected by the
3 requested changes.

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

7 COUNCILMAN SQUILLA: Thank you.
8 Please proceed.

9 MR. CHIU: Good morning,
10 Chairman Squilla and members of Streets
11 and Services Committee. I'm Sarah Chiu,
12 City Planner with the Philadelphia City
13 Planning Commission. I'm here to testify
14 on Bill No. 150353, which Councilmember
15 Squilla introduced on April 16th, 2015.

16 Bill No. 150353 will revise the
17 procedures that allow the Board of
18 Surveyors to approve supplemental plans
19 when relocating curblines and changing
20 the roadway widths of streets.

21 The City Planning Commission is
22 scheduled to consider this bill on May
23 19th, 2015 with a staff recommendation
24 for approval with amendments.

25 This concludes my testimony. I

1 5/4/15 - STREETS - 130905, etc.
2 appreciate the opportunity to testify
3 before you today and would be pleased to
4 answer any questions you may have.

5 COUNCILMAN SQUILLA: Thank you
6 so much for your testimony.

7 Any questions?

8 (No response.)

9 COUNCILMAN SQUILLA: Seeing
10 none, anyone else to testify on Bill
11 150353?

12 (No response.)

13 COUNCILMAN SQUILLA: Thank you
14 so much.

15 Mr. McMonagle, please read the
16 title of the next bill.

17 THE CLERK: Bill No. 150237, an
18 ordinance authorizing Jim Williamson,
19 ("Owner") to install, own and maintain an
20 open-air sidewalk cafe at 4249 Ridge
21 Avenue, Philadelphia, PA 19128
22 ("Property"), under certain terms and
23 conditions.

24 (Witness approached witness
25 table.)

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN SQUILLA: Please
3 proceed.

4 MR. TORRENCE: Good morning,
5 Chairman Squilla and members of the
6 Streets and Services Committee. My name
7 is St. Martin Torrence and I'm the
8 Director of Legislative Affairs for the
9 Department of Streets. I'm here to offer
10 testimony on Bill No. 150237.

11 This bill authorizes Jim
12 Williamson to construct, own and maintain
13 an encroachment in the form of an
14 open-air cafe on the sidewalk located at
15 4249 Ridge Avenue, Philadelphia, PA
16 19128.

17 Encroachment description: A
18 sidewalk cafe, along the northerly street
19 line of 4249 Ridge Avenue, in two areas.

20 Area 1: Starting from the
21 westerly property line of 4249 Ridge
22 Avenue, extending 7 feet 4 inches east
23 and 6 feet into the northerly footway of
24 Ridge Avenue, with a remaining walkable
25 sidewalk space of 7 feet.

1 5/4/15 - STREETS - 130905, etc.

2 Area 2: Starting from a point
3 11 feet east of the westerly property
4 line of 4249 Ridge Avenue and extending
5 16 feet east and 6 feet into the
6 northerly footway of Ridge Avenue, with a
7 remaining walkable sidewalk space of 7
8 feet and no less than 5 feet 6 inches
9 behind any sign pole.

10 The Streets Department has no
11 objections to these proposed
12 encroachments.

13 Thank you for your time. This
14 concludes my testimony.

15 MR. CHIU: Good morning,
16 Chairman Squilla and members of Streets
17 Services Committee. I'm Sarah Chiu, City
18 Planner with the Philadelphia City
19 Planning Commission. I'm here to testify
20 on Bill No. 150237, which was introduced
21 by Councilmember Jones on March 26th,
22 2015.

23 Bill No. 150237 will allow an
24 open-air sidewalk cafe on the northern
25 footway of 4249 Ridge Avenue. The

1 5/4/15 - STREETS - 130905, etc.
2 sidewalk cafe encroaches 7 feet and 6
3 inches onto the footway and leaves 7 feet
4 walkway for pedestrians. The proposed
5 encroachment will leave sufficient
6 walking zone for pedestrians.

7 The Planning Commission had
8 recommended Bill No. 150237 for approval
9 as an item in accord with previous
10 policy.

11 This concludes my testimony. I
12 appreciate the opportunity to testify
13 before you today and would be pleased to
14 answer any questions you may have.

15 COUNCILMAN SQUILLA: Any
16 questions?

17 (No response.)

18 COUNCILMAN SQUILLA: Seeing
19 none, anyone else here to testify on Bill
20 150237?

21 (No response.)

22 COUNCILMAN SQUILLA: Seeing
23 none, Mr. McMonagle, please read the
24 title of the next bill.

25 THE CLERK: Bill No. 150238, an

1 5/4/15 - STREETS - 130905, etc.
2 ordinance authorizing Alvin Shipon,
3 ("Owner") to install, own and maintain an
4 open-air sidewalk cafe at 342-344 Queen
5 Street, Philadelphia, PA 19147
6 ("Property"), under certain terms and
7 conditions.

8 COUNCILMAN SQUILLA: Please
9 proceed.

10 MR. TORRENCE: Good morning,
11 Councilman Squilla and members of the
12 Streets and Services Committee. My name
13 is St. Martin Torrence and I'm the
14 Director of Legislative Affairs for the
15 Department of Streets. I'm here to offer
16 testimony on Bill No. 150238.

17 This bill authorizes Alvin
18 Shipon to construct, own and maintain an
19 encroachment in the form of an open-air
20 cafe on the sidewalk located at 342 to
21 344 Queen Street, Philadelphia, PA 19147.
22 A total of seven tables are accommodated.
23 A total of 24 occupants are proposed as
24 follows:

25 Encroachment description: Two

1 5/4/15 - STREETS - 130905, etc.
2 tables and four chairs will be located
3 adjacent to the building approximately 26
4 feet 0 inches from the east curbline of
5 4th Street and will encroach
6 approximately 2 feet 0 inches onto the
7 south footway of Queen Street, leaving a
8 minimum of 8 feet 0 inches of clear,
9 unobstructed footway. No rails will be
10 used.

11 Five tables and 20 chairs will
12 be located adjacent to the building
13 approximately 18 feet 0 inches from the
14 south curbline of Queen Street and will
15 encroach approximately 4 feet 6 inches
16 onto the east footway of 4th Street,
17 leaving a minimum 5 feet 6 inches of
18 clear, unobstructed footway. No rails
19 will be used.

20 The Streets Department has no
21 objections to these proposed
22 encroachments.

23 Thank you for your time. This
24 concludes my testimony.

25 MR. CHIU: Good morning,

1 5/4/15 - STREETS - 130905, etc.
2 Chairman Squilla and members of Streets
3 and Services Committee. I'm Sarah Chiu,
4 City Planner with the Philadelphia City
5 Planning Commission. I'm here to testify
6 on Bill No. 150238, which was introduced
7 by Councilmember Squilla on March 26th,
8 2015.

9 Bill No. 150238 will allow an
10 open-air sidewalk cafe at 342 to 344
11 Queen Street. Two tables and four chairs
12 will encroach 2 feet onto the south
13 footway of Queen Street, which leaves 8
14 feet walkway for pedestrians.

15 Another five tables and 20
16 chairs will encroach 4 feet 6 inches on
17 the east footway of 4th Street, which
18 leaves 5 feet 6 inches walkway for
19 pedestrians. The proposed encroachment
20 will leave sufficient walking zone space.

21 The Planning Commission
22 recommends Bill No. 150238 for approval
23 as an item in accord with previous
24 policy.

25 This concludes my testimony. I

1 5/4/15 - STREETS - 130905, etc.

2 appreciate the opportunity to testify
3 before you today and would be pleased to
4 answer any questions you may have.

5 COUNCILMAN SQUILLA: Any
6 questions?

7 (No response.)

8 COUNCILMAN SQUILLA: Seeing
9 none, anyone else here to testify on Bill
10 No. 150238?

11 (No response.)

12 COUNCILMAN SQUILLA:
13 Mr. McMonagle, please read the title of
14 the next bill.

15 THE CLERK: Bill No. 150268, an
16 ordinance authorizing Pradeep Kuthiala,
17 owner and operator of the newsstand
18 located at 908 East Levick Street, to
19 construct, use, and maintain conduits in,
20 under, and across 908 East Levick Street
21 for the purpose of supplying electrical
22 service and telephone service to the
23 newsstand, under certain terms and
24 conditions.

25 MR. TORRENCE: Good morning,

1 5/4/15 - STREETS - 130905, etc.

2 Chairman Squilla and members of the
3 Streets and Services Committee. I'm St.
4 Martin Torrence, Director of Legislative
5 Affairs with the Department of Streets.
6 I'm here to offer testimony on Bill No.
7 150268.

8 This bill authorizes Pradeep
9 Kuthiala, owner and operator of the
10 newsstand located 908 East Levick Street,
11 to construct, use, and maintain conduits
12 in, under, and across 908 East Levick
13 Street for the purpose of supplying
14 electrical service and telephone service
15 to the newsstand.

16 The Streets Department has no
17 objections to this encroachment and
18 supports the passage of this bill.

19 Thank you for your time. This
20 concludes my testimony.

21 COUNCILMAN SQUILLA: Thank you
22 for your testimony.

23 Any questions?

24 (No response.)

25 COUNCILMAN SQUILLA: Seeing

1 5/4/15 - STREETS - 130905, etc.
2 none, anyone else here to testify on Bill
3 No. 150268?

4 (No response.)

5 COUNCILMAN SQUILLA: Seeing
6 none, thank you.

7 Mr. McMonagle, please read the
8 title of the next bill.

9 THE CLERK: Bill No. 150354, an
10 ordinance amending Chapter 12-1000 of The
11 Philadelphia Code, entitled "Parking
12 Meter Regulations and Penalties," to
13 specify the fee for parking meter
14 payments made through mobile payment
15 systems; all under certain terms and
16 conditions.

17 COUNCILMAN SQUILLA:
18 Administration? Anyone here to testify
19 on Bill No. 150354?

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN SQUILLA: Andrew,
23 would you like to start.

24 MR. STOBBER: Yes. My name is
25 Andrew Stober. I serve as the Chief of

1 5/4/15 - STREETS - 130905, etc.
2 Staff of the Mayor's Office of
3 Transportation and Utilities. I'm here
4 to testify today on Bill 150354, which
5 would enable mobile parking payments for
6 metered parking in Philadelphia.

7 The introduction of a mobile
8 payment method for metered parking in
9 Philadelphia will be a benefit to
10 customers of on-street parking. The
11 Philadelphia Parking Authority is taking
12 a smart approach to policy-setting in
13 advance of the introduction of this
14 technology by establishing the authority
15 to charge progressively higher rates for
16 on-street parking.

17 When a driver pulls into an
18 on-street space, they borrow that space
19 from all of us for their personal
20 benefit. In turn, the government puts
21 limitations on the use of that space and
22 uses parking fees as an incentive to
23 share that space with others. The
24 authority provided by this ordinance
25 would ensure that those incentives

1 5/4/15 - STREETS - 130905, etc.

2 continue to be in place.

3 There's every reason to believe
4 that the added convenience of mobile
5 payments will reduce the number of
6 overtime meter tickets issued by the PPA,
7 and this is good news for people who use
8 on-street parking who will pay fewer
9 fines to the PPA.

10 However, I would be remiss if I
11 did not point out that as a result of Act
12 9 of 2005, this reduction in on-street
13 revenue for the PPA will result or may
14 result in a reduced payment to the School
15 District of Philadelphia. At a time when
16 the Administration and City Council are
17 straining to find additional resources
18 for the School District and to protect
19 our students from more setbacks due to
20 inadequate resources, we must all be
21 concerned about any action that would
22 reduce revenues that directly benefit the
23 District.

24 I'm pleased that the Parking
25 Authority is committed to provide an

1 5/4/15 - STREETS - 130905, etc.
2 analysis of this to the Administration
3 and the Committee about the potential
4 impacts of mobile payment parking on any
5 payments to the School District.

6 I'd be happy to answer any
7 questions you may have.

8 COUNCILMAN SQUILLA:

9 Mr. Stober, I have a question real quick.
10 On the money going to the City part, does
11 the collected meter money go to the City
12 of Philadelphia?

13 MR. STOBBER: Yes, in addition
14 to -- all of the revenues that are
15 generated from on-street parking.

16 COUNCILMAN SQUILLA: So if the
17 meter money is increased, if they collect
18 more money from the meters, that also
19 would go to the City of Philadelphia?

20 MR. STOBBER: So right now the
21 way the formula works is, there's a
22 certain amount of money allocated by the
23 formula that goes to the City. Each
24 marginal dollar above that goes to the
25 School District of Philadelphia.

1 5/4/15 - STREETS - 130905, etc.

2 COUNCILMAN SQUILLA: Correct.

3 So if this for some reason -- and I know
4 you're worrying about maybe the
5 enforcement may be less because there's
6 an easier way to pay, but is it a
7 possibility also that from studies done
8 in other municipalities that they will
9 actually raise revenue as far as people
10 paying to park?

11 MR. STOBBER: Right. I think --
12 and this is a challenge that the Parking
13 Authority has faced as well. It's
14 actually -- it's not clear where that
15 balance moves out. So if you're paying
16 \$6 for that additional hour, but now
17 you're avoiding a \$26 ticket, that's
18 certainly good news for the person
19 parking, good news for the adjacent
20 businesses, but there would be in that
21 instance a \$20 gap in revenues. But the
22 Parking Authority has agreed to provide
23 us an analysis, which I think will
24 hopefully allow us to all move forward.

25 This is clearly a good idea.

1 5/4/15 - STREETS - 130905, etc.

2 We have the challenge where the
3 transportation policy has been immeshed
4 with education finance policy, and it
5 makes these decisions a challenge.

6 COUNCILMAN SQUILLA: We
7 understand the revenue challenges, but I
8 know the Administration is not promoting
9 to make sure we give more tickets.

10 MR. STOBBER: Certainly not.

11 COUNCILMAN SQUILLA: I mean,
12 that wouldn't fall well with most of the
13 people here on Council and probably our
14 constituents. But I think in a way where
15 we have people who still unfortunately
16 have meter quarter parking and have no
17 other means to pay it, we need to find
18 ways to get them to be able to understand
19 and pay attention to the policy, and we
20 want them to do that. We want them to
21 have an opportunity hopefully not to get
22 a ticket, and I think that if we give
23 that to them, it's a benefit to the City,
24 to the businesses.

25 We hear from businesses all the

1 5/4/15 - STREETS - 130905, etc.
2 time that if people go there and get
3 tickets, they don't come back. So I
4 think at the end of the day, the idea is
5 great, like you said, and I think the
6 Administration wants to see some numbers
7 and projections. But, again, they're
8 just projections and they're just numbers
9 that they could estimate. At the end of
10 the day, we're not going to really know
11 until we see the additional revenue by
12 pay-by-phone and we see if there is a
13 reduction in tickets or not. So
14 hopefully that will happen.

15 But I was going to have -- a
16 couple of my colleagues have questions
17 real fast. Normally we let both sides
18 talk, but we'll let a couple questions go
19 and then we'll continue with
20 Mr. Fenerty's testimony, if that's okay.

21 Councilman Oh.

22 COUNCILMAN OH: Thank you very
23 much, Mr. Chairman.

24 Could you just explain to me
25 how the new technology may result in less

1 5/4/15 - STREETS - 130905, etc.
2 fines? So I go to a meter. I put in
3 money. I go to a meter. I put in a
4 credit card or whatever and I pay the
5 time, and I got to come back, let's say,
6 in two hours or I get a ticket. If I get
7 a ticket, \$26 and it's my umpteenth time,
8 I get towed. If I have a mobile app with
9 me on my phone or something like that --
10 I think that's what we're talking
11 about -- it's convenient, I use it, but I
12 still have to come back in two hours. So
13 I don't come back in two hours, I still
14 get a ticket. Why do you believe that
15 the convenience will lead to me coming
16 back on time?

17 MR. STOBBER: So the great
18 advantage of the mobile payment
19 technology is, you no longer have to come
20 back. You're sitting in the restaurant
21 with your friends or family and you just
22 say, Excuse me for a moment, I just need
23 to add some time to your meter. You hit
24 a few buttons and you no longer have to
25 come back. And so that's really where

1 5/4/15 - STREETS - 130905, etc.
2 that convenience factor, where previously
3 you might have just said, You know what,
4 I'm having such a nice time here at
5 dinner, I'll roll the dice and see if I
6 get a ticket or not. Now you'll be able
7 to ensure you don't get a ticket, which
8 is clearly a good thing.

9 COUNCILMAN OH: Right. So it's
10 a fantastic thing. So I'm sitting at my
11 doctor's. I'm a senior citizen, and
12 instead of -- it took a longer time than
13 I thought. I just add some more time to
14 the meter. I don't worry, I don't run
15 out. So sounds pretty good.

16 MR. STOBBER: Yeah. It is. And
17 the concern that the Council and the
18 Administration are facing is, how do we
19 make sure that we're not putting
20 ourselves in a deeper hole in terms of
21 meeting the School District's needs, and
22 it's a situation that's sort of
23 unfortunate from a policy perspective
24 that the two have become intertwined, but
25 it is where we are. I wanted to make

1 5/4/15 - STREETS - 130905, etc.

2 sure that Council was aware of that, and
3 I believe that we have a path forward
4 with the Parking Authority that will
5 address that.

6 COUNCILMAN OH: I do appreciate
7 that. I'll speak for myself. I do
8 understand that problem, but I think that
9 the School District needs to be handled
10 separately from the parking. And we may
11 get more people who stay in the City,
12 more businesses coming. We may have
13 additional revenues from happy people as
14 opposed to, you know, getting people
15 because they have to run out to do
16 something or they can't do it. I just
17 think having the technology and the
18 convenience would be so welcomed. I
19 think the positive publicity and the good
20 feelings from people seeing our city move
21 forward, along with some other great
22 things that the Administration has done,
23 all in all, I think that's why we're
24 getting more people in our city, and
25 hopefully we'll get more businesses and

1 5/4/15 - STREETS - 130905, etc.

2 more tax revenues from it.

3 But thank you very much.

4 COUNCILMAN SQUILLA: Councilman
5 Neilson.

6 COUNCILMAN NEILSON: Yes. I
7 failed to -- maybe I didn't hear your
8 testimony. Are you for the bill or
9 against it?

10 MR. STOBBER: I think we are --
11 we have a path forward with the Parking
12 Authority where they'll be providing us
13 the information that we've requested.
14 We're certainly in favor of this
15 technology.

16 COUNCILMAN NEILSON: All right.
17 So you are in favor of the bill? Thank
18 you. That was the question.

19 I'll wait until Mr. Fenerty
20 testifies. Thank you.

21 COUNCILMAN SQUILLA:
22 Mr. Fenerty, say your name and proceed
23 with your testimony.

24 MR. FENERTY: Thank you,
25 Mr. Chairman. It's Vincent Fenerty and I

1 5/4/15 - STREETS - 130905, etc.

2 am the Executive Director of the Parking
3 Authority. I'd like to thank Council for
4 the opportunity to testify on this bill,
5 which was introduced by Chairman Squilla.
6 The bill, as always, is a part of an
7 ongoing effort by the Authority to
8 improve convenience and access for
9 motorists who live, work, and do business
10 in Philadelphia.

11 We have recently solicited
12 proposals from vendors to provide a
13 mobile payment system for parking meter
14 fees in the City. That would include
15 kiosks. Over the last decade, we have
16 implemented various technology
17 enhancements to the parking meter payment
18 process to make it more convenient. From
19 the installation of electronic mechanisms
20 that accept coins and smart cards to the
21 parking meter kiosks which accept coins,
22 bills, credit cards, our goal was to have
23 the parking meter payments made as easy
24 as possible to facilitate the ability of
25 people to participate fully in

1 5/4/15 - STREETS - 130905, etc.
2 Philadelphia's economic vitality. The
3 proposals being reviewed currently will
4 provide an additional option where a
5 motorist can establish an account and pay
6 the required parking fee from their smart
7 phone. These payment apps not only
8 provide a convenient payment process,
9 they provide various options, including a
10 reminder that the time is about to
11 expire, how to find your car if you've
12 misplaced it, and the ability to remotely
13 add time to the previous -- to that time
14 which was previously purchased.

15 The Authority intends to permit
16 adding time. However, time limits are
17 set to ensure adequate turnover of
18 parking spaces to maximize the number of
19 people who have access to public curbside
20 parking. To permit unlimited
21 opportunities to add time at low rates
22 has the potential to reduce parking
23 opportunities and hurt local businesses.
24 We have proposed that a motorist may add
25 time up to three times the posted time

1 5/4/15 - STREETS - 130905, etc.
2 limit. However, when time is added
3 behind -- excuse me; beyond the time
4 limit, the rate will be increased. For
5 example, if a person parks in the
6 two-hour parking zone when the meter rate
7 is 2.50 and uses the mobile payment
8 system, they will pay 2.50 for the first
9 two hours, for each of the first two
10 hours. If they add time beyond that,
11 they would pay \$5 per hour for each of
12 the next two hours. And for the third
13 hour, it would go up to 7.50 per hour for
14 the third two-hour increment. This will
15 provide an opportunity for someone who is
16 unable to get back to move their car the
17 ability to buy more legal time, but price
18 it in such a way that it will discourage
19 most people from regularly extending time
20 beyond the time limit. Those people who
21 are stuck in a meeting, in a doctor's
22 visit or some other delay may add time to
23 avoid a parking ticket, but it is not
24 economically practical to do so on a
25 regular basis. The rate escalation is

1 5/4/15 - STREETS - 130905, etc.
2 the only -- would only be applicable when
3 payment is made through a mobile payment
4 system. That would be through your smart
5 phone. Payments made directly at a meter
6 or a kiosk are not subject to the higher
7 multiplied rate.

8 Questions have been raised
9 concerning the revenue impact of this
10 initiative. Obviously the cost of a
11 parking ticket is more than even this
12 increased meter rate.

13 The information we have
14 received from other cities that have
15 implemented this technology, however, is
16 that there are no negative revenue
17 impacts. We will supply the Chairman and
18 the Administration information when we
19 finalize an analysis of this program, but
20 we firmly believe it will be revenue
21 neutral.

22 Unfortunately, there are always
23 those who don't pay meters regardless of
24 how convenient it is. Additionally, if
25 the number of violations of parking

1 5/4/15 - STREETS - 130905, etc.
2 meters are reduced, officers will be --
3 "officers," meaning parking enforcement
4 officers -- will be able to devote more
5 time and more attention to safety
6 violations, which present a more serious
7 hazard to a vehicle and pedestrian
8 safety. And from a strictly monetary
9 perspective, those safety violations are
10 much more expensive and produce much more
11 revenue than meter violations. For those
12 reasons, we believe the program, again,
13 will be revenue neutral. Additionally,
14 by adding non-cash payment options, we
15 reduce the cost of meter collections,
16 meter maintenance, improving the bottom
17 line which goes to the City's General
18 Fund and the School District.

19 Most importantly, however,
20 making parking more available and
21 convenient for motorists is essential to
22 our city's economy. We believe this
23 helps us fulfill our mission that we will
24 have the most positive impact on our
25 economic growth.

1 5/4/15 - STREETS - 130905, etc.

2 Chairman Squilla, as you know,
3 over the last several years, you
4 personally have chided the Parking
5 Authority about when we would introduce
6 this system, and I have danced you and
7 told you that we have growing pains with
8 our kiosks, and we did, and I was not
9 going to be a major city -- be a guinea
10 pig for a project such as this, that I
11 wanted to do it right and the Parking
12 Authority wanted to do it right. We
13 believe we are at that point. The
14 technology is here. The Parking
15 Authority and the City and Mayor Nutter
16 have been very innovative with
17 technology. We should drive the
18 technology before the technology drives
19 us. I believe that as a firm statement
20 that we make.

21 We will try to do the best we
22 can on an analysis to assure the City
23 that we believe this will be revenue
24 neutral. In the event that it does
25 appear that it could be not revenue

1 5/4/15 - STREETS - 130905, etc.
2 neutral and there could be some monies
3 lost, we do have to realize that this
4 could -- this is something for business.
5 From Mayor Rendell to Mayor Street to
6 Mayor Nutter, all have worked hard to
7 bring Center City life back, the
8 restaurants back, the businesses back,
9 and stop the occupancy rate in the large
10 office buildings. We're building more
11 office buildings. I think this would be
12 good for the City. I firmly do believe
13 it will be revenue neutral, and I would
14 ask Council to consider passing this very
15 ordinance.

16 Thank you.

17 COUNCILMAN SQUILLA: Thank you,
18 Mr. Fenerty. And I agree. I mean, I
19 think I met with Ms. Cutler and yourself
20 about this over a year ago and when we
21 first started looking at it.

22 Do you see a timeline if this
23 goes through that you would be able to
24 pick a vendor to support this type of
25 plan?

1 5/4/15 - STREETS - 130905, etc.

2 MR. FENERTY: Yes, sir. The
3 proposals have went out and we did do a
4 partnership with the City. Mr. Stober,
5 who is sitting at my right, was on the
6 committee to write the RFP. We are in
7 the final stages of reviewing them.
8 We're going to recommend a successful
9 proposer to our Board at our May Board
10 meeting, which will be in about three
11 weeks. After that, we'll make sure we
12 will negotiate a contract with that
13 vendor. I'm not going to rush a contract
14 through. I'm going to make sure our
15 lawyers are comfortable with the
16 contract, that every I is dotted and
17 every T is crossed so we don't have any
18 possible future loopholes that we missed
19 that would precipitate a lawsuit.

20 I would say that probably -- to
21 give our attorneys the proper time to
22 enter into a contract, which I would
23 sign, would probably be the end of June,
24 and then an implementation schedule would
25 begin, and I would hope to start seeing

1 5/4/15 - STREETS - 130905, etc.
2 some pay-by-cell -- the pay-by-cell
3 option by late summer. And as I have
4 been -- and I guess I can only use the
5 word that it is -- stubborn with you
6 before, that I would want to do it in
7 baby steps to make sure everything is
8 right so the Council can be proud of us.
9 I'm going to do it in baby steps so we
10 get it right, and that's what we've
11 always done. You have called me
12 stubborn, but I was not being stubborn.
13 I want --

14 COUNCILMAN SQUILLA: I used
15 some other words too.

16 MR. FENERTY: And some other
17 words. But as the chief engineer for the
18 City to say earlier, by working together
19 and working slowly, we have a good red
20 light camera system, and I want to have a
21 good pay-by-phone system also. I really
22 don't want the growing pains that I've
23 had in other implementations, although
24 they've been small. I want the rollout
25 to be as flawless as we can so we'll all

1 5/4/15 - STREETS - 130905, etc.

2 be proud.

3 COUNCILMAN SQUILLA: Thank you.

4 Thank you for your answer, and, you know,
5 it's really nice to see the City looking
6 to be progressive and moving forward and
7 doing different things to make it easier
8 for not only for our constituents and the
9 people who live here, but the people who
10 come in and spend money here also. We
11 got to make sure that they are happy to
12 be here, happy to visit Philadelphia and
13 keep coming back.

14 So we appreciate this
15 opportunity to push something new
16 forward, at least for our city, and
17 hopefully that it will generate -- and I
18 think it will actually generate more
19 meter income than we previously have and
20 we'll see opportunity to grow this in a
21 way that would make the City proud. So
22 thank you very much.

23 Councilman Greenlee -- Neilson.

24 COUNCILMAN NEILSON: Greenlee,
25 Oh, Henon.

1 5/4/15 - STREETS - 130905, etc.

2 Thank you, Vince. I could not
3 agree with you more, that we should as a
4 city drive technology instead of letting
5 it drive us.

6 You spoke about some other
7 cities that are using this technology
8 already. Can you put them on the record,
9 the other cities that use technology like
10 this and pay-by-phone.

11 MR. FENERTY: I can send you a
12 very long list of those. Off the top of
13 my head --

14 COUNCILMAN NEILSON: Just one
15 or two is good.

16 MR. FENERTY: There's a few.
17 Well, I'll just go to the very smallest.
18 As the Executive Director of the Parking
19 Authority, I enjoyed paying by cell last
20 summer in Wildwood. Do I need to say any
21 more, that Wildwood has what we don't
22 yet?

23 COUNCILMAN NEILSON: Will there
24 be a need to change any of our meters or
25 the way your enforcement officers write

1 5/4/15 - STREETS - 130905, etc.
2 tickets? Because like currently, I pay
3 my meter. I put my slip up on the
4 curbside, and that slip could expire.
5 Now with this kind of technology, it
6 could be expired for five hours. When
7 your enforcement officer goes by, is
8 there a way of scanning that and saying,
9 Hey, look, they're still good?

10 MR. FENERTY: What the
11 enforcement officer will do, they will
12 scan the tag. They will do two things.
13 They will scan the tag to see if it's
14 been paid remotely by pay-by-cell, and if
15 it's not, they will look at the
16 windshield to see if it's been paid at
17 the kiosk, or if it's a standing meter, a
18 single standing meter, they'll look at
19 that. So they will do three things
20 before they issue a ticket. So there's
21 three different technologies according to
22 what you're doing.

23 If it's a stand-alone meter,
24 they look to see if that's paid. If it's
25 a kiosk, they will look to see if the

1 5/4/15 - STREETS - 130905, etc.

2 receipt in the windshield is expired.

3 And they would run the tag to see if it
4 has been paid remotely.

5 I believe there will be some
6 growing pains. Things will be missed.

7 That's what we have a complaint
8 department for. And we'll get it 100

9 percent right within a few months.

10 Complaints from the Parking Authority
11 standpoint regarding tickets in the last
12 three years have really went down. And

13 I'll go back and just to Councilman

14 Greenlee, something in my 30 years none
15 of us thought of was what he did, was

16 sending a warning notice out before you
17 add the penalty on. It reduced some of

18 the money that came in. People who

19 forgot to pay, people who somebody took
20 the ticket off their windshield, gave

21 them a reminder. We did take a little
22 bit of a money hit on that, but it

23 reduced complaints and it cleaned the
24 Parking Authority and the City's image

25 up. And that was not one of our ideas.

1 5/4/15 - STREETS - 130905, etc.

2 It was Councilman Greenlee's. When he
3 had called me and said he had this idea,
4 I told him I thought it was great. He
5 actually thought I was going to argue
6 with him. But we have worked with
7 Council for the last ten years at least
8 on better ideas in how we can make
9 parking more pleasant, less inconvenient,
10 and better for the City so people don't
11 come here and say, Yuck, I'm never coming
12 back again. We don't want that
13 reputation.

14 COUNCILMAN NEILSON: Thank you.
15 Thank you for your testimony.

16 Thank you, Mr. Chairman.
17 Nothing further.

18 COUNCILMAN SQUILLA: Thank you.
19 Seeing no more questions,
20 anyone else here to testify on Bill No.
21 150354?

22 (No response.)

23 COUNCILMAN SQUILLA: Thank you
24 so much.

25 Mr. McMonagle, please read the

1 5/4/15 - STREETS - 130905, etc.
2 title of the next bill.

3 THE CLERK: Bill No. 150287, an
4 ordinance amending Title 12 of The
5 Philadelphia Code, entitled "Traffic
6 Code," to provide for the removal of
7 inoperable abandoned bicycles located
8 within the public right-of-way.

9 MR. STOBBER: Good afternoon,
10 Chairman Squilla and members of the
11 Committee. My name is Andrew Stober. I
12 serve as Chief of Staff in the Mayor's
13 Office of Transportation and Utilities.
14 I'm here today in support of Bill 150287,
15 which amends Title 12 of The Philadelphia
16 Code, entitled "Traffic Code," to provide
17 for the removal of inoperable abandoned
18 bicycles located within the public
19 right-of-way.

20 For the past few years, MOTU
21 has worked with the Streets Department
22 Sanitation Division and the CLIP program
23 to remove abandoned bicycles on an annual
24 or semi-annual basis. The bicycles have
25 been removed under the City's authority

1 5/4/15 - STREETS - 130905, etc.
2 to remove litter. This ordinance will
3 clarify that the City has the right to
4 remove abandoned bicycles, and this
5 ordinance will facilitate our continued
6 efforts to keep our streets and sidewalks
7 clean.

8 I'm happy to answer any
9 questions.

10 COUNCILMAN SQUILLA: Thank you
11 very much. Is CLIP now doing this on
12 their own?

13 MR. STOBBER: So we're doing it
14 in coordination with CLIP, and we'll
15 probably continue with the Sanitation
16 Division. So in a good use of City
17 resources, during the summer CLIP has
18 really focused on graffiti removal
19 efforts. In the winter, they have a
20 little more time on their hands, so
21 they'll probably take care of the winter
22 cleanup. We'll be able to do a summer
23 cleanup with the Streets Department
24 Sanitation Division.

25 COUNCILMAN SQUILLA: Great.

1 5/4/15 - STREETS - 130905, etc.

2 That sounds great.

3 MR. STOBBER: And I just take
4 this opportunity to remind folks and to
5 remind Councilmembers to please have
6 folks report abandoned bicycles to 311.
7 Our service time is sometimes six months
8 to get to that bike, but they really are
9 all logged. It's very helpful for us,
10 because part of our process and perhaps
11 as hard as it is to believe, we are
12 considered a model for the country in how
13 we remove abandoned bicycles. Our
14 process is that we go out and we tag each
15 of those bicycles for a week, so that in
16 case the owner wants to remove it and
17 it's not actually abandoned, they have
18 the opportunity to do so. That all goes
19 into 311. We're able to print up a map,
20 send out folks to go tag those bikes, and
21 then go back to remove them. So please
22 report them to 311.

23 COUNCILMAN SQUILLA: Hopefully
24 six months won't be the norm for removal.
25 I mean, the frustration we get from the

1 5/4/15 - STREETS - 130905, etc.
2 residents on something taking -- the City
3 to take six months to do is unacceptable.
4 So we need to -- hopefully this will --

5 MR. STOBBER: As you know, it's
6 a balance. The Streets Department has
7 lots of demands on it. So we're trying
8 to help everyone.

9 COUNCILMAN SQUILLA: Maybe we
10 can help MOTU and since we're going to
11 have more and more bikes there, we could
12 come up with some extra revenue that we
13 could get that done a little quicker.

14 So thank you for your
15 testimony.

16 Any other questions?
17 (No response.)

18 COUNCILMAN SQUILLA: Seeing
19 none, anyone else here to testify on Bill
20 No. 150287?

21 (No response.)

22 COUNCILMAN SQUILLA: Thank you
23 very much.

24 That will end our hearing. We
25 will now go into committee.

1 5/4/15 - STREETS - 130905, etc.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE:

4 Mr. Chairman, I move the amendments that
5 have been presented to the following
6 bills: Bill No. 150267, 150214, 150278,
7 and 150353, I move that they be -- and
8 also 140644, I move that the amendments
9 be adopted.

10 (Duly seconded.)

11 COUNCILMAN SQUILLA: Moved and
12 properly seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN SQUILLA: Any
16 opposed?

17 (No response.)

18 COUNCILMAN SQUILLA: The ayes
19 have it. Those amendments have been
20 approved.

21 Councilman Greenlee.

22 COUNCILMAN GREENLEE:

23 Mr. Chairman, I move that Bill No.
24 150267, as amended, be referred back into
25 the Committee.

Committee on Streets & Services
May 4, 2015

Page 128

1 5/4/15 - STREETS - 130905, etc.

2 (Duly seconded.)

3 COUNCILMAN SQUILLA: All in
4 favor?

5 (Aye.)

6 COUNCILMAN SQUILLA: Any
7 opposed?

8 (No response.)

9 COUNCILMAN SQUILLA: The bill
10 has been seconded and all in favor.

11 Back to Councilman Greenlee.

12 COUNCILMAN GREENLEE:
13 Mr. Chairman, I move that Bill No. 150354
14 be reported out of this Committee with a
15 favorable recommendation.

16 (Duly seconded.)

17 COUNCILMAN SQUILLA: The bill
18 has been motioned and seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN SQUILLA: Any
22 opposed?

23 (No response.)

24 COUNCILMAN SQUILLA: The ayes
25 have it.

Committee on Streets & Services
May 4, 2015

Page 129

1 5/4/15 - STREETS - 130905, etc.
2 Councilman Greenlee.
3 COUNCILMAN GREENLEE: Mr.
4 Chairman, I move that the following bills
5 be reported out of this Committee with a
6 favorable recommendation and that the
7 rules of Council be suspended to allow
8 for first reading at our next session of
9 Council: Bill No. 140644, 150277,
10 150279, 150280, 150281, 150283, 150287,
11 150218, 150372, 150214, 150278, both of
12 those as amended, 130905, 150353 as
13 amended, 150237, 150238, and 150268.
14 (Duly seconded.)
15 COUNCILMAN SQUILLA: It has
16 been properly seconded.
17 All in favor?
18 (Aye.)
19 COUNCILMAN SQUILLA: Any
20 opposed?
21 (No response.)
22 COUNCILMAN SQUILLA: The ayes
23 have it. All bills will be approved with
24 a recommendation to -- the rules
25 suspended to be read at the first meeting

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Committee on Streets & Services
May 4, 2015

Page 130

1 5/4/15 - STREETS - 130905, etc.
2 of Council.

3 Thank you very much.

4 (Committee on Streets and
5 Services concluded at 12:25 p.m.)

6 - - -

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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Committee on Streets & Services
May 4, 2015

Page 1

A	18:8 28:11	7:10 73:6	24:12 25:10	amount 15:25	approached	assisting	93:17 97:8
abandoned	100:11	administeri...	ali 61:13,17	24:20 65:19	3:11 41:5	31:25	authorizing
123:7,17,23	action 11:9	4:24	62:18 63:5	66:12 70:20	52:15 55:24	association	60:25 61:21
124:4 125:6	18:13 28:5	administrat...	63:12,18,22	72:20 73:14	61:8 65:7	41:14 42:22	81:8,24
125:13,17	28:6 56:16	3:8 6:9 8:2	64:4,15,19	101:22	85:3 89:24	44:20 45:25	89:18 93:2
ability 109:24	86:8 88:6	8:24 23:8	77:7,24	analysis	98:20	associations	96:16
110:12	100:21	40:18 52:6	78:7,17	101:2	appropriate	41:18	automated
111:17	activities 58:2	85:16 98:18	80:16,20	102:23	14:21 26:17	assure 79:5	2:19 60:23
able 19:24	actual 69:13	100:16	81:16,19	112:19	26:18	114:22	81:6
24:23 29:19	add 15:23	101:2 103:8	83:5,10,14	114:22	appropriat...	assures 86:21	available 6:2
29:23 32:23	23:7 67:5	104:6	allhazards	analyze 40:4	13:25	attempting	37:18
33:4 40:9	78:18,24	106:18	12:4	andrew 98:22	approval	49:23	113:20
40:12 69:22	105:23	107:22	alliance 24:6	98:25	4:14,16	attention	avenue 52:20
70:3 79:16	106:13	112:18	allocated	123:11	9:13,14,16	41:21 70:10	54:2 61:3
103:18	110:13,21	administrat...	101:22	annual	9:18 87:18	103:19	61:24 68:13
106:6 113:4	110:24	9:23	allow 28:11	123:23	88:24 92:8	113:5	68:14 82:3
115:23	111:10,22	adopt 5:6	38:25 43:16	ansul 46:23	95:22	attorneys	82:3 83:3,3
124:22	121:17	18:4	87:3,20	answer 12:18	approve	116:21	89:21 90:15
125:19	added 100:4	adopted	88:17 91:23	14:24 15:5	84:20 85:22	august 6:13	90:19,22,24
absolutely	111:2	127:9	95:9 102:24	25:5 26:12	88:18	83:21	91:4,6,25
64:4 80:16	adding 3:3	advance	129:7	27:7 39:4	approved	authority	avenues
abundance	58:6 59:3	99:13	allowing	57:2 62:8	58:9 77:3	5:14 7:9,15	81:10
31:19	110:16	advantage	41:16 53:6	82:10 84:2	127:20	8:18 12:8	average 73:3
abutting 87:7	113:14	105:18	54:17	89:4 92:14	129:23	15:8 32:6	avoid 111:23
academy	addition	advice 15:5	allows 86:4	96:4 101:6	approximat...	37:23 38:3	avoiding
72:21	86:23	advisory	alvin 93:2,17	118:4 124:8	94:3,6,13	38:6 47:12	102:17
accept 109:20	101:13	10:11	amend 56:10	anybody 27:7	94:15	53:5,10	aware 107:2
109:21	additional	affairs 90:8	57:24 59:15	30:19 41:2	apps 110:7	54:16,22	aye 127:14
access 109:8	7:15 10:19	93:14 97:5	85:19 87:16	52:6	april 88:15	64:20 65:3	128:5,20
110:19	15:24 47:24	afford 44:7	amended	app 105:8	aramingo	65:11 67:8	129:18
accessibility	100:17	affordable	4:10,17	appealed	70:19	75:6 77:13	eyes 127:18
87:12	102:16	44:10	57:9 85:7	21:3,6	area 6:25	87:4 99:11	128:24
accidents	104:11	afraid 36:5	127:24	appeals 9:22	47:16 66:16	99:14,24	129:22
62:16 66:2	107:13	afternoon	129:12,13	20:23	90:20 91:2	100:25	
66:6 67:19	110:4	61:14 81:16	amending	appear 4:8	areas 22:15	102:13,22	B
68:7,16	additionally	83:10 123:9	2:17,22	61:16 62:7	71:5 90:19	107:4	baby 117:7,9
70:21 71:2	112:24	agencies	51:22 55:14	81:18 82:9	arent 37:23	108:12	back 23:20
79:20,21	113:13	11:10 12:13	57:11 58:25	83:13,25	80:12	109:3,7	26:6 64:2
accommoda...	address 107:5	25:11	59:3 60:21	114:25	argue 122:5	110:15	70:23 71:11
69:22	addressed	agency 33:12	81:4 84:17	appears	asked 19:17	114:5,12,15	71:16 72:2
accommoda...	28:15	ago 115:20	98:10 123:4	25:15	70:4 78:22	119:19	72:9,10,17
93:22	addressing	agree 21:13	amendment	applicable	asking 63:20	121:10,24	72:24 74:3
accomplish	11:11	115:18	12:24 13:2	112:2	aspect 50:12	123:25	74:6,8
15:21 68:10	adds 59:18	119:3	13:9 27:23	apply 33:16	aspects 46:2	authorization	75:10,11,22
accord 92:9	adequate	agreed 77:12	amendments	131:20	assembly	13:12,15,18	76:6 80:7
95:23	19:22	77:19	11:10 88:24	appreciate	13:13,18	15:13 27:13	104:3 105:5
account	110:17	102:22	127:4,8,19	28:21 29:2	14:16 15:7	27:15	105:12,13
110:5	adjacent 94:3	agreement	amends 58:4	40:3 50:3,6	27:16 28:5	authorize	105:16,20
accurately	94:12	8:8 35:21	123:15	89:2 92:12	28:7 40:17	17:2	105:25
acquiring	102:19	36:6 71:24	america 6:12	96:2 107:6	assistant	authorized	111:16
7:15	adjustments	agreements	31:17,20,21	118:14	61:17 81:20	4:19 28:7	115:7,8,8
act 15:7 18:7	87:3	87:23	31:22 32:16	approach	83:14	authorizes	118:13
	administer	ahead 24:10	48:20	99:12	assisted 7:2	30:14 90:11	121:13
							122:12

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 2

125:21	123:24	96:9,14,15	brought	call 55:10	81:11 84:25	30:15 84:25	5:5,21 8:3,3
127:24	124:4 125:6	97:6,8,18	70:10,15,15	65:14	89:22 93:6	86:3,4,24	8:5 11:3
128:11	125:13,15	98:2,8,9,19	73:14	called 49:12	96:23 98:15	87:5,7,8,19	13:4 14:6
background	big 79:10	99:4 108:8	bubbles 44:4	117:11	101:22	88:3	17:20,22
42:13	bike 125:8	108:17	buck 69:15	122:3	certainly	changing	20:5 24:24
backlog	bikes 125:20	109:4,6	77:16	calling 16:13	102:18	84:22 85:24	25:11,18
34:15	126:11	122:20	budget 19:12	calls 46:20	103:10	88:19	27:8 29:7
balance 29:21	bill 2:15,16	123:2,3,14	19:15 23:18	80:3	108:14	chapter 2:17	35:18,18
29:24	2:20,21 3:9	126:19	37:9	camera 65:13	certificate	5:3 8:11	36:6 41:21
102:15	4:10,18	127:6,23	builder 42:7	67:11 68:2	131:2	51:22 60:21	44:23 45:23
126:6	11:17,20	128:9,13,17	building 9:8	68:20,21	certification	81:4 98:10	46:2 55:16
base 66:20	12:17,25	129:9	9:13 10:7	72:20 73:21	131:19	charge 99:15	55:18 56:12
basically	13:16,22,23	bills 1:13	20:24 21:4	75:16 79:4	certify 131:3	charged	62:5 66:23
66:19 76:12	13:23 14:15	27:11 53:19	21:18 23:15	117:20	certifying	10:24 20:22	69:12,12
basis 37:3	15:9 19:25	63:25 67:11	42:9 94:3	cameras	131:23	21:24 22:19	71:16,24
67:23 83:21	24:4,17	79:18	94:12	62:25 63:17	chair 1:10	charges 4:23	72:16 74:18
111:25	28:4,6,8	109:22	115:10	69:14,22	chairman 2:6	charlie 78:20	74:25 75:14
123:24	39:6 41:3	127:6 129:4	buildings	71:20 76:21	4:3 17:12	charter 4:22	76:22 77:3
battalion	41:25 46:14	129:23	10:16 34:10	cancel 43:18	19:2,6	chasing 16:2	80:3 82:7
70:16,18	48:13 51:14	bit 74:2	115:10,11	cant 17:22	25:24 26:5	check 9:6	85:12 86:7
behalf 83:7	51:20,21	121:22	bumpouts	32:3,3 36:9	30:10 46:12	38:15	86:8 88:12
believe 13:3	52:7,10,13	blasting 9:16	86:5	36:17 38:12	48:15 50:9	checks 21:18	88:12,21
14:7 15:6	52:14,17,21	block 9:6	burden 74:10	38:14,23	56:3 59:9	chestnut	91:17,18
38:2 45:8	53:20,24	57:14 63:20	buried 69:24	107:16	61:14 64:11	59:23	95:4,4
47:14 72:7	54:4,8 55:9	66:15 87:6	69:25	capable 78:9	78:13 81:17	chided 114:4	100:16
72:11 74:22	55:12,13	blow 39:3	business	car 67:24	83:11 85:10	chief 3:21	101:10,11
74:25 77:4	56:9,13,21	board 9:23	11:13 42:17	110:11	88:10 90:5	15:17 16:8	101:19,23
100:3	57:2,8,10	16:13 21:7	109:9 115:4	111:16	91:16 95:2	20:14,21	103:23
105:14	57:23 58:4	21:14 22:18	businesses	carbon 43:2	97:2 104:23	22:11 23:2	107:11,20
107:3	58:12,17,23	41:12 49:23	66:16	card 105:4	108:25	31:15 61:18	107:24
112:20	58:24 59:14	84:20 85:22	102:20	cards 109:20	109:5	70:17 81:20	109:14
113:12,22	59:18 60:3	88:17 116:9	103:24,25	109:22	112:17	83:14 98:25	114:9,15,22
114:13,19	60:8,13,19	116:9	107:12,25	care 124:21	114:2	117:17	115:7,12
114:23	60:20 61:7	bodies 70:13	110:23	carpenter	122:16	123:12	116:4
115:12	61:20,21,25	body 15:8	115:8	54:11	123:10	child 63:8	117:18
121:5	64:10,12	boil 30:25	bustleton	case 21:6,7,9	127:4,23	chiu 88:9,11	118:5,16,21
125:11	72:15 81:2	boiler 34:15	68:10,13,14	125:16	128:13	91:15,17	119:4
belmont	81:3,22,24	boilers 30:24	buttons	cases 26:16	129:4	94:25 95:3	122:10
81:10 82:2	82:4,16,23	34:8,10	105:24	castor 70:18	chairs 94:2	christian	124:3,16
benefit 99:9	82:24 83:17	borrow 99:18	buy 44:8	70:19	94:11 95:11	54:10	126:2
99:20	83:19 84:9	boston 25:18	111:17	cause 43:17	95:16	church 56:15	citys 6:12 9:9
100:22	84:15,16	bottle 43:25	buying 43:8	caution 31:19	challenge	circumstan...	87:13
103:23	85:6,15	44:3	byberry	cell 119:19	102:12	84:24 86:2	113:17,22
best 36:13	87:2,16	bottom	67:22,22	center 22:17	103:2,5	cite 17:23	121:24
76:19	88:4,14,16	113:16	68:5,9,15	55:16,18	challenges	cites 17:25	123:25
114:21	88:22 89:10	boulevard	70:11	56:12 115:7	103:7	cities 68:23	clarify 63:22
better 29:21	89:16,17	65:24 71:3	C	certain 3:5	chance 24:2	79:9 112:14	124:3
77:6 122:8	90:10,11	bound 11:22	c 47:4	52:3 55:18	25:13	119:7,9	clarity 47:11
122:10	91:20,23	bracley 52:23	cafe 89:20	57:15 59:4	change	citing 8:4	clarke 24:9
beyond 111:3	92:8,19,24	53:2,3	90:14,18	59:20 61:4	119:24	citizen 106:11	clean 124:7
111:10,20	92:25 93:16	54:13,14	91:24 92:2	63:3 64:9	changed	citizens 11:13	cleaned
bicycles	93:17 95:6	bring 64:7	93:4,20	64:13 66:6	27:14	38:24	121:23
123:7,18,23	95:9,22	115:7	95:10	80:5,11	changes 3:5	city 1:2,6 4:4	cleaning

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 3

70:21 cleanup 124:22,23 clear 8:12 36:20 46:14 79:16 94:8 94:18 102:14 clearance 79:12 clearly 5:18 102:25 106:8 clerk 2:16 51:21 52:17 53:20 55:13 57:10 58:24 60:20 81:3 82:24 84:16 89:17 92:25 96:15 98:9 123:3 clip 123:22 124:11,14 124:17 close 45:6 66:17 closed 43:11 closing 11:12 code 2:18,23 3:22 4:11 4:15 6:6 7:2 7:5,17 8:25 9:10,22,25 12:7 14:5 15:21 18:2 20:25 21:5 22:5,13,23 23:4,9,11 23:17 51:23 55:15 56:11 57:12,25 59:2,16 60:22 81:5 84:18 85:20 86:4 98:11 123:5,6,16 123:16 coins 109:20 109:21 collaborated 7:23 collaborating	6:7 collaborative 7:6 collapse 23:15 colleagues 12:23 104:16 collect 73:5,8 101:17 collected 71:15,18 101:11 collecting 9:7 collections 113:15 combustible 3:2 48:5 come 3:9 21:20 31:6 37:5 41:4 55:21 64:2 72:2 73:17 104:3 105:5 105:12,13 105:19,25 118:10 122:11 126:12 comes 71:22 72:4,9 75:9 75:11 comfortable 25:8 29:18 116:15 coming 20:12 39:23 41:8 62:14 105:15 107:12 118:13 122:11 command 4:12 22:17 commander 3:22 commerce 29:23 commercial 58:2 commission 10:11 88:13 88:21 91:19	92:7 95:5 95:21 commissioner 3:17,19 4:2 4:7 6:5 7:17 13:6,20 14:18 16:10 17:6 19:21 20:9 21:12 21:13 23:6 24:15 25:14 26:7 28:19 28:25 29:12 29:17 30:20 31:10 32:22 33:13 34:3 34:14 35:7 36:3 37:2 37:13,25 38:11,17 39:20 40:2 40:24 56:2 56:6 57:18 57:21 59:8 59:11 commission... 48:19 commit 79:8 committed 12:10 100:25 committee 1:3 2:6,8 4:4 56:4 61:15 76:8 81:17 83:12 85:11 88:6 88:11 90:6 91:17 93:12 95:3 97:3 101:3 116:6 123:11 126:25 127:25 128:14 129:5 130:4 commonly 86:4 commonwe... 18:11 25:7 25:9 communica... 41:23 50:25	community 8:24 9:4 12:5 compel 38:12 compete 14:11 competing 15:18 competition 10:20 complaint 121:7 complaints 8:14 36:21 83:23 121:10,23 complete 87:13 compliance 7:5 47:19 87:11 compliant 45:9 48:22 comprehen... 9:3 12:5 concede 11:19 concepts 11:23 concern 10:17 11:21 14:4 28:22 42:8 45:16 64:6 79:22 106:17 concerned 100:21 concerning 112:9 concerns 11:11 13:21 28:15 30:2 48:3 50:13 50:15,21 63:2 65:23 concluded 130:5 concludes 88:25 91:14 92:11 94:24 95:25 97:20 conditions 3:6 52:4	55:19 57:15 59:5,20 61:4 81:11 85:2 87:17 89:23 93:7 96:24 98:16 conduct 5:14 6:10 12:8 14:8 conducted 11:7 59:19 conducting 9:6 10:15 conducts 8:18 conduits 96:19 97:11 configuration 86:20 configurati... 86:6,11 confirm 86:9 conflict 5:15 conflicts 5:7 17:16 18:6 conjunction 32:8 consider 88:22 115:14 consideration 53:12 54:24 considered 125:12 consistent 28:2 constantly 34:12 constituents 103:14 118:8 construct 90:12 93:18 96:19 97:11 construction 22:23 77:16 consultant 64:22 consultation 64:21 consultations 9:11 consumers 42:19	contained 131:5 container 34:25 35:4 35:5,10 containers 5:10 30:18 continue 12:3 51:5 52:24 100:2 104:19 124:15 continued 124:5 continuing 12:11 contract 116:12,13 116:16,22 contractor 77:13 control 131:22 controllers 78:3 controversies 68:24,25 convenience 100:4 105:15 106:2 107:18 109:8 convenient 105:11 109:18 110:8 112:24 113:21 convention 9:13 conversations 24:8 converted 83:20 convey 87:4 cooking 43:12 coordinate 9:25 coordinated 21:21 coordinating	8:8 35:21 coordination 124:14 copies 67:2,2 copy 18:18 corinne 65:9 correct 13:5,7 23:3 27:18 28:15 31:9 33:8 34:4 35:6 36:2 36:25 102:2 131:8 corrected 32:19 correctly 45:18 corrigan 3:17 3:19 4:2,6 13:6,20 14:18 16:10 17:6 19:21 20:9 23:6 24:15 25:14 28:19,25 29:12,17 30:20 31:10 32:22 33:13 34:3,14 35:7 36:3 37:2,13,25 38:11,17 39:20 40:2 40:24 corrosion 43:23 cost 19:18 47:22 68:4 73:6 112:10 113:15 costo 6:5 7:17 costs 77:22 78:11 couldnt 83:6 council 1:2 24:8 29:7 41:16 50:14 50:23,25 53:3,6,11 54:14,17,23 56:23 58:14 60:5 66:23 100:16	103:13 106:17 107:2 109:3 115:14 117:8 122:7 129:7,9 130:2 councilman 1:10,10,11 1:11 2:2,5 2:11,12,12 3:7,13,24 12:20 13:8 14:14,23 15:2,10 16:4,9,23 17:8,10,11 17:25 18:17 18:21,22 19:3,3,5 20:4,11,17 22:9,21 23:5,7,19 25:12,23 26:2,2,4 27:22,25 28:13,17,20 28:23 29:3 29:15 30:3 30:11,12 31:4,13 32:2,10,13 33:5,9,15 33:22 34:6 35:2,11,13 35:14,15 36:11 37:8 37:15 38:8 38:14,19 39:22 40:13 40:22 41:2 41:7 44:18 45:2,7,15 46:8,10,11 48:12 49:7 49:9,9,11 50:7,10,11 50:20 51:3 51:8,13,17 52:5,11,22 53:14,17 54:12 55:2 55:6,20
--	---	---	---	---	---	---	--

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 4

58:18,21	128:17,21	110:3 120:2	10:13,13,17	34:3,14	diligent 41:22	doctors	due 6:17
59:6 60:9	128:24	curve 24:10	10:23 11:6	35:7 36:3	diminishing	106:11	11:17 23:14
60:12,16	129:2,3,15	customarily	11:15 12:10	37:2,13,25	10:22	111:21	42:19 56:17
61:5,10	129:19,22	11:7	13:21 14:20	38:11,17	dinner 106:5	documented	63:2 100:19
62:10,12,13	councilme...	customers	16:6 17:24	39:20 40:2	dionne 53:3	86:22	duly 127:10
62:20 63:7	88:14 91:21	99:10	18:12 19:11	40:24 48:18	54:14	documenting	128:2,16
63:16,19,23	95:7	cutler 75:21	22:5,13	53:4 54:15	dipietro	9:8	129:14
64:5,17	councilme...	115:19	25:8 31:14	56:2,6	55:21 56:2	doesnt 63:18	duties 8:23
65:2,21	70:4 125:5		31:24 32:20	57:18,20	56:5 57:18	doing 17:21	9:2 10:19
66:8,22	councils 4:4	D	33:10 36:22	59:8,10	57:20 59:8	35:9,25	12:7 15:20
67:3,6,15	28:21	daily 22:6	41:20 46:6	65:10 75:20	59:10	37:19 80:4	20:19
67:18 69:20	counted	42:17	46:6 47:25	description	direct 131:22	80:13 118:7	duval 83:2
70:6 71:13	73:12	danced 114:6	49:22 56:7	90:17 93:25	directed 6:21	120:22	
72:18 73:24	counties	data 73:9	56:19 57:22	design 9:13	7:17 11:20	124:11,13	E
74:7,14,19	26:12	date 6:18	58:10 59:12	86:13	direction 6:4	dollar 72:19	earlier
75:5,23	country	27:11 28:4	59:25 61:19	designated	directly 23:3	73:3,4	117:18
76:20 77:7	125:12	83:23	61:24 64:22	6:25 55:17	71:16 72:11	101:24	easier 45:21
77:20 78:4	couple 12:22	dates 43:3	66:9 69:2	72:2,10	100:22	dollars 73:25	102:6 118:7
78:12 79:17	23:13 62:14	dave 83:5	69:13,16	desk 3:10	112:5	78:11 80:9	east 56:14
80:19,21,24	72:5 76:18	david 1:11	70:16 72:12	detail 49:18	director 15:2	dont 26:6,11	58:6 83:2
81:12 82:12	104:16,18	davis 23:22	81:21 82:4	detailed	65:10 67:7	27:7 29:6	90:22 91:3
82:15,19	course 8:16	day 6:13,19	83:15,18	16:12,21	90:8 93:14	35:24 36:8	91:5 94:4
83:8 84:4,8	36:23 47:20	72:22 104:4	85:12,13,17	detector 44:9	97:4 109:2	36:15,16	94:16 95:17
84:12 85:5	covered 8:11	104:10	86:18 87:17	48:5	119:18	38:6,9,25	96:18,20
88:7 89:5,9	create 10:20	days 46:21	87:21 88:5	detectors 9:6	directors	39:4 43:13	97:10,12
89:13 90:2	credit 105:4	deal 23:3	90:9 91:10	determinati...	41:13	44:16 62:18	easy 109:23
92:15,18,22	109:22	dealing 27:14	93:15 94:20	64:19	disagree	62:20 63:24	economic
93:8,11	cross 63:11	decade	97:5,16	determined	21:13	64:13 67:3	110:2
96:5,8,12	crossed	109:15	121:8	21:10	discourage	73:15,19,22	113:25
97:21,25	116:17	decide 24:24	123:21	developing	111:18	76:7 78:21	economically
98:5,17,22	crossing 63:9	decision	124:23	9:3	discussed	79:8 104:3	111:24
101:8,16	63:10	42:21 64:25	126:6	development	11:18,24	105:13	economy
102:2 103:6	curb 86:5,20	decisions	departments	10:6 86:16	14:13 67:14	106:7,14,14	113:22
103:11	curbline 86:6	103:5	12:16 19:16	device 47:14	discussion	112:23	ed 1:11
104:21,22	86:11,24	decrease	22:12 56:25	devices 47:6	49:4	116:17	educating
106:9 107:6	87:19 94:4	68:16	58:16 60:7	62:2 82:5	displays 9:17	117:22	50:2
108:4,4,6	94:14	deeper	depends	devote 113:4	distributed	119:21	education
108:16,21	curblines	106:20	77:24	dice 106:5	74:9	122:10,12	34:20 103:4
115:17	84:22 85:24	defense 44:5	depot 44:11	didnt 25:4	distributing	dot 6:24 7:2	effect 13:11
117:14	88:19	define 20:16	deputy 3:17	108:7	9:5	8:2 32:18	13:14,17
118:3,23,24	curbside	definitions	3:18,21 4:2	different 22:8	district 67:15	32:20	15:12 17:3
119:14,23	110:19	3:3	4:6 6:5 7:16	22:10,12,15	67:17 69:21	dotted 116:16	27:12,16
121:13	120:4	delay 111:22	13:6,20	23:13 25:5	100:15,18	dovetailed	28:8 39:8
122:2,14,18	current 9:25	demands	14:18 16:10	26:11,12,13	100:23	25:20	40:16
122:23	30:17 46:25	126:7	17:6 19:21	26:20 29:6	101:5,25	drag 68:13	effective
124:10,25	currently	denied 21:11	20:9,14,21	29:10,11	107:9	drainage	27:11 28:4
125:23	5:21 10:14	dennys 78:20	22:11 23:2	118:7	113:18	87:14	28:12
126:9,18,22	10:23 14:5	department	23:6 24:15	120:21	districts	dramatic	effectiveness
127:2,3,11	14:10 16:2	3:20,23	25:14 26:7	differs 18:5	106:21	68:15	10:22
127:15,18	19:23 20:7	4:16,18,23	28:19,25	dignitary	division	drive 114:17	effects 9:18
127:21,22	20:10,18,22	5:13,23 6:9	29:12,17	9:20 21:16	123:22	119:4,5	effort 109:7
128:3,6,9	23:8 33:10	7:8,21,23	30:20 31:10	diligence	124:16,24	driver 99:17	efforts 124:6
128:11,12	42:3 76:21	7:24 8:15	32:22 33:13	42:20	dlugosz 83:5	drives 114:18	124:19
		8:23 10:3					either 21:13

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 5

electrical 96:21 97:14	12:7 60:23 61:2,22	essentially 31:2 34:16	expand 84:23 85:25	fall 76:14 103:12	feltonville 5:20 26:23	6:25 7:4,5,8 7:17,22	follow 8:13 36:21 45:13
electromec... 78:3	81:6,9,25 102:5 113:3	40:8 establish	expanded 87:9	falls 34:9	30:7 31:17	8:14,22,25	45:19
electronic 109:19	119:25 120:7,11	34:18 110:5 established	expanding 23:9,17	familiar 43:12	fenerty 52:9	9:9,10,12 9:22,24,25	followed 77:8
eliminates 56:13	enforcing 4:24	12:12 42:15 69:11 87:2	expenses 71:19 73:18	family 20:13	67:5,6,7 71:17 73:10	10:2 11:6 11:15 13:21	following 23:12 37:16
eliminating 55:16	engineer 61:18 77:16	establishing 52:18 53:7	75:3 expensive	fantastic 106:10	74:5,12,16 74:22 76:2	14:5 15:20 20:24,25	85:14 127:5
email 9:20	78:25 81:21	53:21,25	113:10 experience	far 14:9	76:25 77:21	21:8,12,12 21:16,17	129:4
emails 80:3	83:15	54:5,9,19	42:13 expert 72:16	22:16 76:16	80:8 108:19	22:4,5,12 22:13,17	follows 93:24
emergency 12:4	117:17	82:25 99:14	expertise 22:15	108:22,24	108:25	23:3,9,11 23:17 25:7	food 2:25
employees 71:21	engineering 69:9	estimate 104:9	expire 110:11	115:18	116:2	31:14,24 36:21 37:6	5:19 6:20
enable 16:6	69:4	evaluate 10:12 64:23	120:4 expired 120:6	farmers 59:2	117:16	37:7 41:19	7:4,13
enabling 16:24	enhanceme... 109:17	67:16 73:22 77:10	121:2 explain 77:6	fatalities 67:25 68:8	119:11,16 120:10	46:6 49:21 70:16	16:16,17
enact 15:9	enjoyed 119:19	event 6:14,20	104:24 explore 7:14	68:17,21 favor 14:2	fenertys 104:20	firefighter 20:12	20:2 24:21
enacted 56:10	ensure 11:4	22:2 31:7 31:24 37:4	127:13 explosion 5:2	108:14,17 127:13	festival 6:12	fireworks 9:17	25:22 33:6
57:24 59:14	56:16 99:25	48:21	5:19 explosives	128:4,10,19 129:17	6:21 fewer 100:8	firm 114:19	37:5 38:16
65:22	106:7	114:24	9:15 extend 87:5	favorable 53:12 54:24	figure 16:21	firmlly 112:20	41:13 42:3
enactment 56:21 58:12	enter 6:22	events 31:13	45:24 everyones	88:6 128:15	74:15 fill 35:9 48:8	115:12 first 2:15 6:19	42:7 44:22
60:3	36:6 116:22	33:6 37:4	70:10 evidence	129:6 featured	filled 45:18	10:9 13:22	45:6,25
encourage 42:14,25	entering 6:21	45:24 everyones	131:4 extent 5:4	86:13 federal 5:16	48:10 fillers 34:23	25:3 39:16	47:25 48:6
43:4,25	7:19	70:10 evidence	111:19 extents 86:20	7:10 12:12 32:18,20,25	filling 34:20	39:16 41:15	49:22
44:6,14	76:10	131:4 evident 5:18	7:4 extinguisher	33:16,17 49:18,19,24	35:3 43:9 film 79:24	41:20 42:18	footway
encouraged 45:13	entire 20:5	21:5 27:18 77:9	extra 126:12	fee 47:24	final 5:24	43:20 44:5	56:18 90:23
encroach 94:5,15	2:23 51:23	77:9 example	F	51:25 98:13	64:24 116:7 finalize	44:22 46:18	91:6,25
95:12,16	55:15 56:11	26:23 75:7 111:5	faced 102:13	110:6 feel 29:18	112:19 finally 48:4	76:18 79:3	92:3 94:7,9
encroaches 92:2	57:12 58:2	excessive 70:20	facilitate 8:9	107:20 feels 26:10	finance 103:4	111:8,9	94:16,18
encroachm... 90:13,17	58:5 59:2	67:13 excuse 38:23	35:22 facilities 5:11	107:20 feels 26:10	find 16:20	115:21	95:13,17
92:5 93:19	59:16 60:22	105:22 exhibition	109:24 fact 5:12	110:6 feel 29:18	41:24 46:3	129:8,25	force 10:8
93:25 95:19	81:5 84:18	111:3 execute 8:23	124:5 facilitating	110:6 feel 29:18	47:18	94:11 95:15	33:25
97:17	85:20 98:11	65:10 67:7 executive	87:10 facilities 5:11	107:20 feelings	100:17	120:6	foregoing
encroachm... 91:12 94:22	123:5,16	109:2 erie 61:3,24	42:10 facility 21:19	107:20 feels 26:10	103:17	fix 38:21	131:7,19
enforce 4:19	equally 11:3	119:18 escalation	facing 106:18	fees 99:22	110:11	fixed 6:15	foremost
5:6 7:11	equated 76:6	9:14 existing 8:6	fact 5:12	109:14 feet 90:22,23	finds 8:15	flame 9:18	10:10 39:16
11:16,20	8:11 35:24	35:19 existing 8:6	79:14 factor 106:2	90:25 91:3 91:5,5,8,8	36:22	flawless	41:20
18:4 24:25	43:13	existing 8:6	failed 108:7	92:2,3 94:4 94:6,8,13	fine 71:14	117:25	forgive 78:21
25:11 56:22	erie 61:3,24	existing 8:6	failing 6:16	94:15,17 95:12,14,16	finer 73:16	flexibility	forgot 121:19
58:13 60:4	63:13 66:14	existing 8:6		95:18	100:9 105:2	87:21	form 90:13
enforcement 3:4 11:9	essential 111:25	existing 8:6			finite 15:25	floor 9:14	93:19
	113:21	existing 8:6			fire 3:20,22	focused	formal 7:20
		existing 8:6			3:23 4:6,11	124:18	formula
		existing 8:6			4:15,15,18	folks 48:25	74:24 76:15
		existing 8:6			4:23 5:2 6:6	125:4,6,20	101:21,23
		existing 8:6					forth 26:7
		existing 8:6					forward 41:4
		existing 8:6					55:22
		existing 8:6					102:24
		existing 8:6					107:3,21
		existing 8:6					108:11
		existing 8:6					118:6,16
		existing 8:6					found 48:21
		existing 8:6					fountain
		existing 8:6					53:23
		existing 8:6					four 94:2

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 6

95:11	39:5 73:12	3:18 4:3	greenlee 1:10	104:14	hire 64:22	80:17 106:5	importance
frankly 70:12	79:20 103:9	11:6 14:25	2:11 17:10	happened	hired 33:21	107:7	11:14
friends	103:22	17:13 26:23	17:11 18:17	26:23 31:18	hit 26:8 29:9	108:19	important
105:21	116:21	33:19 49:13	18:22 26:3	happening	105:23	119:17	24:16 37:17
front 63:13	given 5:18	53:2 54:13	26:4 27:22	23:13	121:22	121:13	importantly
65:5 67:11	15:19 27:22	56:3 57:19	28:13,17,23	happy 12:17	hold 52:8,13	im 2:5,19 4:6	113:19
67:20 75:19	45:12	61:13 69:17	29:3,15	57:2 62:8	64:10	14:21 15:3	improve
frustration	glad 71:10	81:16 83:10	30:3,12	82:10 84:2	holder 37:4	16:12,14	109:8
125:25	go 6:25 13:24	85:9 88:9	46:10,11	101:6	hole 106:20	18:23 26:9	improveme...
fuel 3:3	13:25 14:8	90:4 91:15	48:12 49:7	107:13	home 4:22	26:17 28:14	84:19 85:21
fulfill 113:23	16:15 19:25	93:10 94:25	49:10,11	118:11,12	44:10	46:14 49:10	improving
full 77:2 86:8	22:6 25:10	96:25 100:7	118:23,24	124:8	hope 30:4	56:6 57:2	87:14
fully 109:25	26:6 31:5	102:18,19	121:14	hard 39:12	39:18	57:20,23	113:16
131:5	38:6 44:16	102:25	127:2,3,21	44:25 69:17	116:25	59:10 61:17	inadequate
function 5:4	44:20 47:14	106:8,15	127:22	115:6	hopefully	62:23 63:25	33:23
fund 71:23	52:9 63:11	107:19	128:11,12	125:11	102:24	64:9,9,11	100:20
72:9 75:13	66:14 68:3	115:12	129:2,3	haven't 71:7	103:21	64:13 65:9	incentive
75:14,16	70:7,23	117:19,21	greenlees	hazard 113:7	104:14	67:21 73:24	99:22
113:18	72:7 73:17	119:15	122:2	hazardous	107:25	74:15 75:10	incentives
funding	78:18	120:9 123:9	grounds	6:8 7:25	118:17	75:25 81:20	99:25
33:17	101:11,19	124:16	15:16	24:20 29:20	125:23	81:22 83:6	inches 90:22
funds 37:17	104:2,18	goodness	group 45:19	hazards 5:2	126:4	83:14,16	91:8 92:3
72:10	105:2,3	29:11	45:20	head 119:13	hoses 43:5	88:11,13	94:4,6,8,13
further 8:9	111:13	government	grow 118:20	health 16:13	hour 102:16	90:7,9	94:15,17
25:24 35:22	119:17	11:3 33:2	growing	46:6 47:25	111:11,13	91:17,19	95:16,18
50:8 78:14	121:13	33:18 49:19	114:7	hear 103:25	111:13	93:13,15	incident 5:21
122:17	125:14,20	99:20	117:22	108:7	hours 105:6	95:3,5 97:3	31:18
future 116:18	125:21	grab 45:25	121:6	heard 29:9	105:12,13	97:6 99:3	incidents
	126:25	63:4 70:7	growth	hearing 2:4,9	111:9,10,12	100:24	63:8
G	goal 109:22	80:4,13	113:25	39:12 75:18	120:6	106:4,10,11	include 12:6
g 46:19	goes 10:25	grabbing	guess 26:12	76:8 126:24	house 23:24	116:13,14	59:21 86:5
gap 102:21	30:13 71:16	80:14	27:24 28:13	held 55:9	75:19,25	117:9	87:9 109:14
gas 4:21 44:8	71:22 76:25	grades 86:10	30:17 46:19	64:2,12	76:4	122:11	included
48:5	77:4,13	87:3	117:4	help 33:9	houelines	123:14	86:24
gather 17:5	101:23,24	graffiti	guesstimate	35:13 39:24	87:7	124:8	including 5:5
general 13:13	113:17	124:18	45:5	126:8,10	huge 42:8	image 121:24	110:9
13:17 14:16	115:23	grant 72:21	guidelines	helpful 125:9	hundred 73:2	immediately	inclusive 9:2
15:6 27:15	120:7	75:13,14,16	33:16 49:24	helps 113:23	73:4,8 80:9	13:11 38:21	income
28:5,7	125:18	grants 72:3	87:12	henon 49:12	hurt 110:23	immeshed	118:19
40:16 42:23	going 16:12	74:8 75:12	guinea 114:9	118:25	hydrants 9:9	103:3	inconvenient
113:17	16:14 19:15	grapevine	guys 36:24	henry 6:5		impact 24:13	122:9
generally	21:10 25:9	24:2	48:16	hes 34:7	I	34:11 112:9	incorporate
67:13,13	25:21 37:10	great 24:2		77:17	id 2:10 16:7	113:24	42:16
70:22	43:9 62:24	79:25 104:5	H	hey 79:23	41:15 45:3	impacts	increase
generate	63:25 64:10	105:17	hall 1:6	120:9	55:8 101:6	101:4	19:18 23:10
118:17,18	64:11 83:6	107:21	handheld	hi 62:13 65:9	109:3	112:17	23:14 37:10
generated	86:8 101:10	122:4	44:8	high 22:18	idea 16:15	implementa...	37:11
101:15	104:10,15	124:25	handled	65:19 66:6	44:24	10:7 116:24	increased
gentlemen	114:9 116:8	125:2	107:9	66:12	102:25	implementa...	101:17
40:25	116:13,14	greater 24:13	handlers 48:2	higher 99:15	104:4 122:3	117:23	111:4
getting 72:24	117:9 122:5	87:21	handles 72:12	112:6	ideas 121:25	implemented	112:12
107:14,24	126:10	green 68:12	hands 39:3	highly 47:21	122:8	109:16	increasing
give 15:4	good 2:2,3,5	69:6	124:20	63:14	identify 10:16	112:15	87:11
18:19 19:19			happen		ill 75:7 80:16		

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 7

increment 111:14	32:24	77:14	investigate 7:18	26:21 27:5	11:22 13:3	96:20 97:10	77:6 121:21
indemnity 87:23	inspecting 9:9 31:15	instance 102:21	investigation 5:22,24	28:14 34:12	17:24 18:12	97:12	124:20
independent 10:11	31:25 34:2	instances 67:10	involved 46:7	39:12 78:7	18:16 24:19	license 48:2	126:13
indicate 15:7	inspection 2:24 4:13	institution 68:19	79:2	79:19 120:5	24:19 25:9	57:22 58:10	live 70:13
35:20	5:9 7:6,12	instructions 45:12	irony 11:19	kiosk 112:6	25:13 29:19	59:12,25	109:9 118:9
indicated 8:6	8:6 9:7 22:6	insufficient 56:17	isnt 27:17	120:17,25	30:17 38:3	licensed 42:9	lives 68:8
31:16	33:11 37:7	integrity 42:6	80:14	kiosks 109:15	56:23 58:14	licenses 20:25	local 18:13
indicator 43:20	38:13 46:23	intends 110:15	issue 17:15	109:21	60:5 69:9	22:7,14	110:23
industrial 47:8	46:25 56:8	interest 6:3	22:16 26:21	114:8	lawn 67:24	56:7,19	located 90:14
industry 5:12	56:20 57:22	61:25	26:25 29:7	know 16:18	lawns 70:13	life 9:12	93:20 94:2
18:10 25:5	58:11 59:12	interested 8:7	41:18	17:17,19	laws 25:6	115:7	94:12 96:18
30:22 31:3	60:2	35:20,25	120:20	27:7 29:22	26:11 39:8	lifesaving 73:16	97:10 123:7
31:5 32:14	6:11 8:9,17	39:14	issued 100:6	34:24 35:12	lawsuit 116:19	lifted 10:18	location 5:9
33:11 34:18	9:19,21	interpreted 17:22	issues 8:16	43:14 44:22	lawyers 116:15	light 60:23,24	32:9 56:14
49:20,21,22	10:16 11:8	interrupt 64:16	27:5 36:23	45:5,11	laybys 86:5	60:25 61:22	locations 55:17 58:9
ineffective 28:10	12:6 14:9	intersection 61:2,23	40:5 46:17	63:10 64:8	lead 105:15	62:3,25	59:4,18,21
influence 24:14	15:22 20:7	62:16 63:14	item 92:9	72:19 75:17	leak 48:5	63:17 65:13	62:4 82:6
informal 8:17	20:15,23	64:24 65:13	95:23	76:7 102:3	leaky 43:20	65:16,19	86:19,24
36:24,25	21:2,15,25	65:17,18,20	ive 19:16 71:7	103:8	learned 23:15	66:13 67:11	logged 125:9
information 9:8 17:5	22:3,7,14	66:3 68:3,4	78:25	104:10	leave 16:7	68:2,12,19	long 79:6
47:7,18	22:19,22	68:22 69:4	117:22	106:3	92:5 95:20	68:21 69:6	119:12
62:21 63:24	30:25 31:9	70:7 71:9	J	107:14	leaves 92:3	69:7,14,22	longer 105:19
64:8 65:5	32:17 33:8	72:21 73:13	jeffrey 3:21	114:2 118:4	95:13,18	70:25 72:20	105:24
78:22	33:18 34:8	73:14,20	jim 89:18	126:5	leaving 94:7	75:16 76:21	106:12
108:13	34:16 35:19	77:23 78:6	90:11	knowledge 34:24 47:7	94:17	79:3,3 81:6	longwinded 75:18
112:13,18	35:22 36:24	78:8,10	joint 8:8	known 23:21	left 2:11 11:8	81:7,8,25	look 25:13
information... 29:14	36:25 37:6	79:16 80:10	35:21	kuthiala 96:16 97:9	legal 13:23	82:6 117:20	30:17 37:5
initiative 112:10	37:20 38:7	81:9 82:2	jointly 10:15	L	14:15,19,20	limit 25:22	40:4,7
innovative 114:16	40:9 46:20	intersections 66:7,13	32:24	l 10:6,13,14	14:22,24	limitations 8:5 35:18	50:17 70:23
inoperable 123:7,17	inspectors 14:6 19:9	67:12,16,20	jones 69:21	46:7 131:14	15:4,9	59:21 99:21	71:2,6
inquiries 9:21	19:14 20:5	69:18,20	91:21	labor 30:21	111:17	limited 9:2	73:19 79:23
insertion 47:9	20:18 21:3	70:3 77:25	july 5:19	31:4 32:13	legality 13:22	limits 25:16	120:9,15,18
inside 43:17	22:5,24	intertwined 106:24	june 116:23	33:11	40:6,9,14	25:19,20	120:24,25
inspect 4:21	23:11 30:23	intervals 79:12	jurisdiction 32:19 33:3	ladder 70:17	legally 11:16	110:16	looked 80:8
13:24,25	36:7 37:12	introduce 2:10 114:5	K	language 18:15 28:3	legislation 14:16 15:11	line 44:5	looking 23:8
16:19 20:20	40:19	69:18,20	k 1:10	86:16,25	16:24 23:23	90:19,21	23:16 49:19
21:4 32:4,7	install 65:15	70:3 77:25	kasim 61:17	lansdowne 52:20	24:14 50:22	91:4 113:17	70:12 73:25
33:4 35:4	89:19 93:3	introduced 88:15 91:20	81:19 83:14	large 34:10	65:22 66:24	lines 46:13	115:21
38:10 43:22	installation 60:25 61:22	95:6 109:5	keep 40:10	37:3 115:9	71:17	86:9	118:5
inspected 6:14,24 7:3	62:25 65:12	introduction 99:7,13	43:10 76:11	larger 16:3	legislative 11:23 18:13	list 15:23	looks 37:11
	77:15 81:8		118:13	34:10	90:8 93:14	58:8 66:6	72:23
	81:25		124:6	largescale 31:13,23,23	97:4	119:12	loopholes 116:18
	109:19		kensington 70:18	late 7:16	lessons 23:14	listed 10:25	lost 115:3
	installations 8:10 35:23		kids 63:8,10	117:3	letting 76:11	44:8	lot 17:17,19
	installed 79:4		63:12	latest 27:23	litter 124:2	litany 15:19	22:15 26:14
	79:5		kind 12:2	law 5:8,16	level 11:24	little 19:14	29:25 34:11
	installing 9:5		16:14,22	7:10,23	29:25 79:15	26:19 27:9	48:23 49:12
			19:17 22:24		levick 96:18	63:4 74:2	66:16,18
							80:7

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 8

lots 126:7	martin 90:7	members 4:4	minimum	105:3	75:2 118:6	116:12	100:7
low 20:13	93:13 97:4	42:4 44:21	72:23,25	118:10	multiplied	neighborho...	102:18,19
110:21	materials 6:8	45:6,17	94:8,17	121:18,22	112:7	66:17	newsstand
lower 62:3	7:25 24:21	49:16 56:4	minor 87:3	monies 115:2	multiply	neilson 1:11	96:17,23
82:5	29:20	61:14 76:3	misplaced	month 21:9	72:22	2:12 18:21	97:10,15
lpg 5:10	matter 5:13	81:17 83:11	110:12	73:21	municipalit...	19:4,5 20:4	nice 106:4
25:17 30:25	7:24 15:18	85:10 88:10	missed	monthly	102:8	20:11,17	118:5
luck 32:25	41:22 131:7	90:5 91:16	116:18	67:23	municipality	22:9,21	nine 33:21
	matters 5:11	93:11 95:2	121:6	months 8:19	5:5 18:2,14	23:5,19	noncash
M	7:2 18:9	97:2 123:10	mission	13:14,17	25:6	25:12,23	113:14
m 1:7 130:5	maximize	membership	113:23	15:12 17:3	murphy	33:9,15	nonlinear
main 20:22	110:18	42:23	mistakes 79:9	27:16 28:9	131:14	34:6 35:2	86:6
65:24	mayor 75:20	memo 27:9	79:10	39:9 46:22		35:11 49:10	norm 125:24
maintain	75:20	memorand...	mittell	121:9 125:7	N	49:11 50:7	normal 77:8
43:5 89:19	114:15	7:19 17:24	41:11,12	125:24	name 3:14,18	62:12,13,20	normally
90:12 93:3	115:5,5,6	men 8:22	44:25 45:11	126:3	4:5 41:9,11	63:7,16,19	66:4 104:17
93:18 96:19	mayors 10:10	mentioned	46:3,16	morning 2:3	52:24 53:3	63:23 64:5	north 57:14
97:11	72:14 76:17	7:8 19:8	49:6 50:5	2:3,5 3:18	54:14 55:22	64:17 65:2	58:7 59:23
maintains	99:2 123:12	77:15	50:12,18,24	4:3,9 6:19	56:5 57:19	65:21 66:8	northerly
86:18	mcmonagle	met 115:19	51:7	14:25 15:5	59:9 61:11	66:22 67:3	90:18,23
maintenance	2:14 51:19	meter 51:24	mixed 75:13	17:13 41:8	61:17 81:13	71:13 72:18	91:6
4:20 5:8	52:12 53:18	51:25 98:12	mobile 2:25	53:2 54:13	81:19 83:9	73:24 74:7	northern
71:20 87:23	55:11 57:8	98:13 100:6	6:20 7:4,13	56:3 57:19	83:13 85:7	74:14,19	91:24
113:16	58:22 60:18	101:11,17	41:13 52:2	85:9 88:9	85:11 90:6	75:23 76:20	nos 52:17
major 86:14	80:25 82:22	103:16	98:14 99:5	90:4 91:15	93:12 98:24	77:20 78:4	note 24:16
114:9	84:14 89:15	105:2,3,23	99:7 100:4	93:10 94:25	108:22	78:12 79:17	notes 131:6
making 3:4	92:23 96:13	106:14	101:4 105:8	96:25	123:11	80:19 108:5	notice 121:16
113:20	98:7 122:25	109:13,17	105:18	motioned	narrow 20:16	108:6,16	noticed 19:16
management	mean 16:25	109:21,23	109:13	128:18	natural 4:21	118:23,24	nsfcertified
87:15	26:15 31:17	111:6 112:5	111:7 112:3	motor 68:16	necessarily	119:14,23	42:11
manager 53:4	35:17 38:22	112:12	model 44:10	71:23 72:8	11:22 74:13	122:14	number 2:20
54:15	39:4,15	113:11,15	125:12	motorist	necessary	nerve 26:8	37:11 44:15
managing	40:4 49:10	113:16	modern	110:5,24	39:25 56:16	29:9	67:19 69:5
10:24	62:23 72:24	118:19	86:12	motorists	necessity 5:17	neutral	69:6,19
mandating	72:25	120:3,17,18	modifications	109:9	need 14:9	112:21	100:5
10:19	103:11	120:23	86:21	113:21	16:17 19:12	113:13	110:18
mandatory	115:18	metered 99:6	moisture	motu 123:20	19:19 20:15	114:24	112:25
4:19	125:25	99:8	43:16	126:10	26:19,24	115:2,13	numbers
mansfield	meaning	meters	moment	move 70:3	28:5 38:20	never 30:14	19:17 104:6
83:3	113:3	101:18	105:22	102:24	47:6,11,17	30:15 32:23	104:8
manufactur...	means 33:19	112:23	monday 1:7	107:20	50:13 76:5	73:12,13	nutter 75:20
6:18	86:17	113:2	monetary	111:16	76:23	122:11	114:15
map 125:19	103:17	119:24	113:8	127:4,7,8	103:17	nevertheless	115:6
march 91:21	131:21	method 84:19	money 63:4	127:23	105:22	6:3 12:2	
95:7	mechanisms	85:21 99:8	71:18,22	128:13	119:20,24	new 22:18	O
marginal	109:19	michele	72:2,4,6,7	129:4	126:4	25:18 35:5	objection
101:24	meeting	131:14	72:23 73:14	moved	needed 11:4	40:19 49:20	53:10 54:22
mark 1:10	42:24 44:6	mike 15:2	75:21 76:5	127:11	48:11	69:3 70:5	56:20 58:11
market 23:16	106:21	million 14:7	80:4,7,13	movement	needs 15:21	78:5 86:25	objections
56:15 59:22	111:21	74:4,6,8	80:14	87:11	106:21	104:25	60:2 83:19
markets 59:3	116:10	75:7,11	101:10,11	movers 76:12	107:9	118:15	91:11 94:21
59:17,19	129:25	millions	101:17,18	moves 102:15	negative	newer 69:23	97:17 131:4
marro 85:9	meetings 9:11	73:25	101:22	moving 74:24	112:16	news 33:19	obligated
85:11					negotiate		36:9

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 9

obligation 11:2	23:14 57:19 59:9 66:20	128:7,22 129:20	p 130:5	125:10	101:4	122:10	64:20 68:22
obligations 16:3	ones 21:24 45:16 63:15	opposing 12:25	pa 89:21 90:15 93:5	participate 109:25	105:18 109:13,17	percent 71:25 72:10 75:2	71:25 72:3 74:11 76:14
obviously 16:25 26:21 38:4 39:13 48:13,15,22 112:10	oneway 82:25 83:20 ongoing 51:4 109:7	option 110:4 117:3 options 110:9 113:14	paid 71:19 120:14,16 120:24 121:4	particular 76:8 particularly 69:20	110:7,8 111:7 112:3 112:3 113:14	75:4,9,10 121:9 perfectly 69:8 perform 36:10	81:5 84:18 85:20 88:12 89:21 90:15 91:18 93:5 93:21 95:4
occupancy 115:9	onstreet 99:10,16,18 100:8,12	order 87:20 ordinance 2:17,21 5:6 13:4,9,10	pains 114:7 117:22 121:6	parties 87:20 partners 49:21	payments 52:2 75:8 98:14 99:5 100:5 101:5	period 28:9 65:16 permissible 59:4	98:11 99:6 99:9,11 100:15 101:12,19
occupants 93:23	open 49:4 openair 89:20 90:14 91:24	18:4 51:22 52:18 53:7 53:11,21,24 54:4,8	park 102:10 parkers 76:13,14	partnership 7:21 10:6 31:11 69:2 69:11 116:4	109:23 112:5 pedestrian 56:17 66:18	permit 110:15,20 permits 5:8 76:22	101:25 109:10 118:12 123:5,15
occurred 66:2 oconnor 65:9 65:10 66:4 66:11,25 67:9	operating 9:3 operation 5:9 7:7 38:5 83:21	55:14 57:11 58:25 60:21 69:8 81:4 82:25 84:17	parking 51:23,25 52:18 53:5 53:8,9,21	partnerships 12:11 pass 25:9 29:19 39:7	pedestrians 92:4,6 95:14,19	permitted 6:24 77:2 permitting 16:16 57:13	philadelphias 110:2 philly 29:10 41:13
odor 43:18 offer 61:19 81:22 83:16 85:14 90:9 93:15 97:6	operations 5:14 9:16 56:6 57:21 59:11	85:17,19 89:18 93:2 96:16 98:10 99:24 115:15	54:9,16,19 54:21 64:20 65:3,11 67:8 75:6	49:25 56:22 58:13 60:4 passage 97:18	penalties 3:4 51:24 98:12 penalty 121:17	77:4 perpetrators 65:25 person 21:3 42:8 102:18	phmsa 8:2 33:2 phone 105:9 110:7 112:5
offered 71:7,8 offers 56:20 58:11 60:2	operator 96:17 97:9 operators 11:14	123:4 124:2 124:5 ordinances 4:25 54:18	77:13 98:11 98:13 99:5 99:6,8,10 99:11,16,22	24:4 passes 24:17 24:19 40:17 passing 24:3 66:24	penndot 64:21 66:5 69:3,4 71:23,25	perspective 106:23 113:9 people 3:7	pick 65:18 68:3 77:21 115:24 picking 39:11
office 50:15 50:23 51:2 72:14 99:2 115:10,11 123:13	opinion 18:11 26:10 27:17 27:25 opportunities 110:21,23	54:23 organizations 37:20 outdated 27:9 43:4	100:8,24 101:4,15 102:12,19 102:22 103:16	108:11 103:17,19 105:4 110:5 111:8,11	72:11 73:19 75:9,15,19 77:5 pennsylvania 1:6 5:2	personal 99:19 personally 114:4 personnel 6:7 19:18	piece 27:3 pieces 42:12 pig 114:10 pilots 44:16
officer 85:12 120:7,11 officers 113:2 113:3,4 119:25	opportunity 4:8 12:15 36:15 41:17 56:24 58:16	outlined 10:9 outreach 8:24 outside 74:18 overall 75:8	107:4,10 108:11 109:2,13,17 109:21,23 110:6,18,20	102:6 103:17,19 105:4 110:5 111:8,11	23:24 30:21 people 3:7 19:10 29:10 33:21 34:11	perspective 106:23 113:9 people 3:7	pipeline 6:8 7:25 pizzazo 69:25
official 86:19 oh 1:11 2:13 49:12 104:21,22 106:9 107:6 118:25	60:7 61:16 62:6 81:18 82:8 83:12 83:24 89:2 92:12 96:2	overarching 14:4 40:5 overfill 47:5 47:13 overrides 5:3 oversight 71:9	110:22 111:6,23 112:11,25 113:3,20 114:4,11,14 119:18	112:23 120:2 121:19 paybycell 117:2,2 120:14	34:20,22 37:21 39:14 40:10 48:24 68:12 79:13 79:15 80:12 100:7 102:9	ph 69:25 philadelphia 1:2,6 2:18 2:23 3:20 4:15 7:22 8:14,25 10:12,15	place 11:25 25:3,4 76:14 100:2 placement 5:10 places 44:10
okay 14:23 16:9 17:8 18:22,23 28:17 48:12 49:6 51:8 63:23 67:4 104:20	103:21 109:4 111:15 118:15,20 125:4,18 oppose 13:19 15:13,16	overfill 47:5 47:13 overrides 5:3 oversight 71:9 overtime 100:6	121:10,24 122:9 parks 111:5 parkside 54:2 81:10 82:3	paybyphone 104:12 117:21 119:10 paying 102:10,15 119:19	100:7 102:9 103:13,15 104:2 107:11,13 107:14,20 107:24 109:25 110:19	11:6 13:5 20:6 26:13 30:5 41:19 44:23 51:23 53:4,9 54:15,21 55:15 56:11	placards 47:5 47:8 place 11:25 25:3,4 76:14 100:2 placement 5:10 places 44:10
old 77:25 78:9 olney 58:8 once 21:8	opposed 107:14 127:16	owner 89:19 93:3 96:17 97:9 125:16 owners 48:7 87:25	parkway 6:15 6:22 part 12:24 18:6 101:10 109:6	payment 52:2 98:14 99:8 100:14	110:19 111:19,20 118:9,9 121:18,19	57:12,25 59:2,16 60:22 63:2	planned 11:5 planner 88:12 91:18 95:4
P							

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 10

planning 16:12,21 88:13,21 91:19 92:7 95:5,21 plans 9:14 23:10 77:9 77:19 84:21 85:12,23 88:18 pleasant 122:9 please 2:3,14 3:9,14,24 41:4 50:19 51:19 52:12 52:23 53:18 55:11,21 57:8,16 58:22 59:6 60:18 61:5 78:18 81:13 82:22 84:14 85:7 88:8 89:15 90:2 92:23 93:8 96:13 98:7 122:25 125:5,21 pleased 89:3 92:13 96:3 100:24 pmfa 41:16 41:23 42:3 45:6 point 13:2 37:21 49:16 91:2 100:11 114:13 pole 91:9 police 68:11 policy 5:25 87:13 92:10 95:24 103:3 103:4,19 106:23 polycysetting 99:12 political 18:3 pool 73:17 portion 37:7 pose 37:9 position 24:5	78:20 positive 107:19 113:24 possibility 7:18 102:7 possible 36:14 109:24 116:18 post 22:2 posted 110:25 potential 7:14 101:3 110:22 pounds 47:11 47:15,16 ppa 100:6,9 100:13 practical 111:24 practices 8:6 35:19 pradeep 96:16 97:8 pre 21:25 precipitate 116:19 preempted 17:18 18:14 38:22 preemption 10:18 11:18 15:16 17:15 17:18,19 24:22 25:3 30:2 38:2 prefer 46:21 preparation 6:11 prepare 2:4 21:6 prepared 56:21 58:12 60:3 present 1:9 2:8 113:6 presented 21:7 127:5 president 21:19,20 24:9 presidents	50:15,23 51:2 pressuring 39:11 pretty 16:12 16:21 106:15 prevent 60:24 81:7 prevention 9:24 21:8 21:17,18 previous 6:5 92:9 95:23 110:13 previously 7:8 10:24 11:18 14:13 53:11 54:23 55:17 106:2 110:14 118:19 price 111:17 primarily 79:10 primary 10:5 11:2 prime 11:14 print 125:19 prior 66:23 private 86:15 87:20 probably 71:7 74:23 103:13 116:20,23 124:15,21 problem 14:3 40:4,7 46:15 107:8 problems 30:6,7 36:5 procedures 88:17 proceed 3:15 3:25 41:9 55:23 57:17 59:7 61:6 61:12 81:14 83:9 85:8 88:8 90:3 93:9 108:22 proceedings	131:4 process 19:12 19:15 51:6 77:2 86:9 109:18 110:8 125:10,14 processes 10:2 produce 113:10 program 9:7 68:20 73:16 112:19 113:12 123:22 programs 9:4 10:23 progressive 118:6 progressively 99:15 project 86:15 114:10 projections 104:7,8 promote 42:4 42:22 promoted 78:19 promoting 103:8 promulgated 18:8 propane 3:2 4:20,21 5:17 6:23 7:3,12,16 12:2,9 23:23 34:22 37:20 42:4 43:7,9,14 43:15,19 44:15 47:12 48:8,10 propanerel... 8:10,16 35:23 36:23 proper 116:21 properly 13:24 86:22 127:12	129:16 properties 88:2 property 87:25 89:22 90:21 91:3 93:6 proposals 86:16 109:12 110:3 116:3 propose 15:4 proposed 11:10 46:14 85:18 91:11 92:4 93:23 94:21 95:19 110:24 proposer 116:9 proposes 4:18 protect 36:13 100:18 protection 87:24 protective 47:6,13 protocol 42:15 45:19 46:22,25 protocols 45:14 77:8 proud 67:21 117:8 118:2 118:21 proved 30:7 proven 42:10 provide 7:15 12:3,16 56:8,25 57:23 58:16 59:13 60:7 65:4 87:24 100:25 102:22 109:12 110:4,8,9 111:15 123:6,16 provided 13:11 87:6 99:24 provides	86:17 providing 2:24 3:3 108:12 provision 17:25 27:11 27:12 56:22 58:13 60:4 provisions 5:7 11:17 13:12 18:7 public 6:3 11:2 12:14 15:3 28:22 29:22 39:13 49:17 80:2 110:19 123:8,18 131:15 publicity 107:19 puck 69:24 pulled 76:23 pulls 99:17 pungent 43:18 purchase 43:6 purchased 110:14 purpose 85:18 96:21 97:13 purposes 84:23 85:25 87:8 pursue 7:24 pursuit 12:13 push 118:15 put 24:5 25:3 27:3 35:5 42:13 43:19 49:2 52:13 68:2,9 69:4 70:8 72:20 78:5 80:5 105:2,3 119:8 120:3 puts 99:20 putting 45:20 106:19 pyrotechnic 9:17	pyrotechs 21:25 Q quality 42:14 quarter 103:16 quarterly 75:8 queen 93:4 93:21 94:7 94:14 95:11 95:13 question 12:22 15:6 30:13 44:19 45:2 101:9 108:18 questioned 76:4 questions 12:18,23 14:19,22 17:14 25:24 40:20 46:18 47:3,22 51:11 53:15 55:4 57:3,5 58:19 60:10 62:8 80:22 82:10,13 84:2,6 89:4 89:7 92:14 92:16 96:4 96:6 97:23 101:7 104:16,18 112:8 122:19 124:9 126:16 quick 44:19 101:9 quicker 126:13 quite 49:18 70:12 quorum 2:7 R radar 70:2,5 rails 94:9,18 raise 102:9 raised 112:8	ralph 56:5 57:20 59:10 rapid 12:3 rate 111:4,6 111:25 112:7,12 115:9 rates 99:15 110:21 reached 8:21 reacting 34:12 read 2:14 27:25 51:19 53:11,18 54:23 55:11 57:8 58:22 60:18 80:25 82:22 84:14 89:15 92:23 96:13 98:7 122:25 129:25 reading 129:8 real 20:13 49:24 101:9 104:17 realistically 26:18 reality 33:25 34:4 realize 115:3 really 27:8 29:13 32:3 32:5 38:20 104:10 105:25 117:21 118:5 121:12 124:18 125:8 reason 11:7 24:9 30:14 79:6 100:3 102:3 reasonable 29:19 reasons 25:2 27:2 113:12 rebuilding 68:4 receipt 121:2
--	---	--	---	--	--	---	--

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 11

received 83:22 112:14	12:5 100:12 104:13	rely 22:13	reputable 43:7	15:19,24,25 16:5,22	retains 74:25	123:8,19	7:5,16,25
recertified 6:17	reengaged 8:20	remaining 90:24 91:7	reputation 122:13	19:8,13,22 20:3 26:25	retired 78:21	rights 87:24	9:12,24
recommend 116:8	refer 14:20	remind 125:4	request 31:6	33:24 34:5 34:13 36:16	revenue 100:13	rina 76:17	10:9 11:2,4
recommend... 21:14 88:23	referral 10:2	reminder 110:10	37:19 75:20	36:17,18 39:24 40:6	102:9 103:7	rise 22:18	11:12,21
128:15	referred 127:24	121:21	requested 19:11 85:17	40:12,18 74:3 100:17	104:11	risk 9:4 12:5	12:9,14
129:6,24	refill 35:5	remiss 100:10	87:19 88:3	100:20	112:9,16,20	road 54:6	15:3 20:6
recommend... 6:2 10:8	regard 7:11	remotely 110:12	108:13	124:17	113:11,13	58:8	20:15 21:8
recommend... 21:11 88:5	18:9 41:25	120:14	requests 72:13	respond 14:22	114:23,25	roadway 84:22 85:24	21:17,18
92:8	47:4	121:4	require 20:3	responded 6:6	115:13	86:25 88:20	22:19 28:22
recommends 53:12 54:24	regarding 12:9 47:22	removal 123:6,17	required 4:16	responder 39:17	126:12	robert 3:19	29:22 38:23
95:22	53:7 54:18	124:18	7:7 14:8	response 12:4	revenues 100:22	4:6 41:12	39:14 42:4
reconstruct 80:10	87:22	125:24	16:22 19:23	40:21 51:12	101:14	role 10:5	42:15 44:15
reconstruct... 77:22 86:14	regardless 112:23	123:23	19:25 20:8	51:16 53:16	102:21	roll 106:5	47:5,8,20
record 3:15	regards 5:8	124:2,4	47:10 48:9	55:5 57:6	107:13	rollout 117:24	56:17 62:2
33:12 41:9	regular 111:25	125:13,16	110:6	58:20 60:11	108:2	room 1:6	62:15,22,23
42:11 52:24	regularly 111:19	125:21	requirement 24:23 48:8	60:15 80:23	review 4:13	roosevelt 65:23 71:3	63:2 64:6
55:8,22	regulating 24:20	removed 123:25	requirements 4:14 15:20	82:14,18	10:12 25:15	round 79:14	65:23 78:25
61:11 80:5	regulation 2:25 18:5	rendell 115:5	26:20 34:19	84:7,11	reviewed 110:3	route 65:24	79:22 80:15
80:12 81:14	48:22 54:9	rental 71:20	34:19,21	89:8,12	reviewing 116:7	routine 22:4	113:5,8,9
86:19 119:8	83:2	repeat 48:14	35:8	92:17,21	revise 84:19	86:21	sanitation 123:22
red 60:23,24	regulations 4:25 18:8	replaced 43:24	requiring 13:12 25:21	96:7,11	85:21 88:16	rprnotary 131:15	124:15,24
60:25 61:22	49:3 51:24	report 10:10	27:15 87:22	97:24 98:4	revision 86:9	rule 4:22 22:4	sarah 88:11
62:3,25	52:19 53:8	71:11 73:11	researched 25:18	122:22	rexford 54:6	44:15	91:17 95:3
63:17 65:12	53:22,25	79:19,23	residential 66:17	126:17,21	rfp 116:6	rules 129:7	saves 68:8
65:16,19	54:5,20	80:18 125:6	residents 36:13 38:24	127:17	ridge 89:20	129:24	saying 10:25
66:12 67:11	98:12	125:22	39:5 74:11	responsibili... 14:12	90:15,19,21	129:24	12:25 15:17
68:2,19,21	regulators 43:6	reported 8:3	74:17 126:2	responsible 4:13 30:16	90:24 91:4	run 43:15	26:9 28:14
69:14,22	regulatory 12:13	128:14	resnick 14:25	31:8	91:6,25	106:14	29:4 120:8
70:24 72:20	related 5:11	129:5	15:2,15	rest 26:14	18:24 24:5	107:15	says 13:10
75:16 76:21	7:3 8:23	reporter 131:23	16:7 17:23	74:9	26:15 27:9	121:3	17:20 18:2
79:3 81:6,7	9:12,19,21	reporting 4:20	18:19 27:20	restaurant 105:20	27:23 29:24	runners 65:17,20	27:10,21
81:8,25	18:10	reports 8:2	27:24 28:16	restaurants 115:8	30:16 31:5	66:13	29:5 36:19
82:5 117:19	relating 4:25	represent 41:17	31:12 32:7	restrictive 11:25	31:8 38:12	running 62:3	39:6
reduce 100:5	relation 21:4	representat... 23:22 65:3	32:12,15	result 10:21	39:21 40:3	69:15 78:9	scan 120:12
100:22	relationship 46:5	representat... 23:24	resource 15:18 36:5	100:11,13	43:24 45:5	79:3 82:6	120:13
110:22	relieve 29:25	representing 15:3	resources 10:21 11:4	100:14	45:10 46:8	runnings 70:25	scanning 120:8
113:15	relocating 84:21 85:23	reproduction 131:20	14:5,10,11	results 5:24	48:16,24	rust 43:17,22	schedule 22:6
reduced 67:18	88:19				62:19 69:15	s 6:9	116:24
100:14					76:20 78:12	safe 30:19	scheduled 88:22
113:2					101:20	34:25 35:10	school 63:9
121:17,23					102:11	37:23 39:25	63:11 66:15
reduction 9:4					106:9	40:11	100:14,18
					108:16	safely 79:16	101:5,25
					114:11,12	safer 10:15	106:21
					116:5 117:8	safety 5:18	107:9
					117:10	6:4,8,10 7:3	113:18
					rightofway		scope 20:16
							se 62:19
							season 37:9
							seated 2:4

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 12

second 14:3,4 40:11 42:21 52:8,13 seconded 127:10,12 128:2,10,16 128:18 129:14,16 secondly 40:17 seconds 69:5 69:6 secret 21:21 section 2:22 5:20 13:9 21:5 27:4 28:14 46:19 55:14 56:10 57:11,25 58:25 59:15 84:17 85:19 86:3,17 sections 47:4 see 16:23 18:23,24 37:10 38:4 38:9 46:21 50:16 51:4 65:19 66:12 104:6,11,12 106:5 115:22 118:5,20 120:13,16 120:24,25 121:3 seeing 51:13 53:17 55:6 57:7 58:21 60:12 82:15 82:19 84:8 89:9 92:18 92:22 96:8 97:25 98:5 107:20 116:25 122:19 126:18 seep 43:17 selfregulating 31:3 34:17 semiannual 123:24	send 73:2,7 73:18 74:4 75:6 76:5 77:8 119:11 125:20 sending 74:2 121:16 sends 8:15 36:22 senior 106:11 sense 26:18 27:8 sent 67:17 separately 107:10 serious 113:6 serve 98:25 123:12 service 21:21 41:21 50:6 96:22,22 97:14,14 125:7 services 1:3 2:7 4:5,7 5:15 12:6 56:5 88:11 90:6 91:17 93:12 95:3 97:3 130:5 session 129:8 set 110:17 setbacks 100:19 setup 75:4 seven 23:10 93:22 share 66:23 74:20 99:23 shipon 93:2 93:18 shortened 79:11 shown 19:24 62:2 82:5 86:7 shut 43:15 side 56:14 58:7 59:22 59:23 sides 54:10 104:17 sidewalk	55:15 56:11 89:20 90:14 90:18,25 91:7,24 92:2 93:4 93:20 95:10 sidewalks 124:6 sign 91:9 116:23 signaling 78:5 significant 11:21 similar 11:23 17:13 74:24 75:4 single 25:6 58:6 120:18 sir 34:15 116:2 sister 11:9 sit 23:20 sites 6:16 sitting 67:20 105:20 106:10 116:5 situated 76:22 situation 106:22 six 6:16 13:14 13:17 15:12 17:3 27:16 28:9 39:8 46:22 48:20 48:21 125:7 125:24 126:3 sixmonth 27:3 skip 52:14 slip 120:3,4 slow 68:11 slowly 117:19 small 15:25 19:14 20:12 117:24 smallest 119:17 smart 99:12 109:20	110:6 112:4 smick 53:22 smoke 9:5 43:13 soapy 43:25 44:3 solicited 109:11 solicitor 15:4 solicitors 27:8 27:17 solution 41:24 somebody 14:24 24:11 121:19 soon 16:25 sorry 2:19 18:24 38:25 49:10 75:10 sort 27:25 106:22 sounds 106:15 125:2 source 43:7 south 59:22 94:7,14 95:12 space 90:25 91:7 95:20 99:18,18,21 99:23 spaces 110:18 speak 44:17 107:7 special 9:19 10:11 22:3 30:6 31:13 31:23 33:24 33:25 specific 14:19 18:15 75:13 specifically 9:10 12:10 17:14,17 64:23 specifics 49:3 specify 51:25 98:13 speculate 45:2 spend 118:10	spina 3:21 20:14,21 22:11 23:2 spoke 30:22 49:17 119:6 sponsor 11:11 55:10 spot 58:6 spray 43:25 44:3 springfield 72:5 squilla 1:10 2:2,6 3:7,13 3:24 4:3 12:20 13:8 14:14,23 15:10 16:4 16:9,23 17:8 19:3 26:2 30:11 31:4 32:2 32:10,13 33:5 35:14 36:11 37:8 37:15 38:8 38:14,19 39:22 40:13 40:22 41:2 41:7 44:18 45:7,15 46:8 49:9 50:10,20 51:3,8,13 51:17 52:5 52:11,22 53:14,17 54:12 55:2 55:6,20 56:3 57:4,7 57:16 58:18 58:21 59:6 60:9,12,16 61:5,10 62:10 80:21 80:24 81:12 82:12,15,19 83:8 84:4,8 84:12 85:5 88:7,10,15 89:5,9,13 90:2,5 91:16 92:15	92:18,22 93:8,11 95:2,7 96:5 96:8,12 97:2,21,25 98:5,17,22 101:8,16 102:2 103:6 103:11 108:4,21 109:5 114:2 115:17 117:14 118:3 122:18,23 123:10 124:10,25 125:23 126:9,18,22 127:11,15 127:18 128:3,6,9 128:17,21 128:24 129:15,19 129:22 st 90:7 93:13 97:3 staff 9:23 19:18 88:23 99:2 123:12 stages 116:7 stand 32:18 standalone 120:23 standard 86:12 standards 11:25 77:11 standing 120:17,18 standpoint 121:11 start 98:23 116:25 started 44:6 115:21 starting 90:20 91:2 starts 77:14 state 3:14 5:7 5:15 7:9 8:4 8:12,20	11:24 12:12 13:3 17:2 17:21 18:2 18:12,15,16 24:14,18,19 26:9,10,14 26:22 29:5 29:18,25 30:4,14,24 32:5,24 33:7 35:18 35:19 36:19 38:25 39:7 41:8 49:25 52:23 55:22 61:11 65:22 67:9 72:8 73:2,8 74:2 74:10 75:3 75:15 77:3 81:13 83:8 85:7 stated 48:18 statement 26:22 29:13 114:19 states 5:22 8:5 15:11 27:12 35:17 statewide 36:8 76:12 76:13 station 43:10 stations 35:3 48:9 stats 64:9,13 65:25 74:20 statute 5:3 18:12 statutes 4:24 7:11 statutory 8:4 stay 107:11 steel 43:2 stenographic 131:6 stenton 83:3 steps 117:7,9 stoher 72:13 98:24,25 101:9,13,20 102:11 103:10	105:17 106:16 108:10 116:4 123:9 123:11 124:13 125:3 126:5 stop 38:5 115:9 storage 9:15 stormwater 87:14 straining 100:17 street 2:23 6:22 7:12 43:8 52:20 53:23,23 54:3,6,10 54:10,11 56:14,15,15 57:12,13,14 58:5,7 59:22,23 61:3,23 63:9,11 69:25 83:2 83:19 84:18 85:20 86:13 90:18 93:5 93:21 94:5 94:7,14,16 95:11,13,17 96:18,20 97:10,13 115:5 streets 1:3 2:7 3:1 4:1,5 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1
---	---	--	--	---	---	---	---

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 13

37:1 38:1	120:1 121:1	119:20	survived 79:6	43:3,15,22	52:7 53:6	29:11 30:9	36:4 38:4
39:1 40:1	122:1 123:1	124:17,22	suspended	47:14,15	54:17 60:13	30:10,11	38:19,20
41:1 42:1	123:21	supersede	129:7,25	48:11	61:6 62:22	35:14 40:19	39:4,15
43:1 44:1	124:1,6,23	13:4	sync 24:18	task 10:8	64:3 65:5	40:22,25	40:7 42:7
45:1 46:1	125:1 126:1	superseded	system 46:24	33:25	72:15 80:18	41:7,15,19	43:19 44:25
47:1 48:1	126:6 127:1	32:4	60:23 61:23	tasked 9:11	82:16 83:6	44:18 45:20	45:4 49:2
49:1 50:1	128:1 129:1	supersedes	81:6 82:2	10:5	84:9 88:13	46:9,11	70:11,14
51:1 52:1	130:1,4	33:7	109:13	tax 76:5	89:2,10	49:7,14,15	71:14 74:12
53:1 54:1	streetscape	supervises	111:8 112:4	108:2	91:19 92:12	50:2,5,8,10	74:14 75:24
55:1 56:1,4	86:14	69:14	114:6	taxpaying	92:19 95:5	51:9,9,17	76:11 79:12
57:1 58:1,3	stress 42:6	supervision	117:20,21	38:24	96:2,9 98:2	51:18 52:5	80:6,11
59:1 60:1	strictly 113:8	131:22	systems 4:21	technical 3:5	98:18 99:4	52:22 53:5	102:17
61:1,18,24	strike 29:23	supervisor	52:3 61:2	4:7	109:4	53:13,14	104:20
62:1 63:1	stringent	69:13	81:9 98:15	technologies	122:20	54:12,16,25	105:10,25
64:1,21	26:20	supplemental		120:21	126:19	55:2,7,20	106:22
65:1 66:1	strip 68:14	84:21 85:23	T	technology	testifying	56:24 58:15	107:23
67:1 68:1	strong 46:4	88:18	t 116:17	69:24 70:2	49:14	58:18 59:9	117:10
69:1,2,12	49:24	supply 67:2	table 3:12	70:5 99:14	testimony	60:6,9,16	120:24
69:16 70:1	strongly	112:17	41:6 52:16	104:25	3:16 12:16	61:10,15	121:7
71:1 72:1	45:13	supplying	55:25 61:9	105:19	12:21 19:7	62:6,10	theatrical
72:12 73:1	stubborn	96:21 97:13	65:8 85:4	107:17	31:16 35:17	71:13 78:13	9:18
74:1 75:1	117:5,12,12	support 9:24	89:25 98:21	108:15	40:23 41:10	78:15,17	theres 21:23
76:1 77:1,5	stuck 111:21	11:22	tables 93:22	109:16	44:19 48:19	80:19,20,21	22:3 29:6
77:5 78:1	students	115:24	94:2,11	112:15	50:3 51:10	81:12,18	33:23 44:9
79:1 80:1	100:19	123:14	95:11,15	114:14,17	51:18 52:25	82:8,12,20	48:23,25
81:1,21	studied 70:9	supported	tabor 58:8	114:18,18	55:7,23	83:12,24	67:10,21
82:1,3 83:1	studies 69:10	88:4	tag 35:5	119:4,7,9	56:9,25	84:4,12	100:3
83:16,18	102:7	supports	120:12,13	120:5	57:23 58:17	85:5 88:7	101:21
84:1,23	study 65:14	61:25 82:4	121:3	tediously	59:13 60:8	89:5,13	102:5
85:1,13,13	66:5,9,20	97:18	125:14,20	79:8	60:17 61:12	91:13 94:23	119:16
85:18,25	66:21,23	supposed	tagged 6:16	telephone	61:20 62:11	97:19,21	120:20
86:1,18	69:5 70:4	31:5 34:23	take 13:11,13	9:20 96:22	62:24 77:21	98:6 104:22	theyll 42:20
87:1,13,18	70:24 71:10	35:3	13:16 22:22	97:14	78:15 81:15	108:3,17,20	108:12
88:1,5,10	stuff 22:23	suppression	27:12,16	tell 17:15	81:22 82:21	108:24	120:18
88:20 89:1	34:9 79:21	46:23	28:8 37:5	42:19 63:5	83:17 84:5	109:3	124:21
90:1,6,9	subdivision	sure 24:18	39:8 40:16	ten 62:17	85:8,14	115:16,17	theyre 20:10
91:1,10,16	18:3	28:20 30:18	121:21	69:12 122:7	88:25 89:6	118:3,4,22	22:7 25:16
92:1 93:1	subject 76:10	35:9 36:12	124:21	tent 6:15	90:10 91:14	119:2	25:21,21
93:12,15	112:6	36:18 43:2	125:3 126:3	terms 3:6	92:11 93:16	122:14,15	30:18 32:8
94:1,20	submittal	61:13 64:17	taken 131:6	52:3 55:18	94:24 95:25	122:16,18	32:10 34:2
95:1,2 96:1	87:22	69:14,17	talk 16:14	57:15 59:5	97:6,20,22	122:23	34:11 35:3
97:1,3,5,16	subsection	77:10,18	20:15 42:2	61:4 81:11	104:20	124:10	35:25 36:5
98:1 99:1	58:4	78:23 79:8	104:18	85:2 89:22	108:8,23	126:14,22	39:2 43:8,9
100:1 101:1	success 71:4	79:15 80:17	talking 16:5	93:6 96:23	122:15	130:3	43:11,12
102:1 103:1	successful	103:9	22:25 26:17	98:15	126:15	thanks 62:14	46:7 47:9
104:1 105:1	46:4 79:7	106:19	28:2 105:10	106:20	thank 3:13	thats 2:19	69:15 75:12
106:1 107:1	116:8	107:2	talks 8:20	test 44:2	4:8 12:15	13:7 16:11	77:3 104:7
108:1 109:1	sufficient	116:11,14	27:10	48:10	12:20,21	18:25 20:7	104:8 120:9
110:1 111:1	92:5 95:20	117:7	tank 43:20	testified 85:6	17:9,11	21:20 22:24	theyve 70:15
112:1 113:1	suggestions	118:11	44:2	testifies	18:25 19:5	23:2 24:6	117:24
114:1 115:1	70:23 71:5	surveyors	tanks 6:14,16	108:20	19:7 23:5	26:25 34:4	thing 27:6
116:1 117:1	summer	84:20 85:22	6:23 7:12	testify 3:8 4:9	23:19 25:25	34:4,7,16	35:16 39:16
118:1 119:1	117:3	88:18	37:22 38:15	41:3 51:14	26:4 28:18	35:8,12	39:18 45:10
			42:25 43:2				

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 14

48:17 72:3	73:7,7	53:19 55:12	9:15	119:15	units 4:12	65:15	want 16:19
78:18,24	102:17	58:23 60:19	transportat...	120:12	22:10	115:24	19:19 23:7
106:8,10	103:22	76:15 80:25	5:23 6:10	twohour	unlimited	116:13	24:9,17
things 23:13	105:6,7,14	82:23 84:15	7:22 32:21	111:6,14	110:20	vendors 2:24	25:4 26:6
31:15 49:12	106:6,7	89:16 92:24	72:14 99:3	type 47:8	unobstructed	7:4,13	26:11 28:20
62:15	111:23	96:13 98:8	103:3	115:24	94:9,18	55:16 56:12	29:6 35:24
107:22	112:11	123:2,4,15	123:13		unregulated	57:13 58:5	36:8 38:15
118:7	120:20	today 19:8	trap 79:13	U	37:22	109:12	39:5,23
120:12,19	121:20	24:5 49:14	treasury 72:8	u 6:9	unsafe 10:16	version 4:17	40:10 43:21
121:6	tickets 74:17	50:4 56:8	tremendous	ul 44:8	38:5,9 39:2	vice 21:19	43:23 44:16
think 15:17	100:6 103:9	59:13 61:16	71:4	ulcertified	upgrade	vicinity 43:14	48:6,14
17:7 18:25	104:3,13	62:7,14	trial 83:21	48:4	78:10	52:19 53:22	63:3 72:19
24:16 25:2	120:2	65:6 67:12	truck 5:20	ultimate 11:8	urban 86:12	54:2,6	80:4,11
25:7 26:16	121:11	78:16 81:19	24:21 37:7	ultimately	use 2:18 3:2	63:13 70:14	103:20,20
26:25 27:20	tied 39:3	82:9 83:13	42:3,7,9,12	42:20	12:2 34:22	video 65:14	117:6,13,20
30:8 33:22	time 12:19	83:16,25	42:14 45:6	umpteenth	38:23 42:11	viewpoint	117:22,24
34:6 35:11	17:4 19:20	89:3 92:13	45:18 48:7	105:7	42:15,25	41:18	122:12
36:4,12	28:11 29:5	96:3 99:4	49:22	unable 11:16	43:4,11	vin 65:14	wanted 35:12
38:21,22	29:8 31:6	123:14	truckers 44:7	11:19	60:22 75:7	vince 67:7	49:15 50:2
39:4,5 40:7	33:20 35:4	told 23:25	44:14 47:23	111:16	81:5 96:19	119:2	106:25
40:14 45:16	49:17 62:9	114:7 122:4	trucks 16:16	unacceptable	97:11 99:21	vincent	114:11,12
47:6,10	70:20 78:23	tom 69:15	16:18 20:2	126:3	100:7	108:25	wants 37:4
48:17,19	79:18 80:18	77:16	25:22 33:7	understand	105:11	violation 21:2	104:6
49:4 67:4	82:11 84:3	tonight 42:23	37:5 38:16	26:24 28:21	117:4 119:9	violations	125:16
72:15	91:13 94:23	top 26:15	42:5 44:22	28:24 29:4	124:16	9:22 20:24	warning
102:11,23	97:19	44:12	45:25	29:16 30:5	uses 99:22	20:25 60:24	121:16
103:14,22	100:15	119:12	true 11:3	39:13,18	111:7	71:15 74:25	wasnt 29:3
104:4,5	104:2 105:5	torrence 90:4	74:13 131:7	48:23 103:7	usually 66:14	75:2 81:7	watch 44:4
105:10	105:7,16,23	90:7 93:10	try 24:7,10	103:18	utilities 99:3	112:25	water 43:25
107:8,17,19	106:4,12,13	93:13 96:25	36:13 39:24	107:8	123:13	113:6,9,11	44:3
107:23	110:10,13	97:4	75:21	understand...		violators	way 18:18
108:10	110:13,16	total 93:22,23	114:21	7:20 16:17	V	72:22 79:25	39:23 46:24
115:11,19	110:16,21	totally 18:14	trying 24:12	24:7	vacant 10:7	vip 9:19	48:21 65:18
118:18	110:25,25	towed 105:8	33:23 34:7	undertake	valves 43:10	visit 21:20	73:15,23
thinking	111:2,3,10	township	39:17 45:9	15:22	43:16	111:22	101:21
80:13	111:17,19	72:5	48:16 74:15	undesirable	variance 9:21	118:12	102:6
third 111:12	111:20,22	townships	75:25 126:7	10:20	21:11	visitors 11:13	103:14
111:14	113:5	72:6	turn 99:20	unfortunate	various	visits 9:20	111:18
thomas 85:11	116:21	track 42:10	turned 44:2	106:23	109:16	21:16,17	118:21
thought	124:20	tracks 65:16	turnover	unfortunat...	110:9	visually 43:21	119:25
106:13	125:7	traffic 61:18	110:17	11:15 48:25	vary 46:24	vital 9:8	120:8
121:15	timed 69:7	62:2,15,22	tweaks 50:13	103:15	vehicle 68:16	vitality 110:2	ways 103:18
122:4,5	timeline	64:6 66:18	two 4:20	112:22	71:23 72:8	voluntary	website 73:11
thousand	115:22	66:19 69:9	13:21 22:8	uniform	113:7	37:3	wed 16:11,19
78:11 80:9	timely 27:18	78:25 81:20	22:9,11	22:22	vehicles 2:25		16:22 71:10
three 14:6	times 16:18	83:15 87:10	40:5,6	unique 30:6	6:20,23	W	week 16:14
19:9,13	44:14	123:5,16	59:18 67:11	unit 3:22 4:11	7:13	wait 24:11	30:23
20:4,17	110:25	tragic 5:19	68:6 70:13	6:6 7:2,18	vehicular	108:19	125:15
75:9 110:25	timings 77:9	training	90:19 93:25	9:10 14:5	66:19	walkable	weeks 8:19
116:10	tina 23:22	34:24	95:11 105:6	15:21,24	vending 6:15	90:24 91:7	116:11
120:19,21	tired 70:12	transcript	105:12,13	20:21 22:5	20:2 24:21	walking 92:6	welcome
121:12	title 2:15 5:3	131:8,20	106:24	22:13 23:9	31:23 56:13	95:20	31:17,20,21
ticket 73:3,4	8:11 51:20	transport	111:9,9,12	23:17	57:13 58:6	walkway 92:4	welcomed
				united 5:22	vendor 55:17	95:14,18	

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 15

107:18 went 70:9 75:18 76:17 116:3 121:12 west 58:7,8 westbound 83:4,20 westerly 90:21 91:3 weve 23:21 27:13 32:23 50:24 108:13 117:10 whats 24:16 width 56:18 widths 84:22 85:24 86:25 88:20 wildwood 119:20,21 william 1:10 williamson 89:18 90:12 willing 8:13 36:20 windshield 120:16 121:2,20 winter 124:19 124:21 wish 41:19 witness 3:11 41:5,5 52:15,15 55:24,24 61:8,8 65:7 65:7 85:3 89:24,24 98:20 witnesses 3:11 85:3 98:20 women 8:22 wont 15:11 17:3 125:24 word 117:5 words 117:15 117:17 work 27:4 31:11 32:23 39:7 41:23	45:23,24 51:5 68:25 77:12,19 109:9 worked 50:14 50:22 69:16 115:6 122:6 123:21 working 10:14 23:23 44:23 46:4 117:18,19 works 77:17 101:21 worry 106:14 worrying 102:4 worthington 67:22,23 68:5 70:11 wouldnt 14:15,21 15:13,15 46:24 103:12 write 73:5 116:6 119:25 wrong 2:20 49:2 76:10 X Y yeah 18:21 20:10 106:16 year 23:10,12 37:12,16 75:8 115:20 years 6:18 23:21 62:17 69:12 76:18 79:2 114:3 121:12,14 122:7 123:20 yellow 69:6 york 25:18 youll 106:6 youre 12:25 12:25 37:10 37:18 39:19 102:4,15,17	105:20 120:22 youve 19:10 110:11 yuck 122:11 Z zone 92:6 95:20 111:6 0 0 94:4,6,8,13 000 47:10 1 1 14:7 19:10 19:14 47:10 65:24 90:20 10 1:7 46:19 47:4,4 70:17 74:4 100 71:14 79:24 121:8 10th 59:24 11 91:3 11301 84:17 85:19 12 6:17 123:4 123:15 130:5 121000 51:22 98:10 123000 2:17 60:21 81:4 130905 1:13 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1	43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 82:24 83:1 83:17 84:1 84:10 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 129:12 130:1 13th 57:14 58:7 14 30:23 33:19 36:7 140644 1:13 2:16,21 3:9	4:10 12:17 41:3 51:15 127:8 129:9 14a 5:3 8:12 15 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1	103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 150214 1:13 60:20 61:7 61:20 127:6 129:11 150218 1:13 55:13 56:9 57:2 129:11 150237 1:13 89:17 90:10 91:20,23 92:8,20 129:13 150238 1:14 92:25 93:16 95:6,9,22 96:10 129:13 150267 1:14 57:9,10,24 58:17 127:6 127:24 150268 1:14 96:15 97:7 98:3 129:13 150277 1:14 52:14,17 53:7 129:9 150278 1:14 81:3,23 82:17 127:6 129:11 150279 1:14 53:20 54:18 129:10 150280 1:14 53:24 54:18 129:10 150281 1:14 54:4,19	129:10 150282 1:14 55:9 150283 1:14 54:8,19 129:10 150287 1:15 123:3,14 126:20 129:10 150353 1:15 84:16 85:15 88:14,16 89:11 127:7 129:12 150354 1:15 51:21 52:7 98:9,19 99:4 122:21 128:13 150372 1:15 58:24 59:14 60:8,14 129:11 16 91:5 16th 88:15 18 94:13 19 79:24 19128 89:21 90:16 19147 93:5 93:21 19th 88:23 2 2 13:9 28:14 70:18 73:22 91:2 94:6 95:12 111:7 111:8 20 79:2 94:11 95:15 102:21 200 45:3 79:25 2005 68:18 100:12 2014 5:19 6:13 7:16 83:22 2015 1:7 88:15,23 91:22 95:8 20th 6:22	22nd 23:16 24 93:23 24hour 65:15 66:10,12 79:24 25 130:5 250 45:4 26 94:3 102:17 105:7 26th 91:21 95:7 29 83:22 2nd 56:14 61:3,23 66:14 3 3 75:11 30 72:22 79:24 121:14 300 45:3,4 30th 6:13 311 125:6,19 125:22 31st 6:13 342 93:20 95:10 342344 93:4 344 93:21 95:10 35 1:7 5:3 8:11 73:6 36 6:14 3rd 59:22 4 4 1:7 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1
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STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Streets & Services
May 4, 2015

Page 16

39:1 40:1	91:4,25	97:1 98:1	9203 2:22				
41:1 42:1	48 75:3	99:1 100:1	57:11 58:5				
43:1 44:1	4th 94:5,16	101:1 102:1	9204 55:14				
45:1 46:1	95:17	103:1 104:1	56:10				
47:1 48:1		105:1 106:1	9213 58:25				
49:1 50:1	<u>5</u>	107:1 108:1	59:15				
51:1 52:1	5 3:1 4:1 5:1	109:1 110:1					
53:1 54:1	6:1 7:1 8:1	111:1,11					
55:1 56:1	9:1 10:1	112:1 113:1					
57:1 58:1	11:1 12:1	114:1 115:1					
59:1 60:1	13:1 14:1,7	116:1 117:1					
61:1 62:1	15:1 16:1	118:1 119:1					
63:1 64:1	17:1 18:1	120:1 121:1					
65:1 66:1	19:1,10,14	122:1 123:1					
67:1 68:1	20:1 21:1	124:1 125:1					
69:1 70:1	22:1 23:1	126:1 127:1					
71:1 72:1	24:1 25:1	128:1 129:1					
73:1,20	26:1 27:1	130:1					
74:1 75:1	28:1 29:1	50 71:25 72:9					
76:1 77:1	30:1 31:1	75:5,5,10					
78:1 79:1	32:1 33:1	76:12,12,15					
80:1 81:1	34:1 35:1	76:15,19,19					
82:1 83:1	36:1 37:1	111:7,8,13					
84:1 85:1	38:1 39:1	52 75:2					
86:1 87:1	40:1 41:1	52nd 54:2,6					
88:1 89:1	42:1 43:1	5500 57:14					
90:1,22	44:1 45:1	57th 52:19					
91:1 92:1	46:1 47:1						
93:1 94:1	48:1 49:1	<u>6</u>					
94:15 95:1	50:1 51:1	6 75:7 90:23					
95:16 96:1	52:1 53:1	91:5,8 92:2					
97:1 98:1	54:1 55:1	94:15,17					
99:1 100:1	56:1 57:1	95:16,18					
101:1 102:1	58:1 59:1	102:16					
103:1 104:1	60:1 61:1	60 73:8					
105:1 106:1	62:1 63:1	6th 54:9					
107:1 108:1	64:1 65:1						
109:1 110:1	66:1 67:1	<u>7</u>					
111:1 112:1	68:1 69:1	7 90:22,25					
113:1 114:1	70:1 71:1	91:7 92:2,3					
115:1 116:1	72:1 73:1	111:13					
117:1 118:1	74:1,5,8	75 76:15					
119:1 120:1	75:1 76:1						
121:1 122:1	77:1 78:1	<u>8</u>					
123:1 124:1	79:1 80:1	8 94:8 95:13					
125:1 126:1	81:1 82:1	80 45:6,8,12					
127:1 128:1	83:1 84:1	800 73:22					
129:1 130:1	85:1 86:1						
40 47:15,15	87:1 88:1	<u>9</u>					
73:7	89:1 90:1	9 100:12					
400 1:6 73:20	91:1,8 92:1	90 46:20					
4249 89:20	93:1 94:1	908 96:18,20					
90:15,19,21	94:17 95:1	97:10,12					
	95:18 96:1	9200 57:25					

STREHLOW & ASSOCIATES, INC.
(215) 504-4622