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## COUNCIL OF THE CITY OF PHILADELPHIA

3

## PUBLIC HEARING

4

## COMMITTEE ON LICENSES AND INSPECTIONS

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Room 400, City Hall  
Philadelphia, Pennsylvania  
Tuesday, October 12, 2004  
2:05 p.m.

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9 BILL 040595 - An Ordinance amending Title 9  
10 of The Philadelphia Code ("Regulation of  
11 Businesses, Trades and Professions") by  
12 amending Section 9-605 ("Towing") to  
13 prohibit certain towing upon the  
14 establishment of a rotational towing system;  
15 to define the parameters of the rotational  
16 system; and to make certain technical  
17 changes; all under certain terms and  
18 conditions.

14

15

## PRESENT:

16

COUNCILMAN RICHARD MARIANO, Chair

17

COUNCIL PRESIDENT ANNA VERNA

18

COUNCILMAN FRANK RIZZO

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COUNCILMAN JACK KELLY

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COUNCILMAN JUAN RAMOS

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COUNCILMAN DARRELL CLARKE

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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2 COUNCILMAN MARIANO: The public  
3 meeting of the Committee on Licenses and  
4 Inspections is now open. I have to my left  
5 Councilman Rizzo, Councilman Clarke  
6 Councilwoman Blondell Reynolds Brown, myself  
7 Councilman Mariano, and Councilwoman Verna is  
8 also present, so we have a quorum.

9 Will the Clerk read the title of  
10 Bill No. 040595?

11 THE CLERK: Bill 040595, an  
12 Ordinance amending Title 9 of The Philadelphia  
13 Code ("Regulation of Businesses, Trades and  
14 Professions") by amending Section 9-605  
15 ("Towing") to prohibit certain towing upon the  
16 establishment of a rotational towing system;  
17 to define the parameters of the rotational  
18 system; and to make certain technical changes;  
19 all under certain terms and conditions.

20 COUNCILMAN MARIANO: Thank you. The  
21 first panel we're going to have is Francis  
22 Healy, Staff Inspector Thomas Nestell, and  
23 Richie Feder from the Law Department.

24 MR. HEALY: Good afternoon,  
25 Councilman Mariano and Members of the

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2           Committee on Licenses and Inspections. My  
3           name is Francis Healy, I'm to represent  
4           Commissioner Johnson of the Police Department  
5           and I'm here along with newly promoted Staff  
6           Inspector Thomas Nestell.

7                   First, Commissioner Johnson would  
8           like to extend his gratitude for allowing the  
9           Police Department to express its opinion on  
10          this significant legislation. These  
11          amendments will dramatically impact upon the  
12          safety of motorist and pedestrians as well as  
13          the manner in which towing services are made  
14          available to disabled motorists throughout the  
15          City of Philadelphia.

16                  As you well know, the primary  
17          objective of the Philadelphia Police  
18          Department is to protect life and property.  
19          However, for many years dangerous conditions  
20          have existed on our roadways that the Police  
21          Department has been powerless to completely  
22          control or eliminate. This hazardous practice  
23          is better known as wreck-chasing. Quite  
24          simply, the tow truck or towing company on the  
25          scene of an accident or a disabled vehicle

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2           usually got the job. Not unexpectedly, this  
3           leads to multiple towers racing to be first in  
4           time to many accident sites.

5                   While the Police Department  
6           currently does cite towers who drive  
7           carelessly and recklessly, the profit motive  
8           far outweighs the risk. Herein lies the  
9           dangers to motorist and the pedestrians alike.  
10          When livelihoods depends upon the first to  
11          reach an accident, caution and often common  
12          sense seem to disappear, disregarding lights,  
13          stop signs, illegal turns, jumping medians and  
14          speeding have regrettably become the norm  
15          rather than the exceptions for many of the tow  
16          operators in Philadelphia.

17                   As the law of unintended  
18          consequences would have it, the current towing  
19          laws had actually created and facilitated this  
20          very hazard I've identified. For there is no  
21          logical or systematic method to assign  
22          accidents to specific towers. Hence, the  
23          towers are left to fend for themselves and  
24          literally scramble for any and all available  
25          work.

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2                   One would argue that this is the  
3           very essence of our capitalistic economic and  
4           the government should refrain from any further  
5           interference. The Police Department would  
6           wholeheartedly agree in theory, except for the  
7           fact that the current system is placing towers  
8           and the unsuspecting public in imminent and  
9           very real danger each and every day. Thus, it  
10          is our firm belief that in the scenario it is  
11          the government's duty to intervene to protect  
12          its citizens.

13                  The amendments to 9-605 creating a  
14          rotational towing system does just that.  
15          Simply stated, only those towers assigned to  
16          an accident or disabled vehicle would be  
17          legally able to accept the job. Regardless of  
18          who else may show up, only one tower can get  
19          the job. No need to race or run lights. The  
20          profit motive behind such hazardous behavior  
21          will be eliminated, hence, the danger will no  
22          longer exist.

23                  New York City has also recognized  
24          the dangers inherent in the  
25          first-come-first-served towing system and has

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2           already experienced many of the problems that  
3           Philadelphia is now encountering. They too  
4           experience a wreck-chasing problem. However,  
5           they have implemented a rotational tow system  
6           similar to the amendments proposed here today  
7           and they have effectively eliminated their  
8           risks. For this reason alone, the Police  
9           Department fully support the amendments to  
10          Section 9-605 creating the rotational tow  
11          system here in Philadelphia.

12                   On a side note, while the  
13          Department's objectives are firmly grounded in  
14          safety, we also recognize and support the  
15          consumer protections afforded in this  
16          legislation as well. As you know, there has  
17          been many horror stories of price gouging or  
18          unethical business practices among certain  
19          towers. Under the current statute, it may  
20          very well be illegal for the City to regulate  
21          pricing in voluntary transactions between the  
22          motorists and the towers. However, under the  
23          new system, the tows provided will be  
24          mandatory in nature, and accordingly, the  
25          government would be capable to regulate both

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2           towing and storage fees. While this is not  
3           our primary reason to support this  
4           legislation, the Police Department believes  
5           that these building consumer protection  
6           provisions would better serve those people who  
7           suddenly find themselves in a distressed and  
8           stranded situation.

9                   This will conclude our testimony.  
10          And once again, I thank you on behalf of the  
11          Police Commissioner for allowing us the  
12          opportunity to express this opinion. Myself  
13          and Staff Inspector Nestell will be available  
14          for any questions.

15                   COUNCILMAN MARIANO: Go ahead,  
16          Councilman.

17                   COUNCILMAN RIZZO: When Captain  
18          Nestell was the commanding officer of Highway  
19          Patrol, he had a personal encounter that I'd  
20          like him to -- would you pull that microphone.  
21          He was in a police vehicle, and go from there  
22          Staff Inspector Nestell.

23                   MR. NESTELL: Thank you, Councilman.  
24          I can tell you there are numerous stories. I  
25          know that the story you're referring to. I

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2           was responding to an auto accident on the  
3           Schuylkill Expressway. Prior to approaching  
4           that accident scene, I observed a tow truck  
5           driving the wrong way on the expressway to get  
6           to that accident scene first.

7                   I think that Sergeant Healy talks  
8           about the public safety issue and the business  
9           of wreck-chasing. The first person that gets  
10          to that scene of the accident historically  
11          ends up receiving the contract for the repairs  
12          and the removal. The incentive for the tow  
13          truck driver is so astronomical that they're  
14          willing to take -- some people are willing to  
15          take chances in getting to that scene first.

16                  I can tell you that I have  
17          personally issued citations to tow truck  
18          drivers that I've seen disregard red lights,  
19          that I have seen driving in excess of 80 miles  
20          an hour, that I have seen driving on the  
21          shoulder of the highway when traffic is  
22          stopped because of an accident ahead. And  
23          this is an issue that is a recipe for  
24          disaster.

25                  COUNCILMAN MARIANO: Thank you.

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2 Inspector, did you give that guy a  
3 ticket?

4 MR. NESTELL: I did.

5 COUNCILMAN MARIANO: Is that man  
6 here day without pointing to that person?

7 MR. NESTELL: No. As a matter of  
8 fact, I looked through the crowd. I am  
9 familiar with some of the less reputable  
10 drivers, and I did not see any of them in the  
11 hall.

12 COUNCILMAN MARIANO: A lot guys here  
13 could probably be out making money and are  
14 sitting in here watching this. We're not  
15 trying to do anything to hurt blue collar  
16 people like this who are trying to feed their  
17 families. This isn't on you.

18 MR. NESTELL: And I would argue that  
19 they're the ones being hurt by the system that  
20 exist because the tow truck drivers that are  
21 willing to break the law are the ones that are  
22 going to get here first and get the job. So  
23 these gentlemen are not getting a fair shot at  
24 the business in Philadelphia and we're unable  
25 to control this.

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2 COUNCILMAN MARIANO: The vibe I'm  
3 getting -- let's get right to the crux of it.  
4 It's going to go to Richie Feder next. These  
5 guys are trying to make a living. They're not  
6 selling drugs, they're not on welfare, they're  
7 not stealing cars. Maybe some of them have  
8 done some of that stuff; I hope not, but it's  
9 quite possible they reformed themselves and  
10 they're here. I'm just looking around the  
11 crowd now and I don't know any of them that  
12 might have done that. One possibility, but I  
13 won't look at him. No, I'm just teasing.

14 You know what I'm saying? At the  
15 risk of sounding like George Bush, are we  
16 going to over-regulate these people so they  
17 can't make a living?

18 The last thing I want to sound like  
19 is a conservative Republican and I'm really a  
20 liberal Democrat. But I do not want these  
21 guys and ladies -- there's a couple ladies in  
22 the crowd. This is how they feed their  
23 family.

24 I didn't look at this close enough  
25 yet. I met with their attorney. He asked me

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2 to look at it. My legislative guy knows more  
3 about it than me. And I know you're a good  
4 guy. You have a great reputation as a  
5 policeman, same there, and a lawyer here. But  
6 has there been any input from this group or  
7 their parent organization? Are we just  
8 thrusting something at these guys? Does  
9 anybody know that?

10 Mr. Feder, could you answer that?  
11 Did we meet with any of guys?

12 MR. FEDER: I wasn't involved in  
13 putting together the legislation, Councilman.

14 COUNCILMAN MARIANO: Councilman, did  
15 we meet with any of these towers or  
16 wreck-chasers?

17 COUNCILMAN RIZZ0: The purpose of  
18 this hearing today is to meet and discuss the  
19 issue.

20 COUNCILMAN MARIANO: Okay. Go  
21 ahead.

22 MR. FEDER: Mr. Chairman, Members of  
23 the Committee, my name is Richie Feder. I'm  
24 the Chief Deputy Solicitor for Appeals and  
25 Legislation in the Law Department. Councilman

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2 Rizzo asked me to come and just give a brief  
3 overview of the technical ordinance and then  
4 respond to one legal issue that's looking --

5 COUNCILMAN MARIANO: Rich, to  
6 clarify this for everybody, this is an  
7 administrative bill that the Councilman  
8 introduced and I co-signed with him? Or was  
9 this written for somebody?

10 MR. FEDER: This is an  
11 Administration ordinance.

12 COUNCILMAN MARIANO: It just came  
13 from your boss?

14 MR. FEDER: This is sponsored by the  
15 Police Department, L&I and the Mayor.

16 COUNCILMAN MARIANO: Did the Mayor  
17 call somebody one day and said, "Let's do  
18 this," because he forgot to call me on it.

19 MR. FEDER: I don't know the  
20 specific origins, but I know the Mayor sent  
21 this over as an Administration ordinance.

22 COUNCILMAN MARIANO: Sergeant, do  
23 you send it to Richie? Richie is the  
24 technical guy and he has to --

25 MR. HEALY: I believe it is the

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2       result of current lawsuits that are pending  
3       against the Police Department this legislation  
4       was drafted.

5                   COUNCILMAN MARIANO: This pains me  
6       to do this kind of stuff. There's no sense of  
7       even coming here. We're going to have this  
8       hearing, but I got to know, who is the genius  
9       that thought of this? I mean, was it Tom  
10      Ferrick from the Inquirer? Because I know  
11      he's here and it's an issue that has been --  
12      and I'm not saying it's right or wrong. Maybe  
13      it's good that we hear this all out because I  
14      think that's what Councilman Rizzo thinks.  
15      But does anybody at this front table here know  
16      who -- when the light bulb went off, who was  
17      responsible for this? Was there somebody?  
18      I'd like to know.

19                  MR. FEDER: I don't think any of us  
20      knows who's responsible. I suspect the answer  
21      is there isn't one person. I think it's, as  
22      Sergeant Healy testified, this is a practice  
23      that already existed in New York City and it's  
24      a proven method of both responding to the  
25      wreck chasing that Sergeant Healy and Staff

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2           Inspector Nestell testified to and responding  
3           to the legal concerns that are raised in a  
4           separate lawsuit.

5                   COUNCILMAN MARIANO: So if this gets  
6           favorably recommended out of Committee today  
7           and it goes to the Council and becomes a law,  
8           even without all these people's -- without  
9           their input, they're going to obviously do  
10          something. Maybe we can save the City a lot  
11          of money for legal expenses.

12                   I did a bill I'm thinking of that  
13          said you couldn't hang signs on poles, and I  
14          thought it was harmless. I was just tired of  
15          looking at weight loss bills because it makes  
16          me remember how fat I'm getting. That was  
17          part of it. But we passed that. The Law  
18          Department writes it for me. Another  
19          Councilman doesn't like. He challenges it.  
20          It goes in, people sign on, and all of a  
21          sudden it's not a bill. Then that just goes  
22          away. But nobody in the Law Department --  
23          that was my idea to do that. It wasn't you,  
24          Rich. Somebody wrote that and I thought that  
25          the Law Department writes a bill, geez, that's

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2 the gospel to me. God didn't want me to go to  
3 law school so that's why you did.

4 MR. FEDER: I'm familiar with that  
5 bill, Council. I continue to think the bill  
6 is lawful, and we're working on amendments to  
7 help respond to the concerns of the day.

8 COUNCILMAN MARIANO: In your legal  
9 opinion -- I'm not putting you on the spot,  
10 but you're the big guy here that they sent  
11 here, so your boss definitely likes you. This  
12 will pass Constitutional mustard?

13 MR. FEDER: This towing bill?

14 COUNCILMAN MARIANO: Yes.

15 MR. FEDER: Yes, sir.

16 COUNCILMAN MARIANO: Because it  
17 passed in New York?

18 MR. FEDER: Yes, sir.

19 COUNCILMAN MARIANO: How many other  
20 cities?

21 MR. FEDER: I'm not familiar with  
22 any others. But the United States Court of  
23 Appeals for the 2nd Circuit in New York  
24 approved an ordinance that was very similar to  
25 this upon the grounds that --

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2 COUNCILMAN MARIANO: All right.

3 Thank you.

4 Councilman Rizzo.

5 COUNCILMAN RIZZO: Mr. Feder,  
6 Counselor, could you please explain this  
7 ordinance?

8 MR. FEDER: Certainly, Councilman.

9 In a nutshell -- and Sergeant Healy has  
10 already pretty much covered the details. But  
11 what this bill does, it authorizes the Police  
12 Department to establish what's called a  
13 rotational system. And what that rotational  
14 system would be is that the Police Department  
15 would invite eligible towers who meet certain  
16 criteria to be on a list. And then the tower  
17 that's at the top of a list would get called  
18 if in the event of an accident or a disabled  
19 vehicle was blocking the highway or is on the  
20 shoulder of the Schuylkill where you can't  
21 have a vehicle sitting for safety reasons.  
22 What this bill does is it explicitly prohibits  
23 any other tower from responding to that call  
24 or from towing that car other than the tower  
25 who is at the top of the list. Once that

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2 tower is called, he moves to the bottom of the  
3 list. The next accident comes, the next guy  
4 on the list gets called, thus the rotational  
5 system.

6 COUNCILMAN MARIANO: And that would  
7 be just the Schuylkill Expressway and 95?  
8 What if it happens like on Summerdale Avenue?

9 MR. FEDER: Anywhere in the City  
10 where a car is blocking the highway or  
11 blocking the street, impeding traffic. If a  
12 car is parked, it wouldn't cover that if it's  
13 not blocking traffic. But if it's on the  
14 shoulder of the expressway or in the middle of  
15 Summerdale Avenue --

16 COUNCILMAN MARIANO: So if  
17 Councilwoman Reynolds and I decide to go into  
18 this business tomorrow because it's much more  
19 profitable than what we do -- because it will  
20 probably work out real good; she's a minority,  
21 she can run the company, I'll work for her,  
22 I'll drive the tow truck, she'll write all the  
23 checks. Now, we don't know nothing about  
24 towing except for maybe when I drove a tow  
25 truck for about two months when I got out of

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2 high school and smashed up about three cars  
3 probably. But if we do that and we don't know  
4 anything about towing but get on the list and  
5 we get on this thing and we can get in the  
6 rotation like some of the guys that's been  
7 around here doing this? Because I think  
8 there's a fear here. And we're going to find  
9 it out when they speak. I want this to see  
10 the light of day, but I just want to make sure  
11 they're being included, because I got a  
12 feeling they're not.

13 MR. FEDER: With respect to you,  
14 Councilman and Councilwoman Reynolds Brown, I  
15 have a feeling that the tow truck company you  
16 just described would not meet the eligibility  
17 standards that the Police Department will be  
18 setting up. There will be standards.

19 MR. HEALY: Correct.

20 COUNCILMAN MARIANO: The standards  
21 that they have to do anyhow, these guys,  
22 right?

23 Would it be a run all of a sudden on  
24 who wants to do this now if this happens?  
25 Will we get a thousand more guys from out of

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2 town that are going to come in here and start  
3 doing this? And then I won't know any of  
4 these guys' faces. It will be like a big  
5 conglomerate someday, one big tow company or  
6 five big tow companies that fix the bids  
7 between the five of them? Will that happen?

8 MR. HEALY: I don't believe so. We  
9 have a system in place now that's been working  
10 very effectively very similar to this, and we  
11 use it for the stolen auto program.

12 COUNCILMAN MARIANO: With Eddie  
13 Alfano and them guys, right?

14 MR. HEALY: We have a rotational  
15 system there in recovering stolen autos.

16 COUNCILMAN MARIANO: Is that the  
17 same with the trucks with Judge Perry and  
18 Eddie Alfano? Is that what we're talking  
19 about?

20 MR. HEALY: And numerous other  
21 towers on the wheel. That's how we envision  
22 it to be working. And it does work  
23 effectively in that some of the requirements  
24 for the towers would be they have time  
25 limitation, be able to get to a certain area,

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2 a whole bunch of City requirements, insurance  
3 requirements such that would require them to  
4 meet before they would be eligible on this  
5 wheel.

6 COUNCILWOMAN BROWN: What measures  
7 or assurances are in place to ensure equity  
8 across the board for participating tow trucks?

9 MR. HEALY: Well --

10 COUNCILWOMAN BROWN: Equity in  
11 opportunity, that it is indeed a rotation.

12 MR. HEALY: I believe, much like  
13 stolen auto program, the City is divvied up in  
14 geographic locations. If there's 300 towers,  
15 you're not going to be -- the next call will  
16 not be 300 tows away. I don't believe that's  
17 how it's going to be operated efficiently. I  
18 mean, it's going to have to be broken down  
19 geographically so responding towers can get  
20 there within a reasonable period of time. I  
21 think carving the City up in certain locales  
22 does make it much more equitable. So those  
23 towers in those areas would have more  
24 opportunity.

25 COUNCILMAN MARIANO: Sergeant, isn't

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2 everyone going to want the one where the  
3 expressway is? If I was going to pick one of  
4 these, it would be where the expressway goes  
5 into Ridge Avenue up there, you know where the  
6 accidents are anyway. Or we can go anywhere  
7 on 95 and watch everybody with Jersey tags do  
8 150 miles an hour anyway while I'm doing 60  
9 and people are passing me. Who gets those?

10 COUNCILMAN RIZZO: Could I make a  
11 point?

12 COUNCILMAN MARIANO: Could you  
13 answer my question first, though? Who gets  
14 the price locations? Will there be a lottery?

15 MR. HEALY: I don't think locations,  
16 per se, will be given out, but it will just be  
17 rotational. If you're in that geographic area  
18 and I believe you put yourself into that  
19 geographic area, you'll be on the wheel for  
20 whatever pops up at that location.

21 COUNCILMAN MARIANO: Will there be  
22 areas that nobody will want to do because  
23 historically there's not a lot of accidents  
24 somewhere, maybe down Richmond Street because  
25 there's no accidents?

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2 MR. HEALY: Not necessarily  
3 accidents, but this also covers disabled  
4 vehicles that are blocking the highway and  
5 stuff like that so...

6 The Police Department perspective on  
7 this is not in any way to limit or inhibit  
8 business. What we're trying to do is just,  
9 like I had mentioned in my testimony is, we  
10 believe in free trade and everything should go  
11 without government interference in a perfect  
12 society.

13 COUNCILMAN MARIANO: Now you sound  
14 like George Bush.

15 MR. HEALY: In this situation, we  
16 obviously see the risk to not only the towers  
17 themselves, but the unsuspecting public.  
18 That's the only reason why we're asking the  
19 government to intervene in this area. And  
20 we're trying to do it the best way possible  
21 through the rotation to guarantee that  
22 equity-based system.

23 COUNCILMAN MARIANO: Councilman.

24 COUNCILMAN RIZZO: I just wanted to  
25 make sure, as the hearing progresses -- this

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2 room is full of people. In fairness, there  
3 are people in this room that are opposed to  
4 rotational towing, and there are people here  
5 that are in favor of it. So you're going to  
6 hear from both sides. I don't want you to  
7 suggest that everybody in this room is opposed  
8 to rotational towing.

9 COUNCILMAN MARIANO: No, I don't  
10 think that. But nobody that's in favor of  
11 this called me or talked to me or stopped in  
12 my office. It's always the people that are  
13 against. I've got to think there's something  
14 important if people like this come down here  
15 at 2:25 in the afternoon and sit here for 40  
16 minutes until four or five of us decide to  
17 show up. It's pretty embarrassing actually.

18 I'm sorry, you've got another  
19 question, Councilman?

20 COUNCILMAN RIZZO: No, I'm fine.

21 MR. FEDER: If I could just complete  
22 the overview.

23 Once the City has established the  
24 system and prohibited anybody other than the  
25 designated tower next on the list from

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2           completing that particular tow, the City is  
3           then authorized to establish a fee schedule  
4           which Sergeant Healy talked about would be an  
5           incidental benefit of this in order to  
6           eliminate some of the price gouging stories  
7           that sometimes we hear about.

8                   Finally, I want to touch on the  
9           preemption issue that you're going to hear  
10          about. There is surprisingly federal law on  
11          the question. And the United States Congress  
12          has preempted local governments from  
13          regulating the pricing of consensual tows,  
14          tows that you and a towor voluntarily enter  
15          into. The federal government, however, has  
16          explicitly allowed local governments to  
17          regulate in the area of safety and also with  
18          respect to the pricing of non-consensual tows.  
19          And as you heard from Sergeant Healy, the  
20          primary purpose of this ordinance is to  
21          prevent wreck-chasing stories that Staff  
22          Inspector Nestell talked about. And so City  
23          Council clearly, in my view, has the power to  
24          create a rotational system in order to protect  
25          the safety of motorists on the highway, on

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2           City streets. And then because the tow then  
3           becomes non-consensual, you as the owner of a  
4           disabled vehicle, you have no choice but to  
5           accept a tow from this particular tower. We,  
6           therefore, have the right to set pricing. And  
7           the logic of that obviously is to avoid the  
8           unbelievable price gouging that would occur if  
9           you only could take it from one tower. And so  
10          Congress has again given us the right to do  
11          that. And that's exactly what the federal  
12          court in New York ruled on. Although you're  
13          going to hear some arguments later that we are  
14          preempted, it's the Law Department's judgement  
15          that we're not and we are prepared to defend  
16          this ordinance and believe it would be upheld  
17          in federal court.

18                   COUNCILMAN MARIANO: Let me ask you  
19          a legal question as a City attorney. When we  
20          have hearings here and there's an appeal to an  
21          ordinance and they use this transcript here,  
22          as an attorney, like a zoning case, are you  
23          presenting your case here so everything has to  
24          be in line like a zoning hearing when appealed  
25          after that?

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2 MR. FEDER: I don't think there's  
3 any requirement for us to do this in terms of  
4 the law. I think it's more to satisfy the  
5 Councilmembers because you're going to hear  
6 differing legal points of view, and you need  
7 to understand that there is a very strong  
8 legal basis of this ordinance. That's the  
9 purpose of it.

10 COUNCILMAN MARIANO: Thank you.

11 Next panel, citizens victims panel.  
12 Jennifer Soltysiak, Linda, and Bill Hodges  
13 (sic).

14 You want the ladies to go first?

15 MR. LODGE: The ladies can go first,  
16 but may I make a correction?

17 COUNCILMAN MARIANO: Sure.

18 MR. LODGE: My name William Lodge,  
19 L-O-D-G-E, for the record.

20 COUNCILMAN MARIANO: Thank you.

21 And, Ladies, say your name. I know  
22 I slaughtered it. Say your name for the  
23 record, whoever wants to go first.

24 MS. LINDA SOLTYSIAK: Linda  
25 Soltysiak.

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2                   On the evening of November 5, 2003,  
3           I received a call from my daughter Jennifer  
4           stating that she had been in a car accident  
5           and would need a ride home.

6                   When I arrived at the accident,  
7           there were already two tow trucks there. One  
8           of the tow truck drivers was talking with my  
9           daughter and wanted to tow her car. I told  
10          him that we were members of AAA and that we  
11          would have to give them a call first. The  
12          driver said that he was a member of AAA and  
13          could start hooking up the car. He was very  
14          nice, and it would have been easy to believe  
15          him. I told him to wait and Jen would make  
16          the phone call.

17                  At this point, Jen was involved  
18          talking to the police and thought it would be  
19          easier if I made the call for the tow truck.  
20          I was talking to AAA and mentioned to the  
21          dispatcher the tow truck driver. The  
22          dispatcher told me not to get involved. They  
23          would put the call through and if he was a  
24          member of AAA, he would receive the call  
25          within a few minutes. When I hung up with the

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2           dispatcher, got out of my car, the tow truck  
3           driver was gone.

4                   AAA towed Jennifer's car to our  
5           house. I suggested to the driver that he drop  
6           the car off on Magee Street on the corner.  
7           This would make it easier for him to unhook  
8           the car and also for the next driver on the  
9           following day to make the pickup. The car was  
10          legally parked and parked diagonally across  
11          the street visible from our front door.

12                   The next day sometime in the  
13          morning, a different tow truck driver knocked  
14          on my door of our house and asked to speak to  
15          Jennifer. I told him that she was on the  
16          phone could I help him. Jen was on the phone,  
17          but sitting on the couch near the front door  
18          and heard the conversation. The driver said  
19          he noticed that she had an accident and knew  
20          that she wasn't covered for collision on her  
21          insurance and wanted to tow her truck and have  
22          it fixed. My first thought was how this  
23          person knew my daughter's name and address and  
24          that she didn't have insurance to get her car  
25          fixed. This gave me a very uneasy feeling. I

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2           asked him where he got his information. He  
3           told me he got it from the police report. I  
4           told him that Jennifer was looking to getting  
5           the car fixed. He offered to give an estimate  
6           for repairs.

7                   While he was doing this, Jen and I  
8           both agreed it was pretty creepy and pretty  
9           upsetting, first that he knew where she lived,  
10          insurance information, and he was going to  
11          give an estimate without looking at the engine  
12          and putting the car on the lift.

13                  The driver returned with a rough  
14          estimate and said that it might cost more if  
15          he wasn't able to tell if there was motor  
16          damage. I asked him to write down his quote  
17          on something with his name and phone number on  
18          it. He wrote the information down on his  
19          business card. I took the card, thanked him  
20          and said Jennifer needed time to think about  
21          what she was going to do.

22                  Thank you.

23                  COUNCILMAN MARIANO: Jennifer, you  
24          want to speak?

25                  MS. JENNIFER SOLTYSIAK: I was

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2       involved in a somewhat minor car accident on  
3       the evening of November 5, 2003, at the  
4       intersection Aramingo Ave. and Tacony Street.

5                   Shortly after pulling off to the  
6       side of the road with the driver of the other  
7       vehicle, tow trucks began to stop and drivers  
8       began to try to gain my business. They were  
9       very nice to me. One gentleman even held an  
10      umbrella over me to shield me from the rain.  
11      In attempts to persuade me to use their  
12      service, one driver claimed he was AAA.  
13      However, when my mom called AAA for me, he was  
14      not the dispatched truck and left the scene  
15      after the call was placed.

16                  Even though there were a few  
17      different tow trucks at the scene trying to  
18      promote their company, they were, for the most  
19      part, respectful of my decision to have AAA  
20      come and tow my car to my house until I  
21      figured out what I was going to do with it. I  
22      was given a few business cards, and that was  
23      the end of it.

24                  The real concern I have is tow truck  
25      drivers using questionable practices to gain

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2       customers was an incident that happened the  
3       next day. The morning of November 6th, I  
4       noticed a tow truck parked behind my car which  
5       was parked diagonally from the corner of my  
6       block and not directly in front of my home on  
7       6554 Cottage Street. I didn't think anything  
8       of it until later on that day I saw the same  
9       tow truck parked out in front of my home and  
10      the driver coming up to knock at my door. My  
11      mom answered the door and I was sitting near  
12      enough to the door to hear everything that was  
13      said.

14               The driver asked for me by first and  
15      last name and was trying to gain me as a  
16      customer to his shop by giving me a quote for  
17      repairs on my car. He stated that he knew the  
18      limits of my insurance coverage, and when  
19      asked, claimed that he got information from  
20      the police report of the accident the night  
21      before. He offered to tow my car right then  
22      to his shop. And after we said "no thank  
23      you," he handed my mom his quote on the back  
24      of his business card.

25               After he left my front step, I

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2           called the 15th Police District which is where  
3           the accident took place to ask them about  
4           their practices regarding giving out  
5           information collected at an accident scene.  
6           The officer on the phone assured me that they  
7           do not give out information to tow truck  
8           companies and I could fill out a statement if  
9           I wished by calling 911 or by stopping by the  
10          station. I did not feel that this warranted  
11          an emergency phone call, but I had no way to  
12          get down to the station to fill out the report  
13          in person.

14                   Sometime in January I was pulled  
15          over on I Street right by where I work and was  
16          surprised when the officer asked me if I knew  
17          why my car was listed as abandoned. I  
18          jokingly said it couldn't be abandoned if I  
19          was driving it, but the officer was serious.  
20          He asked if I had left my car parked for a  
21          length of time back in November with damage  
22          from an accident. I remembered my accident  
23          but explained that I was involved in the  
24          accident around 6 p.m. on November 5 but had  
25          my car towed from across the corner of my

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2           block to the dealer to get fixed no later than  
3           2:00 p.m. the following day. It was then I  
4           realized that the tow truck driver that  
5           knocked on my door had ran my tags by listing  
6           my car abandoned and then used information to  
7           dupe me into thinking his shop was somehow  
8           specially tied with the Police Department and  
9           offering me the convenience of towing it right  
10          then.

11                  I tried to contact the Abandoned Car  
12          Division of the Police Department about  
13          getting my car off the list but have not yet  
14          been able reach anyone who can tell me that it  
15          has been removed.

16                  It wasn't that the tow trucks that  
17          showed up at the accident scene that bothered  
18          me. They saw an opportunity to gain a  
19          customer and politely gave me their card if I  
20          decided to use their shop. The most  
21          disturbing part was that some random tow truck  
22          driver was able to get my personal information  
23          about me from my tags and came to knock at my  
24          door. If he had been a rapist or a murderer,  
25          he would have had access to all the same

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2           information just because he drove a tow truck.

3                   COUNCILMAN MARIANO: Thank you.

4                   I just want to say Councilman Ramos  
5           has joined us a couple minutes ago; I just  
6           forgot to tell you.

7                   Sir.

8                   MR. LODGE: My name is William  
9           Lodge. I was involved in a motor vehicle  
10          accident on March 12th, Friday night, at 9  
11          p.m. this year. It was located at the  
12          intersection of North 16th Street in the Broad  
13          Street off ramp of the Roosevelt Expressway.

14                  I was not as lucky as the two ladies  
15          who are sitting next to me. I was injured in  
16          the course of the accident and stuck in the  
17          car.

18                  I was approached by a tow truck  
19          driver who I happened to know. He used to be  
20          a Philadelphia Police Officer and he was  
21          discharged from his employment so he obviously  
22          needed something to do for a living so I guess  
23          he decided on being a tow truck driver. He  
24          approached my vehicle. I didn't quite  
25          recognize him at first. He says, "Oh -- he

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2           mentioned his name. His name was Akeel (ph).

3           He said to me, "I'll take care of you."

4                   I was in a lot of pain. I was

5           waiting for the police and the EMS rescue

6           squad to show up. So I pull out my keys and I

7           said, "Could you take my car here? That's the

8           name of an auto body shop, Len's Auto Body up

9           on Cottman Avenue, which I've done business

10          with before and he's extremely reputable.

11                   "Oh, no, I can't take it there.

12          I'll take care of you," he said. He hands me

13          a blank piece of paper, he gives me his cell

14          phone number. And you really can't defend

15          yourself or argue when you're getting hustled

16          out of the car by the rescue EMS personnel and

17          getting put on a stretcher and getting taken

18          away.

19                   What struck me most was the fact

20          that someone -- when the other tow truck

21          drivers walked over to the EMS and said to me,

22          "Oh, don't use him. He's going to charge you

23          hundreds of dollars to get your car back." He

24          said, "Call AAA."

25                   Well, you can't really do anything

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2           when you're getting hauled off to the  
3           emergency room. I was in Einstein  
4           approximately all that night and the majority  
5           of Saturday. I contacted him by phone, and he  
6           had towed my car over to Rising Sun and  
7           Eleanor which looked like a bunch of abandoned  
8           garages with numerous tow trucks parked around  
9           and it looked like they got last night's haul  
10          over there. My car was there and there were  
11          several other vehicles that were obviously  
12          involved in recent accidents. And he  
13          eventually towed my car to a body shop on  
14          Aramingo and James Street.

15                 I contacted Len's after I got myself  
16          together. I had bruised ribs, I had back  
17          injuries and a knee injury. And I spoke to  
18          Len and I said, "I got to get car up here to  
19          you because I don't trust these guys. They  
20          seem to be, in my opinion, slightly dishonest  
21          in the way they did business." I didn't care  
22          too much the way did the business.

23                 So I contacted Akeel and his tow  
24          truck outfit, Philadelphia's Finest. And I  
25          asked him how much would it cost to get my car

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2           out of there, I'm going to send a tow truck  
3           down from Len's to get my car and how much  
4           would it cost. Well, they hemmed and hawed.  
5           It took about an hour and a half. The bill  
6           came out to \$460 which my insurance company  
7           was forced to pay.

8                   I feel sorry for the people who  
9           don't have coverage or an understanding  
10          adjuster who knows just the way business is  
11          conducted in Philadelphia among some of the  
12          more disreputable tow truck drivers. \$460 for  
13          a tow from basically Broad Street to Aramingo  
14          and James. On the bill they had there that he  
15          charged a fee for waiting for the scene to be  
16          cleared by the Accident Investigation Division  
17          of the Police Department. I think that was  
18          \$80. I think he also stuck in a fee in there  
19          for cleaning up the scene of the accident.

20                  I felt like I was a victim. I felt  
21          like I was ripped off. And I'll be honest  
22          with you, I think -- who speaks for the people  
23          who are involved in an accident that can't  
24          speak or are semiconscious. Or if I would  
25          have left my car there, it's a high-crime

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2 area, it's two blocks from my home. It would  
3 have either got stripped or maybe a renegade  
4 tow truck would have picked it up and took it  
5 for parts.

6 That's the end of my testimony, sir.

7 COUNCILMAN MARIANO: Thank you.

8 Any questions for these witnesses?

9 Councilwoman Brown.

10 COUNCILWOMAN BROWN: In no way to be  
11 presumptuous having heard your testimony, what  
12 is your recommendation on this bill?

13 MS. JENNIFER SOLTYSIAK: I'm not  
14 sure about how to handle who gets to the  
15 scene. But how they try to convince people  
16 they're going to take care of them, like the  
17 guy that came to my house tried to make me  
18 think that he was with the Police Department  
19 and like knocked on my door asking with my  
20 name. My car wasn't parked in front of my  
21 house, so he wouldn't have known that was my  
22 car. He shouldn't be able to do that. The  
23 guys who came to the scene when I was in the  
24 accident, like I had gotten in an accident  
25 actually across the street from a shop. They

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2           weren't one of the tow trucks that came, but  
3           they were nice guys that came. They were just  
4           trying to get business, which I can  
5           understand. They were, for the most part,  
6           polite. But the way they get information.  
7           And then now when I get pulled over, I get  
8           told my car is abandoned, and that is a  
9           problem. That's hard to fix.

10                   COUNCILMAN MARIANO: That's an  
11           incredible story.

12                   MS. LINDA SOLTYSIAK: I feel the  
13           same way. The rotation seems like it would  
14           cut down on accidents. Getting to and from  
15           the scene is important. But for a driver to  
16           get this kind of information, it's a violation  
17           of privacy. I feel violated.

18                   COUNCILMAN MARIANO: Did you report  
19           that to the 15?

20                   MS. JENNIFER SOLTYSIAK: When I  
21           called to ask if they give the information  
22           from the police report out, they said I could  
23           call 911 to fill out a report or come down to  
24           the station, but my car wasn't working and I  
25           didn't feel it was that big of an emergency to

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2 call 911 for. But I still have his card,  
3 actually, that he gave me.

4 COUNCILMAN MARIANO: Could  
5 Councilman Rizzo see that card?

6 COUNCILMAN RIZZO: Could you tell  
7 me, have you resolved the issue of your  
8 vehicle being listed as abandoned? Because if  
9 that is still on there, we'd like to address  
10 that issue.

11 MS. JENNIFER SOLTYSIAK: I haven't  
12 heard that it's off the list yet.

13 COUNCILMAN RIZZO: Mr. Vogler will  
14 speak to you after you testify and will be  
15 more than happy to check to make sure that  
16 that is taken care of. I hope Staff Inspector  
17 Nestell and Sergeant Healy will also make sure  
18 that it's appropriately removed from the  
19 database.

20 MS. JENNIFER SOLTYSIAK: Thank you.

21 COUNCILWOMAN BROWN: Could we hear  
22 from you, sir?

23 MR. LODGE: Yes, ma'am.

24 I personally feel that the police on  
25 the scene should be in charge the accident.

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2           If there's need for emergency medical service  
3           brought in, the officer would call for a medic  
4           unit. If there's a need for a tow truck, the  
5           officer should be able to contact police radio  
6           and have a tow truck dispatched to the scene  
7           or contacted to the scene.

8                   I'm a private citizen, but I'm also  
9           an employee of the Police Department. And  
10          police radio -- done a great job now. We have  
11          -- if a car is stolen and recovered, they call  
12          for a tow truck, so it doesn't get stolen from  
13          before, off a list. We're doing a great job  
14          with Live Stop. They have tow trucks  
15          available from the Parking Authority for that  
16          matter. The officers from the Neighborhood  
17          Services Unit, they have contracted lists of  
18          salvers that they contact to come in. There's  
19          no rush to the scene to get the abandoned  
20          auto. It's done in an orderly fashion from  
21          people who appear to be reputable unless  
22          there's complaints made. So this would be  
23          just taking that, in my opinion, a step  
24          further. The officer on the scene contacts  
25          the salver of the day or the month or the

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2           salver for the division or the district or  
3           whatever, however we break it down.

4                   COUNCILWOMAN BROWN: So having the  
5           Police Department as a single part of contact,  
6           in your view, adds some level of sanity to the  
7           process and the circumstances taking place?

8                   MR. LODGE: I agree with that 100  
9           percent. Because the guy could have made a  
10          hundred bucks probably towing my car to this  
11          particular auto body place from the accident I  
12          was. Instead, I got the hustle.

13                  COUNCILWOMAN BROWN: I thank you for  
14          your testimony.

15                  COUNCILMAN RIZZO: I just wanted for  
16          the record, this business card was presented  
17          to you at your home?

18                  MS. JENNIFER SOLTYSIAK: Uh-huh.

19                  COUNCILMAN RIZZO: And on the back,  
20          this note --

21                  MS. JENNIFER SOLTYSIAK: That's the  
22          quote the guy gave me for my car.

23                  COUNCILMAN RIZZO: For the record, I  
24          want to read this, not just the quote, but it  
25          says "Cash, total 3,200."

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2 I think the Internal Revenue Service  
3 would love to see this.

4 MS. JENNIFER SOLTYSIAK: I wound up  
5 actually paying 4,000 for it to get fixed at  
6 the dealer, so I wind up getting screwed  
7 anyway but not by the tow truck driver.

8 COUNCILMAN RIZZO: One of the issues  
9 that's been pointed out and we'll probably  
10 hear more about this, that many of the hustles  
11 to fix the vehicle, the repairs are  
12 substandard. They use after-market parts  
13 instead of the parts that are meant to be on  
14 the vehicle. The steel is thinner. They're  
15 just not the quality that you expect. And  
16 then months later, the vehicle starts to  
17 deteriorate as a result of these repairs. But  
18 we'll be hearing more about that. I just  
19 wanted to, for the record -- not suggesting  
20 that the person said cash \$3200 wouldn't  
21 report that cash, but there's a chance that  
22 that may not have occurred. But I think that  
23 probably it would have been reported.

24 Next panel, Mr. Chairman.

25 COUNCILMAN MARIANO: Thank you.

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2 COUNCILWOMAN BROWN: Thank you very  
3 much.

4 COUNCILMAN MARIANO: Next panel,  
5 Panel 3, body shop owners and operators. Paul  
6 Brothers, Charles Nygrd; AOK Autobody, Art  
7 Kulis; Gus's Autobody, Dominic Ragguci; Haines  
8 Street Collex, Joseph Stafford; and Dr.  
9 Ralph's Automotive Services, Dr. Ralph  
10 Sposato.

11 COUNCILMAN RIZZO: Mr. Chairman, if  
12 there's anyone else we neglected to mention,  
13 please raise your hand.

14 MR. RAGGUCI: Good afternoon. My  
15 name is Dominic Ragguci, and I'm here on  
16 behalf of Gus's Autobody at 9412 Bustleton  
17 Avenue, Philadelphia, PA 19115.

18 COUNCILMAN MARIANO: Gus, don't let  
19 me interrupt you, but let me first start out  
20 by interrupting. How long you been doing  
21 this?

22 MR. RAGGUCI: I am related to Gus.

23 COUNCILMAN MARIANO: How long have  
24 you been in the business, though?

25 MR. RAGGUCI: What, the auto body

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2 business?

3 COUNCILMAN MARIANO: Yes. You're  
4 Dominic, right?

5 MR. RAGGUCI: I'm Dominic.

6 COUNCILMAN MARIANO: How long you  
7 been doing this?

8 MR. RAGGUCI: I'm not in the  
9 business. I'm here on behalf of Gus's.

10 COUNCILMAN MARIANO: So you're not a  
11 tow truck driver or a body shop?

12 MR. RAGGUCI: I'm not a tow truck  
13 driver and I don't operate a body shop. I'm  
14 just a spokesman for the business.

15 COUNCILMAN MARIANO: All right.  
16 What do you think about this stuff? Is that  
17 part of what you're go to go say?

18 MR. RAGGUCI: It's part of what I'm  
19 going to say.

20 COUNCILMAN MARIANO: Then I'll let  
21 you say it. I was going to ask you, it looks  
22 like you've been around a little. Not that  
23 you're old, but I was going to say, what's  
24 this all about? I mean, this sounds like some  
25 real scary stuff, to go to a woman's house and

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2           tell her information, which we might all know  
3           anyhow but it's scary when you don't realize  
4           it.

5                   MR. RAGGUCI: I'm known to a couple  
6           members of the panel.

7                   Gus's Autobody is a second  
8           generation auto body shop established at its  
9           location in Northeast Philadelphia in 1949 by  
10          Gus Natelli, Jr. Gus owns and operates a tow  
11          truck in conjunction with his body shop. We  
12          recognize a rotation list is inevitable if not  
13          eminent.

14                   There are concerns -- and these will  
15          parallel the items that you mentioned earlier,  
16          Mr. Councilman. There are concerns about  
17          future fair management of a rotation list.  
18          There is a potential for body shops and tow  
19          truck operators sponsored or funded by major  
20          insurance carrier claims departments or major  
21          national auto body franchises to develop  
22          influence or a control over the rotation list.  
23          This potential could exist in any political  
24          environment. Such influence or control could  
25          compromise and affect smaller but otherwise

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2 qualified participants on the rotation list,  
3 thus seriously affecting the smaller  
4 operator's livelihood. Thank you.

5 COUNCILMAN MARIANO: Thank you.

6 MR. KULIS: Good afternoon. My name  
7 is Arthur Kulis, President of AOK Autobody  
8 located at 1330 Washington Avenue. I'm a body  
9 shop owner.

10 COUNCILMAN MARIANO: You actually  
11 did this for a living?

12 MR. KULIS: Yes. I actually started  
13 the business in 1957 and doing all the work  
14 myself.

15 COUNCILMAN MARIANO: Did you start  
16 compounding and detailing cars?

17 MR. KULIS: I did everything;  
18 welding, compounding, everything.

19 COUNCILMAN MARIANO: What do you  
20 think about all of this?

21 MR. KULIS: I think that I'm losing  
22 a lot of business that I used to have because  
23 the chasers are stealing my work. That's what  
24 I think.

25 COUNCILMAN MARIANO: You've been

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2           doing this a while. Using your expertise and  
3           your experience in this business, why -- this  
4           didn't just happen overnight. We've been  
5           reading about this in Mr. Ferrick's column for  
6           a while.

7                   Do you remember a time when this  
8           didn't happen?

9                   MR. KULIS: Yes. I can remember --  
10          actually, we stopped getting work, I'd say, 10  
11          years ago. Up until that point. We were open  
12          until 6 o'clock in the evening. I would sit  
13          at my desk between 4:00 and 6:00 and get at  
14          least a dozen cars. "Art come tow my car.  
15          I'm located at such and such a place." I  
16          don't own a tow truck. We'd call somebody go  
17          get it. That sort of like died out  
18          completely. We were getting phone calls to  
19          come tow my car. By the time I would send a  
20          tow truck, the car is gone. I would ask the  
21          customer, "What happened?"

22                   "Oh, the guy said he's going to pay  
23          my deductible for me. I didn't pay it and I  
24          know you charge."

25                   Yeah, I don't give money away.

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2 There's no free lunch out there.

3 And other customers would tell me  
4 he's going to give me new tires, paint my  
5 whole car.

6 But I've seen the cars that were  
7 fixed afterwards. And it's a shame. People  
8 got ripped off, and they know it. Any  
9 customer who comes to my place and I happen to  
10 see they had it fixed someplace else because  
11 of shoddy work, I'm not very nice to them.  
12 But they do still let me fix the car.

13 Every Monday morning I have to come  
14 to work with at least a thousand cash in my  
15 pocket. Maybe I can get one car out of the  
16 shop. Here, I have different bills, the money  
17 I paid out to get a car out of the shop. This  
18 was \$1550 cash; 475 cash.

19 COUNCILMAN MARIANO: For someone who  
20 asked you to fix their car, you've got to get  
21 their car; is what you're saying?

22 MR. KULIS: Correct.

23 COUNCILMAN MARIANO: Wouldn't the  
24 insurance company pay for that?

25 MR. KULIS: They pay. They used to

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2           pay. But now they're not going to pay. If  
3           it's more than 2 to 300, I have to call and  
4           get permission first.

5                   And some of the horror stories the  
6           people tell me. And now today, two days on  
7           the phone trying to get one car out of a shop.  
8           They wouldn't even tell me how much I owe.  
9           Then finally they told me, "You owe \$650  
10          cash." But I sent a tow truck. When he got  
11          there, he said you have to get the owner here  
12          to come down, they've got to sign the release.  
13          It's always a stall to get another day's  
14          storage. It's not the right way to do  
15          business.

16                   COUNCILMAN MARIANO: Incredible. I  
17          guess it's because the business we're in and  
18          people do stuff for us as far as our City  
19          vehicles are taken care of. I have sons with  
20          cars, and it's a major pain in the butt  
21          getting tows and doing things. It's not  
22          because of any of these guys, but I've got to  
23          think -- you've been around -- when we started  
24          regulating this industry like maybe 10, 11  
25          years ago when L&I started -- I'm trying to

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2 remember what L&I Commissioner. I'm looking  
3 at Councilman Rizzo because he's been here as  
4 long as I have. But I think it was either  
5 Levin or Fran Eagan when they started doing  
6 this and all the trucks -- we were doing away  
7 with gypsy -- they were calling them gypsy tow  
8 trucks in them days. It has to be 10 years  
9 ago. They put the emblems on the side of the  
10 car and that was supposed to solve everything.  
11 Is that when this all started happening when  
12 people had to start hustling in a different  
13 way? There's always going to be that bad  
14 element, but is there a tow truck drivers  
15 thing against body shop owners? What do you  
16 think it is?

17 MR. KULIS: My opinion, most of the  
18 -- not all tow truck drivers but a lot of tow  
19 truck drivers sell the job. They don't even  
20 take it. They don't have a body shop.  
21 They're just selling it to the highest bidder.

22 Like I said, there's no free lunch  
23 out there. The insurance companies do not  
24 give money away. We're regulated by the  
25 insurance industry on how much we get paid per

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2           hour and what parts to put on the car.

3           There's guidelines for every insurance

4           company.

5                   COUNCILMAN RIZZO: When you just

6           said a minute ago that the body shop said to

7           your potential customer that they would pay

8           for the deductible, I think people realize

9           when a body shop pays for the deductible,

10          something's got to give somewhere; the part

11          that was supposed to be replaced is

12          straightened. They have to make up that money

13          someplace, because I believe it is a violation

14          of the law to fudge an estimate to pick up the

15          deductible.

16                   MR. KULIS: It is against the law.

17          It's a \$15,000 fine, 7 years if you try to

18          cheat or defraud any insurance company.

19          That's a new law a few years ago that came

20          out. People are still doing it. Eventually,

21          the other shoe is going to fall.

22                   COUNCILMAN RIZZO: If a person has a

23          \$500 deductible and the body shop says, "Don't

24          worry about it. You're not going to have to

25          pay the deductible," people listening have to

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2       realize that to make up that \$500 something  
3       has to give here, whether the insurance is  
4       paying for a new fender and it turns out that  
5       it's being straightened or they're paying for  
6       a new bumper and it's -- well, we don't have  
7       too many chrome bumpers anymore -- that it's a  
8       refinished bumper. Obviously, there's  
9       something being pulled out of that job to make  
10      enough money to pay so that the customer does  
11      not have to pay the deductible. Again, it's  
12      illegal. And what I described a little while  
13      ago, the vehicle is potentially not being  
14      repaired as well as it would normally be if  
15      the body shop wasn't trying to make up the  
16      deductible.

17               MR. KULIS: Correct. But also when  
18      an individual makes a private contract with  
19      the body shop to save that 500 or not pay the  
20      500, if the repairs are not satisfactory to  
21      the individual's car, when he goes back to his  
22      insurance company, there's no recourse. But  
23      if they paid the deductible, the insurance  
24      company will go back to that shop and make  
25      them fix it right. Or if they can't or won't,

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2 they'll take it to another shop to fix it the  
3 right way and then go after that other  
4 particular shop to fix it.

5 Ten years ago they came out with an  
6 anti-pollution license in the City of  
7 Philadelphia. I know there's a lot of body  
8 shops in the City of Philadelphia, say, 600,  
9 700 body shops. I don't know how many are  
10 legal, but there were only six applications  
11 for this license. I was one of them.

12 COUNCILMAN MARIANO: For the spray  
13 booth and all?

14 MR. KULIS: For the spray booth,  
15 yes, for an anti-pollution license. And the  
16 other ones -- a couple good body shops and a  
17 couple dealers that had body shops. I was  
18 shocked.

19 COUNCILMAN MARIANO: People are  
20 spraying cars without spray booths is what  
21 you're saying?

22 MR. KULIS: Yes. And then they had  
23 a big investigation of the licenses. My  
24 shop's open from 7:00 in the morning until  
25 6:00 in the evening. And one fine day 11:00,

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2           here comes eight inspectors from the City of  
3           Philadelphia checking all over my place,  
4           licenses, this, that, everything. Which was  
5           fine, but that particular year there was a  
6           body shop open next door to me with no sign.  
7           I said, "Everything's good. How about next  
8           door? Could you check on them, please? I  
9           mean, they are my competition. Even though  
10          they're illegal, they're my competition."

11                  They said, "The door is closed. We  
12          can't."

13                  Great. Well, they said they were  
14          done, they're going to lunch.

15                  Well, at lunch, the door happened to  
16          open. So I quick ran out, they had two cars.  
17          I said, "The door is open."

18                  They said, "No, no, we're going to  
19          lunch."

20                  The City has to start working like  
21          after 5:00. A lot of body shops that are  
22          illegal work after 5:00. You have to have two  
23          shifts, I think.

24                  COUNCILMAN MARIANO: Did you report  
25          that to anybody in the DA's Office or the

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2 City's office about the inspectors not coming  
3 back?

4 MR. KULIS: No.

5 COUNCILMAN MARIANO: Okay. Any  
6 questions?

7 Councilman Rizzo.

8 COUNCILMAN RIZZO: We have two more  
9 witnesses.

10 COUNCILMAN MARIANO: Councilwoman  
11 Brown has questions for you guys first.

12 COUNCILWOMAN BROWN: The  
13 representative for Gus' Autobody, your name  
14 again, sir?

15 MR. RAGGUCI: Dominic Ragguci.

16 COUNCILWOMAN BROWN: Mr. Ragguci,  
17 the circumstance you raise with regard to  
18 insurance companies trying to have a stake in  
19 what might appear to be an irresponsible way,  
20 similar to the sidebar I had with Richie  
21 Feder, is there any remedy you can offer that  
22 would address that problem? Because it goes  
23 directly to this issue of equity of  
24 opportunity again across the board.

25 MR. RAGGUCI: Well, I'd like to

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2           state my qualifications in that area. I'm a  
3           retired insurance agent and broker and I  
4           successfully ran a large book of car insurance  
5           business over 23-plus years, and I know from  
6           personal experience the kind of influence that  
7           insurance carrier claims departments can have  
8           in local communities as far as things like  
9           rotation lists are concerned, particularly in  
10          the outlying areas of Philadelphia.

11                 The remedy would be simply not to  
12          allow that to happen. The small guy deserves  
13          a chance. He runs an appropriate shop. He  
14          has appropriate storage area, appropriately  
15          alarmed and fixed up to reduce pilfering and  
16          stealing. And I don't think anyone should  
17          have an influence to keep the marginal or  
18          smaller operator from getting his share of  
19          being rotated on that list. I know how they  
20          function, the major insurance carrier claims  
21          departments because I worked for them for over  
22          a long period of time. And they have a lot of  
23          control over what shops get jobs and they have  
24          a lot of control over -- they could end up  
25          getting control over who gets on that rotation

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2 list.

3 COUNCILMAN RIZZO: And there will be  
4 a process for whether it is a combination of  
5 the Procurement Department, Police Department,  
6 and the Department of Licenses and Inspections  
7 to review the qualifications of the individual  
8 towing company. So again, everyone will have  
9 an opportunity to be part of this. And if  
10 they qualify, there will be qualifications and  
11 they'll need to be met. But I think the  
12 rotational system will alleviate a lot of  
13 problems that I know exist and the Police  
14 Department knows exists. So I think this will  
15 be a big help. And I think many people will  
16 have an opportunity to participate in this  
17 program.

18 COUNCILMAN MARIANO: Thank you.  
19 Thank you, Councilman.

20 COUNCILWOMAN BROWN: Thank you,  
21 gentlemen.

22 COUNCILMAN RIZZO: Could you  
23 identify yourself for the record?

24 MR. SPOSATO: Good afternoon. Ralph  
25 Sposato, owner of Ralph's Automotive Service.

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2 MR. NYGRD: Charles Nygrd, Central  
3 City Toyota, Paul Brothers Autobody.

4 MR. SPOSATO: I'm here to say first  
5 of all that I support the rotation system and  
6 I can attest to the horror stories that we  
7 just heard. And on a daily basis I can  
8 testify to that it happens each and every day.

9 I would suggest that most of the tow  
10 truck operators in the City of Philadelphia  
11 are legit and everybody has a right to earn a  
12 living. The problem in our industry is the  
13 tow truck chasers, the ambulance chasers. And  
14 we've heard about safety. What we did not  
15 hear about is specifically what it is that  
16 motivates these chasers to rush to the scene  
17 and get these wrecks. And that is that  
18 there's a kickback to them to the tune of 15  
19 to 20 percent in cash that various body shops  
20 pay back to the tow trucks. And the question  
21 comes up, where does this money come from.  
22 And the money comes from substandard repairs,  
23 inferior parts, used parts and whatever that  
24 goes on in the industry. Outrageous prices.  
25 The whole thing is a sham, it's just

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2           outrageous. I hear so much of it on a daily  
3           basis that I thought that the first  
4           opportunity that I would have to publicly  
5           address this issue, here I am and that is  
6           that. I'm here to answer any questions that  
7           you may have.

8                   COUNCILMAN RIZZO: Mr. Sposato, you  
9           hit on something that is very, very important  
10          about the substandard work. And I know many  
11          body shop owners in this room can discuss the  
12          fact that a vehicle's repaired in January and  
13          starts to come apart, the paint starts to  
14          peel, the assembly is very, very bad.

15                   Could you talk about vehicles that  
16          you have inspected after the fact when it was  
17          done in one of these shops that is involved in  
18          this relationship?

19                   MR. SPOSATO: I've had occasions in  
20          my career to inspect many of these cars. The  
21          problem comes in that once the deductible is  
22          waived or saved, the insurance companies, they  
23          wash their hands of it and the consumer is  
24          stuck with a substandard repair. And where do  
25          we go from here? Obviously, a shop that

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2 usually engages in this type of a practice is  
3 not very ethical. It does not operate  
4 ethically. And when it comes time for you to  
5 take it to court, you may take a situation to  
6 court for a couple thousand dollars. Most  
7 people figure, well, it's not worth it, I'm  
8 not going to take the time. And we go on to  
9 next and next, and the problem goes on and on.

10 COUNCILMAN RIZZO: Could these  
11 vehicles that are repaired under these  
12 circumstances, could they be hazardous? Could  
13 the frame still be out of alignment? Could  
14 the vehicle be returned to the customer  
15 believing that they have a vehicle that has  
16 been repaired properly?

17 MR. SPOSATO: Absolutely.  
18 Especially when it comes down to the  
19 suspension components, drive components that  
20 indeed compose a safety hazard.

21 COUNCILMAN RIZZO: Thank you.

22 COUNCILMAN MARIANO: Thank you,  
23 Councilman.

24 Next, sir.

25 MR. NYGRD: My name Charles Nygrd

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2 representing Central City Toyota and Paul  
3 Brothers Autobody. We've been in business  
4 since 1905. It's a family owned and operated  
5 business, very prominent in the City.

6 We have taken many steps to try to  
7 -- how would you say this -- to try to get  
8 those customers that we know that are getting  
9 towed, you know, we have a big push with our  
10 Toyota certified program which we are a Toyota  
11 certified shop. So, therefore, when somebody  
12 buys a new Toyota, we're hoping that they're  
13 going to want to protect their warranty and we  
14 give out discount card, things like that. We  
15 get zero cars towed into us, but do we see  
16 those cars? Yes, absolutely. Because we are  
17 Toyota, when somebody has a lienholder put on  
18 the check, it's Toyota, they have to take the  
19 car to us to get it signed. We look at the  
20 car and all the time we say "Was there a  
21 chance that you might have paid your  
22 deductible?"

23 "No, I didn't. At the scene of the  
24 accident, et cetera, et cetera."

25 Well, that person is now jeopardized

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2           that they have a check that they can't get  
3           signed. Now, somehow or another this check  
4           gets signed. I could sit here all day. Do we  
5           keep a thousand dollars in cash on us all the  
6           time? Absolutely. There is just so much of  
7           this that has hurt our business. And again,  
8           we try to attack it proactively where we would  
9           actually shut our shop down to have training  
10          classes for all the body shops in the area.  
11          We send a fax out to everybody. And there's a  
12          lot of guys sitting here with us right now  
13          that they did send over their employees to get  
14          trained and that we were going to try to  
15          educate consumers that, hey, you're  
16          jeopardizing your car if you don't get it  
17          fixed right.

18                 And I think there's many issues to  
19          the problem. One of the things is that  
20          there's not licensing for body shops. You can  
21          basically just start a shop, you know,  
22          whatever City licenses you need, boom, you go  
23          ahead and you start something. So there's a  
24          lot of problems that are precipitating this,  
25          what we're all sitting here with right now at

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2 least as far as the body shop end is.

3 What we'd like to see is -- we  
4 support the rotation. Again, that's not our  
5 business, but we understand that there has to  
6 be a stop to what's going on out there right  
7 now. It's jeopardizing too many people.

8 COUNCILMAN MARIANO: Thank you.

9 Any questions?

10 (No response.)

11 COUNCILMAN MARIANO: Panel 4,  
12 insurance car rental industry, Erie Insurance,  
13 Insurance Federation of Pennsylvania, AAA, and  
14 Enterprise Car Rentals.

15 COUNCILMAN RIZZO: Some we know  
16 who's who, could you all just initially  
17 identify yourselves for the record, please?

18 MR. LENKE: Art Lenke, AAA  
19 Mid-Atlantic.

20 MR. SOLVENSON: Byron Solvenson,  
21 Enterprise Rent-a-Car.

22 COUNCILMAN RIZZO: Sir, could you  
23 identify yourself, please?

24 MR. DOUBMAN: Good afternoon,  
25 Councilman Rizzo and Mariano. My name is John

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2           Doubman. I'm Secretary and Counsel for the  
3           Insurance Federation of Pennsylvania. With me  
4           is Art Lenke from AAA Mid-Atlantic. Bill  
5           Stinger from Erie Insurance, they are members  
6           of the Insurance Federation and Bill is  
7           unavailable today; he will not be here.

8                   COUNCILMAN RIZZO: You can decide  
9           among the three of you who would like to lead  
10          off.

11                  MR. DOUBMAN: Why don't I go first  
12          then on behalf of the Insurance Federation.

13                  Thank you for the chance to testify  
14          this afternoon. The federation is a  
15          non-profit trade association that represents  
16          insurers of all shapes and sizes doing  
17          business in Pennsylvania. And our members  
18          include most of the major auto writers who do  
19          business in Pennsylvania and in Philadelphia.

20                  Our auto insurer members continue to  
21          report some abusive pricing and customer  
22          treatment practices in the towing and storage  
23          business, not only in Philadelphia but around  
24          the Commonwealth. Few, if any, of the  
25          insurers, however, have readily accessible

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2           data on the degree to which inflated towing  
3           and storage charges by themselves increase the  
4           loss cost for servicing policyholders.  
5           Nevertheless, these charges do increase these  
6           costs beyond what they should be. And judging  
7           by some of the worst stories, the inflated  
8           charges are significant in many cases.

9                   As you know from the Federation's  
10          appearances before City Council in the past  
11          however, we advocate a broad-based attack on  
12          all loss costs that pressure auto rates. We  
13          agree with the sponsors of this bill that the  
14          time has come to try to control towing abuses.  
15          Such an effort can't be anything but  
16          beneficial for auto policyholders and the  
17          companies which insure them in the City.

18                  All of this is not surprising, but  
19          it brings us to the key question in these  
20          proceedings, namely, will imposition of the  
21          rotational assignment system for towing  
22          disabled vehicles proposed in this bill  
23          diminish unfair and abusive charges?

24                  The Federation believes that the  
25          changes in Section 9-605 will lead to improved

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2           service to owners of disabled vehicles and  
3           give the City a much stronger enforcement  
4           mechanism to control marketplace abuses. In  
5           our view then, while this ordinance is not a  
6           complete answer, it is a move in the right  
7           direction.

8                   The current Philadelphia ordinance  
9           on towing is well drafted, but it is widely  
10          perceived as ineffective. First, towers who  
11          choose to overcharge have done so with  
12          impunity under the price restrictions in  
13          Section 6 of the ordinance by inventing all  
14          sorts of incidental services representatives  
15          being connected to but not part of or  
16          controlled by the regulating towing charge.  
17          In some examples submitted to us by member  
18          companies, these add-ons include lot fees,  
19          clean-up fees, separate administrative fees  
20          and in one instance a \$300 charge for two  
21          hours of advice.

22                   Insurers do not pay these charges  
23          without complaint, often negotiating  
24          reductions, but we must assume that many of  
25          these slip through the system one way or

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2           another in whole or in part.

3                   A second criticism of the current  
4           ordinance is that the City does not have the  
5           manpower, resources and a serious commitment  
6           to enforcing it. The City is regarded as  
7           fairly good on initial licensing, but any  
8           interest in ongoing enforcement has be scant  
9           according to most commentators.

10                   With that background, Councilmember  
11           Rizzo's bill seems a valuable improvement in  
12           two respects: First, by putting an end to the  
13           race to the wreck scenario. It promises a  
14           more orderly, perhaps safer and certainly more  
15           ordered response to the need for towing  
16           services. After all, virtually anyone who has  
17           been in a vehicle which has been damaged in an  
18           accident understands that all the participants  
19           are in a very disturbed emotional state. To  
20           the extent possible, they should be spared  
21           high pressure salesmanship from any direction.

22                   To the charge that this orderly  
23           system will be anti-competitive, one asks what  
24           legitimate competitive considerations are  
25           being lost? Is there any virtue to allowing

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2           the tower with the fastest truck or the most  
3           propitious location for his scanner or the  
4           most persuasive driver to get the job? Early  
5           bird gets the worm is as American as apple  
6           pie, but perhaps needs to be tempered if it  
7           sets off races on Philadelphia streets and  
8           confrontations and high-pressure tactics at  
9           accidents scenes.

10                   Most importantly, insurers see this  
11           new system primarily as an improved market  
12           enforcement mechanism. That is because any  
13           tower which routinely violates the standards  
14           in the ordinance can be ousted from the  
15           rotating business. The City can now insist  
16           more forcefully on compliance. The Federation  
17           believes that the City should have this  
18           enforcement power in this environment. The  
19           Federation's endorsement of the bill, however,  
20           comes with three cautions:

21                   First, amended Section 4-D provides  
22           that the City will establish any fee it makes  
23           and the permissible tower fees by regulation.  
24           Obviously, informed by the weakness of the  
25           current ordinance, the Federation recommends

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2           that the drafters must very carefully  
3           proscribe acceptable charges and rule out any  
4           others in connection with a towing job and  
5           storage of the vehicle. Coincidentally, the  
6           City should not see this as a profit center.  
7           Any fee the City charges should be a minor  
8           administrative charge to defray the cost of a  
9           clerk and a software program. Enforcement  
10          charges should be advised on violators.

11                  Second, in order for the system to  
12          make a marked improvement, the City must  
13          allocate resources to active enforcement,  
14          especially during the initial stages of the  
15          rotational program.

16                  Third and finally, proposed Section  
17          4-E should be changed to allow owners and  
18          operators of disabled vehicles to make their  
19          own towing arrangements to which they may have  
20          access through their insurance or their  
21          automobile club. Assuming this can be done  
22          consistent with highway safety, there's no  
23          reason for the City to intrude on the  
24          citizen's rights to make their private  
25          arrangements as long as the public interest

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2           isn't in danger. This turns out to be just as  
3           important as protecting the right of the owner  
4           or operator to designate a destination for the  
5           tow.

6                   Protection of the owner operators'  
7           rights in both these respects turns out to be  
8           crucial to protect the insured's right to make  
9           the most advantageous repair arrangements  
10          under his insurance. This ties into other  
11          aspects of the towing and storage cycle with  
12          which this proposed ordinance is not directly  
13          concerned. Nevertheless, the ordinance should  
14          be drafted where possible to protect the  
15          individual driver's ability to make his or her  
16          own arrangements.

17                  Again, the Federation applauds this  
18          effort of Council to come to grips with these  
19          problems. If the Federation can be of  
20          assistance in any fashion in establishing the  
21          system, we'll be happy to oblige.

22                  If anyone has any questions, I'd be  
23          happy to entertain them.

24                  COUNCILMAN MARIANO: Any questions  
25          for this witness?

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2 (No response.)

3 COUNCILMAN MARIANO: Next.

4 MR. LENKE: Good afternoon, members  
5 of City Council. I'm very pleased to be here  
6 today on behalf of AAA Mid-Atlantic to provide  
7 testimony in support of a rotational towing  
8 system for the City of Philadelphia with the  
9 caveats that I will explain.

10 As you may know, AAA has advanced  
11 the interest of motorists for over 100 years.  
12 AAA represents one-quarter of all US  
13 households and in the City of Philadelphia has  
14 179,000 members. My name is Arthur Lenke and  
15 I've been with AAA for more than 30 years and  
16 I'm currently the managing director of  
17 emergency road service operation for AAA  
18 Mid-Atlantic. I oversee four operation  
19 centers, one in Philadelphia that handles over  
20 400,000 emergency road dispatches each year,  
21 180,000 are in Philadelphia. AAA Mid-Atlantic  
22 also operates three other road service  
23 dispatch centers in New Jersey, Maryland, and  
24 Virginia that handle an additional 1.5 million  
25 dispatches a year. I'm also responsible for

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2       fleet operations of our 125 owned and operated  
3       vehicles and drivers and our emergency road  
4       service contract network of 700 independent  
5       facilities.

6                   AAA views the creation of a  
7       rotational towing system in the City of  
8       Philadelphia as both a safety and a consumer  
9       issue. Motorists should not have exorbitant  
10      towing or storage fees imposed upon them. AAA  
11      supports a measure that will give structure to  
12      the selection of towing companies and protect  
13      the public from predatory towing practices.  
14      But AAA believes that the language in the  
15      legislation must be clear. Members of the  
16      public, including AAA members should be able  
17      to continue to use whatever towing service  
18      they choose as long as their vehicle is not  
19      blocking traffic.

20                  The amended language in the  
21      legislation is not clear. AAA requests that  
22      the language revert to the original text of  
23      Section 4, Paragraph C which says, "The owner  
24      driver of the disabled vehicle may select  
25      their own tow truck in lieu of the rotation

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2       selection provided that the vehicle is not  
3       blocking or impeding traffic." As long as  
4       traffic can safely move around the disabled  
5       vehicle, drivers should not be forced to be  
6       towed by the tower on the rotation list. AAA  
7       believes it is important to preserve the  
8       motorist's right to determine who makes the  
9       tow, whether it be AAA or another organization  
10      that the motorist prefers.

11                Amended language in the legislation  
12      also says that the City may charge a fee in  
13      connection with the towing of vehicles. This  
14      fee should cover the cost of a rotational  
15      system, but the City should not simply  
16      generate revenue from the misfortune of  
17      motorists. Any driver who has just been  
18      involved in a crash, even a minor one, is  
19      usually emotional and vulnerable and easily  
20      open to being taken advantage of. That's why  
21      AAA has worked diligently over the years to  
22      provide its own members with peace of mind by  
23      contracting only with legitimate and licensed  
24      towers that will provide the quality of  
25      service that AAA members expect and

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2           appreciate.

3                   We are familiar with tow truck  
4           operators that race to the wreck so-to-speak  
5           to take advantage of both the vulnerable  
6           motorist and a police officer who usually  
7           wants to see a crash scene cleared as soon as  
8           possible. AAA believes that it is in all  
9           motorists' best interest that the drivers  
10          involved in collisions get prompt, reliable,  
11          and credible towing assistance at a reasonable  
12          price.

13                   AAA believes that tow truck  
14          operators also deserve a fair price for their  
15          services. Because this legislation contains a  
16          mileage reimbursement rate of \$2 per mile, I  
17          offer this for your consideration. AAA  
18          currently reimburses its tow truck contractors  
19          \$3 a mile. We believe that this is fair and  
20          reasonable especially given the recent  
21          dramatic increases in fuel costs and the  
22          insurance market that has more than doubled  
23          the typical towing company's insurance rates  
24          over the past two years.

25                   In conclusion, as a representative

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2           of the best interest of the motoring public,  
3           AAA wants drivers to be protected from some of  
4           the creative, incidental charges imposed on  
5           them, creative wincing fees, waiting fees and  
6           clean-up fees, to name just a few.

7                   We hope that this legislation can  
8           and will serve as an opportunity to reign  
9           those costs and more importantly eliminate the  
10          practice of body shop bounties which is in  
11          large part what the race to the wreck is all  
12          about. I thank you for the opportunity to  
13          present AAA's position. AAA knows that buying  
14          and operating a vehicle is a major investment  
15          for consumers and for families and it's what  
16          keeps us mobile. When a vehicle is involved  
17          in any kind of collision that takes it out of  
18          service, its owner is rightfully concerned  
19          about any cost involving getting the vehicle  
20          back on the road in good repair. Safety and  
21          affordably removing the vehicle from the road  
22          is the first step in that process. Thank you.

23                   COUNCILMAN MARIANO: Thank you, Mr.  
24          Lenke.

25                   Councilwoman Brown has a question.

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2 COUNCILWOMAN BROWN: Thank you for  
3 your testimony, gentlemen.

4 Does AAA participate in a rotating  
5 kind of arrangement in any other  
6 municipalities anywhere in the country where  
7 you can put that in context for us?

8 MR. LENKE: Not directly. Many of  
9 our independent contractors are on police  
10 rotation schedules in many municipalities  
11 throughout the Mid-Atlantic region.

12 COUNCILWOMAN BROWN: Thank you.

13 COUNCILMAN MARIANO: No other  
14 questions?

15 Next.

16 MR. SOLVENSON: Byron Solvenson with  
17 Enterprise Rent-A-Car. I think Mr. Lenke  
18 basically summed up our position as well.  
19 We're here sort of on behalf of the insurance  
20 industry because we are self-insured as well  
21 as we're here sort of on behalf of the general  
22 public because we face both positions.

23 Many times we're left at the peril  
24 at the scene of an accident because our  
25 customers, like you've heard some of the

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2           testimony, are distraught. They don't know  
3           what's going on. We as the owner/operator of  
4           the vehicle don't always get a chance to field  
5           our opinions on where we want our vehicles to  
6           go, where we want them towed to. So we're  
7           left at the mercy of whoever gets there first.  
8           And a lot of times those tow bills that come  
9           across, they know that if we want our car back  
10          we're going to pay up or we won't get the car.  
11          While a lot of consumers pass this on to the  
12          insurance companies and they may or may not  
13          pay their bill, we're left stuck with that  
14          bill. Will that increase our prices to  
15          consumers over time? It has to. So it's of  
16          our opinion as Enterprise Rent-A-Car, Mr.  
17          Lenke pretty much summed up what we would like  
18          to see in the bill as far as having the  
19          rotation as well as if we do have the choice  
20          to use one of the preferred tow companies that  
21          we normally deal with.

22                   COUNCILMAN MARIANO: Let me ask you  
23          this question. If I'm visiting Philadelphia  
24          and they offer that insurance when I rent a  
25          car, why should I get it?

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2 MR. SOLVENSON: There's many  
3 different benefits to it. If you're involved  
4 in an accident, you can pretty much walk away  
5 from the car.

6 COUNCILMAN MARIANO: If I didn't get  
7 that and got in an accident like one of these  
8 stories that were told today, will you pay the  
9 money that the -- does your body shop pay  
10 money, cash to people?

11 MR. SOLVENSON: I'm sorry.

12 COUNCILMAN MARIANO: Does your body  
13 shop pay cash to people to get cars? They're  
14 your cars. It's not like you're getting my  
15 car so I walk away from it and "I'm going back  
16 to Boston, you take care of this." And I just  
17 gave it to one of these horror story wreck  
18 chasers. What do you do then? If one of  
19 these guys have your car, what do you do?

20 MR. SOLVENSON: I guess we're coming  
21 back after you and we're coming back after  
22 them.

23 COUNCILMAN MARIANO: And when you  
24 say you're coming back after them, is there an  
25 avenue to prosecute? This has had to have

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2 happened before. Would you call the DA's  
3 office or at least the police department to  
4 find out why somebody has a car?

5 MR. SOLVENSON: We have tried to  
6 prosecute some of these people at one point in  
7 time as well.

8 COUNCILMAN MARIANO: Have you ever  
9 had any cars that you couldn't get back for  
10 two or three months because of arguments?

11 MR. SOLVENSON: I wouldn't say two  
12 or three months but, you know, a month goes by  
13 -- a lot of times, too, once they find out who  
14 the registered owner is, they're not calling  
15 us. It's like a game of chess, it's a game of  
16 chance. Basically you call them and, do you  
17 get an answer? You don't get an answer. They  
18 don't answer the phone. And then, what is the  
19 fee? Is it 500 today? Maybe it's 1500. It's  
20 all random.

21 COUNCILMAN MARIANO: That's got to  
22 be a hard enough thing to do for the guy that  
23 said he comes to work with a couple thousand  
24 dollars everyday. But you, how many cars do  
25 you have out on the street that could get in

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2 an accident over a weekend? You couldn't  
3 carry that much money in your pocket nor would  
4 I want you to. So you just wouldn't deal with  
5 it, right?

6 MR. SOLVENSON: We have a lot of our  
7 preferred body shops that we use. Some of  
8 them will do some of this leg work for us.  
9 That's what puts them at strain as well, it  
10 takes them away from their core area, their  
11 business as well.

12 COUNCILMAN MARIANO: These preferred  
13 body shops that you're using, they're people  
14 that -- you say preferred. That might not be  
15 the right word. They're body shops that you  
16 have experience with?

17 MR. SOLVENSON: That we've built a  
18 relationship with and we trust.

19 COUNCILMAN MARIANO: I guess it's  
20 preferred. When you've got guys that you've  
21 been dealing with that you trust, you don't  
22 have to think twice about it.

23 MR. SOLVENSON: Trust is a big part  
24 of this who industry, insurance, body shop,  
25 whatever you -- that's what life is all about.

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2 COUNCILMAN MARIANO: So if you were  
3 doing business with somebody that turned out  
4 to be a little shady, Enterprise wouldn't be  
5 doing business with them a second time, right?

6 MR. SOLVENSON: No, it's done. It's  
7 not baseball. You don't get three strikes.

8 COUNCILMAN MARIANO: It's different  
9 if it happens to someone like them ladies,  
10 because they might never go through this the  
11 rest of their life, this might be a one --  
12 it's like buying a house, it could be a  
13 one-time thing.

14 MR. SOLVENSON: Absolutely.

15 COUNCILMAN MARIANO: Thank you.

16 Any other questions?

17 (No response.)

18 COUNCILMAN MARIANO: The next panel  
19 will be Panel 5, tow truck drivers, John  
20 Mattioni, attorney for Tow Truck Drivers and  
21 Operators in Philadelphia; Joseph Ditillo, Joe  
22 DiCastlenuova and Anthony DiCastlenuova.

23 MR. MATTIONI: Mr. Chairman, I'm  
24 here on behalf of this organization, Tow Truck  
25 Operators of Philadelphia.

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2 Before I get to my prepared remarks,  
3 which are brief, I've already submitted  
4 extensive comment and submitted that to all of  
5 the Committee Members. I don't propose to  
6 respond to the City Solicitor's Office  
7 comments today. I think the written comments  
8 and written remarks extensively deal with  
9 those issues. The one thing that was notably  
10 absent by the remarks from the City  
11 Solicitor's Office was any reference to not  
12 federal preemption and those thorny issues,  
13 but the relationship between the Pennsylvania  
14 Motor Vehicle Code and this Committee's  
15 authority to act in certain areas related to  
16 regulation of towing in Philadelphia. But our  
17 main thrust has nothing to do with the legal  
18 aspect; it has to do with the practical effect  
19 of what this body may do upon my clients.

20 One of the things that struck me as  
21 critical here is that we didn't see the  
22 results of any formal studies, anybody  
23 actually sitting down and doing an analysis of  
24 what the real problems are. We've heard  
25 anecdotal stories about what happens from time

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2           to time. And we know that, yes, some of these  
3           things do happen, but we don't know for sure  
4           exactly who the culprit is. My impression in  
5           listening today is that perhaps the major  
6           culprit are a bunch of unscrupulous body  
7           shops, but we know that not every body shop is  
8           unscrupulous. We know that there's  
9           finger-pointing at tow truck operators, but we  
10          know that most of them are probably honest,  
11          law-abiding business people. And yet we sort  
12          of paint with a broad brush a whole industry.  
13          And we'll get to that industry in a moment.  
14          One of the things that is of concern here is  
15          that it sounds as though the primary concern  
16          is not safety, but consumer protection. I  
17          have to, with all due respect to the  
18          Committee, suggest that that may be an area  
19          which is entirely preempted by the federal  
20          legislation and not delegated by the state  
21          legislation.

22                   The other thing that's of concern is  
23           that in looking at the impact of a rotation  
24           system as described here -- and it's not fully  
25           described. We're really told that we want to

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2           have a rotation system but leave it to the  
3           City, perhaps the Police Department, perhaps  
4           the License and Inspection Department, to come  
5           up with a system that we can all have  
6           confidence in. Well, with all due respect  
7           again, we have more confidence if the Council  
8           was actually dictating what that system is  
9           rather than leaving it to the City  
10          Administration. I think the perfect  
11          illustration is we heard that when tow truck  
12          operators started to be licensed, that's when  
13          a tremendous amount of problems in the last 10  
14          years seem to have accumulated.

15                 The other thing is that the  
16          legislation is based in terms of a rotational  
17          system based on some form of competitive  
18          process. I'm not sure that that's not just  
19          substituting one competition for another, but  
20          it's certainly not well defined at this point.  
21          Nothing that has been said has suggested that  
22          in fact the rotation system, some rotation  
23          system, will or will not work. All we hear is  
24          that, "Well, they have one in New York City."  
25          Well, New York City may have one and it may

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2           work, but nobody's done a study to figure that  
3           out. We don't want to be the guinea pigs for  
4           an experiment. If you're going to do  
5           something, we'd like you to do it after you  
6           fully investigate it and determine that it has  
7           a chance of curing the problems that really  
8           exist.

9                   There are other technical issues of  
10          concern related to pricing and so on which we,  
11          with all due respect, have to suggest should  
12          be considered as either preempted by the  
13          federal legislation and not delegated by the  
14          state legislation.

15                  I am, as I said, here on behalf of  
16          the Tow Truck Operators of Philadelphia to  
17          provide an overview of the Association's  
18          position and introduce some of its members who  
19          will speak in its behalf. We have Joseph  
20          DiTillio, Joseph DiCastlenuova, Anthony  
21          DiCastlenuova and a person not on your list,  
22          Mr. Havano Pena (ph), who would also like to  
23          speak briefly. He's a tow truck driver; he's  
24          not an owner and he's not an operator. He'd  
25          like to present that point of view as well.

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2 The Tow Truck Operators of  
3 Philadelphia was organized a little more than  
4 a month ago as a local trade organization  
5 representing tow truck operators in the City.  
6 The purpose of the organization is to further  
7 their legitimate goals. All of the members  
8 are duly licensed tow truck operators. And I  
9 want to make sure you understand the  
10 distinction. We believe that the major  
11 problem with tow truck operators may be a  
12 large body of tow truck operators who are not  
13 licensed. And that's a failure on the part of  
14 the City of Philadelphia, and that's one the  
15 reasons why we have reservations about how  
16 much we can rely on the City to regulate  
17 towing.

18 There are about 2600 licensed tow  
19 trucks operating in the City, many of which  
20 are owned and operated by our Association  
21 members. Our members and their employees and  
22 staff provide an invaluable service to the  
23 community. And despite the problems, I think  
24 the value of the service to the community is  
25 irreparable. They represent small businesses

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2       employing drivers, helpers, mechanics, body  
3       repair experts, clerks and other  
4       administrative employees. They purchase goods  
5       and services from other businesses. They pay  
6       their taxes to the City and elsewhere. They  
7       are representative of that extremely important  
8       segment of the community, the small business  
9       owner and operator, so vital to the City's  
10      economy. I think that's being overlooked in  
11      the suggestion of let's just go ahead and get  
12      a rotational system without really thinking it  
13      through and what the impact will be on  
14      legitimate tow truck operators and legitimate  
15      body shop owners.

16               Literally thousands are employed in  
17      the industry and related business. More  
18      thousands depend on towing and related  
19      concerns for support. As some of these  
20      speakers today will tell you, licensed tow  
21      truck operators also provide many incidental  
22      services and secondary benefits which may not  
23      be so obvious to the average citizen. All  
24      you've heard about are the horror stories.  
25      But what about those other stories, the

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2       stories about the heroic tow truck operator  
3       who gets to the scene of the accident first  
4       and realizes that there's serious injuries and  
5       makes sure that emergency medical services are  
6       called because they're there before the Police  
7       Department. What about the tow truck  
8       operators that help lift up and provide  
9       services where they can't even get compensated  
10      and help to protect victims of an accident at  
11      the scene.

12               Our Association opposes the  
13      rotational towing system as described in this  
14      bill. As counsel to the Association, we've  
15      prepared, as I've already mentioned, lengthy  
16      memorandum and other legal support for our  
17      evaluation of the bill, and we've summarized  
18      all of our conclusions related specifically to  
19      the rotational system. We have provided you  
20      with copies of these documents in an effort to  
21      highlight some of the legal problems with the  
22      bill. I do not intend to address that issue  
23      further. The legal issues are complex,  
24      they're difficult, they are deserving of the  
25      attention of this Committee and of this body.

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2           If you have questions, I'll try to answer  
3           them, but I don't want to take up the time of  
4           others at this point. The remaining speakers  
5           for our Association are tow truck operators  
6           and other members of the Association. Some  
7           will testify about the nature of the towing  
8           business and the reasons why we believe the  
9           rotational system, as proposed, will not work.

10                   The challenges of legitimate tow  
11           truck operators in the City are great. The  
12           cost of applying and maintaining a tow truck  
13           in Philadelphia is substantial. Most of the  
14           Association's members have invested over a  
15           hundred thousand dollars per tow truck. So  
16           it's not insubstantial. In fact, it's quite  
17           substantial when considering, as I mentioned,  
18           that there are 2600 or more licensed tow  
19           trucks in the City. One of the problems,  
20           obviously, is the failure to enforce the  
21           licensing laws that are already on the books.

22                   The members of our Association  
23           believe that the rotational system as proposed  
24           will stifle competition and will pave the way  
25           for adversely affecting towers and all the

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2           businesses that depend on that. Our members  
3           are convinced that the logistics involved in  
4           implementing a rotational system will put many  
5           of them out of business. Also, it will be  
6           detrimental to providing quick, efficient,  
7           professional towing services and related  
8           assistance to the drivers on our streets and  
9           highways who are victims of accidents.

10                   Our Association suggests strongly  
11           that you take a good hard look to determine  
12           what the actual problems are that exist in the  
13           present system and then develop solutions that  
14           make sense. There are many good ideas being  
15           discussed to address the particular problems  
16           associated with unlicensed towers. However,  
17           the solution embodied in the regulation of  
18           towing in the City must be carefully thought  
19           through and targeted so it can solve the  
20           problems without putting small licensed tow  
21           truck operators out of business.

22                   As I mentioned, we don't see  
23           evidence in these hearings, in these  
24           proceedings or at any other time of any real  
25           active investigation and study of the towing

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2           industry in this City. And without that, we  
3           submit that, first of all, it would run  
4           contrary to Pennsylvania law under the Motor  
5           Vehicle Code, but more importantly, it will  
6           make us the guinea pigs of an experiment on  
7           rotational towing and a rotational towing  
8           system without knowing whether it's got even a  
9           chance or hope of working. There's much at  
10          stake here for the members and the City.

11                   Thank you very much for the  
12          opportunity to provide my testimony on behalf  
13          of the Association.

14                   COUNCILMAN MARIANO: Thank you, Mr.  
15          Mattioni.

16                   Councilwoman Brown has a question  
17          for you.

18                   COUNCILWOMAN BROWN: Good afternoon.  
19          Do you believe there is a problem as defined  
20          here today? Do you believe that there's a  
21          problem?

22                   MR. MATTIONI: We believe that there  
23          are several problems related to the subject of  
24          tow truck operation. One of them that we  
25          believe is critical and should be directly

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2 addressed and managed is the proliferation of  
3 unlicensed tow trucks on the street. Our  
4 members are all licensed operators.

5 COUNCILMAN MARIANO: Councilman  
6 Ramos.

7 COUNCILMAN RAMOS: I'll yield to  
8 Councilman Rizzo.

9 COUNCILMAN RIZZO: Counselor, in all  
10 due respect, there are chasers that I see  
11 responding to wrecks in very expensive tow  
12 trucks, are licensed tow trucks. I don't see  
13 too many, what I would call gypsy tow trucks  
14 responding to westbound at Girard when there's  
15 a multi-vehicle accident. There are very  
16 expensive, very fancy, well-known names on the  
17 side of them with the license sticker on them.  
18 Since I've been involved in this issue, I've  
19 been paying attention. And there may be gypsy  
20 tow trucks out there, but they're not the ones  
21 that went and bought the \$800 scanner to  
22 monitor police radio and fire radio.

23 MR. MATTIONI: If you're suggesting  
24 that the scanners are the root of some form of  
25 evil, we'd have to respectfully disagree with

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2 you, Councilman. As a matter of fact, we  
3 consider that as one of the incidental  
4 benefits because legitimate tow truck  
5 operators do arrive on the scene early and are  
6 able to and, in fact, do provide assistance.  
7 And I think that's one of the points that is  
8 sorely missed here.

9 COUNCILMAN MARIANO: Mr. Mattioni,  
10 on a risk of sounding like Yogi Berra, this is  
11 like deja vu all over again. We did this  
12 before. Didn't I try to do this once? Didn't  
13 Councilman Kenney try to do this once?

14 Now, I'm looking at guys here.  
15 There are some faces I know. I've got to find  
16 out from this panel -- and Councilman Rizzo  
17 can certainly answer this for me or anyone  
18 here. Who's doing this? I mean, who are the  
19 bad guys? Certainly, it's not you or you  
20 because I know you; it's not you. I can vouch  
21 for you; it's not you. These guys are paying  
22 these lawyers to do things and he's doing a  
23 good job, but as Council people, as elected  
24 officials, we're basically very weak-willed.  
25 We don't want to hurt anybody's feelings, but

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2           we will.

3                   Now, you can see his back's up so  
4           he's got a problem and he's jumping around  
5           pretending he's running this Committee. He's  
6           not. But he's doing a job because he believes  
7           in something. I don't necessarily agree with  
8           him, I don't necessarily disagree with him.  
9           There is problem. Can we all recognize the  
10          fact that there is a problem? If the Staff  
11          Inspector who is the captain on the highway,  
12          who for a cop can ride the motorcycle pretty  
13          good because I rode with him, if he can tell  
14          me something and vouch for it, I think it's  
15          pretty good. So somebody was going the wrong  
16          way down the street. And if that guy was in  
17          here today, he would tell me.

18                   I see people around here that I  
19          know. Somebody tell me what's going on here  
20          because we're going to have to make a  
21          decision. And as weak-will elected officials,  
22          we don't want to hurt anybody's feelings. But  
23          we will. So let's work this out like men.

24                   I'm going to save you a whole lot of  
25          money today. We can all go up to Harvard and

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2           go to John F. Kennedy School that I went to  
3           because the union sent me 20 years ago. And  
4           we get to a point, it's called if I go this  
5           way and break my back, I lose. If I go this  
6           way and the other guy breaks his back, we got  
7           to get the "yes yes." The "yes yes" is right  
8           in the middle here. I want you to bend a  
9           little and we're going to bend a little. And  
10          I'll do a lot of bending here.

11                 Now, he's on the fast track to get  
12          this out of committee today. They gave us  
13          some amendments and the City lawyer is over  
14          there working some amendments. Help us out  
15          here. Because this is going to happen  
16          somehow, in some form. And I think you guys  
17          in this room -- we'll stay here all night.  
18          Guys, get up here and help us out. I'll hold  
19          this a little, but it has to eventually work  
20          out. Let's figure out -- no disrespect to  
21          you. You're a paid lawyer and you did a good  
22          job. I want these guys to tell me what's  
23          going on.

24                 MR. MATTIONI: I know you do, but  
25          let me tell you one thing, though. One of the

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2           things that I know that my clients, at least,  
3           hope to get out of this hearing is an  
4           opportunity to sit down and meet with the  
5           Committee members, the staff, the City. We  
6           want to work with the City to come up with  
7           solutions. Our problem is that we're not sure  
8           we know fully what the specific answers are to  
9           and even what the specific issues are, because  
10          we've heard a lot of problems with other than  
11          tow trucks. And these fellows can talk for  
12          themselves. But we don't want to come in here  
13          saying, "No, absolutely not." What we want to  
14          do is come up with something sensible.

15                COUNCILMAN MARIANO: Listen. Every  
16          time the City tries to do something, there's  
17          50 one way and 50 the other. I always think  
18          of the liquor by the drink tax. Depending on  
19          who you're talking to, it was a great tax.  
20          There's fewer bars around in Philadelphia  
21          today. The corner bars are gone. People from  
22          out of town like McFadden come in and buy  
23          these places and it's not the same kind of  
24          business. But I like local businessmen. I  
25          don't want the City doing the deal that's

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2           going to bring a big insurance company in here  
3           and control all that. And it's pure and  
4           simple. Because I don't know them. They're  
5           not going to help me when I need help to ask  
6           them to do something. I know some of these  
7           guys and they're only going to lie to me once.  
8           Most of them won't lie to me or anybody on  
9           this Committee even once.

10                   We want to be kind and we want to  
11           work this out. So if these guys can give us  
12           some stories and help us get to a point where  
13           it can be a win/win. If it's not today, I see  
14           this thing coming around the corner. It just  
15           keeps coming back and back. It's time for you  
16           all to reach inside yourself -- it's not a  
17           good analogy, but an elected official gave a  
18           speech about six months ago and he started the  
19           story. As soon as he started the story, I  
20           went "Boy, he's going to say something today  
21           that really shocks everybody." I don't expect  
22           anything that shocking to come out of this  
23           hearing. That's a totally different subject,  
24           but you guys got to reach inside yourself and  
25           show us something here so we can work this out

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2 so we can do our job as elected officials.

3 But you guys can make money and pay  
4 taxes. There's some bad guys in this  
5 business. You've got to tell us who they are  
6 and how we regulate it so we don't put you out  
7 of business. If it's not regulation, then say  
8 that. If it's the state that should be saying  
9 -- you made yourself clear.

10 Can we hear some stories from these  
11 guys?

12 Anthony.

13 MR. ANTHONY DICASTLENUOVA: Although  
14 it's a good idea to put into effect rotation,  
15 it's not the proper way to correct an industry  
16 that has problems. The reason why,  
17 economically, geographically, it wouldn't  
18 benefit the City of Philadelphia or the people  
19 that make up the City of Philadelphia.

20 A lot of statements here seems like  
21 it's more on the repairs of the vehicle and  
22 not what we're here to discuss about towing.  
23 With that in mind, statistically there's 2,623  
24 individual tow trucks licensed in the City of  
25 Philadelphia. Approximately 5,000 employees

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2 would be needed for something like that if  
3 it's an around-the-clock situation.

4 COUNCILMAN MARIANO: How many  
5 employees?

6 MR. ANTHONY DICASTLENUOVA: Well, a  
7 24-hour operation, you would need two drivers  
8 at least to operate.

9 COUNCILMAN MARIANO: Let me ask you  
10 this while you're on that. To do this, what's  
11 it cost to buy one of these trucks? Upwards  
12 of --

13 MR. ANTHONY DICASTLENUOVA: In a  
14 yearly expense to have a tow truck, including  
15 the payments you have involved, the liability  
16 you have with the truck insurance, anywhere  
17 from 10,000 to \$12,000 a year to insure the  
18 vehicle, the maintenance, to keep a driver on  
19 even if he's at an hourly rate, you're going  
20 to spend about \$100,000 at the end of the  
21 year.

22 COUNCILMAN MARIANO: That covers  
23 every month, to pay the truck insurance?

24 MR. ANTHONY DICASTLENUOVA: That's  
25 correct. You're going to need a lot of

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2           rotation calls. Geographically that can't  
3           work because here I am sitting in one area and  
4           I'm called -- they made a statement earlier,  
5           the statement, that no logical or systematic  
6           way to establish towing could be put into  
7           effect, was his words. And he was for  
8           rotation. So I have to go with that.

9                   Another statement was made that  
10          there would be no area set aside for any  
11          individuals. So if my business is established  
12          on Front and Oregon Avenue and there's a call  
13          for an accident to clear the highway, there's  
14          3,000 vehicles in rush hour traffic that are  
15          at a standstill and a highway patrolman needs  
16          a tow truck and he calls me from Front and  
17          Oregon, I'm on the rotation list now, I have  
18          to go all the way up South Street on the  
19          Schuylkill Expressway, it's going to be a long  
20          time getting home. I hope you're not looking  
21          for a hot dinner.

22                  With that, economically, it can't  
23          work out. If you're on the list and there's  
24          2,600 drivers or tow trucks that have to be  
25          called periodically, there's no way to make

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2           those payments. It can work for a handful of  
3           individuals, 10 individuals.

4                   And also, there's going to be  
5           requirements for equipment. Certain  
6           individuals cannot provide their company with  
7           that equipment; it's too expensive. If you're  
8           on the rotation, do you have to be ready to  
9           tow a 10-ton truck or a 3-ton car? The amount  
10          of equipment you're talking about is probably  
11          in the millions of dollars invested.

12                   And another thing, it would  
13          eventually correct a monopoly. If anyone is  
14          given that opportunity that has that kind of  
15          money to establish that kind of company  
16          there's nothing going to stop them from then  
17          getting a satellite office so-to-speak at  
18          Front and Oregon, a satellite office at the  
19          end of the expressway, a satellite office in  
20          North Philadelphia and so on. There's nothing  
21          to stop them. That's happening now in New  
22          Jersey. The State of New Jersey has large  
23          companies that have offices all over the  
24          place. You can call in Deptford, for  
25          instance, and talk to a dispatcher there that

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2           your car was towed in Cherry Hill from the  
3           same company. And then they tell you to go to  
4           Turnersville to pick it up. That's not fair.

5                   Another thing is what I would  
6           propose, which I hope we would have an  
7           opportunity to sit down at a later date and  
8           discuss -- we're hoping this can be put on  
9           hold for now because I feel like with our  
10          heads put together we'd have a lot of mutual  
11          ways that this could be rectified for everyone  
12          in interest. In fact, I believe a lot of ways  
13          and ideas that I have to implicate in this  
14          situation would bring in a lot of revenue for  
15          the City of Philadelphia that right now is  
16          being lost in many ways. I think that it  
17          should be governed by L&I and should be  
18          overseen by them, but these individuals are  
19          out here 24 hours a day trying to make a  
20          dollar. They need the freedom of  
21          solicitation. They need the freedom or right  
22          to not go home if they need to feed their  
23          children. They need their right. If they're  
24          told you're on a rotation, what are they to  
25          do, sit in a vehicle all day and wait for that

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2           call? This is an emergency-type vehicle.  
3           This is a vehicle that is needed in an  
4           emergency case. A highway patrolman is going  
5           to want that vehicle removed quickly. He's  
6           not going to sit and wait. That's his  
7           highway, he's responsible to keep that clear,  
8           keep it safe. If there's congestion and then  
9           fights break out because they're sitting in  
10          traffic for three hours, nobody's going to be  
11          happy. If this was implicated on a rotation,  
12          I could see it happening for quite a few days,  
13          months maybe, but not long term, not long  
14          term.

15                 And another thing, I cannot myself  
16          perceive any way that economically it can help  
17          the City; only hurt the City. These gentlemen  
18          that are out here 24 hours trying to make a  
19          dollar, I hope are responsible for their  
20          taxes. The companies that own the trucks are  
21          providing lots of revenue in taxes in many  
22          different ways. These trucks burn up \$200 or  
23          3, \$400 a week in gas to be out there.  
24          There's a gas tax. When we purchase the  
25          vehicle, there's a sales tax. There's a wage

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2           tax. There's a City tax. There's an income  
3           tax. For 2,623 towed vehicles, that's  
4           approximately 175-odd thousands of dollars  
5           that the City takes in in revenue. If you cut  
6           it down and say, here's the 10 of you to go  
7           tow our cars when we call you with no revenue  
8           involved from what I can see and they're  
9           paying \$75 for their license, here you've cut  
10          it approximately 174,000 -- it doesn't seem  
11          economically feasible. There are many other  
12          ways to work this out for everyone; more so  
13          the City than ourselves.

14                   And the statements that I've heard  
15          today are not zoning in on the towing industry  
16          and why there's nothing detrimental to stop us  
17          from towing freely on the streets, from what I  
18          heard. If an individual chooses to speak with  
19          somebody that comes to her door about their  
20          car, first of all, that information could be  
21          given freely from overhearing the police  
22          officer discuss it. It doesn't mean that they  
23          had to run a tag or a license or  
24          what-have-you. That could just have been  
25          eavesdropping. And if they choose to go with

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2 that person or not, that's their own  
3 prerogative.

4 COUNCILMAN MARIANO: Councilman  
5 Rizzo.

6 COUNCILMAN RIZZO: I ask you this  
7 question respectfully. Are you a  
8 wreck-chaser?

9 MR. ANTHONY DICASTLENUOVA: No, I am  
10 not. I'm body shop owner.

11 COUNCILMAN RIZZO: Do you know who  
12 the wreck-chasers are?

13 MR. ANTHONY DICASTLENUOVA:  
14 Wreck-chasers is a broad term of calling a tow  
15 truck operator who's out there and sees a  
16 wreck happen -- I mean, what are you defining  
17 as a wreck-chaser?

18 COUNCILMAN RIZZO: I'm talking about  
19 the multi thousand dollar tow truck, all  
20 chrome, the antennas, sitting in the zoo lot  
21 waiting for T-band to broadcast an auto  
22 accident. I'm talking about the vehicle that  
23 came down the on-ramp the wrong direction from  
24 the zoo lot to respond to an accident to be  
25 first. Do you do that?

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2 MR. ANTHONY DICASTLENUOVA: No, I  
3 personally do not do that. But out of 2,223,  
4 that's large numbers to have a vehicle on the  
5 City streets. Granted, any large number  
6 situation there's got to be good and bad.  
7 There has to be a problem area somewhere.  
8 There are X amount thousands of buses and cabs  
9 on the street. If we were to break it down  
10 and figure it out percentage-wise, I'm sure  
11 the cabs and buses cause more accidents and  
12 more problems individually than tow trucks do  
13 even on a percentage basis broken down.

14 But now with the wreck-chasers,  
15 so-called -- I'll call them for radio  
16 listeners. When they're out there listening  
17 to the radios, they're also waiting for a  
18 private individual to call them and say, "I  
19 need your assistance."

20 Back approximately eight years ago,  
21 I was listening to a radio when I was driving  
22 a tow truck. And I heard come over the radio  
23 in the 1st District that there was a need for  
24 police and fire. They needed a rescue unit.  
25 It came over the radio several times and I

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2       couldn't understand why at first. Finally,  
3       the police officer came over and said there's  
4       a child pinned under a forklift, a very heavy  
5       piece of equipment. After the third or fourth  
6       time it came over, I thought to myself while I  
7       was out there and I was younger, I said, let  
8       me drive to this situation and see if there's  
9       any assistance I can provide. Fortunately for  
10      that child I was listening to that radio. I  
11      arrived at the scene with police there, many  
12      units, and they couldn't do anything with that  
13      forklift. They frankly called for a rescue  
14      unit. They couldn't get a truck there quick  
15      enough. I responded. A sergeant came over to  
16      me and asked me if I could be of assistance.  
17      I proceeded to back my truck up, extended by  
18      boom, put the hook onto the forklift and  
19      lifted it out from on top of the child. The  
20      next day, the police captain, lieutenant,  
21      everyone came to my facility and thanked me  
22      along with the father of what I did.  
23      Fortunately, the child only had a broken  
24      ankle. But it hurt. He was in pain for a lot  
25      of time. And if I wasn't monitoring or

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2 listening to that radio that day, that child  
3 would have been in pain a lot longer.

4 COUNCILMAN RIZZO: I appreciate  
5 that.

6 MR. ANTHONY DICASTLENUOVA: That's  
7 only one incident. But we have lists of many  
8 opportunities like that.

9 COUNCILMAN RIZZO: You talk about  
10 the highway patrol police officers. They are  
11 now part of our traffic division, the  
12 expressway unit. I have had officers tell me  
13 that it is so bad at some hits, at some  
14 accidents, where there are six or seven tow  
15 trucks fighting each other on the shoulder of  
16 the road, not just the appropriate shoulder of  
17 road, there's tow trucks on one side of the  
18 highway stopped, jump over the guardrail to  
19 come to the -- it's a zoo out there.  
20 Something has to be done.

21 MR. ANTHONY DICASTLENUOVA: Back  
22 when Mr. Kenney proposed a bill, I was the one  
23 that was up here. You may remember, Mr.  
24 Mariano, you were on then. And I tried my  
25 best to stand up for these gentlemen which

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2           were 10 times fold, I believe. We needed more  
3           seats. Anyway, they realized that something  
4           had to be done. And they stood behind me and  
5           many association fees were collected, 300  
6           members or so at that time.

7                   I was brought into this  
8           approximately four days ago or else I think I  
9           would have prepared myself and maybe gotten in  
10          contact with you prior to -- a long time ago.  
11          Anyway, with that, when I tried to fix the  
12          problems, I realized then that there were many  
13          drivers on these trucks that did not have  
14          proper licensing. I myself will admit to  
15          having drivers at the time years ago when I  
16          had tow trucks, and sometimes you don't  
17          realize it because they'll show you a license.  
18          We're not in the predicament where we've been  
19          told before to run it, get them checked out.  
20          I don't know how to go about that if I don't  
21          have personal police officer friends. Anyway,  
22          I have myself been guilty of that.

23                   At that point, I tried to tell them  
24          what I know is a problem is congesting the  
25          highways. The police officer doesn't like

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2           when there's 10 trucks and one vehicle. I  
3           tried stopping that back then. But the  
4           problem that I had then, I didn't initiate any  
5           assistance from License and Inspection, which  
6           I wish I went forward and did. But everyone  
7           unfortunately thought, "Oh, Anthony stopped  
8           the bill. Let's go ahead and do what we've  
9           been doing." They soon forget.

10                   I'm back here today because I'm  
11           hoping that, like I said earlier, this gets  
12           put on hold to where we could sit down. And I  
13           believe if you take the time to sit and  
14           discuss this with me that I will create or  
15           have you realize much economic revenue and  
16           gain for the City of Philadelphia in many  
17           ways. I really wish not to go into it today  
18           because I believe it's something that needs to  
19           be drawn out, and there are lots of ways to  
20           gain money for the City of Philadelphia. A  
21           rotation will not provide you a dollar one.

22                   In fact, another point, rotation,  
23           you want to instill that where a -- you want  
24           to include that with the Live Stop. For  
25           instance, Live Stop, many of the vehicles are

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2       taken to the City impoundment lots and they're  
3       bid off. Many times those vehicles that are  
4       taken, and I'm sure the numbers are greater  
5       than the better ones, are dilapidated  
6       vehicles. No one's going to come and claim  
7       them. There's no value to them whatsoever.  
8       When they sell, they're lucky if they get 25,  
9       \$50 for them. Who's paying the rotation truck  
10      for that tow? Is the City going to pay for it  
11      and not gain what they even spent on the tow  
12      at the lot? There's more lost. First of all,  
13      there's cost to the City, there's loss to the  
14      City, there's no gain whatsoever.

15               And the other thing is, you want to  
16      give the police another job? Call the  
17      rotation list. Joe's towing is on it. Joe's  
18      towing truck is on a private tow, he got  
19      called an hour ago, I'm sorry, he's not back  
20      yet. Wait a minute. Police officer, highway  
21      patrol, call Jim's towing. Jim's towing is  
22      not available. His wife is pregnant. He had  
23      to run to the hospital. Call Tom's towing.  
24      Here comes Tom three hours later. Is that  
25      what's going to happen with the rotation?

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2 COUNCILMAN RIZZO: If you have an  
3 operation that you just described, they won't  
4 be on the list.

5 MR. ANTHONY DICASTLENUOVA: So do  
6 you leave them off the list?

7 COUNCILMAN RIZZO: Yes.

8 MR. ANTHONY DICASTLENUOVA: Okay,  
9 they get canceled. Now, the numbers are  
10 already thin because we didn't meet the  
11 criteria with equipment mainly because we  
12 can't afford it.

13 COUNCILMAN RIZZO: And what you  
14 described earlier about a tractor-trailer  
15 involved, obviously there will be people on  
16 the rotational list that have the equipment  
17 that can handle a heavy vehicle.

18 Again, we're trying to be straight  
19 with you. You've got to be straight with us.  
20 Most of the people in the room -- not saying  
21 most. There are some people in this room that  
22 wouldn't even be able to handle that kind of a  
23 tow.

24 MR. ANTHONY DICASTLENUOVA: That's  
25 correct. I'm going to refer to them as the

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2 bigwigs. The bigwigs that can buy \$500,000  
3 tow trucks can afford a fleet of 20,000,  
4 \$30,000 tow trucks.

5 COUNCILMAN RIZZO: And that's why we  
6 have the police tow squad that still exists to  
7 respond when we have a situation like an  
8 overturned dump or a tractor-trailer that has  
9 the equipment that can do some of that work or  
10 contract with a company like PennDOT has to,  
11 to pull out heavy equipment.

12 MR. ANTHONY DICASTLENUOVA: That's  
13 another thing. When a police vehicle responds  
14 to an overturned tractor-trailer, if you ever  
15 notice, the driver in the police tow truck  
16 isn't even capable of doing anything with it.  
17 Basically, the most I've ever seen them do is  
18 prevent anyone from hindering the situation or  
19 the scene until one of these \$500,000 trucks  
20 roll up and do the tow.

21 But then again we're back to the  
22 economics of it. I don't want to get off  
23 track with who's going to do the tows if the  
24 rotation goes into effect. Economically,  
25 you'll have 10 of them. What happens to all

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2 these men? This isn't even an eighth of  
3 what's out there. What happens to all those  
4 individuals?

5 I believe that they can bring more  
6 revenue to the City of Philadelphia. And I  
7 think that's what it's all about, revenue.  
8 What I have to put into effect, what I'd like  
9 to discuss along with L&I as many remedies to  
10 -- if there are any in this room, if they're  
11 unlicensed, they should never be on a truck.  
12 The company that hired them should be totally  
13 responsible. They could lose their license.  
14 So many things that could be put into effect  
15 for better economic for the City and to keep  
16 these men in the resource of earning a dollar  
17 in the City. That's what they're here for.

18 These men have elected the  
19 Councilmen and women in order to provide for  
20 them, not take from them. This is what we're  
21 hoping that Councilmembers can see that these  
22 men make up the City, these men make up the  
23 Council. You're here to protect us, not any  
24 small individuals.

25 COUNCILMAN MARIANO: Thank you,

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2 Anthony.

3 Councilman Ramos.

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

6 You know, I was concerned about the  
7 one panel that stated that tow trucks drivers  
8 were overly aggressive, had information on the  
9 damaged car owner. I found that very  
10 disturbing. But I also heard the insurance,  
11 AAA, say something sympathetic toward the tow  
12 truck drivers, that they didn't want to run  
13 them out of business. I didn't quote them  
14 exactly, but I believe that was a concern of  
15 theirs as they expressed their support for a  
16 rotation system.

17 So I've been here for most of the  
18 hearings thus far, with the exception of the  
19 first couple people from the Police  
20 Department. And all the panels thus far have  
21 been for this rotation. You're the first  
22 panel that seems to be opposed to the rotation  
23 system. But you also happen to be the people  
24 representing the tow truck drivers. All the  
25 others and their respective involvement in

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2           this issue were for the rotation system.

3                   I'm concerned about the tow truck  
4           drivers here and their business. I'm a member  
5           of this Committee, but I head up a Committee  
6           that looks out for jobs in this City. I sure  
7           don't want to run out of business legal,  
8           licensed tow truck drivers that are not  
9           infringing on the personal information of  
10          people to continue to make a livelihood.

11                   I had an incident last year  
12          sometime. A relative is visiting from New  
13          York. She gets in an accident on 95, and  
14          three tow truck operators show up. So by the  
15          time she gets to my house and gets the car at  
16          least moved to my house, she was happy that  
17          there were three tow truck operators show up  
18          because she said that they were very nice to  
19          her and that she had to pick one. And the  
20          idea that she could pick one to get her out of  
21          that situation helped her with her nerves, was  
22          in her view a very positive thing.

23                   I don't want to see tow truck  
24          drivers run out of business, but we sure want  
25          them in this City to do the work properly, to

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2 be safe, to be fair, get this business  
3 circulated with the auto body parts throughout  
4 the City. So yes, I have a legitimate concern  
5 about the tow truck drivers, that they not be  
6 run out of business. I hear your arguments.  
7 It's the first time this afternoon that I've  
8 heard your side, tow truck operator side of  
9 the story.

10 I think that we need one of you, I  
11 believe, Mr. John Mattioni, right, the  
12 attorney, that's you right there, right?

13 MR. MATTIONI: Yes.

14 COUNCILMAN RAMOS: You said  
15 something to the effect that you would look  
16 at, design -- that's my word -- something that  
17 was put together by City Council. I don't  
18 know how the Chairman feels about that, but  
19 that's something that you presented. You said  
20 to look into the unlicensed operators as well.  
21 Someone mentioned that there was no study on  
22 how many more good stories -- you could do a  
23 hundred good deeds, and one bad deed will  
24 always taint any profession that we happen to  
25 be in.

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2 So I'm glad that the tow truck  
3 operators have you here. I'm glad you came to  
4 defend your bread and butter. But obviously,  
5 there has to be some readjustments in this  
6 system. And I believe that we can probably  
7 find -- we should find a way, Mr. Chairman, to  
8 come up with a comprehensive way to get this  
9 done where all of the parties are in  
10 agreement. That, one, there needs to be some  
11 changes made here in this system, but let's  
12 make them, let's make these changes so it  
13 won't hurt people that are making a livelihood  
14 in this business.

15 Thank you, Mr. Chairman.

16 COUNCILMAN MARIANO: Thank you,  
17 Councilman.

18 Councilman Clarke.

19 COUNCILMAN CLARKE: Thank you, Mr.  
20 Chairman. Mr. Chairman, I apologize for not  
21 being here earlier. We were out in the  
22 district touring certain locations with some  
23 people from the state and hopefully bring some  
24 housing money to the district so you  
25 understand why I had to take care of that

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2 business.

3 This question may have been asked.

4 Please forgive me if it's redundant. The  
5 first thing I need to get a sense of, were  
6 there any substantive conversations or  
7 conversations at all with members of the  
8 Administration, sponsors of the bill, about  
9 crafting this legislation or any other  
10 legislation, any formal conversations?

11 MR. ANTHONY DICASTLENUOVA: I myself  
12 didn't have an opportunity because I was only  
13 asked to speak on everyone's behalf  
14 approximately four or five days ago. Like I  
15 said earlier, I would have gladly welcomed the  
16 opportunity to sit down prior to this day.

17 COUNCILMAN CLARKE: When you said  
18 you were asked to speak, are you representing  
19 drivers in a formal process?

20 MR. ANTHONY DICASTLENUOVA: I'm  
21 representing the Tow Truck Operators of  
22 Philadelphia which is the new organization  
23 that has been formed in order to --

24 COUNCILMAN CLARKE: Formed in  
25 response to this bill?

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2 MR. ANTHONY DICASTLENUOVA: From  
3 what I know, yes.

4 COUNCILMAN CLARKE: That's okay.  
5 People do that here all the time. That's  
6 fine. I just want to get a sense of the  
7 process and the history.

8 MR. MATTIONI: We had no  
9 communication with any Administration  
10 representative. We've had some communications  
11 with some Councilmembers. I've tried to make  
12 it clear that we don't want to come in and  
13 just sound like obstructionists. On the other  
14 hand, when you're faced with a bill which you  
15 think can have serious economic repercussions,  
16 the major thrust of what the witnesses all  
17 seemed to say was primarily economic rather  
18 than safety.

19 COUNCILMAN CLARKE: You're an  
20 attorney?

21 MR. MATTIONI: I'm an attorney.

22 COUNCILMAN CLARKE: You're  
23 representing?

24 MR. MATTIONI: The Association.

25 COUNCILMAN CLARKE: The new

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2 association?

3 MR. MATTIONI: That is correct. But  
4 we've only been involved for a little over a  
5 month, frankly. But we've had no  
6 communication with anyone other than some of  
7 the Councilmembers and their staffs. So that  
8 the answer to your question is really no.

9 COUNCILMAN CLARKE: When is the  
10 first you had knowledge of the bill? Was it  
11 in May?

12 MR. MATTIONI: I was retained  
13 approximately five weeks ago. And until I  
14 spoke to Councilman Rizzo, I wasn't even aware  
15 that it was an Administration sponsored bill,  
16 to be honest. That was a couple weeks ago, I  
17 guess.

18 COUNCILMAN CLARKE: Once you were  
19 retained, you became aware of the bill,  
20 understandably, because that's not the  
21 business you're in.

22 With respect to you, as an operator  
23 or --

24 MR. ANTHONY DICASTLENUOVA: I own a  
25 body shop.

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2 COUNCILMAN CLARKE: When were you  
3 first made aware of the bill?

4 MR. ANTHONY DICASTLENUOVA: Sometime  
5 last week.

6 COUNCILMAN CLARKE: So you weren't  
7 aware when it was introduced in May?

8 MR. ANTHONY DICASTLENUOVA: No, I  
9 wasn't. I sort of been out of the towing  
10 business for quite sometime now. And I own  
11 and operate my own facility. I do a lot of my  
12 own work and haven't had contact with many of  
13 the men for quite sometime.

14 COUNCILMAN CLARKE: Based on what  
15 you're telling me that you've had to respond  
16 to this bill in a formal way has been somewhat  
17 limited, I'm assuming, if you just found out a  
18 week ago and you were just retained.

19 MR. ANTHONY DICASTLENUOVA: That's  
20 correct. I would like the opportunity to get  
21 more involved with it.

22 COUNCILMAN CLARKE: As it relates to  
23 proposals -- and I think to some degree you  
24 have talked about some of the recommendations  
25 that you think would make the industry more

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2           user friendly for the people who have some  
3           concerns about this issue. In terms of time  
4           lines, what kind of time lines would it take  
5           you to craft something in terms of  
6           recommendations to Council?

7                   MR. ANTHONY DICASTLENUOVA: Well, I  
8           have rough ideas that I would like to propose  
9           first to John so that we can mutually agree on  
10          what to propose to you as Council. And then  
11          from there, take maybe a handful of meetings,  
12          but I want it to be done right.

13                   As I get older, I want this fixed  
14          now. I don't want to come back here to this  
15          table 5 years from now, 10 years from now. I  
16          don't want to be approached by any one of  
17          these gentlemen and say, "Help" again. What  
18          I'd like to do is -- first time, second time  
19          is a charm. I'd like to come in now and work  
20          it out, sit down and keep something into  
21          effect permanently. That's why I feel like  
22          basically it should be governed by Licenses  
23          and Inspections. I think there should be a  
24          special unit for this. And I have a lot more  
25          to add to that. And I think then if it's

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2           governed by some City individuals that it can  
3           then be -- the economic effect could be felt  
4           for the City. You can keep track of -- the  
5           way I have a proposal, you could keep track of  
6           the money that comes from tow companies.

7                   COUNCILMAN CLARKE: All right,  
8           you're going a little beyond the question I  
9           asked. I asked you about time line.

10                  MR. ANTHONY DICASTLENUOVA: I want a  
11           handful of meetings, whatever that would take.  
12           I'm flexible. So if it takes, say, 12 hours  
13           of meetings to meet with people, I'd like to  
14           have that. Whether that's over a course of,  
15           you want to do it in a day, you want to do it  
16           in a week or month, that's at your discretion.

17                  COUNCILMAN CLARKE: It sounds like  
18           you have some recommendations, you personally  
19           and you as a group. And I'm assuming that you  
20           could put that together relatively quickly.

21                  MR. ANTHONY DICASTLENUOVA: I can.

22                  COUNCILMAN CLARKE: And as a first  
23           response to what the Administration has  
24           proposed and the sponsor of the bill, I think  
25           that should be able to be done relatively

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2           quickly, then you can hammer out things that  
3           make sense.

4                   I mean, we found in this body  
5           sometimes when people sit down and talk about  
6           issues, more often than not they have similar  
7           interests more so than they have dissimilar  
8           interests.

9                   The other question is with respect  
10          to representation, too often we have a  
11          situation where people come in and purport  
12          themselves to be representing a group of  
13          people. And then when something gets crafted,  
14          another group of people say, "Wait a minute,  
15          they don't represent me. I have different  
16          interests."

17                  So can you here today say that you  
18          represent not only the people in this room,  
19          but the many hundreds that -- you said this is  
20          one-eighth of the tow truck drivers. Can you  
21          --

22                  COUNCILMAN RIZZO: Can I just  
23          interrupt, Councilman Clarke, for a moment?

24                  COUNCILMAN CLARKE: Sure.

25                  COUNCILMAN RIZZO: I just want to

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2           make sure it's clear. Not everyone in this  
3           room is represented by this organization.  
4           There are people in the next panel that are  
5           not represented by this organization.

6                   MR. MATTIONI: We have a limited  
7           number of actual members of this organization.  
8           We don't purport -- despite our name, we don't  
9           purport to represent the entire towing  
10          industry in Philadelphia. Essentially, we're  
11          involved with -- we would be involved in the  
12          consensual part of the business, not the  
13          non-consensual.

14                  COUNCILMAN CLARKE: See, that's kind  
15          of the point I'm getting at because you --  
16          particularly you, sir, you said that if you  
17          were able to sit down and talk to people --  
18          sometimes you can sit down and talk to people  
19          and they don't represent anybody beyond  
20          themselves. Not suggesting that that's your  
21          case. But sometimes in a legislative body, a  
22          legislative body working with an  
23          Administration to the best of their knowledge  
24          has to craft something that they think makes  
25          some sense. Fully willing to solicit input,

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2           but to sit down with you for 12 hours and then  
3           a group of people over here say, "Well, I want  
4           12 hours," and "We want 15 hours," you never  
5           get stuff done.

6                   MR. ANTHONY DICASTLENUOVA:   Because  
7           of the fact that I was brought into this so  
8           late in term and we're already here proposing  
9           a bill, if you -- what my hope was that coming  
10          out of this meeting today was if we put this  
11          on hold, sort of table it for now, then  
12          reviewing the facts that I brought to you and  
13          the fact that I don't want to come here five  
14          years from now --

15                   COUNCILMAN CLARKE:   Have you  
16          submitted anything to this body beyond your  
17          testimony?

18                   MR. ANTHONY DICASTLENUOVA:   No, I  
19          haven't.

20                   But with that, if you tell me that  
21          we can table this right now, I will then be  
22          very diligent in getting the word out to these  
23          individuals, 2,623 of them, more than what's  
24          in here, get out to them what we need to do if  
25          they want to stay in a free enterprising

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2           business. Then I will work on that. And the  
3           next time you and I need to talk, hopefully, I  
4           will have a majority rules and we can move  
5           forward from there. And I think that's quite  
6           possible if I'm going to be involved and  
7           they'll listen to me if --

8                   COUNCILMAN CLARKE: I'm only  
9           speaking for myself because ultimately the  
10          sponsor of the bill makes the decision as to  
11          whether or not he's interested in proposing  
12          holding it the whole nine yards. But I'm just  
13          trying to get a line of questioning in that  
14          puts us if there is some decision to  
15          entertain, some conversation and solicit some  
16          information for purposes of crafting something  
17          that people feel comfortable with. We have  
18          the difficulty of not knowing who's in the  
19          industry and who represents the entire  
20          industry. And I don't want to sit down and  
21          craft something and you've got the majority of  
22          people don't feel comfortable with it. So it  
23          puts us at a dilemma that if every time people  
24          come in and say, "Well, you've got to sit down  
25          and meet with these various groups before we

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2 do something," Council never gets anything  
3 done.

4 MR. ANTHONY CASTINOVA: I understand  
5 that.

6 COUNCILMAN CLARKE: So it's better  
7 for us if people submit written information  
8 that can be reviewed. I mean, this process  
9 legislatively takes a couple weeks before the  
10 bill to actually become law and then  
11 ultimately the Mayor has to sign. It's not  
12 like if we were to report out today it's going  
13 to be law.

14 MR. ANTHONY DICASTLENUOVA: Given  
15 the opportunity, if there is a delay or so on,  
16 however it needs to be worded, if so then I  
17 can assure you I will come back and present to  
18 you a list of names, addresses, companies,  
19 whatever of people that are really or are  
20 committed now to this towing association.  
21 They will be large numbers. I will bring them  
22 to you and submit that. And then they are  
23 going to be talked to and advised that they  
24 have to go along with the program in order to  
25 stay in business and now do they want to

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2 become a member. So we can bring you numbers,  
3 because they are out there.

4 COUNCILMAN CLARKE: People do that  
5 to bring a whole bunch of people in, and  
6 that's great. You have to submit something in  
7 writing to review because you can't sit down  
8 and interview every individual about their  
9 recommendations. So the best way to get  
10 information to the government is do it in a  
11 written form, clearly indicating who you  
12 represent, what you represent and have people  
13 review it and do what they need to do with it.

14 MR. ANTHONY DICASTLENUOVA: That's  
15 the time I'm asking for, to do all that.

16 COUNCILMAN CLARKE: One last  
17 question as it relates to the process. It was  
18 my understanding that there were going to be  
19 certain zones created, geographic zones where  
20 respondents would be from those zones to  
21 respond to accidents in those zones.

22 MR. ANTHONY DICASTLENUOVA: That's  
23 why I said geographically. I said  
24 geographically it cannot work because the  
25 first speaker -- I forget who they were -- had

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2           indicated that there were not zones actually,  
3           that you were going to be on a list. It will  
4           be John's, Jim's, Bob's, Bill's and so on was  
5           what he indicated.

6                   COUNCILMAN CLARKE: To respond  
7           to anywhere in the City?

8                   MR. ANTHONY DICASTLENUOVA: And they  
9           get called anywhere within a certain zone, but  
10          the zones are great.

11                  Now, the way we do it, a lot of  
12          times a tow truck or the radio listeners do  
13          it, they sit in an area like, for instance,  
14          the 1st District which would consist of, say,  
15          the small radius of the City of South  
16          Philadelphia or that area. They can respond  
17          to an accident within that area at a decent  
18          amount of time not to cause severe congestion  
19          throughout the streets.

20                  So the way I understood that the  
21          rotation may work in a large zone and you're  
22          on a list, you have to be available first.  
23          You could be tied up doing something else.  
24          The individuals on a rotation list are not  
25          going to have a driver sitting in an office

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2           twiddling his thumbs waiting for a rotation  
3           call nor will he get enough rotation calls to  
4           keep him busy for an eight-hour period, let  
5           alone any further overtime that he needs to  
6           earn. It is a very minimum pay to be a tow  
7           truck operator. This is another reason why  
8           these gentlemen are out there, some 20 hours a  
9           day. Some have slept in the trucks to try and  
10          earn that dollar. So the rotation is not  
11          going to provide economically for many  
12          individuals.

13                   COUNCILMAN CLARKE: It won't reduce  
14          the number of accidents, right? It's still  
15          going to be a number of accidents and people  
16          are going to respond to those accidents. Why  
17          is that going to change the economics?

18                   MR. ANTHONY DICASTLENUOVA: That  
19          brings up another issue. If they're called to  
20          a Live Stop --

21                   COUNCILMAN CLARKE: The Parking  
22          Authority does Live Stops. I just want to get  
23          some clarity. Live Stops are not done by  
24          private towers.

25                   MR. ANTHONY DICASTLENUOVA: They're

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2 not going to be on the rotation? I understood  
3 that if it went to rotation that they were  
4 going to be called to those also.

5 COUNCILMAN CLARKE: For Live Stop?

6 MR. ANTHONY DICASTLENUOVA: That's  
7 what I was told. Now, maybe I'm wrong. Like  
8 I said, I've been short on time.

9 COUNCILMAN MARIANO: The Parking  
10 Authority does that.

11 Sergeant Healy, you want to clarify  
12 that?

13 The current system is the Parking  
14 Authority does the towing, right?

15 SERGEANT HEALY: Correct.

16 COUNCILMAN CLARKE: So there are no  
17 Live Stops.

18 COUNCILMAN MARIANO: You may be  
19 confusing it with the truck lists and private  
20 towers who are towing for the Truck  
21 Enforcement, correct?

22 MR. ANTHONY DICASTLENUOVA: But in  
23 answer to your question, how it will effect  
24 them. For instance, say the rotation call  
25 comes for an accident. An accident on the

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2       Expressway does not get cleared immediately.  
3       That's one point. It takes several hours  
4       sometimes, hours at a time before that tow  
5       truck can even leave that area depending on  
6       what's involved, depending on if AID is  
7       holding the scene. There's an investigation  
8       before any vehicles are touched. That  
9       rotation vehicle sits there until they're  
10      done? That's taking hours at a time.

11                In the event that there is a  
12      disabled vehicle -- actually, another point.  
13      If a rotation vehicle is called to that  
14      accident and Jim's Towing is told by the owner  
15      of the vehicle to tow it to Bob's Autobody in  
16      Conshohocken and it's 7 o'clock at night and  
17      Bob closed at 5:00, how is that tow operator  
18      supposed to be reimbursed for that tow? Put a  
19      check in the mail to me? He has three  
20      children at home that need bread and water.  
21      And after he leaves that, he gets told, "Oh,  
22      we have a disabled vehicle blocking the Girard  
23      Avenue off ramp. Could you come and tow  
24      that?" He goes and tows that disabled  
25      vehicle. It's unattended. There's no one

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2 there to pay him for the tow. How is he going  
3 to make a living? That tow truck could be out  
4 there for the day cost \$50 in fuel, let alone  
5 all the other expenses.

6 That's a few little incidentals why  
7 it just can't work.

8 COUNCILMAN RIZZO: Thank you.

9 I just wanted to ask the counselor,  
10 could you provide to the Chair the list of the  
11 members of your organization? And could you,  
12 for the record today, tell me as of today how  
13 many members do you have in your Tow Truck  
14 Operators of Philadelphia Association?

15 MR. MATTIONI: Our company members,  
16 I believe, are 32 or 33; I'm not sure.

17 COUNCILMAN RIZZO: Thirty-two or  
18 thirty-three?

19 MR. MATTIONI: That's not  
20 individuals, that's companies

21 COUNCILMAN RIZZO: Companies?

22 MR. MATTIONI: Yes. And we attached  
23 a copy to one of my letters. At the time the  
24 list was, I believe, 25. We've not  
25 misrepresented who we represent.

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2 COUNCILMAN CLARKE: One last  
3 question. In the ordinance it says the  
4 establishment of a rotation method of tow  
5 truck dispatch must be approved by separate  
6 ordinance of City Council.

7 MR. MATTIONI: I believe that's the  
8 present bill, that's not the amendment.

9 COUNCILMAN CLARKE: Okay.

10 MR. MATTIONI: The amendment  
11 would --

12 COUNCILMAN MARIANO: Somebody want  
13 to clarify that?

14 COUNCILMAN CLARKE: So this  
15 essentially establishes all regulatory issues  
16 as it relates to the rotational system?

17 MR. MATTIONI: I don't believe  
18 that's correct either, Councilman. What it  
19 does is it provides the mechanism for the City  
20 then to administratively adopt a rotational  
21 system. This bill doesn't do it directly.

22 Am I correct?

23 MR. FEDER: Yes.

24 COUNCILMAN CLARKE: So  
25 administratively, what's the process as it

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2 relates to City Council's involvement in  
3 implementing such a program?

4 MR. FEDER: What this ordinance  
5 would do, Councilman, is it would authorize  
6 the Police Department to establish the  
7 rotation system. The details of that would be  
8 done by regulation of the Police Department.

9 COUNCILMAN CLARKE: My question is,  
10 how are we involved in that?

11 Suppose we authorize you guys to  
12 come up with a process, meaning the City, the  
13 Administration, and we don't like the process.

14 MR. FEDER: You pass an ordinance  
15 and tell the Administration that you don't  
16 like it.

17 COUNCILMAN CLARKE: So why wouldn't  
18 we just have a process that has the Council,  
19 since we're the people's elected officials,  
20 good or bad, be in a position to effect the  
21 administrative implementation of a rotation  
22 system?

23 MR. FEDER: I don't think there's a  
24 right way or a wrong way to do that,  
25 Councilman. Generally, my personal view of

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2       legislation is Council should set the overall  
3       parameters, and the details of the procedures  
4       should be left to the expert body. And  
5       obviously, if Council doesn't like the way  
6       that's done, Council passes an ordinance and  
7       says, you got it wrong. But the way this  
8       ordinance was envisioned is that the details  
9       would be left to the Police Department,  
10      subject to the overall parameters set forth in  
11      this ordinance and any subsequent ordinances  
12      of Council.

13                If Council wanted to, you could set  
14      forth all the details right now in this  
15      ordinance.

16                COUNCILMAN CLARKE: I understand  
17      that. It should be left to the professionals.  
18      My concern about this particular bill, it  
19      seems like people haven't had, in their minds,  
20      the appropriate dialog to come up with  
21      recommendations to oppose certain  
22      recommendations beyond this public hearing.  
23      And I'm wondering during the process of this  
24      bill ultimately becoming a law and the  
25      administrative implementation of the system

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2           that there can be input both by Councilmembers  
3           and by representatives of the tow industry so  
4           at the end game what we ultimately end up with  
5           is something that people, to a large degree,  
6           are comfortable with as opposed to just  
7           authorizing it, walking away, not having any  
8           say so.

9                   MR. FEDER: I can't promise you in  
10          the end whether people will or won't be  
11          comfortable, but I can assure you that the  
12          Police Department in establishing the  
13          procedures will be happy to accept input from  
14          both the towing industry as well as  
15          Councilmembers.

16                  MR. MATTIONI: May I interject  
17          something?

18                  I believe that the ordinance as is  
19          presently written has no standards as such for  
20          the establishment of a rotational system. It  
21          assumes that a rotational system is the  
22          answer. But the only thing it seems to say is  
23          that there's some form of competitive process,  
24          whatever that may mean. Quite frankly, I  
25          think that's kind of like -- it tells you

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2 nothing.

3 COUNCILMAN MARIANO: Councilman and  
4 Counselor, if I may. Sergeant Healy, could  
5 you help us with that?

6 I'm tending to think that the Police  
7 Department should be involved to a point, but  
8 they shouldn't be setting the parameters.  
9 There could be some input from a lot of people  
10 in this room, not necessarily the people at  
11 this desk, but from the people that are going  
12 to speak next. What do you say?

13 SERGEANT HEALY: What we do is,  
14 routinely, the ordinance sets the parameters.  
15 Administratively, we direct the Police  
16 Department to come up with the operational  
17 ABCs, how it's done, but we wouldn't come up  
18 with any specific parameters. The law itself  
19 is what it is. The rotational system will be  
20 set in place. How we administer it is really  
21 all administrative, so how the police officer  
22 will respond, who they contact, what they do,  
23 but it will all be within parameters of the  
24 existing ordinance as it is. We wouldn't  
25 create new standards that will expand the

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2 scope of the ordinance in any way.

3 COUNCILMAN MARIANO: You all right  
4 with that, Councilman Clarke?

5 COUNCILMAN CLARKE: Actually, I  
6 think Councilman Rizzo who is the sponsor of  
7 the bill had some thought to some degree.

8 COUNCILMAN RIZZO: We have another  
9 panel yet. And obviously, in my mind, I know  
10 where we need to be with this. But being  
11 known as a reasonable man, I will listen to  
12 the additional witnesses and we'll make a  
13 recommendation to the Chair. But I think we  
14 have to finish and listen to the rest of our  
15 witnesses before I can make that decision.

16 COUNCILMAN MARIANO: That's fair.

17 Is there anybody else on this Panel?

18 MR. MATTIONI: Councilman, we have  
19 two gentlemen that want to speak briefly.

20 In addition to that, just to answer  
21 that question specifically, the only parameter  
22 that's set is a rotational system but they  
23 don't describe what that means.

24 COUNCILMAN MARIANO: And that's  
25 something we'll work on.

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2 State your name for the record.

3 MR. JOSEPH DICASTLENUOVA: My name  
4 is Joseph DiCastlenuova. I own Advance  
5 Collision Works, Car Star. It's a franchise  
6 shop. I own two locations, one in the State  
7 of New Jersey and one in Philadelphia. I know  
8 New Jersey doesn't have any clout here, but  
9 I'll give you an example.

10 I put a shop together four years ago  
11 in the State of New Jersey. They consist of a  
12 rotation area. I'm a direct repair center for  
13 most insurance companies in the city where I  
14 am in New Jersey. It's basically that  
15 anything happens in my area, I can't get no  
16 towing. They created the super wreck-chaser  
17 basically is what it is. The guy on the  
18 rotation list has come to my shop and has  
19 offered me to pay him a percentage to bring me  
20 the work. I have gone to boroughs -- again  
21 this is New Jersey, but I have gone to the  
22 boroughs to get onto the rotation list. I  
23 will not meet the criteria. They already told  
24 me don't even try to meet the criteria, even  
25 if I invested hundreds of thousands of dollars

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2           into it.

3                   I was born and raised in the City of  
4           Philadelphia. I now own a shop in  
5           Philadelphia. I was in the towing business  
6           for 15 years. I have now put a shop together  
7           in South Philly, 1021 Snyder Avenue. Again,  
8           it's also a franchise location. And I don't  
9           have no problem with receiving my tows the way  
10          I do. I represent 21 employees that feeds  
11          about 50 people, total people. I am in the  
12          process of closing down my New Jersey location  
13          because I can't make it there. To bring the  
14          employees -- I have five employees there. I  
15          will have a total of 21 employees in my  
16          location in Philadelphia. Where I'm going to  
17          manage to put them people, I have no idea.  
18          It's not big enough. But I'm looking to  
19          provide to try to feed them any way possible.  
20          Again, just about 50 my shop alone feeds.

21                  I enjoy the fact that I am able to  
22          contact my local tower to send him out to  
23          retrieve any vehicles that I need to be towed  
24          to my location. I pay him whatever the fee  
25          is. And that's basically it.

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2 COUNCILMAN RIZZO: We're not talking  
3 about that process.

4 MR. JOSEPH DICASTLENUOVA: If I  
5 don't have that opportunity to call my local  
6 tower --

7 COUNCILMAN RIZZO: You do.

8 MR. JOSEPH DICASTLENUOVA: If I have  
9 a customer who was in an accident --

10 COUNCILMAN RIZZO: We're talking  
11 about an issue that we've been describing all  
12 day. We're talking about wreck-chasers.  
13 You're not talking about wreck-chasers. I'm  
14 talking about the radio listeners, if we want  
15 to call them that -- and if we wanted to stop  
16 you, if we wanted to cut off the radio  
17 communications, we could do it just like that.  
18 Every police car has a data terminal in it  
19 where every job that goes out could be given  
20 out where you could never hear it. Same with  
21 fire. So if we want to cut you off, we can  
22 cut you off by 6 o'clock tonight.

23 MR. JOSEPH DICASTLENUOVA: It's too  
24 expensive.

25 COUNCILMAN RIZZO: No, it's not. We

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2 have them already in the cars. In there. All  
3 we have to do is change the way we dispatch  
4 the jobs and wreck-chasing is gone.

5 So what you just described a minute  
6 ago is not, in my opinion, we're not talking  
7 about wreck-chaser.

8 MR. JOSEPH DICASTLENUOVA: Well, I'm  
9 looking at it as being a small business in the  
10 City of Philadelphia. I'm looking at 50  
11 people I'm feeding.

12 Now, use me as an example. If I'm  
13 feeding 50 people, how many are they feeding?

14 COUNCILMAN RIZZO: We understand,  
15 but we have some people over here that feed  
16 people too.

17 MR. JOSEPH DICASTLENUOVA: Now, once  
18 those people who meet that criteria of  
19 becoming on that rotation list, now your  
20 categorizing all these guys as wreck-chasers.

21 COUNCILMAN RIZZO: Not at all.

22 MR. JOSEPH DICASTLENUOVA: You're  
23 using the term "wreck-chaser."

24 COUNCILMAN RIZZO: I'm talking about  
25 people that do what we described. And we were

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2 told -- when I asked the question "Are you a  
3 wreck-chaser," we were told no. I believe  
4 that. If somebody wants to start telling us  
5 who the wreck-chasers are -- you're going to  
6 eventually to address that issue.

7 MR. JOSEPH DICASTLENUOVA: We'll  
8 police the people that are in the Association.  
9 We will make sure that those bad seeds are  
10 weeded out. That's guaranteed.

11 UNIDENTIFIED SPEAKER: I'm a  
12 wreck-chaser. I'm an American citizen. I was  
13 born and raised in South Philly. I was  
14 brought up and raised as a child I was told --

15 COUNCILMAN MARIANO: You've got my  
16 word you're going to get to speak. It's  
17 probably better if we let them finish and then  
18 --

19 UNIDENTIFIED SPEAKER: He was asking  
20 who the wreck-chasers are. I'm proud of who I  
21 am.

22 COUNCILMAN MARIANO: Please, let me  
23 run this. We're going to get to you. I want  
24 you to be here.

25 UNIDENTIFIED SPEAKER: I'm proud of

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2 who I am. I'm not earning a dishonest living.

3 COUNCILMAN MARIANO: And you know  
4 what? We're going to find that out. We're  
5 not saying you are. Hold on, we're going to  
6 get to you. Hold the enthusiasm and you'll  
7 have your time. We're going to get to this.  
8 I'm running this meeting. Just so you know --  
9 the same with him, I'm running this and it's  
10 going to be fair or I'm not going to be here.  
11 Not everybody's going to be happy when they  
12 leave today.

13 (Applause.)

14 COUNCILMAN MARIANO: That's not what  
15 this is for. I appreciate it. But let me  
16 tell you something. Not everybody is going to  
17 be happy, because I'm not happy all the time.  
18 I'm sad every morning when I've got to call my  
19 son to get him up for work. That's a whole  
20 other story. But what we're going to do here  
21 is work this out. It may not happen tonight.  
22 He might not be real happy but he'll be happy  
23 again because he's got an issue here that has  
24 to be addressed. It's a problem. We're going  
25 to get to you.

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2 So you speak because you didn't say  
3 anything yet. Then we'll get to the big guys  
4 here because the big guns are next. There's  
5 millions of dollars over there in that corner.

6 MR. DITILLO: Super wreck-chasers.  
7 If you put all these people together, there's  
8 a million dollars over here too, Councilman  
9 Mariano.

10 Thank you. My name is Joseph  
11 Ditillo. I own Auto Max Collision. My  
12 company employs the same, it feeds about 50  
13 people.

14 These gentlemen here that are behind  
15 me that just got up and starting, "who's a  
16 wreck-chaser," they refer me work. It's an  
17 important part for me to have the work. And I  
18 too -- a gentleman back here stated that 10  
19 years ago, calls stopped coming into him.  
20 Well, 10 years ago calls stopped coming in to  
21 me too. The big insurance companies with  
22 their steering and direct repair took that  
23 away from me. Now I depend on people that are  
24 my friends, my relatives, my companions in  
25 this team effort to keep small business in

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2 Philadelphia alive and doing well.

3 We got done on body shops with  
4 saving deductibles. I'm a body shop owner.  
5 Do I save a deductible? Sometimes I do,  
6 absolutely. When a women comes in with three  
7 children, a single parent, she's paying an  
8 extreme amount of insurance money in the City  
9 of Philadelphia and tells me, "I don't have  
10 \$500 to fix my car" --

11 COUNCILMAN MARIANO: Do you do the  
12 same thing with the good-looking young woman  
13 too?

14 MR. DITILLO: Absolutely.

15 As far as putting bad parts on and  
16 after-market parts, well, there's insurance  
17 companies that require us to put on these  
18 after-market parts. State Farm was sued for  
19 their after-market part program. They no  
20 longer put after-market parts on, but they can  
21 put used parts on vehicles; that's acceptable.

22 COUNCILMAN MARIANO: As long as you  
23 say they're used, right?

24 MR. DITILLO: I'm here just to get  
25 you guys to help small business people. We

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2 don't have college educations.

3 COUNCILMAN MARIANO: I hear you. We  
4 hear you.

5 MR. DITILLO: And we need Council's  
6 help. And that's all I want to say. Thank  
7 you.

8 COUNCILMAN MARIANO: Thank you for  
9 your honesty and candor.

10 The next panel, what I refer to as  
11 the big guns, truck owners and operators.  
12 DiCicco Automotive Group, Guido DiCicco;  
13 Morton Towing and Recovery, Joseph F. Parente,  
14 owner; Philadelphia Towers and Salvors  
15 Association, Ed Alfano; and George Smith  
16 Towing.

17 MR. ALFANO: Members of Council,  
18 Chairman Mariano, my name is Ed Alfano. I'm  
19 the owner of Century Motors. We've been in  
20 business for 30 years. I'm a member and a  
21 representative of Philadelphia Authorized  
22 Towers and Salvors. That's the association  
23 that presently does the contract work towing  
24 of abandoned vehicles and recovered stolen  
25 vehicles that Sergeant Fran Healy had

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2                   mentioned earlier.

3                   I'd like to clarify a few things  
4                   about the rotation system. First of all, I'm  
5                   in full support of Councilman Rizzo's bill,  
6                   the way it was redesigned and with a couple of  
7                   changes that were made. I have no problems  
8                   with all the towers, not only our association.  
9                   These other towers could be a member of the  
10                  rotation system and play the same game and I  
11                  think it's fair for all of us as long as we're  
12                  based in Philadelphia.

13                  I just want to clarify a couple  
14                  things about the program. Sergeant Healy  
15                  explained that the program was started in  
16                  1999, the recover theft program. I helped  
17                  co-author it. This program works in a way  
18                  that in 20 minutes response time there is a  
19                  tow truck on the scene to bring in a recovered  
20                  stolen vehicle. Contrary to what you have  
21                  heard, the Police Department doesn't have an  
22                  extra job. The police officer comes there, he  
23                  finds a recovered theft, we take the car  
24                  within 20 minutes, we bring it to a safe  
25                  location.

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2 COUNCILMAN MARIANO: What happens  
3 when that happens? There's an accident, you  
4 get a call?

5 MR. ALFANO: Not an accident.

6 COUNCILMAN MARIANO: When you get a  
7 call to get this car, where does it originate  
8 from?

9 MR. ALFANO: Police radio.

10 COUNCILMAN MARIANO: All right.

11 Police radio calls --

12 MR. ALFANO: Police radio calls  
13 either one of the vendors. There are 10  
14 vendors that work geographically. Out of the  
15 10 vendors, geographically you can handle the  
16 whole City. We handle the whole City with --  
17 11 vendors, I'm sorry, right now.  
18 Geographically, there's not a problem.  
19 Policeman manpower there's not a problem. Tow  
20 trucks there's not a problem.

21 The first year, 1999 that this  
22 program was in its inception, we towed 12,000  
23 cars. There was some talk about revenue to  
24 the City. It's a great thing. The first year  
25 we made almost a million dollars for the City.

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2 We continue to do so. So there is revenue.

3 The fellow that came up here and  
4 testified that he was interested in revenue  
5 for the City, I understand his point and it's  
6 a good idea if you're doing something and  
7 you're making money for the City, it makes you  
8 a little bit more important.

9 The program works very successfully.  
10 Everyone in this room from the insurance  
11 companies, everyone in this room from body  
12 shops comes to our places and gets their  
13 vehicle and they get it at a fair rate.  
14 There's no exorbitant charges. There's fair  
15 charges. The charges are based from the City  
16 of Philadelphia. The Police Department and  
17 Licenses and Inspections monitors the program.  
18 So if you say that the rotation don't work,  
19 it's not true because it does work. We've  
20 been doing it for five years.

21 COUNCILMAN MARIANO: Can you  
22 empathize with these guys like the guy that  
23 stood up and said, "I'm a wreck-chaser"? He's  
24 out there hustling. That's you 20 years ago.

25 MR. ALFANO: Absolutely. I

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2       empathize with everyone. And I say that these  
3       guys shouldn't be excluded. Nobody should be  
4       excluded. If the City of Philadelphia wants  
5       to put a program together for towers on a  
6       rotation system, everybody has to be able to  
7       be a player. Nobody should be excluded.  
8       Everybody should in some capability, in some  
9       facet -- and I know most of these guys.

10                  COUNCILMAN MARIANO: What's the  
11       details on something like that? How does a  
12       young guy with his first truck that's hustling  
13       to make that nut every month compete with you  
14       or him.

15                  MR. ALFANO: If a guy's a tow man  
16       and a guy wants to tow in this program, he  
17       could tow for anybody. He doesn't have the  
18       wherewithal himself --

19                  COUNCILMAN MARIANO: Let me get a  
20       little more specific. This guy is from  
21       Juniata Park. He lives across the street from  
22       me. He's not, but he could be. Is he going  
23       to get to run down to where one of the  
24       brothers wanted to go down South Philadelphia  
25       or is he just going to get stuff in Northeast?

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2 Can he get on line for everyone?

3 MR. ALFANO: Councilman, the way we  
4 work right now, the City of Philadelphia, the  
5 Police Department places the tow truck  
6 operators geographically. It doesn't mean  
7 that the biggest get the most. I may have the  
8 biggest place, and I do. I don't get the  
9 most. They get an equal amount. That would  
10 be the fair way to do it.

11 COUNCILMAN MARIANO: That's all run  
12 out of the Police Department Special  
13 Operations?

14 MR. ALFANO: Special Operations,  
15 Neighborhood Services, yes.

16 COUNCILMAN MARIANO: I remember the  
17 sergeant's name.

18 MR. ALFANO: Delaqua.

19 COUNCILMAN MARIANO: Right, and they  
20 seem like pretty decent guys.

21 MR. ALFANO: The Police Department's  
22 very satisfied the way this program works. It  
23 works fairly. There's no problems with it.  
24 The revenue is there. And there's no reason  
25 why everybody can't be a player. You don't

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2 have to be the biggest guy, you don't have to  
3 have a \$500,000 truck. Everybody could be a  
4 player. It's got to be fair.

5 COUNCILMAN MARIANO: Is there  
6 anybody that's involved in this program that  
7 you're in that just started out?

8 MR. BOYLE: I can attest to  
9 everything being done fairly.

10 COUNCILMAN MARIANO: Anthony, grab  
11 the mike and say your name.

12 MR. BOYLE: My name is Anthony  
13 Boyle. I'm represent K&A Auto Salvage in  
14 Philadelphia. I recently just became a salver  
15 in the past year or two. And everything is  
16 run fairly, just like Eddie spoke. He has the  
17 biggest yard, 10 times the size of mine, but I  
18 get the same amount of cars that he gets every  
19 day.

20 COUNCILMAN MARIANO: Well, you can  
21 empathize with these young guys here. They  
22 see guys like Eddie and go, "Wow, if I can be  
23 like Eddie. And I just want a fair shot."  
24 They're willing to work for it.

25 MR. BOYLE: I've seen that also.

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2 But everything that Eddie is speaking is the  
3 truth. Everything is run fairly. There's an  
4 even amount of cars given to each salver every  
5 day. Everything is done fairly.

6 MR. ALFANO: And let's say something  
7 about the other people that were here, if I  
8 may, Councilman.

9 COUNCILMAN MARIANO: Sure.

10 MR. ALFANO: You have people from  
11 the insurance industry. You have people from  
12 Enterprise Rent A Car. You have some people  
13 that have horror stories. Not everybody's  
14 involved in the horror stories because there's  
15 just some bad apples in the barrel. But the  
16 people come to our facilities to claim cars  
17 come at a reasonable rate, they come in a  
18 secure environment, nobody gets gouged,  
19 there's no complaints. That's what I'm saying  
20 about being fair. Most of the guys that came  
21 up here and testified at one time or another  
22 have been in our places. And the way that the  
23 police run the program and License and  
24 Inspections, this program runs completely  
25 fair. There's no gouging. Nobody gets hurt.

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2                   There was a guy that talked here  
3                   from AAA. If AAA had any issues about a car  
4                   that was left at the scene of an accident and  
5                   went someplace, if in the rotation system one  
6                   of any of the rotaters, any of the vendors  
7                   brought that car to their facilities, the guy  
8                   would be treated fair. He would pay half the  
9                   charges. He would pay less than half of the  
10                  charges.

11                 COUNCILMAN MARIANO: My thing here  
12                 is -- this is why we get the big bucks to make  
13                 these big decisions. This is a great idea,  
14                 and this is going to happen one way or the  
15                 other, but it's not going to happen probably  
16                 the way Councilman Rizzo wants it today.  
17                 We're going to work this out because we still  
18                 have some people we want to talk to. But I  
19                 need everybody -- the problem -- and  
20                 Councilman Clarke said it. He left, but he's  
21                 coming back. What happens is we go through  
22                 all this work. And this is one of many things  
23                 that we do. And I'm not complaining. But our  
24                 staff, my legislative aid that just whispered  
25                 in my ear, he's the guy that does all the

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2       work. So you'll have somebody like that and  
3       he'll deal with your group or the other group  
4       and we get together. We think we come to some  
5       kind of conclusion, then all of a sudden,  
6       somebody throws a monkey wrench in the thing,  
7       "They don't represent us," just what  
8       Councilman Clarke said. So eventually  
9       somebody's going to leave here or the next  
10      hearing or the one after that with some hurt  
11      feelings. We're going to try to work this  
12      out, but not forever. There's a time limit on  
13      this calendar that's running. You guys can  
14      keep on talking. We're going to talk a little  
15      amongst ourselves. I still want to hear from  
16      you, but the important thing is -- and I want  
17      to hear from them guys, the guys that at least  
18      had the intestinal fortitude to stand up and  
19      say they were wreck-chasers. And guess what,  
20      we can all tell stories. I can tell a story  
21      about the other night I was at Front and  
22      Hunting Park and I saw a van turn over. And I  
23      was too small to jump in the back window  
24      because I'm short and couldn't get up. I'm  
25      jumping up. The tow truck shows up. The tow

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2           truck driver got up and lifted me up so I  
3           could pull a family of six people out of a  
4           truck and he stayed there while the thing  
5           could have blew up. And he didn't get the  
6           tow. He didn't get that tow. Actually, he  
7           didn't get it. I never saw him again. Didn't  
8           know who he was. And it happens. There's  
9           good stories like the story one of the guys  
10          told.

11                   We have to get to a point where  
12          everybody's comfortable. Everybody's not  
13          going to be happy here. But I appreciate your  
14          experience and the stuff you do with the other  
15          program. This kind of legislation is the kind  
16          of legislation where we got to get this done.  
17          The clock is ticking.

18                   Any other witnesses want to talk at  
19          this panel?

20                   Then I want the guys that admitted  
21          to be wreck-chasers to see what a wreck-chaser  
22          really is.

23                   Go ahead.

24                   MR. TRENT: Good afternoon,  
25          Councilman. My name is Joseph Trent. I'm the

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2 President of the Southwest Auto Parts  
3 Association. We currently have approximately  
4 60 members in our association which also  
5 employs four or five workers in each business.

6 COUNCILMAN MARIANO: Can you get me  
7 a fender for a '69 Caprice for the passenger  
8 side in the back?

9 MR. TRENT: Absolutely, in stock.

10 COUNCILMAN MARIANO: I want to buy  
11 it. But I do need one. If anybody has one,  
12 please let me know. That's personal business.

13 MR. TRENT: As a matter of fact, a  
14 good majority of our membership have tow  
15 trucks and do towing for a living.

16 We are in favor of Councilman  
17 Rizzo's bill because pricing is regulated and  
18 owners have say so of where the car will be  
19 towed and who it should be towed by. We're  
20 not here to put tow trucks out of business  
21 because, like I says, I represent a lot of tow  
22 drivers and tow companies in my association,  
23 but to give everyone a fair shake, as we  
24 believe the rotation system will do. And this  
25 bill we believe will also organize the towing

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2 system. I would like to agree with Councilman  
3 Ramos that it should be fair but something  
4 also needs to be done. And we are also here  
5 to keep business in Philadelphia.

6 At the last hearing that we were  
7 here, it was brought up how the outsiders were  
8 able to come to Philadelphia and we weren't  
9 able to go into their municipalities. And  
10 that's also a big major thing also.

11 COUNCILMAN MARIANO: Thank you.

12 The next witness.

13 MR. ANTONOCCI: My name is Richard  
14 Antonocci. I own Philadelphia Towing and  
15 Transport. I'm a licensed salver also. I  
16 also own Towing Unlimited. We've seen pros  
17 and cons for rotation, but we haven't seen any  
18 pros for against rotation. The rotation works  
19 as a process. The law works. It's a good  
20 law. People are saying they don't want to be  
21 disqualified, but they don't know what the  
22 qualifications are yet. But I do know at the  
23 end of the day, the ends have to justify the  
24 means. And that's what's most important for  
25 everybody. If you have thoughts and theories,

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2 then say them, but we need a solution. And  
3 rotation is the solution. Thank you.

4 COUNCILMAN MARIANO: Thank you.  
5 Anthony come on.

6 MR. BOYLE: My name is Anthony  
7 Boyle, and as I said, I represent K&A Auto  
8 Salvage. I support the bill. And I also can  
9 understand why people are afraid of it. But  
10 just like Mr. Antonocci just said, they really  
11 don't know what they need to do to qualify  
12 because I myself, as I said, just got started.  
13 I didn't have any trucks. I now have two  
14 trucks of my own and I just recently got  
15 started. And I'm just here to say that this  
16 system is very fair. And I think once people  
17 get more informed about the procedures and  
18 everything that they'll be more for it. It's  
19 the fear of the unknown, you know.

20 COUNCILMAN MARIANO: I appreciate  
21 it. That's really good to come from someone  
22 that worked himself up.

23 Anybody else?

24 MR. PARENTE: My name is Joseph  
25 Parente. I own Morton Towing and Recovery.

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2       Along with this bill, the values of this  
3       rotation works very well already with the  
4       stolen. And it does bring in revenue into the  
5       City of Philadelphia. And that can also be  
6       applied towards this accident-type rotation.  
7       We do bring in a good revenue to the City and  
8       I believe this can also bring in good revenue.  
9       And my company does support this bill.

10                  COUNCILMAN MARIANO: Thank you.

11                  Anybody else? You want to go?

12                  MR. DICICCO: Hi, Councilman. I'm  
13       Guido DiCicco from DiCicco's. I've been in  
14       business 27 years.

15                  COUNCILMAN MARIANO: No relation to  
16       Councilman DiCicco, let everybody know that.

17                  MR. DICICCO: I know him very well.

18                  COUNCILMAN MARIANO: But you're not  
19       related to him. He said he likes you, but he  
20       doesn't want everybody to think you're his  
21       cousin.

22                  MR. DICICCO: I don't think so. I  
23       approve of this bill over here for Mr. Rizzo  
24       because the only City that doesn't have a  
25       rotation system. My wife had an accident

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2 where I live at in Huntington Valley. I was  
3 there with the tow truck --

4 COUNCILMAN MARIANO: You don't live  
5 in the City?

6 MR. DICICCO: No, I don't live in  
7 the City.

8 COUNCILMAN MARIANO: Listen, public  
9 speaking point: Never tell you don't live in  
10 the City even if you don't. I'm just trying  
11 to help you.

12 MR. DICICCO: I'm down at the shop  
13 more than I'm home, so I'm living in the City.

14 You can't tow a car out of the  
15 township. I was there with the tow truck. It  
16 happened on Street Road. I was there. She  
17 called me. I went up there, I can't get the  
18 car. They have a rotation towing. The police  
19 call a body shop, whatever they have.

20 COUNCILMAN MARIANO: This is  
21 Bensalem you're talking about?

22 MR. DICICCO: No. Huntington  
23 Valley. They have certain shops, and they do  
24 have a lot of shops. It ain't like they have  
25 one or two.

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2 COUNCILMAN MARIANO: See, I don't go  
3 up there because if I go up on Street Road, I  
4 get a knows bleed. I don't go up there. Tell  
5 your wife not to go up there.

6 MR. DICICCO: But it's good to have  
7 system in Philadelphia because it generates a  
8 lot of business. And other people could come  
9 on the system. We need more people on the  
10 system. And it will generate some money for  
11 the Philadelphia Police too. The way it's  
12 working out now, what does it generate, about  
13 a million dollars a year?

14 MR. ALFANO: First year, a million  
15 dollars.

16 COUNCILMAN MARIANO: What's it  
17 called, Ed, the other program?

18 MR. ALFANO: Recovery stolen  
19 vehicles.

20 Let me just explain that, Guido, a  
21 minute,

22 MR. DICICCO: Okay.

23 MR. ALFANO: Before the Police  
24 Department implemented this program, when an  
25 officer would find a stolen vehicle on a

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2           street, they would disabled the vehicle and  
3           they, by message, would notify the owner. By  
4           the owner would get to the vehicle, the  
5           vehicle was either restolen or vandalized.

6                   COUNCILMAN MARIANO: Can I tell you  
7           the classic story on this while you're saying  
8           this?

9                   MR. ALFANO: Go ahead.

10                  COUNCILMAN MARIANO: My father, God  
11           rest his soul, had a 1975 Nova Custom. I had  
12           no idea. Remember Peach Cheverelli? Some of  
13           the old-timers remember him. I knew Pete  
14           because his shop was next to where I live in  
15           Juniata. My father goes out and gets in an  
16           accident right by Front and Hunting Park.  
17           There's little street there to the left where  
18           the police tow squad is. I can't think of the  
19           street.

20                  UNIDENTIFIED SPEAKER: McAllister.

21                  COUNCILMAN MARIANO: McAllister,  
22           that's it. So my dad goes -- the cops take  
23           him home. This is 15 years ago. He doesn't  
24           know, he's a little dazed. I'm sure he wasn't  
25           drinking. He probably never drank, but who

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2 knows. He comes home and he finally doesn't  
3 know anybody. He calls his cousin that knows  
4 somebody and they get a tow truck. By the  
5 time the tow truck got up there, that thing  
6 was stripped. Now, the police tow truck came  
7 and moved it to the side of McAllister.  
8 Didn't know that they only made 500 NOva  
9 Customs that year until Pete Cheverelli told  
10 me that.

11 That wouldn't have happened if they  
12 had what you do with stolen vehicles.

13 MR. ALFANO: With this program here,  
14 what happens is -- and there's also a safety  
15 issue involved. Just say, for example, the  
16 person who owns the car lives in Voorhees, New  
17 Jersey, and it's recovered at 13th and  
18 Diamond. You know, you don't want to send  
19 that person down in that area with a tow truck  
20 or by themselves to try to get the car.

21 COUNCILMAN MARIANO: Actually, I  
22 think if you live in Voorhees you should have  
23 to go to 13th and Diamond just once a week  
24 just to know what life is about.

25 MR. ALFANO: Anyhow, the program is

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2       designed for safety and it's designed to get  
3       the car off the street. So within 20 minutes  
4       with the geographic rotation system, it works.  
5       Now, what happens is the insurance company now  
6       gets a valuable commodity. They get a car  
7       back in one piece. They could take that car,  
8       they could either repair it or give it back to  
9       the owner or --

10                  COUNCILMAN MARIANO: You're not  
11       going to tell me the insurance prices are  
12       going down, right? That never works.

13                  MR. ALFANO: The insurance company  
14       made millions of dollars with our program.  
15       I've always said in Council and I've said it  
16       before, this is the spring board that we  
17       should use to lower insurance costs in  
18       Philadelphia because we do help.

19                  COUNCILMAN MARIANO: We did that and  
20       the insurance company said stuff. My  
21       insurance hasn't gone down. I don't know if  
22       anybody else's has.

23                  MR. ALFANO: But these programs do  
24       help and they help the insurance companies and  
25       they're going to help the constituents and the

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2 people in Philadelphia eventually, because  
3 they do have to reduce the insurance rates for  
4 people in Philadelphia.

5 MR. DICICCO: He had a point because  
6 the towing rate that we tow a car in, it ain't  
7 a lot of money.

8 UNIDENTIFIED SPEAKER: (Inaudible.)

9 COUNCILMAN MARIANO: We're going to  
10 get -- you guys are next, because I've got to  
11 hear this stuff.

12 MR. DICICCO: We tow a recovery  
13 theft for a hundred dollars plus \$11 a day  
14 storage. Am I right? And 65 goes back to the  
15 City of Philadelphia. So that's generating  
16 money too.

17 COUNCILMAN MARIANO: Thank you.

18 Any question for the panel?

19 (No response.)

20 COUNCILMAN MARIANO: Let's go to the  
21 next panel.

22 This is the young bucks now, I  
23 guess. Listen, they were like that one day,  
24 them guys. They were hungry just like you  
25 guys are.

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2 MR. LATORE: I think they're  
3 forgetting where they all started from.

4 COUNCILMAN MARIANO: You go first.  
5 Say your name.

6 MR. LATORE: My name Jose Angel  
7 Latore, Jr.

8 COUNCILMAN MARIANO: And you are a  
9 wreck-chaser.

10 MR. LATORE: A wreck-chaser.

11 COUNCILMAN MARIANO: Explain to me  
12 really what you do.

13 MR. LATORE: Basically a  
14 wreck-chaser wakes up in the morning. As soon  
15 as you wake up, you get your first shot of  
16 coffee. If you really want a really good  
17 detail, you know what I mean, get a crack at  
18 breakfast, turn on the scanners at 6 o'clock  
19 in the morning. I come out at 6:00. Other  
20 guys come out earlier or later.

21 Once you head out the streets at 6  
22 o'clock, we're waiting for the call. The call  
23 is, of course, southbound 95 or westbound  
24 Girard, as you were complaining earlier about  
25 us being up there. But at 6 o'clock in the

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2           morning, you've got hundreds of people trying  
3           to come into the City and leave out the City.  
4           So westbound Girard is a hot spot. So a  
5           two-car hit ties up that three lane avenue,  
6           you're done. So who comes to save the day?  
7           Us, the wreck-chasers. For what? To keep  
8           getting this every time?

9                   They're salvage guys. We don't want  
10          nothing with salvage. We're wreck-chasers.  
11          We're dealing with individual hits. We're not  
12          dealing with theft recovery or no stolen or  
13          abandoned vehicles. We don't want to do no  
14          Live Stop. That's not our gig, that's not  
15          what we're here for, sir. Our thing is to try  
16          to make an honest dollar. Every single body  
17          here, there's no drug addicts, dope fiends,  
18          ain't nobody selling nothing. We're selling  
19          ourselves to our people every single day.

20                  You think he's easy? Do you know  
21          how many times on 95 south or northbound I've  
22          had total losses where the people are looking  
23          at me saying, "I don't want to let go of my  
24          car." But you're tying up traffic two miles,  
25          you know what I mean. And the cop at that

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2 point say, "Take the car. Hook it and get it  
3 off of my highway."

4 So what are we supposed to do when  
5 the officers -- once again, the two that were  
6 over there sitting earlier explaining this  
7 rotation and everything. George don't come  
8 out there. How many times we've had to help  
9 them get these scenes cleared out, on the  
10 flip-overs on 95 hitting guardrails especially  
11 now with the new work area. You know what I  
12 mean.

13 COUNCILMAN MARIANO: Let me ask you  
14 this. What's the difference between -- I got  
15 a feeling you will tell me. I get an accident  
16 or the Councilwoman gets in an accident; who's  
17 the guys taking advantage of her but don't  
18 take advantage of me?

19 MR. LATORE: No one takes advantage  
20 of anybody, sir.

21 COUNCILMAN MARIANO: Somebody's  
22 taking advantage. I'm not saying it's you.  
23 Somebody's doing something. We had some  
24 examples here.

25 MR. LATORE: Not this table, not

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2 these people, here, sir.

3 COUNCILMAN MARIANO: We know who  
4 these guys are, right?

5 MR. LATORE: Quote/unquote, what  
6 you're saying, we guys are A selected few.

7 UNIDENTIFIED SPEAKER: That's why we  
8 tried to start the association

9 MR. LATORE: Exactly. We tried to  
10 start the association to weed them out and to  
11 show people good faith.

12 Listen, I'm Puerto Rican American,  
13 born and raised here in the United States of  
14 America. These gentlemen behind me are the  
15 same. We didn't fly in here nowhere. We got  
16 social security card. We pay our taxes. We  
17 got families to feed every day. Every single  
18 day -- I got a five-year-old daughter. I want  
19 to know what Mr. Rizzo wants me to tell my  
20 daughter. This morning, when I'm telling her  
21 every day since she's been born, "America is  
22 the greatest country in the freaking world" --  
23 it's a part of my expression. "The greatest  
24 country in the world because we don't have to  
25 sit in a line for two weeks to wait on bread

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2           and cheese. Daddy can make an honest living  
3           without putting a gun in his hand." You  
4           understand? What am I going to tell my  
5           daughter tonight when this bill goes in  
6           effect? And all I'm trying to do is make sure  
7           she has good schooling. This ain't for  
8           everybody, so get out of the business. This  
9           ain't for everybody, you know what I mean; get  
10          out the business.

11                 Again, we're not infringing on no  
12          salvage or no theft recovery. We're here to  
13          perform a service. And in return, we'd like  
14          to get reimbursed. Whether or not -- it ain't  
15          as glorified as a lot of these people are  
16          saying, as Dr. Ralph came up here talking  
17          those percentages. Jesus Christ, if I had  
18          those percentages, I'd probably be living up  
19          there in Roxborough and have a million dollar  
20          shop myself. You know what I mean?  
21          Unfortunately, I drive '95 Blazer, so let's  
22          get this real. The money ain't all that  
23          great. But we live doing it because this is  
24          what we're good at. You understand what I'm  
25          saying?

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2 And we basically listen to the hits  
3 every single day, and we perform a service.  
4 Yeah, in the beginning there was a lot of that  
5 scuffling and fighting and stuff like that.  
6 But it's over with. All of that is done and  
7 over with. How many times has an officer have  
8 to come to scene to break up a fight recently?  
9 In years. It's been a long time. Nobody out  
10 here is about that. Everybody has married,  
11 got homes, mortgages, car payments, families  
12 to feed. Don't nobody got no time to go to  
13 the emergency room, get stitched about no job.  
14 There's another one coming down the road. And  
15 we all trying to partner and work together.

16 Mr. Mariano, we beg you, implore  
17 you, sir, to not give this bill a chance  
18 because it's kill not only myself and these  
19 people here, but everybody that's out on the  
20 streets. What are we going to do? Honestly,  
21 we are we going to do if we can't work doing  
22 our thing no more?

23 COUNCILMAN MARIANO: What do you say  
24 to these guys that say, look, you're fearing  
25 something that you don't need to fear because

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2 it's unknown.

3 MR. WIECKOWSKI: Can I answer that?

4 COUNCILMAN MARIANO: Yes. Say your  
5 name for the record.

6 MR. WIECKOWSKI: My name is David  
7 Wieckowski. There's 26 hundred something tow  
8 trucks licensed in Philadelphia, right? And  
9 only 10 companies are on the theft recovery  
10 and abandoned vehicles. I tried to get on  
11 there, but you need a lot -- you've got to  
12 have a junk yard basically in order to get on  
13 there. You have to have a salvage yard. Now,  
14 if you can't afford a junk yard, you can't do  
15 their towing.

16 A friend of mine that is a salvager,  
17 Shaw, calls me up. I pull cars out for him  
18 once in a while. They give you tow for like  
19 10, 15 miles, 30 bucks. My flatbed payment  
20 alone and insurance is 20-something-hundred  
21 dollars a month. I'd have to be towing  
22 without sleeping every day.

23 COUNCILMAN MARIANO: You're not  
24 telling me Mr. Shaw is cheap, you're telling  
25 me you've got to hustle, right?

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2 MR. WIECKOWSKI: I'm not saying he's  
3 cheap. What I'm saying is they're charging  
4 75, they give you 30. They want to make money  
5 too.

6 So it's not fair to everybody, to  
7 dictate for everybody can make money out of  
8 it. The way it is with freedom of enterprise  
9 and all, we all go out make our own money.  
10 Nobody can stop us.

11 I mean, I remember when Mr. Richie  
12 over there from Towing Unlimited came here and  
13 started. He used to be Above All Towing. He  
14 came from New York and started here. Why?  
15 Because they got rotation in New York. He  
16 couldn't make it there. Now he came here, he  
17 got a salvage yard, he opened up. And he's  
18 with the rotation? Now he's in with that?

19 (Applause.)

20 MR. WIECKOWSKI: I've been doing  
21 this since 1986. You can check my driving  
22 record, anything you want. I got no reckless  
23 driving tickets, no speeding tickets, no  
24 blowing stop signs, red lights or nothing.  
25 And as far as guys going the wrong way and

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2           all, we're taxpayers. We pay a lot of money.  
3                   This guy over here started truck  
4           enforcement. You got truck enforcement. I  
5           pull up to an accident scene, the first thing  
6           they tell me, "I want all your paperwork,  
7           license, registration, pull out your broom,  
8           your shovel, your fire extinguisher, your  
9           first aid kit. If I'm a tow guy, why do I  
10          need to carry a first aid kit? So they like  
11          us to be first on the scene in case we gotta  
12          help somebody. So why knock us for what we  
13          do? We're not hurting nobody. We're not  
14          beating nobody up. Fights haven't been since  
15          '92. I was here in '92. I was young then. I  
16          still remember it, but people ain't beating  
17          each other up every day. They ain't driving  
18          as recklessly as everybody's saying. I mean,  
19          once in a while, yeah, you do get a guy that  
20          wants to do something wrong and all. That's  
21          why started the association. That's why we  
22          came up with this idea to start this  
23          association, keep informed so we can be part  
24          of this and we can know what's going on in  
25          Council.

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2 The only reason basically we found  
3 out with about this bill trying to be passed  
4 is because this guy printed it in the  
5 Inquirer. If he don't print it, we don't know  
6 nothing about it. You guys put it through,  
7 we're out of business.

8 COUNCILMAN MARIANO: Would you say  
9 he's the patron saint of the wreck-chaser?

10 MR. WIECKOWSKI: A lot of people  
11 don't like him, but sometimes he prints --

12 COUNCILMAN MARIANO: Mr. Ferrick, I  
13 think that's worth a hundred thousand dollars  
14 more from your editor.

15 MR. WIECKOWSKI: Listen. He is  
16 one-sided, though, he only prints the bad  
17 stuff. He don't print nothing good about us,  
18 but he prints the bad stuff but if it wasn't  
19 for him really, we wouldn't know about it.

20 COUNCILMAN MARIANO: He's got a lot  
21 of juice around. He should probably be a czar  
22 or something.

23 MR. WIECKOWSKI: If it wasn't for  
24 him, we wouldn't even know about this. And  
25 the bill would have got passed, they would

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2 have won. They don't tell us nothing.

3 MR. LATORE: The thing of it is  
4 also, Mr. Mariano, has Mr. Rizzo ever seen a  
5 person first impact with an airbag explosion  
6 and what happens to your face?

7 COUNCILMAN RIZZO: Listen, I want to  
8 sit here and not try to get into a debate with  
9 you, but we have police officers and  
10 paramedics that are supposed to be doing what  
11 you're doing. Thank God you've been there.  
12 But all I can tell you is that this isn't  
13 going to go away. And what you describe about  
14 the conduct -- I had a wreck-chaser come down  
15 the shoulder of the expressway about a month  
16 ago doing 60 miles an hour while traffic was  
17 dead stopped. If you consider that proper  
18 conduct --

19 MR. WIECKOWSKI: No. That's why  
20 we're starting the association. We want a  
21 number, a 1-800 number for complaints for  
22 reckless driving. We can find them, give them  
23 a warning, next time they're out of the  
24 association, take their tow license from them.

25 COUNCILMAN RIZZO: Eventually we're

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2           going to have rotation in this City. It might  
3           not happen today. It may happen two weeks  
4           from now. We're going to give you an  
5           opportunity to talk, but I can tell you it's  
6           got to get regulated. Wreck-chasing has been  
7           going on a long time in this City. And it's a  
8           bad situation when you've got trucks stopped  
9           on the wrong bound and drivers coming over the  
10          guardrail to try to be first at a wreck. It's  
11          a bad situation. And if you guys can clean it  
12          up, that's good.

13                   MR. WIECKOWSKI: We can clean it up.  
14          That's why we started the association.

15                   MR. PENA: It's also a bad  
16          situation --

17                   COUNCILWOMAN BROWN: State your name  
18          for the record.

19                   MR. PENA: My name is Albero Pena  
20          (ph). I'm a wreck-chaser.

21                   It's also a bad situation when you  
22          have some 4,000 tow truck drivers unemployed  
23          in this City. We pay our taxes. We have our  
24          business privileges licenses, a lot of us do.

25                   COUNCILMAN MARIANO: You all do,

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2 right?

3 COUNCILMAN RIZZO: There's no  
4 question about that. My question is -- and I  
5 think if you describe the process. When a  
6 person's involved and have an airbag  
7 deployment and you're putting a piece of paper  
8 in front of them while the blood's coming down  
9 their forehead asking them to sign a piece of  
10 paper that authorizes you to do the tow, and  
11 then in the fine print --

12 MR. WIECKOWSKI: No, we don't do  
13 that.

14 COUNCILMAN MARIANO: One of respond  
15 and give your name. What happens here is the  
16 stenographer has to write this all down, so  
17 she has to know who's talking. So if you're  
18 new, state your name.

19 MR. WHITE: Arnold White, and I'm a  
20 wreck-chaser. Back in '94 I had an  
21 opportunity to meet you at Ed's Texaco over at  
22 Ogontz and Washington Lane, Mr. Rizzo. I  
23 worked there for a number of years. And you  
24 were asking the reason I became a  
25 wreck-chaser. Because you told me then that

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2           it's all about enterprise. You told me a  
3           story one time when you used pay somebody to  
4           actually push the carts back to the shopping  
5           center right across the street and you would  
6           get 5 cent cut off of that. So I learned from  
7           you. I learn one thing from you. If I didn't  
8           learn anything, I learned that from you.

9                   This morning, just as a matter of  
10          fact, I start my night at 1 o'clock morning.  
11          I go 1:00 in the morning until 1:00 in the  
12          afternoon, just so you know.

13                  Eight o'clock there was an accident  
14          at Roberts and Wissahickon. A lady had glass  
15          in her head, still stuck in her head. I  
16          didn't push a towing agreement in her face. I  
17          didn't even tow her car and get paid it. I  
18          gave her a piece of gauze. I pulled her car  
19          to the side and didn't charge her a coin.

20                  So everything you're saying -- I  
21          mean, sometimes you're being very  
22          stereotypical about what you're saying. I'm  
23          wreck-chaser. I'm very proud to be a  
24          wreck-chaser. I've been doing it for a number  
25          of years. I provide a public service. That's

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2           what I do. Just so you understand.

3                   COUNCILMAN MARIANO: Could we do  
4           possibly something like this. Could I get --  
5           and this is serious. I've got to ask him, but  
6           maybe he could do it with you some night and  
7           see what it's like.

8                   Would you be willing to do something  
9           like that? I'm not trying to put you on the  
10          spot. I think we got to see what's going on.  
11          Because what happens is he's under the  
12          impression that there's a big deal going down  
13          and there's all this bad stuff going on. And  
14          we've been hearing these stories, and they  
15          happen and somebody's doing them. You happen  
16          to be -- let me tell you a secret. Never cut  
17          a politician short, especially when it's got  
18          the microphone. It's like a dog and bone;  
19          I'll bite your arm off.

20                  He believes this. I know him; he's  
21          a fair guy. He believes this. He doesn't do  
22          this because -- there's nothing in it for him.  
23          He might get a little recognition and maybe a  
24          story, but he don't play that. He's doing  
25          this because he really believes that there's

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2                   something wrong.

3                   Now, you guys have enough stones to  
4                   come here and say you're wreck-chasers. You  
5                   may not be the six or seven that do it, but  
6                   there's six or seven or maybe more out there  
7                   that do it. The message has to go out to  
8                   these guys that this is happening here,  
9                   regardless of what I do. It's not going to  
10                  happen today. I got something going on. I'm  
11                  trying to work something out, but my  
12                  colleagues are telling me that they're in  
13                  favor of it but they're alarmed by some  
14                  things. We need to be more involved because  
15                  we don't want to give everything to the Police  
16                  Department, but something has to changed.

17                  Now, what we're going to do is you  
18                  guys are still going to get to speak. We're  
19                  going to come back here and do this again at  
20                  the end of this month, if I can talk him into  
21                  this. We're going to have so many meetings.  
22                  You guys are going to have to come up with  
23                  some ideas and get involved in this process.  
24                  And then you're going to have to decide what  
25                  you want to do at the end. We can protect you

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2           for so long, but you got to see the way it's  
3           going.

4                   And guess what? Most of you guys  
5           live in my district, and I'm being straight  
6           out with you, just so you know. You got to be  
7           straight. I'd rather tell you the truth and  
8           then -- same with him and her and the rest of  
9           these Council People and maybe disappoint you  
10          than lie to you. As men, we've got to do  
11          that.

12                   Councilwoman Brown.

13                   COUNCILWOMAN BROWN: I need to say  
14          that I appreciate the testimony of these  
15          gentlemen. We needed to hear all sides of  
16          this issue, and you presented another  
17          perspective that needed to hear as a member of  
18          this Committee.

19                   I need to underscore the Chairman  
20          has said. We need to have your input in the  
21          ultimate final picture of this bill, because  
22          we're going to end up with something. We have  
23          responsibility to do something that's  
24          responsible, that's fair, that honors  
25          wreck-chasers who are contributing to the tax

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2 base as well as citizens who have been  
3 unfairly dealt with. So I need to underscore  
4 his recommendation that we use some time to  
5 work with the sponsor of the bill and give you  
6 a chance to offer up ideas you have to make  
7 the bill the best it can be. It's not going  
8 to go away. It just isn't. So the process  
9 requires us to give everyone a voice and  
10 contribute to the ultimate language in this  
11 bill.

12 MR. WIECKOWSKI: The thing of it is  
13 that the regulation you're trying to impose,  
14 can we at least be regulated by people who are  
15 in the industry or quote/unquote know the  
16 industry, know what we go through every single  
17 day?

18 Police officers, all due respect.  
19 Love them to death, but they don't know what  
20 we go through every day. And every day we  
21 come up to a scene --

22 COUNCILMAN MARIANO: That's why I  
23 suggested he rides with them.

24 MR. WIECKOWSKI: You said to let  
25 Rizzo ride with us. I started part of this

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2 association here and I've been talking to  
3 people. I heard years ago in Germantown he  
4 used to wreck-chase. I heard years ago he  
5 used to wreck-chase in Germantown.

6 COUNCILMAN MARIANO: Listen, he's a  
7 little shy. He's done a lot of things he's  
8 not going admit on the floor here today; let  
9 me tell you that.

10 MR. WIECKOWSKI: He used to blow the  
11 lights and run stop signs himself. I did a  
12 lot of my homework on this.

13 To answer your thing, how you said  
14 it's not for us to race there, it's police's  
15 job and the paramedic's job to help people,  
16 sometimes cops are tied up chasing a bank  
17 robber. I chase in Center City. There's bank  
18 robbers all day long. Sometimes they're  
19 chasing bank robbers and all. People are  
20 stuck in the accident. Nobody's there to call  
21 the ambulance. We just happen to be passing  
22 by or going on 676 or sitting there at one the  
23 good locations where the accidents happen, we  
24 see it, we call 911. We help these people.

25 COUNCILMAN MARIANO: Can I just ask

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2 you all this? We can talk still. But if this  
3 doesn't work out the way you want, the last  
4 things I want you to walk away. We're going  
5 to have some meetings. I want one of you guys  
6 or two of you guys to come.

7 MR. WIECKOWSKI: I'll be here. It's  
8 my life. I got a company, and it's my life.

9 COUNCILMAN MARIANO: And some of  
10 them guys are going to be her, somebody from  
11 the police department. We're going to get  
12 this to a point where this happens.

13 You guys okay with all of that? You  
14 got my word on that.

15 Anybody else want to say anything?  
16 We're going to come back October 20th.

17 MR. PENA: I just want to remind the  
18 Panel that we're the little guys here and this  
19 is our bread and butter.

20 COUNCILMAN MARIANO: Your name for  
21 the record.

22 MR. PENA: Albero Pena. And I'd  
23 just like to leave with this. We're the  
24 little guys here. This is our bread and  
25 butter. This is our living. And we are

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2 taxpayers in the City of Philadelphia.

3 COUNCILMAN MARIANO: We hear you.

4 MR. LATORE: This is the one time we  
5 can honestly say we are the minority and it  
6 ain't got nothing to do with our color. You  
7 know what I mean? In all honesty, we are the  
8 minority out here. We can't deal with the big  
9 junk yards. We're not trying to go after that  
10 gig.

11 COUNCILMAN MARIANO: From a guy  
12 that's actually the minority on the street, I  
13 hear you. So we're going to come back here  
14 October 28th at 2 o'clock.

15 Now, what we're going to do is Mr.  
16 Lisko and the Councilman's aid are going to  
17 set up some meetings. It's going to probably  
18 be one or two week for the next couple weeks.  
19 I don't want seven guys from each group. I  
20 want two guys that are leaders from each group  
21 come and let's work this out because the world  
22 is not about everybody getting what they want  
23 all the time. But this has gone on too, too  
24 far.

25 But again, on my personal, I

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2       appreciate you guys' honesty. This country is  
3       about guys like you hustling, so don't ever  
4       stop. But sometimes you get to the point  
5       where you deserve a piece of the economic pie  
6       too, you really do. It might not have to be  
7       with you out there 20 hours a day knocking  
8       your socks off. There's a way, believe me.

9                   This is adjourned. It's going to be  
10       continued to October 28th at 2 o'clock.

11                   (Council adjourned at 5:25 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing  
proceedings of the Council of the City of  
Philadelphia of Tuesday, October 12, 2004,  
were reported fully and accurately by me, and  
that this is a correct transcript of the same.

RE: COMMITTEE ON LICENSES AND INSPECTIONS

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Lisa C. Bradley, RPR