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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING

COMMITTEE ON STREETS

- - - -

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, May 28, 2004
11:25 a.m.

- - - -

BILL 040370 - an ordinance amending the ordinance approved January 3, 1992, Bill No. 1205-AA, which pursuant to Subsection 9-204, Section (8)(a) of Philadelphia Code, designates the locations in Center City at which vending is permitted, by deleting all permitted vending locations on both sides of Eighth Street between Market and Chestnut Streets

PRESENT:
COUNCILMAN JUAN RAMOS, Vice Chair
COUNCILMAN DAVID COHEN

ALSO PRESENT:
Ellen Berkowitz
Rosalie Leonard

- - - -

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2 COUNCILMAN RAMOS: Good morning,
3 everyone. This is a continued hearing of the
4 Committee on Streets and Services from May the
5 26th.

6 The Clerk will read the title of the
7 first bill.

8 THE CLERK: An ordinance amending
9 the ordinance approved January 3, 1992, Bill
10 No. 1205-AA, which pursuant to Subsection
11 9-204, Section (8)(a) of Philadelphia Code,
12 designates the locations in Center City at
13 which vending is permitted, by deleting all
14 permitted vending locations on both sides of
15 Eighth Street between Market and Chestnut
16 Streets.

17 COUNCILMAN RAMOS: Thank you. I am
18 Councilman Juan Ramos, Vice Chair of the
19 Committee on Streets and Services. To my
20 left, a fellow member of this Committee,
21 Councilman David Cohen.

22 At this time I would like to call to
23 the witness table Paul Lonie and Mr. Charles
24 Denny.

25 At this time, I'll turn over the

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2 microphone to my esteemed colleague Councilman
3 Cohen.

4 COUNCILMAN COHEN: Thank you,
5 Councilman Ramos.

6 How did this ordinance develop? How
7 did you get involved in this ordinance?

8 MR. LONIE: The ordinance that's
9 before the Committee today, sir?

10 COUNCILMAN COHEN: Yes.

11 MR. LONIE: It's generally presented
12 to the Streets Department --

13 COUNCILMAN COHEN: I'm not going to
14 ask you to give me reports on general things.
15 I asked the question, how did you get involved
16 in this particular ordinance, not how you get
17 involved generally. If I have a question
18 about dealing with things generally, I will
19 make that.

20 MR. LONIE: This was an ordinance
21 requested by Councilman DiCicco.

22 COUNCILMAN COHEN: And when you get
23 such an order or request, what do you do? Do
24 you docket it in any way?

25 MR. LONIE: With this type of

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2 ordinance, I'm not particularly sure, sir. I
3 don't know.

4 COUNCILMAN COHEN: What's that?

5 MR. LONIE: With this particular
6 type of ordinance where they're dealing with
7 street vendors and things like that, that's
8 really a Councilmanic decision where they
9 choose to place or not place vendors within a
10 certain geographic location.

11 COUNCILMAN COHEN: There's no safety
12 factor involved at all?

13 MR. LONIE: We would like to make
14 sure that there's no conditions that are
15 created by having too narrow the sidewalk.

16 COUNCILMAN COHEN: So there are --

17 MR. LONIE: There are some things
18 that are looked at in this type of a
19 situation, yes.

20 COUNCILMAN COHEN: So a
21 Councilmember may ask for something that
22 creates a problem or may not create a problem.
23 How do you find that out, whether it creates a
24 problem or not?

25 MR. LONIE: Generally, we go by ADA

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2 requirements and things like that in this type
3 of an ordinance. If there's a newsstand --

4 COUNCILMAN COHEN: Could you speak
5 directly into the microphone. I'm getting a
6 general mumble.

7 MR. LONIE: I'm sorry.

8 COUNCILMAN COHEN: That's better.

9 MR. LONIE: If someone wants to vend
10 on a street and it upsets the ADA requirements
11 which is for a minimum of five feet of street
12 clearance, then we would object to that simply
13 for safety reasons.

14 COUNCILMAN COHEN: Yes, go ahead.

15 MR. LONIE: And the City Plan has a
16 certain street width for the sidewalk. And if
17 this vendor wanted to locate in a place that's
18 too narrow, we would object to that.

19 COUNCILMAN COHEN: Now, to object to
20 any of those things, you'd have to have that
21 information, right?

22 MR. LONIE: That's correct.

23 COUNCILMAN COHEN: Now, you don't
24 know that offhand, do you, about every place
25 in the City?

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2 MR. LONIE: We do. Every place in
3 the City must be on the City Plan with a
4 designated street with a sidewalk width.

5 COUNCILMAN COHEN: But don't you
6 have to check it out to see whether that's the
7 case?

8 MR. LONIE: If someone comes to us
9 with a question of the correctness of that, we
10 would go check it out. But other than that,
11 the street widths and the sidewalks are set by
12 Council, they're not necessarily set by us.
13 You authorize us to make those widths, so we
14 have to keep records of the width of every
15 sidewalk, legal sidewalk, that is, in the
16 City.

17 COUNCILMAN COHEN: And if I wanted
18 to know at a given time whether there had been
19 a request from anybody, from a Councilman or
20 from anybody for a change in a situation
21 affecting vendors, how could I as a citizen of
22 this City find that out? Could I call the
23 Streets Department to find out has any request
24 been made for a change?

25 MR. LONIE: You could call the

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2 Streets Department, the head of our
3 right-of-way unit is a man by the name of John
4 Cunningham, you could direct your questions to
5 him. It's his unit that would deal with those
6 types of situations.

7 COUNCILMAN COHEN: How would he have
8 known whether Councilman DiCicco or anybody
9 else requested this change?

10 MR. LONIE: I'm sure in his -- I'm
11 not sure specifically how he does it, but I'm
12 sure, like any other place in the City, when
13 there's a Councilmanic request we keep a
14 record of that because we must respond to it
15 within a certain time period.

16 COUNCILMAN COHEN: Where do you keep
17 a record of it?

18 MR. LONIE: It would be kept in the
19 individual units that deal with that sort of
20 thing. Again, that's on the 9th floor of the
21 Municipal Services Building, the right-of-way
22 unit is where those records would be kept.

23 COUNCILMAN COHEN: And is there any
24 standard for the keeping of those records?

25 MR. LONIE: Standard within the

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2 unit, not standard throughout the Department.

3 COUNCILMAN COHEN: What's that
4 again?

5 MR. LONIE: It would be standard
6 within the individual units, not standard
7 throughout the entire Streets Department on
8 how those records are kept.

9 COUNCILMAN COHEN: You mean the unit
10 could decide whether it wanted to keep a
11 record or didn't want to?

12 MR. LONIE: No, no. They all must
13 keep records, but how specifically those
14 records are kept are up to the individual
15 units, not necessarily --

16 COUNCILMAN COHEN: What would be the
17 information in the record?

18 MR. LONIE: When the request was
19 made, who the request came from, and any
20 action taken on the request, and that's kept
21 all by the individual units. Whether it's a
22 City Plan change that's kept by my unit; a
23 traffic change, that's kept by Charlie's unit
24 or; again, a right-of-way which in this case
25 it would be kept by John Cunningham, the

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2 right-of-way manager.

3 COUNCILMAN COHEN: Would that record
4 be available to the public?

5 MR. LONIE: Of course.

6 COUNCILMAN COHEN: How is it
7 available? Can a request be made for the
8 record and a copy furnished?

9 MR. LONIE: Absolutely. It's part
10 of the public record.

11 COUNCILMAN COHEN: What's that?

12 MR. LONIE: It's part of the public
13 record. The files we keep are discoverable
14 and anybody can basically have access to them
15 unless it's privileged information, if we deal
16 with the Law Department. But other than that,
17 everything is public record. Any dealings we
18 have with the public would be --

19 COUNCILMAN COHEN: Well, I don't
20 know what you mean when you say it's a public
21 record. I know what a public record is
22 supposed to be. But how does the citizen
23 learn that it's a public record? How does the
24 citizen get the information on the public
25 record?

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2 MR. LONIE: If they call the Streets
3 Department, they would be directed to the
4 right-of-way unit and that person would be
5 told exactly how they could get that
6 information.

7 COUNCILMAN COHEN: Will the
8 information be furnished in writing?

9 MR. LONIE: If there is written
10 information. If this was not a verbal or an
11 e-mail request from a Councilmember, then,
12 yes, of course.

13 COUNCILMAN COHEN: Does a request
14 have to come from a Councilmember?

15 MR. LONIE: No, it can come from a
16 private citizen. If it comes from a private
17 citizen, it's definitely in writing, though.

18 COUNCILMAN COHEN: And suppose that
19 request has been made and has not been met,
20 what does the citizen do?

21 MR. LONIE: They would probably
22 eventually call the Streets Commissioner or
23 their District Councilperson and say, "I had
24 this request in. It has not been met. Can
25 you help me?"

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2 COUNCILMAN COHEN: Well, I
3 understand there have been efforts made to get
4 information from the Streets Department and
5 requests have been made and they've been
6 promised that they would get the request, but
7 nothing has been forthcoming, that that's how
8 the Streets Department continually keeps
9 things private that ought to be made public by
10 not furnishing them.

11 Now, what does a citizen do or the
12 office do if the request has not been compiled
13 with? To whom do they complain?

14 MR. LONIE: Again, they can talk to
15 the Streets Commissioner. For the most part,
16 if whatever information someone is seeking is
17 available, it's complete -- I would hate to
18 share information with anyone that's not
19 necessarily complete because that could be
20 misleading. Once that's complete, I'm sure
21 that can be shared with anyone that asked for
22 it.

23 COUNCILMAN COHEN: Is that left to
24 the will of the person in charge of the unit
25 to make the decision as to whether the

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2 information is complete and is ready to be
3 divulged and should be divulged? Or is there
4 a body that makes that decision?

5 MR. LONIE: No, there's no body that
6 makes that decision. It would be up to the
7 individual unit because everyone works
8 slightly differently. My plans for curb lines
9 and different things like that have a
10 different process than a right-of-way if you
11 were asking for a vendor or a trash dumpster
12 or if you were asking for a stop sign or some
13 other type of traffic device.

14 COUNCILMAN COHEN: Does the Council
15 Office have greater rights than the citizens
16 to obtain this information, or do you have
17 equal rights?

18 MR. LONIE: No. They can probably
19 make us finish whatever we need to finish
20 faster than a private citizen could, but they
21 don't have any greater rights to look at
22 anything.

23 COUNCILMAN COHEN: I'm sorry, I
24 didn't get that.

25 MR. LONIE: If we don't finish

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2 something completely -- I mean, a
3 Councilmember says, "I need this finished," we
4 would probably have to make that more of a
5 priority than if a private citizen said that.
6 But other than that, the same availability of
7 the information is there. If it exists, we'll
8 share it. If it does not exist to its fullest
9 extent, we can't share it.

10 COUNCILMAN COHEN: What happens if
11 other requests come in about the request
12 that's already made, other people come in,
13 call, inquire, do their inquiries get listed
14 in the same place?

15 MR. LONIE: They get told who at
16 this point in the process has that information
17 that they're looking for. I've had some
18 e-mails from some inquiries of different
19 things like that that I don't have the
20 information some of these citizens have been
21 looking for, but I did put them on to Mr.
22 Denny who when he's finished whatever
23 investigations he needs and whatever section
24 of the City he's working in, then I'm sure
25 he'd be willing to share that information.

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2 COUNCILMAN COHEN: Is a file note
3 who has made inquiries about the case?

4 What happens if I call up about a
5 request made by Councilman DiCicco, I as a
6 Councilmember make a request that be noted in
7 the file that Councilman Cohen showed an
8 interest in the question and he approved or
9 disapproved it or had no comment, merely
10 wanted information, whatever my comment is,
11 would that appear in the file?

12 MR. LONIE: If it were a
13 conversation between you and someone in the
14 Department, probably not. If it was an
15 official request in writing, then of course it
16 would be noted in the file, or an e-mail. I
17 mean, we have some -- we have a process --

18 COUNCILMAN COHEN: Wouldn't it be
19 interesting for people to know who's inquiring
20 about matters? It might be totally irrelevant
21 and it may appear so on the surface that Harry
22 Evans of 327 Westmont Street made a request
23 for further information about this and
24 somebody might know that person or may not
25 know. They could form a judgment. But

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2 wouldn't it be interesting why was that
3 request made.

4 MR. LONIE: If they have come
5 through the Streets Department information
6 system -- we have a information system, and
7 the request is noted, their name and address
8 is taken, and that is passed on to the unit
9 that's in charge of whatever project that
10 happens to be. That is always noted.

11 If someone puts it in writing
12 there's a Councilmanic means of transmitting
13 or request directly to the Streets Department
14 and these stay open until they're addressed
15 either by the Commissioner or by the unit
16 head, they're always on the record.

17 COUNCILMAN COHEN: Suppose I made a
18 request to the Commissioner for something to
19 happen, say, in this vendor situation, and I
20 talked directly to the Commissioner and not to
21 the unit. Would that be noted in the file
22 somewhere so my interest could be seen?

23 MR. LONIE: If the Commissioner
24 chose to share that with the unit head, it
25 probably would be noted. If the Commissioner

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2 for whatever reason decided not to share that
3 with the unit head, it probably would not be
4 noted. We would have no way of knowing that
5 information.

6 COUNCILMAN COHEN: Suppose the unit
7 knew that the Commissioner had called a head
8 of the unit saying, "You're going to get a
9 request from Councilmember So-and-so about
10 this item; make sure you handle it properly
11 and appropriately."

12 Wouldn't that be noted in the record
13 that a Councilmember had notified the
14 Commissioner of an interest in a matter and
15 that the Commissioner called to make sure it
16 was properly handled?

17 MR. LONIE: I can only speak for
18 myself in that situation. I probably would
19 not necessarily place that in the file. But I
20 would alert anyone on my staff that -- we'll
21 say Councilman Cohen called, I would like to
22 speak to him directly because he expressed an
23 interest in this.

24 COUNCILMAN COHEN: Well, how would
25 the public ever get to know that I had shown

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2 an interest in the matter?

3 MR. LONIE: If it was just a
4 conversation, then I probably would not. I'm
5 just saying if you had placed something in
6 writing, if you sent me an e-mail that said,
7 "I'm interested in this. Anything further
8 going along, I'd like to be informed," or
9 whatever like that, I would have to deal with
10 that.

11 COUNCILMAN COHEN: Well, you used
12 the word conversation. Is there ever just
13 plain conversation between a Councilmember and
14 a staff member that deals with the subject
15 matter of the staff member's work or possible
16 work?

17 MR. LONIE: It, of course, could
18 possibly happen. The Councilmember can call
19 anyone they choose.

20 COUNCILMAN COHEN: Suppose the Mayor
21 were interested in that proposal, whatever
22 this proposal about eliminated vendors on
23 Eighth Street that are permitted in the bill,
24 would that be noted?

25 MR. LONIE: If it was a

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2 conversation, no, it probably would not be
3 noted. It would be noted mentally, that's for
4 sure.

5 COUNCILMAN COHEN: What would be
6 noted?

7 MR. LONE: It would be noted
8 mentally that the Mayor had called and said,
9 "I'm really interested in this. I want to
10 know what's going on." Then I, of course,
11 would make a mental note. But would I ever
12 put that in the thing, I probably wouldn't.
13 It's just the way I am. If the Mayor sends
14 something to me in writing --

15 COUNCILMAN COHEN: Is there a rule
16 or requirement that all such interceptions be
17 recorded?

18 MR. LONIE: If they're in writing,
19 then absolutely. I can't throw them away and
20 dismiss it.

21 COUNCILMAN COHEN: Are you saying as
22 long as the Mayor or whoever it was made the
23 call, did it in an oral way, not in writing,
24 it wouldn't be noted?

25 MR. LONIE: I can only, again,

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2 Councilman, speak for myself. If the Mayor --

3 COUNCILMAN COHEN: But aren't there
4 any rules by which you're governed, or does
5 each individual make its own rules?

6 MR. LONIE: I don't know if there's
7 anything that unless something is corresponded
8 in writing that there's a necessary
9 requirement of keeping that within a file. If
10 I'm in a passing conversation with the Mayor
11 or with anybody in Council, I don't know if
12 I'm required to go back to my office and keep
13 that in a specific file unless there's a
14 direct response that's required.

15 COUNCILMAN COHEN: Well, don't you
16 think it's of interest to the people to know
17 of Mayoral action; interference some people
18 might call it; good sound intervention, other
19 people might call it. But however they define
20 it, isn't it a matter of importance to the
21 public to know the Mayor, for one person, is
22 interested in something or has shown an
23 interest in it?

24 MR. LONIE: Well, that's true. I
25 mean, I suppose it would be interesting to

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2 show.

3 COUNCILMAN COHEN: Well, then why
4 would you feel that you don't have to include
5 a notation that the Mayor called to inquire
6 how things were going?

7 MR. LONIE: Well, mainly because in
8 the Streets Department, we're in the Civil
9 Service. It's our responsibility to give
10 information, to make sure things are
11 technically correct, to make sure that certain
12 information is known.

13 But any decisions that are made on
14 any of these bills is not the responsibility
15 of the Streets Department; it's the
16 responsibility of this Council or the Mayor.
17 We're not elected into that position. And all
18 we can do is furnish the information that's
19 asked for. If the Mayor's interested in
20 something --

21 COUNCILMAN COHEN: But you hide
22 information. If you have information that the
23 Mayor or another high official has made
24 inquiries about something, but you take
25 advantage of the fact that it was done orally

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2 and so there's no record of it, you take steps
3 to make sure that no record of it does appears
4 anywhere, you don't put it anywhere. It's
5 between you and the person that called that
6 such a call was made. Aren't you denying the
7 public the opportunity to know really who's
8 interested in the subject, what levels of
9 government they are, and what the nature of
10 their interest is?

11 You have that information, but
12 because you didn't get it in written record,
13 you felt no need to cover that.

14 MR. LONIE: Well, the information
15 doesn't change, no matter who's interested or
16 not interested in it. The information remains
17 the same. If the Mayor happens to be
18 interested in certain information, it's my
19 responsibility to make sure that information
20 is correct, not that the Mayor is interested
21 or not interested in it. Therefore, his
22 showing a interest in certain information is
23 not going to affect the information itself.

24 COUNCILMAN COHEN: You mean in
25 theory it shouldn't affect the information.

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2 MR. LONIE: It shouldn't affect the
3 information.

4 COUNCILMAN COHEN: Well, how do you
5 know what the necessary information you're
6 going to need on the subject?

7 Take this matter that I'm raising
8 with you on the vendors, to know what are the
9 factors you use to decide whether or not
10 vendors should remain on a street.

11 MR. LONIE: Whether or not there are
12 other vendors --

13 COUNCILMAN COHEN: At these
14 particular locations, in this bill, you have a
15 request from Councilman DiCicco about the
16 bill. How do you decide that it's a good
17 thing or not?

18 MR. LONIE: We can't decide. It's
19 not our responsibility to decide if it's a
20 good thing or not. That's your responsibility
21 as City Council. It's our responsibility to
22 say if it's safe, if it's technically correct,
23 and if it's within the Code. And if not, then
24 we have to inform you of those facts. Whether
25 it's correct or incorrect --

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2 COUNCILMAN COHEN: Instead of
3 dealing in generalities, why don't you give
4 specifically.

5 You got this request from Councilman
6 DiCicco. How did you go ahead and deal with
7 it?

8 MR. LONIE: Well, we would have to
9 go out and check. As you know, there's only a
10 certain amount of venders that are allowed on
11 any number of corners within a certain area.
12 There's a certain requirement for the street
13 width of the sidewalks in certain areas and do
14 they have the technical ability -- if you have
15 two street vendors on two corners, I don't
16 believe you can put a third unless there's
17 strange circumstances.

18 COUNCILMAN COHEN: Well, wouldn't
19 you have known that without a complaint from
20 Councilman DiCicco?

21 If someone comes in, applies for a
22 permit to put that there, we would have to
23 take a look and see if we could legally grant
24 that permit. If we say -- we would come
25 before this Council at that point in time and

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2 say, "We have no objection," which means we
3 have no technical objection. And the
4 rightness or the wrongness of that is up to
5 the Council. We can only testify on the
6 technical side of any of these things.

7 COUNCILMAN COHEN: And you don't do
8 any checking yourself to see whether or not
9 something that's technically in compliance
10 today has been changed later on at any later
11 time? We assume it always remains the same?

12 MR. LONIE: If someone has
13 permission by this Council to occupy a space
14 within the right-of-way, and as long as they
15 keep their permits current, there's probably
16 no reason unless we narrowed or widened the
17 sidewalk in any given spot to check on that
18 because the Council has already ordained that
19 they have the ability to be there.

20 COUNCILMAN COHEN: Well, say Council
21 ordains that as of a given time. The Streets
22 Department never bothers to check whether or
23 not the vendor just is using one location.
24 Maybe the vendor decided that next time it was
25 too much red tape spent getting permission

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2 last time; this time he just move ahead
3 because he knows nobody is watching.

4 MR. LONIE: I mean, we don't have
5 the number of inspectors perhaps we should to
6 go out and do that. But believe me, the other
7 vendors in the area will inform us if someone
8 moves to a place where they weren't before and
9 then we will look at something.

10 COUNCILMAN COHEN: Does this
11 requirement as to the number of corners you go
12 on, does that have anything to do with safety
13 factors?

14 MR. LONIE: I'm not sure why that is
15 the way it is. I just know that that is the
16 rule. And for the most part, once we come
17 through and say everything is okay, L&I is the
18 one that regulates the vendors that are on the
19 streets. And as long as they keep their
20 permits current, then I think there's no
21 reason for them not to be there unless, again,
22 like in this bill here, the Council decides
23 that there's maybe too many and they want a
24 lesser number to be there. That's a
25 Councilmanic decision, not necessarily one by

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2 the Streets Department.

3 COUNCILMAN COHEN: The Committee
4 will stand in recess for about 30 seconds.

5 (Brief recess.)

6 COUNCILMAN COHEN: I'm going to ask
7 Ellen Berkowitz, Clerk of the Committee, to
8 direct some questions of the witnesses.

9 Ms. Berkowitz, proceed.

10 MS. BERKOWITZ: Mr. Lonie, you've
11 outlined a number of procedures that you
12 follow in the case of street vendors. Are
13 these procedures that you would follow in
14 other areas as well generally?

15 MR. LONIE: The different requests
16 come in very different means.

17 MS. BERKOWITZ: Well, suppose you
18 had a request for opening a new street. How
19 would that request proceed?

20 MR. LONIE: That would come through
21 the Streets Department. That would have to
22 come from a private citizen.

23 MS. BERKOWITZ: A private citizen
24 would request an opening of a street?

25 MR. LONIE: Yes. Or a widening or a

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2 narrowing or anything like that.

3 MS. BERKOWITZ: It would not come
4 from a Councilperson?

5 MR. LONIE: No.

6 Can I explain why?

7 MS. BERKOWITZ: Yes.

8 MR. LONIE: Council would send
9 requests, and I would talk to the individual
10 Councilperson and say, "I need a request to
11 come from the individual people because it's
12 their property that's going to be affected
13 and, therefore, we're going to ask them to
14 sign some releases and different things like
15 that.

16 MS. BERKOWITZ: I'm sorry. You were
17 explaining that opening a street, for
18 instance, or widening it, the request would
19 come from private citizen?

20 MR. LONIE: Yes, it would. One of
21 the requirements in the Code is that someone
22 called a parting interest must make the
23 request. They have to have a viable interest
24 in the street itself, which means they must be
25 an abutting property owner.

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2 MS. BERKOWITZ: And that would be
3 true for a directional change as well?

4 MR. LONIE: That would not be true
5 for a directional change.

6 MS. BERKOWITZ: How would that come
7 to be?

8 MR. LONIE: I will let Mr. Denny
9 answer that question.

10 MR. DENNY: Directional changes can
11 come from constituents to Council, from the
12 Councilpersons themselves, the District
13 Councilpersons, or it can be an administrative
14 function from the Streets Department if we're
15 trying to resolve a safety problem.

16 MS. BERKOWITZ: And Mr. Lonie
17 indicated that he keeps a record, for
18 instance, in the case of -- the right-of-way
19 unit would keep a record of who made the
20 request; is that correct? Would you do that
21 as well?

22 MR. DENNY: All written requests we
23 have a record of and all requests that have
24 actions we have record of.

25 MS. BERKOWITZ: What are your

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2 responsibilities generally, Mr. Denny?

3 MR. DENNY: I oversee the
4 engineering section of the traffic engineering
5 division. Traffic engineering division
6 maintains signs and signals for the City of
7 Philadelphia.

8 MS. BERKOWITZ: What does
9 maintaining signs and signals mean?

10 MR. DENNY: Determines whether they
11 are required to be in a location and if
12 they're missing that we put them back. In the
13 case of signals, when there's signals
14 operation, we maintain them and make sure
15 they're continuing to function. We also
16 determine whether or not certain types of
17 traffic control devices should or should not
18 be installed.

19 MS. BERKOWITZ: Does your department
20 conduct traffic studies?

21 MR. DENNY: Yes.

22 MS. BERKOWITZ: How many of those do
23 you conduct a year?

24 MR. DENNY: I don't know because you
25 can define a study in many different ways. I

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2 mean, every time we look at something, we
3 basically call it an investigation but you can
4 call it a study also. So the numbers are
5 different. There are different levels of
6 studies that I we do.

7 MS. BERKOWITZ: Are you familiar
8 with the PennDOT regulations regarding the
9 change of the direction of traffic?

10 MR. DENNY: Yes.

11 MS. BERKOWITZ: And what are they?

12 MR. DENNY: PennDOT really doesn't
13 have regulations that deal so much with
14 direction of traffic. They basically do
15 require you to look at what is occurring, what
16 the street characteristics are, what the
17 street widths, the street classification is,
18 what the volume is on the streets. But
19 generally, PennDOT leaves whether a street is
20 one-way or two-way, unless it's a state
21 highway, to the local municipalities.

22 COUNCILMAN COHEN: Excuse me. What
23 do you mean they require you? Does PennDOT
24 walk in? Does a body walk in or does
25 something called PennDOT regulations walk in

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2 and tell you do so and so? How do you know
3 what you have to do and what you're required
4 to do?

5 MR. DENNY: PennDOT has regulations
6 that we follow and we get copies of those
7 regulations.

8 COUNCILMAN COHEN: What's that?

9 MR. DENNY: PennDOT has regulations
10 that we follow and we have copies of those
11 regulations.

12 COUNCILMAN COHEN: What are those
13 regulations that require you to do whatever it
14 is you do?

15 MR. DENNY: In most cases,
16 Publication 201 covers most studies. There's
17 also the sign manual and sign regulations that
18 deal with what signs go in what locations.

19 COUNCILMAN COHEN: Are there any
20 regulations you have to switch and permit
21 PennDOT itself to do?

22 MR. DENNY: I didn't understand that
23 question.

24 COUNCILMAN COHEN: Well, PennDOT is
25 an organization?

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2 MR. DENNY: Correct.

3 COUNCILMAN COHEN: It has people
4 working for it?

5 MR. DENNY: Correct.

6 COUNCILMAN COHEN: It has engineers?

7 MR. DENNY: Correct.

8 COUNCILMAN COHEN: Do they do
9 anything?

10 MR. DENNY: Yes.

11 COUNCILMAN COHEN: Do the PennDOT
12 engineers do any work?

13 MR. DENNY: They maintain their
14 highway system.

15 COUNCILMAN COHEN: How do you know
16 whether they feel they ought to be doing it or
17 you ought to be doing something?

18 MR. DENNY: In the case of City of
19 Philadelphia, it's a City of the first class.
20 Most traffic engineering functions are handled
21 by the City. PennDOT only host traffic
22 regulations on the limited access expressways.

23 COUNCILMAN COHEN: Thank you.

24 MS. LEONARD: Does PennDOT describe
25 the procedures that the City is to go through

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2 in doing a traffic study?

3 MR. DENNY: No, it does not.

4 MS. LEONARD: They don't do that in
5 their regulations?

6 MR. DENNY: Not for changing
7 directions.

8 MS. LEONARD: Well, what does 201.51
9 apply to?

10 MR. DENNY: It applies to a number
11 of different elements. It applies to speed
12 limits, whether or not you would prohibit
13 trucks, the posting of all way stop signs, the
14 installation of traffic signals. It also
15 regulates angle parking, where it is or is not
16 allowed based on width.

17 MS. LEONARD: But it doesn't pertain
18 to changes in direction?

19 MR. DENNY: No, it does not.

20 MS. LEONARD: It only applies to
21 one-way streets? What does that mean?

22 My understanding is that 201.51
23 applies to a traffic study pertaining to
24 one-way streets.

25 MR. DENNY: Not directly, but you

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2 can use it when you're looking at a one-way
3 street pattern. One-way streets are the
4 function of a local government, and PennDOT
5 would not be involved unless it was a state
6 highway.

7 MS. LEONARD: So what kind of
8 analysis do you do when you conduct this
9 study? What are the criteria?

10 MR. DENNY: We classify the street,
11 whether it's local, collector, or through
12 street arterial. We look at what the crash
13 history is on the street. We look at the
14 widths of the street, the geometrics, whether
15 it can handle two-way traffic or it can't
16 handle two-way traffic. We look to see that
17 whatever properties along the street have
18 access.

19 MS. LEONARD: Do you look at the
20 impact on surrounding streets?

21 MR. DENNY: Yes, that is looked at.

22 MS. LEONARD: And what would you
23 consider to be the length of an average study,
24 how many days, for example, how many months?

25 MR. DENNY: Well, average studies

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2 you're not studying consistently. You're
3 doing studies and you're doing other work, so
4 sometimes you have to collect data. Until
5 that data is collected, you can't really
6 analyze something. But the final evaluation
7 could probably be done in an hour or two once
8 all the data that is available was collected
9 if it's needed.

10 MS. LEONARD: Well, how is the data
11 collected? Is somebody there on a daily
12 basis?

13 MR. DENNY: Someone where on a daily
14 basis?

15 MS. LEONARD: At the particular
16 location, at the street where you're dealing
17 with a change in direction, the posting of a
18 traffic signal.

19 MR. DENNY: Someone would go out on
20 the required times and observe the
21 intersection, maybe do traffic counts. We
22 also have devices that record traffic volume
23 and speed that we might place at locations.

24 MS. BERKOWITZ: When you put
25 together a report on such a study, what does

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2 the report include?

3 MR. DENNY: It probably just
4 includes general information. It doesn't
5 necessarily go into specifics.

6 MS. BERKOWITZ: What happens to the
7 supporting data that went into the report?

8 MR. DENNY: It's probably in a file
9 somewhere.

10 MS BERKOWITZ: Is that information
11 available to the public?

12 MR. DENNY: I would have to check to
13 see what is. Not everything we have is
14 available.

15 MS. BERKOWITZ: Why would something
16 not be available to the public?

17 MR. DENNY: Well, certain crash
18 information would not necessarily be available
19 if it was specific to individuals.

20 MS. BERKOWITZ: Well, for instance,
21 if I go the police district and I ask them how
22 many accidents of a particular kind occur in a
23 particular area, they will give me that
24 information without giving me the identity of
25 the individuals. Why is that not something

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2 that you --

3 MR. DENNY: That is information that
4 is available, that can be made available.

5 MS. BERKOWITZ: Does the report take
6 into account what type of accidents there are?

7 MR. DENNY: If necessary, yes.

8 MS. BERKOWITZ: When would it be
9 necessary?

10 MR. DENNY: It would depend on the
11 particular problem you're looking at. If
12 you've got specifics and the number of
13 crashes. We sometimes specifically look at
14 locations because we have crash problems.

15 MS. BERKOWITZ: Well, supposing that
16 something said that there was a change from 30
17 crashes to 15 crashes, that wouldn't tell you
18 what type of crashes they were, would it?

19 MR. DENNY: Not necessarily, no.

20 MS. BERKOWITZ: Why is that
21 information not relevant to the study?

22 MR. DENNY: It can be relevant. It
23 depends on what you're looking at. If we did
24 a function and we want to determine whether
25 that function was working, we would look at it

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2 more closer and determine what those crashes
3 were.

4 MS. BERKOWITZ: When you were
5 looking at the impact of a traffic change of
6 any kind on the surrounding area, do you look
7 into what public transportation routes there
8 are and what would have to be diverted as a
9 result of any change?

10 MR. DENNY: We look to see if
11 there's any SEPTA routes that would be
12 diverted, yes.

13 MS. BERKOWITZ: Is that detailed in
14 the report as well?

15 MR. DENNY: Only if there is SEPTA
16 routes.

17 MS. BERKOWITZ: Only --

18 MR. DENNY: If there are routes that
19 are affected they would be shown. If there
20 are no routes that are affected, then it
21 wouldn't be shown.

22 MS. BERKOWITZ: When you look at the
23 impact of a traffic change on the surrounding
24 area, does your study and subsequently your
25 report reflect the number of children under

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2 the age of 18 on a given block?

3 MR. DENNY: No.

4 MS. BERKOWITZ: Why not?

5 MR. DENNY: It's not information we
6 generally have available. We don't have a
7 real way of collecting it.

8 MS. BERKOWITZ: Well, certainly,
9 there's census data available to you, isn't
10 there?

11 MR. DENNY: Census data doesn't go
12 down to the block.

13 MS. BERKOWITZ: Well, as you're
14 probably aware, there was a study conducted by
15 a reporter from the Daily News some months ago
16 about traffic accidents at various elementary
17 schools and high schools as well. So why
18 would that not be something you would take
19 into consideration, how many schools were in a
20 given area, especially if you're going to be
21 changing the traffic pattern?

22 MR. DENNY: You asked if there were
23 children, you didn't ask if there were
24 specific schools.

25 MS. BERKOWITZ: I believe I asked

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2 both, but if I didn't, I apologize and now I'm
3 asking.

4 MR. DENNY: If there are schools in
5 the affected route, yes, that would be looked
6 at.

7 MS. BERKOWITZ: If there are houses
8 with children who would be likely to be
9 playing or walking in the area, that's not
10 something that you would look at?

11 MR. DENNY: If there are residences
12 or other streets. That would be noted.

13 MS. BERKOWITZ: Would you make a
14 general assumption that a street that went
15 past a series of institutions could take a
16 volume of traffic than a street that goes
17 through a residential area?

18 MR. DENNY: No. What's going to
19 determine how much traffic a street can take
20 is the width of the street and number of lanes
21 and the parking additions.

22 MS. BERKOWITZ: So it's just not
23 relevant whether it's houses or a big
24 institution of some sort?

25 MR. DENNY: In determining what a

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2 street can carry, no. There are other factors
3 to look at, but not in determining what it can
4 carry. What it can carry is based on its
5 width and parking additions.

6 MS. BERKOWITZ: And the report is
7 solely addressing what? I'm sorry, I'm not
8 understanding. The report is solely
9 addressing what the street can carry and not
10 the impact regarding safety?

11 MR. DENNY: No, you were just asking
12 whether -- most streets can carry a lot more
13 volume than they have a demand to carry. So
14 we just don't generally look at what the
15 carrying capacity of a street is, we would
16 look at what the demand is because the demand
17 is well below what its capability of carrying
18 is.

19 MS. BERKOWITZ: All right. I don't
20 believe that's what I asked. What I asked
21 was, when you're considering some kind of
22 change in traffic direction, do you take into
23 consideration the type of area the traffic is
24 going to be redirected through? Not carrying
25 capacity. Say you've got a street, there's an

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2 institution, you're going to redirect traffic.
3 If you redirect traffic, it's going to go
4 through a residential area. Is that something
5 that's relevant to you or to your
6 consideration?

7 MR. DENNY: We would not want to
8 take traffic that is using an arterial and put
9 it on local streets. We don't want to take
10 traffic that's --

11 MS. BERKOWITZ: That's not my
12 question.

13 MR. DENNY: I know, but I'm trying
14 to answer your question in the way I can.

15 If we're dealing with a local street
16 and we make a change that traffic is going to
17 be diverted to other streets and it can be
18 diverted to the local streets, local streets
19 generally don't carry that much volume.

20 With collector streets, we would
21 look to divert the traffic to collector
22 streets.

23 MS. BERKOWITZ: What's a collector
24 street?

25 MR. DENNY: It's a street that

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2 collects traffic or distributes traffic to
3 local streets that would bisect a
4 neighborhood, take the traffic off of those
5 local streets and feed them into arterials.

6 An arterial is a street that carries
7 through volume.

8 MR. LONIE: Excuse me, Ms.
9 Berkowitz, can I have one second?

10 (Pause.)

11 MS. BERKOWITZ: The Councilman was
12 curious about your statement that you would
13 not want to move traffic from an arterial
14 street to a local street. Specifically, he
15 was curious about the phrase "We would not
16 want to." Is that a requirement?

17 MR. DENNY: I don't think it's a
18 written requirement. Our goal is to keep as
19 much through-traffic on arterial streets as
20 possible and off local streets.

21 MS. BERKOWITZ: Now, going back to
22 the collector street. So you have arterial
23 streets and you have local streets and you
24 have collector streets. How do you make a
25 distinction between what is a collector street

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2 and what is a local street?

3 MR. DENNY: You look at the network
4 of the streets, whether a street goes through,
5 what the size of the street is, how much
6 volume a street is carrying.

7 MS. BERKOWITZ: How much volume a
8 street is carrying before the change?

9 MR. DENNY: You're talking about
10 determining whether a street is a collector or
11 a arterial or local street.

12 MS. BERKOWITZ: So you make the
13 determination of whether something is a
14 collector street or an arterial street or a
15 local street by the volume?

16 MR. DENNY: By volume and function.
17 An arterial is going from neighborhood to
18 neighborhood, is going through neighborhoods
19 and is carry traffic from different
20 neighborhoods.

21 A collector is taking traffic from
22 local streets and feeding it onto arterials.

23 And a local street is a local
24 street, just carrying traffic primarily on
25 that street and maybe a couple of adjacent

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2 streets.

3 MS. BERKOWITZ: When you're
4 conducting a traffic study, do you look at the
5 location of police stations, fire stations,
6 hospitals and stuff? That's a technical term.

7 Do you look at the location and
8 number of hospitals, fire stations and so
9 forth?

10 MR. DENNY: If they're on the street
11 that's being changed, yes.

12 MS. BERKOWITZ: Only if they're
13 immediately on the streets that's being
14 changed?

15 MR. DENNY: Yes.

16 MS. BERKOWITZ: So if access to a
17 hospital or fire station was changed by a
18 change in traffic, if it wasn't on that
19 particular street, you would not look at that?

20 MR. DENNY: It would depend on the
21 functional classification of the street. An
22 arterial street would have an effect. A local
23 street would not have an effect. And
24 collector most likely would not.

25 MS. BERKOWITZ: How do you make that

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2 determination that it would not have an
3 effect?

4 MR. DENNY: You identify the
5 location of the institution and whether or not
6 the traffic would be -- it would be used to or
7 from that institution.

8 MS. BERKOWITZ: For instance, would
9 you time how long it took an emergency vehicle
10 to go from Point A to Point B under the
11 previous circumstances and under the new
12 circumstances?

13 MR. DENNY: Not necessarily, no.

14 MS. BERKOWITZ: Why wouldn't you
15 want to know that?

16 MR. DENNY: We would not be looking
17 to increase delay on any streets significantly
18 as is.

19 MS. LEONARD: I'm sorry. I didn't
20 identify myself before I was questioning you.
21 I'm Rosalie Leonard. I'm from City Council's
22 technical and planning staff. And I just have
23 one other question for you.

24 Do you hire consultants or outside
25 firms when you do your traffic studies?

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2 MR. DENNY: Sometimes.

3 MS. LEONARD: And could you give us
4 the names of some of the firms that you've
5 hired?

6 MR. DENNY: Sure. Pennoni
7 Associates, Urban Engineers, Orth Rogers.

8 MS. BERKOWITZ: Could you spell
9 these names for us, please?

10 MR. DENNY: I'll try. I think
11 Pennoni is P-E-N-N-O-N-I. Urban is "Urban."
12 Orth Rogers is O-R-T-H and then "Rogers."
13 MacMahon Associates. That's M-A-C-M-A-H-O-N,
14 I believe. McCormick Taylor.

15 MS. LEONARD: McCormick Taylor?

16 MR. DENNY: Yes.

17 Amon and Whitney (ph).

18 MS. LEONARD: How do you spell the
19 first?

20 MR. DENNY: I'm not sure of the
21 spelling.

22 MS. LEONARD: Is that it?

23 MR. DENNY: Edwards and Kelsey might
24 be a choice.

25 MR. LONIE: There are a number of

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2 firms all over the place. When we generally
3 do things like that from that City it's either
4 on an RFP basis or a competitive bid, and
5 everybody and their brother can put in for it,
6 so any number firms can do that.

7 MS. LEONARD: All right. You get
8 bids from in and outside the City?

9 MR. LONIE: Yes.

10 MS. LEONARD: Thank you.

11 MS. BERKOWITZ: I just have a couple
12 other questions.

13 I think you said that studies vary
14 so there's not a typical length of a study?

15 MR. DENNY: No. It depends on how
16 long it takes to collect the data and analyze
17 it. It depends on --

18 MS. BERKOWITZ: When you generate a
19 report and you have supporting data, how do
20 you make the decision what data is included in
21 the report and what is left out? What's a
22 typical report look like?

23 MR. DENNY: I'm not sure I know what
24 a typical report looks like. I think
25 sometimes it's just a general summary of

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2 what's contained more than it is what you
3 would call a long, large, thick report.

4 MS. BERKOWITZ: You're a traffic
5 engineer, correct?

6 MR. DENNY: Yes.

7 MS. BERKOWITZ: Would it be fair to
8 say that if somebody only has a summary and
9 they don't have something that's more detailed
10 indicating what the volume of cars was, how
11 many hospitals, emergency institutions there
12 were, what the volume of public transportation
13 was, how many kids were in the area, what
14 types of accidents there were, would it be
15 fair to say that somebody looking at a report
16 that didn't include those things would be at a
17 loss in assessing the validity of the report,
18 what went into the report, the reliability of
19 the conclusions? Would you say that without
20 that data that people would be at a
21 disadvantage?

22 MR. DENNY: It would depend on what
23 the subject matter was.

24 MS. BERKOWITZ: Well, if you're
25 changing the direction of traffic and traffic

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2 gets diverted to smaller streets, traffic gets
3 diverted to areas where there are children
4 under the age of 18, some under the age of 12
5 going to school, where emergency vehicles have
6 typically been able to go one way and now
7 suddenly they can't go another way, would you
8 say a report that didn't detail how you took
9 into account this information would not be
10 able to allay people's concern in the same way
11 a report that did indicate all of that?

12 MR. DENNY: Most of the streets
13 where we're changing direction are usually
14 small local streets and there's not really a
15 large amount of reporting done with it.

16 MS. BERKOWITZ: Well, supposing that
17 it's not a small local street.

18 MR. DENNY: It depends on what the
19 adjacent streets are and what their
20 capabilities are.

21 MS. BERKOWITZ: But again, why would
22 you not want to provide that information about
23 emergency vehicles, schools, number of
24 children, and so forth, in your report? Isn't
25 that something that you want to make available

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2 to people so they can see that the study is
3 thorough and complete and they should not be
4 concerned about any impact?

5 MR. DENNY: We just generally give a
6 summary and a lot of times things are --
7 changes in a direction of a street are done on
8 a trial basis. You get complaints if there's
9 a problem when you do it on a trial basis, and
10 you react to what those complaints are and you
11 address it and you look at this. If there are
12 no complaints when you do something on a trial
13 basis, you don't look at those things
14 necessarily.

15 MS. BERKOWITZ: How do you determine
16 what a complaint is?

17 MR. DENNY: A complaint would be a
18 written request or a phone call coming in
19 complaining about something.

20 MS. BERKOWITZ: So --

21 MR. DENNY: It could also be an
22 e-mail coming in.

23 MS. BERKOWITZ: Would you ever
24 generate a report or a summary without having
25 reviewed all the data?

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2 MR. DENNY: No, I don't think so.

3 MS. BERKOWITZ: So if a report is
4 issued for a given change of some kind,
5 whether it's widening a street, narrowing a
6 street, changing a direction of a street, if
7 you've issued a report, then you are finished
8 with your study; is that correct?

9 MR. DENNY: If it's a final report,
10 yes. If it's not a final report, then no,
11 there may still be other things to look at.

12 MS. BERKOWITZ: How does one
13 determine whether something is a final report?

14 MR. DENNY: I believe it would say
15 so.

16 MS. BERKOWITZ: If it is a final
17 report, there would be no reason why you
18 couldn't provide data to people who requested
19 it so that they would be able to fill in the
20 gaps where you haven't specified things; is
21 that right?

22 MR. DENNY: Yes, we probably could
23 provide data.

24 MS. BERKOWITZ: So, for instance, if
25 Councilman Cohen were to call you up and say,

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2 "This is a wonderful report, but I'm really
3 interested in A, B, C and D," you would be
4 willing to give him the data immediately; is
5 that correct?

6 MR. DENNY: It would depend on how
7 the data -- the data may not be neat
8 necessarily and we may want to clean it up in
9 terms of making it legible. Not everyone's
10 handwriting is legible, not everything is
11 typed out.

12 MS. BERKOWITZ: All right. Thank
13 you very much.

14 COUNCILMAN COHEN: The Committee
15 stand in recess until June 4 at 2 o'clock.

16 (Council adjourned at 12:15 a.m.)

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RE: COMMITTEE ON STREETS

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Lisa C. Bradley, RPR

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