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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON STREETS AND SERVICES

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Room 696, City Hall
Philadelphia, Pennsylvania
Tuesday, May 6, 2003
10:15 a.m.

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BILL 000682 - An Ordinance providing for civil liability for violations of certain provisions of the Pennsylvania Motor Vehicle Code relating to obedience to steady red-light signals and stopping at an intersection or crossing; and establishing an administrative system for adjudicating liability in connection with such violations; all under certain terms and conditions.

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PRESENT:

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COUNCILMAN FRANK DICICCO

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COUNCILMAN DAVID COHEN

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN RICHARD MARIANO

21

COUNCILMAN FRANK RIZZO

22

COUNCILMAN JAMES KENNEY

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COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN MICHAEL NUTTER

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I N D E X

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2 COUNCILMAN DICICCO: The Committee on
3 Streets and Services, the public hearing, is now in
4 Session. In attendance, to my left is Councilman
5 Mariano, to my immediate right is Councilman Rizzo.
6 Councilman Kenney and Councilmember Nutter have been
7 assigned to this Committee by the Council President,
8 Anna Verna. And also Councilwoman Donna Reed Miller
9 is here also.

10 I understand that there are a couple of
11 people who have a meeting, that they need to leave
12 these Chambers almost immediately, and I will call
13 them up first.

14 Nancy Lavin and Dennis Winters.

15 The Clerk will read the title of the
16 Bill.

17 THE CLERK: Bill No. 000682, providing
18 for civil liability for violations of certain
19 provisions of the Pennsylvania Motor Vehicle Code
20 relating to obedience to steady red-light signals
21 and stopping at an intersection or crossing; and
22 establishing an administrative system for
23 adjudicating liability in connection with such
24 violations; all under certain terms and conditions.

25 COUNCILMAN DICICCO: It is my

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2 understanding that Councilman Rizzo has an opening
3 statement.

4 Councilmember Rizzo.

5 COUNCILMAN RIZZO: Thank you, Mr.

6 Chairman.

7 Thanks for the opportunity to speak on
8 Bill No. 000682, the Red Light Camera Ordinance,
9 which addresses a very serious problem that affects
10 the health, safety, and welfare of the citizens and
11 visitors of Philadelphia - traffic accidents caused
12 by red light running.

13 Everyone knows that red light running is
14 a serious problem both nationwide and particularly
15 in Philadelphia. In 2001, there were 44 fatal red
16 light running crashes in Pennsylvania in which 48
17 people died. About 20 of those fatalities occurred
18 in the City of Philadelphia alone. These statistics
19 are proof that red light running is a threat to
20 public safety and that your elected leaders have a
21 responsibility to act to remedy the growing problem.

22 While I recognize the significant
23 achievements of law enforcement in the City of
24 Philadelphia to make our roadways safe, I also
25 recognize the great burden placed on our law

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2 enforcement that may prevent them from expending the
3 resources necessary to combat the red light running.
4 That is why I introduced Bill No. 000682 in
5 Philadelphia City Council.

6 The objective of my legislation is to
7 implement a photo monitoring system at dangerous
8 intersections in the City of Philadelphia in order
9 to photograph vehicle license plates of motorists
10 who violate steady -- and I repeat, steady red
11 lights, thus creating hazardous conditions at
12 intersections around the City.

13 As I mentioned earlier, the statistics
14 of the number of accidents caused by red light
15 violators every year in Philadelphia, as well as
16 around the country, are overwhelming. The number of
17 deaths and injuries associated with red light
18 running cannot be overlooked and have highlighted
19 the need for a red light photo monitoring system.

20 Further, the statistics relating to the
21 effectiveness of photo monitoring enforcement
22 systems that have been implemented around the
23 country are impressive. In many instances these
24 systems have been responsible for reductions in red
25 light traffic accidents and deaths, injuries and

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2 property damage associated with them of between 40
3 and 60 percent.

4 With two of the most dangerous
5 intersections in the country right here in Northeast
6 Philadelphia, we cannot afford to ignore this
7 problem any longer. Red light cameras are a proven
8 and effective tool in reducing red light traffic
9 accidents that will support our efforts to make
10 intersections in the City of Philadelphia safer.

11 I look forward to continuing the dialog
12 on this issue in the future and ask for support of
13 my colleagues on City Council for this important
14 initiative. Thank you very much.

15 Mr. Chairman, I appreciate that
16 opportunity.

17 COUNCILMAN DICICCO: Thank you,
18 Councilman Rizzo.

19 Also for the record, Councilman Ortiz
20 has now joined this Committee.

21 Ms. Lavin, Mr. Winters, you decide among
22 the two of you who will speak first.

23 MS. LAVIN: My name is Nancy Lavin, Vice
24 President of PhillyWalks, the only pedestrian
25 advocacy organization in the greater Philadelphia

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2 region.

3 Two years ago in Philadelphia, there
4 were 39 pedestrian fatalities caused by motor
5 vehicles. There were 2,409 injuries. New York
6 statistics report that drivers are at fault in 90
7 percent of pedestrian deaths. PhillyWalks supports
8 the use of these cameras because they have the
9 potential to reduce the numbers of crashes caused by
10 red light runners.

11 We sponsored a public forum addressing
12 the subject, that featured Councilman Rizzo. The
13 large number of attendees was overwhelmingly in
14 favor of the Councilman's proposal to implement the
15 cameras in Philadelphia. To achieve the highest
16 level of pedestrian safety, this technology must be
17 accompanied by our local agencies taking proactive
18 steps to educate the driving public about our
19 pedestrians' right-of-way. In other words, teach
20 that driving is not one of those rights. It is a
21 privilege. To enforce already existing laws and
22 stress improved engineering; that is, traffic
23 signage and signaling, for example.

24 Red light cameras will play a
25 significant part in enhancing Philadelphians'

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2 quality of life. Options for one's own normal
3 activity in the course of one's day are included in
4 the Center for Disease Control program for healthy
5 communities. The nexus between the two is the
6 importance of walking, bicycling, taking transit, as
7 well as driving. But when one mode threatens all
8 the others through inconsiderate or aggressive
9 actions, red light cameras can add one more tool to
10 promote a safe environment.

11 So in conclusion, these cameras
12 represent much more than just a Kodak moment. They
13 will, instead, help create a more perfect picture of
14 a better and safer Philadelphia.

15 Thank you very much.

16 COUNCILMAN DICICCO: Thank you, Ms.
17 Lavin.

18 Mr. Winters.

19 MR. WINTERS: Mr. Chairman, Members of
20 City Council, ladies and gentlemen, my name is
21 Dennis R. Winters, and I am Deputy Director of the
22 Clean Air Council, Philadelphia's oldest
23 membership-supported environmental organization.

24 I'm here today to express the Council's
25 support for legislative intent of Bill 000682, an

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2 Ordinance to establish photo enforcement of red
3 light running in the City of Philadelphia.

4 While not apparent at first, the Clean
5 Air Council's interest in this Bill is one of
6 expanding the choice people have in choosing the way
7 they get from one place to another in our beautiful
8 City. Rather than have to rely on motor vehicles to
9 get around, if walking and bicycling are perceived
10 to be safe and enjoyable experiences, studies and
11 surveys have indicated that these two modes are used
12 more often. And every auto trip avoided improves
13 the air we all have to breathe. Philadelphia is
14 still in non-compliance with the Clean Air Act for
15 ozone, a pollutant largely resulting from our
16 overdependency on the automobile.

17 On the other hand, if walking and
18 cycling are thought by most people to be risky and
19 dangerous activities, they are going to be far more
20 likely to use their vehicle. Pedestrians suffer the
21 most under the situation because more cyclists will
22 choose to break the law and use the sidewalk rather
23 than the street, simply because they feel safer
24 there. Unfortunately, bicycles on the sidewalk and
25 pedestrians, particularly those that are elderly,

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2 are accidents looking for a place to happen.

3 The statistics delivered by others here
4 this morning clearly show the increased safety of
5 streets and intersections where photo enforcement is
6 used to catch motorists running red lights in many
7 of our major cities. It is time Philadelphia made
8 its streets safer by doing the same thing.

9 Thank you.

10 COUNCILMAN DICICCO: Thank you.

11 Any questions for these witnesses from
12 the Committee?

13 (No response.)

14 COUNCILMAN DICICCO: Seeing none, we
15 will ask for Panel No. 1, Linda Ripa and Ira
16 Winston.

17 Thank you for your testimony.

18 Also in attendance is Councilmember
19 Darrell Clarke.

20 MS. RIPA: Good morning. My name is
21 Linda Ripa. My son, Sergio Ripa, and I had the
22 misfortune of being in the path of a red light
23 runner in Philadelphia. I know all too well, the
24 suffering. We almost lost our lives.

25 I don't need to prepare a written speech

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2 because I can tell you just from everything that
3 I've experienced, that no one, and I mean no one,
4 should have to suffer the way that my son and I have
5 suffered and continue to suffer. Instead of being
6 killed instantly, I feel as though I am dying
7 slowly, surgery after surgery after surgery. I
8 don't know how many more I'm going to have to have.

9 The red light cameras -- this is solely
10 about protecting the innocent people, protecting the
11 law-abiding citizens. And if someone is opposing
12 the red light photo enforcement, I feel that they
13 have no business being behind the wheel of a motor
14 vehicle because they're not only taking their own
15 lives into their own hands, they're taking the lives
16 of innocent people into their own hands.

17 This is just something that must be
18 passed through Council. And I hope that this is
19 just the beginning, not just for the Philadelphia
20 area, but for all the states as well.

21 Thank you.

22 COUNCILMAN DICICCO: Thank you.

23 MR. WINSTON: My name is Ira Winston.
24 I'm an employee of the University of Pennsylvania.

25 In January of 2002, I was struck by a

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2 motor vehicle at 34th and Walnut Street while
3 crossing the street. The car ducked around another
4 car into a turn lane and then went through a solid
5 red light and broke my right leg. I was fortunately
6 okay and I'm doing quite well right now.

7 The particular intersection is a very
8 dangerous intersection because it's on Walnut Street
9 just as it enters the Penn campus. Cars drive up
10 Walnut Street from Center City going very slowly,
11 then they hit a three-lane section where it all
12 opens up, and they hit about 40 or 50 miles an hour.
13 And if they make the lights, they hit the Penn
14 campus with all the students crossing the streets at
15 full speed. Attempts have been made to narrow the
16 street at that location, but have been unsuccessful
17 because it is a state emergency road and it cannot
18 be narrowed. We need other techniques for signaling
19 drivers that they have arrived at a major pedestrian
20 site.

21 I'm not convinced that a red light
22 running camera would have stopped the gentleman who
23 ducked around another car and hit me. But I will
24 tell you one thing that I learned from this
25 experience is, I used to be a red light runner

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2 myself until this happened to me. It took being hit
3 by a car to wake me up. But I'll tell you that the
4 majority of people who run through these red lights
5 are not the drunk drivers or the crazy drivers.
6 They're people like you and me who just are in a
7 rush to get someplace. And you know that light is a
8 two-minute light and you just don't want to wait and
9 you go through it. And for people like us, we would
10 worry about getting caught by a red light running
11 camera. And we would worry about that sort of
12 thing. And that can make a difference.

13 I will not -- I guarantee you, I will
14 not run through another red light after what I went
15 through, but I hope it doesn't take people having to
16 have their legs broken so they can also change.

17 Thank you very much.

18 COUNCILMAN DICICCO: Thank you. Thank
19 both of you for your testimony.

20 Any questions for these witnesses?

21 (No response.)

22 COUNCILMAN DICICCO: Seeing none, we'll
23 ask Mr. David DiSabatino and Tom McCarey to please
24 come to the witness table.

25 Good morning. Please identify yourself

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2 for the record and proceed with your testimony.

3 MR. MCCAREY: My name is Tom McCarey.

4 I'm a member of the National Motorists Association.

5 Mr. Chairman, Councilman Rizzo, and
6 distinguished Councilpeople, the statements and
7 assertions of ticket camera supporters are, at best,
8 misleading and, at worst, outright falsehoods
9 misled by convoluted, ten-year-old data from an
10 Insurance Institute for Highway Safety study.

11 Proponents claim, red light runners
12 cause 22 percent of all crashes and fatalities.
13 Absolute bunk. Federal Highway Administration
14 statistics show 92,000 red light violation crashes
15 in 1999 versus 98,000 in 1996, a 6 percent
16 improvement. These numbers comprise less than 2
17 percent of all US crashes.

18 Proponents of ticket cameras need you to
19 believe that all red light violations are dangerous
20 actions deserving of punishment. Camera and other
21 data from Florida, Maryland to Virginia, and
22 Australia reveal that way less than 1 percent of
23 these violations result in a crash. The red light
24 violation mileage fatality rate fell to a record low
25 between 1992 and 1999.

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Red light ticket camera advocates loudly proclaim that there is an epidemic of red light running caused by aggressive driver behavior. In reality, there is an epidemic of malpractice in the setting of traffic control devices. Most US signalized intersections, with approach speeds over 35 miles per hour, do not provide enough amber warning time for safe stopping or clearance because over 90 percent of speed limits are underposted. Over 70 percent of red light violations result from signal timing shortfalls or honest human error.

Numerous other problems exist, including signals lacking synchronization and change interval formula limitations, with driver disobedience purposely programmed into signal timings. These traffic control deficiencies manufacture scofflaws out of reasonable and safe drivers. They also cause more crashes.

Camera enforcement profiteers insist that they respect you and your rights. The ACLU says cameras violate due process. Regardless of who is driving, the ticket gets mailed to the vehicle's registered owner. Illegally reversing the burden of proof from the State to the defendant, the owner, if

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not guilty, must turn in the violator. According to an Insurance Institute for Highway Study, almost 30 percent of red light violation automated tickets get mailed to an innocent person. Cameras also deny the Sixth Amendment right to confront your accusers.

Mail does not provide adequate or guaranteed notification. With tickets often arriving weeks after an alleged violation, clear recall can be impossible. All traffic citations, even parking tickets, are issued at the time of the events. Guilt or innocence can definitely be established. If not guilty, clear recall of the event allows the accused a proper chance to challenge the charge in court. Cameras undermine every aspect of an American's legal right to a fair trial.

Based on their own biased, conflict-of-interest-inspired surveys, supporters claim most people want cameras. The National Highway Traffic Safety Administration poll of 1998 admitted that 35 percent of those surveyed had never even heard of photo enforcement. Any acceptance results from misinformation and the false premise that cameras save lives. Since cameras cannot

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2 improve safety, opinions are meaningless. Do camera
3 advocates really care what we think? No. The first
4 ticket camera program in New York City began without
5 public consensus.

6 Camera supporters urge you to believe
7 that this automated technology offers the best
8 solution to improving traffic safety. In reality,
9 it offers the surest means for quickly extorting
10 great amounts of money from safe driving motorists.
11 Cameras fail to provide even a partial solution.
12 Proper analysis of over 15 camera programs reveals
13 that photo enforcement cannot enhance safety.
14 Often-times, cameras increase accidents, especially
15 rear-end collisions, which already kill 70 percent
16 more people than red light violations.

17 The most comprehensive study, by
18 Andreassen of Australia, analyzed crash data from
19 five years before and five years after cameras at 41
20 photo-enforced intersections in Melbourne. Even
21 right-angle crashes, the ones allegedly prevented by
22 cameras, increased by 150 percent after camera
23 installations.

24 Plus, camera sites from all over the
25 globe continue to photograph fatal crashes, proving

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their inability to avert them. DWI, inattentive and reckless drivers constitute the vast majority of red light violation crashes. Cameras cannot detect, impede or apprehend these perilous motorists. Only live police officers can, thereby preventing fatalities, instead of just photographing them.

Furthermore, the lust for photo enforcement money will supersede correcting dangerous engineering malpractices. In reality, camera supporters have placed power and money above public safety.

They really hope you will swallow one final assertion: This is a safety issue and has nothing to do with money. The previous paragraph refutes the safety part.

Proponents of cameras will all profit from their operation. Money from fines enhances the coffers of state, county and city police, local governments, camera vendors, and insurance companies. Campaign money from insurance and camera corporations helps encourage pro-camera politicians. Conflict of interest abounds. Photo enforcement programs throughout America have extorted over \$100 million as of January 2001. The 72 insurance

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companies funding the Insurance Institute for Highway Safety usurped an additional \$30 million in policy surcharges. A Fairfax County, Virginia police official cleared up any safety misconceptions when he joyfully exclaimed, "Red-light cameras can write more tickets in a week than my officers could in a year."

If officials truly care about safety, not just revenue enhancement, then engineering is the key. Engineering, not enforcement, maintains the greatest effect on compliance and safety. Correctly engineered traffic signals, often including more yellow warning time, will seriously diminish red light violations and crashes as demonstrated in Detroit, Omaha, and San Francisco. It's simple, inexpensive, and it respects people's rights.

Camera enforcement provides absolutely no benefit to society, only detriments. Cameras extort money and violate rights while increasing crashes and fatalities. Cameras remove the police presence needed to apprehend DWI, criminal and reckless drivers. They also deny police direction. Photo enforcement will encourage further engineering

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2 malpractices and other unethical behaviors as
3 documented in Washington DC, Virginia, and Florida.

4 In the interest of truth, justice,
5 freedom, and real safety, this red light ticket
6 camera program should be rejected by City Council,
7 and no future program should ever be considered.
8 Whether well intentioned or not, those who endorse
9 cameras have placed power and money above the
10 welfare of the people of Philadelphia.

11 Thank you.

12 COUNCILMAN DICICCO: Mr. DiSabatino.

13 MR. DISABATINO: Good morning, Mr.
14 Chairman and Members of the City Council Committee
15 on Streets and Services. My name is David
16 DiSabatino, and I'm the Executive Director of the
17 American Civil Liberties Union of Pennsylvania. I
18 want to thank you for inviting the ACLU to present
19 testimony on Bill 000682.

20 The ACLU opposes this legislation
21 because we think it undermines due process rights
22 and poses a threat to the privacy of drivers in
23 Philadelphia. We believe that using technology
24 rather than human beings --

25 COUNCILMAN ORTIZ: Do you have copies?

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2 MR. DISABATINO: I'm sorry. Copies of
3 my statement have been passed around.

4 COUNCILMAN DICICCO: Please proceed.
5 We'll find it.

6 MR. DISABATINO: We believe that
7 technology rather than human beings to enforce our
8 laws diminishes the fundamental principle that
9 guilt is determined on an individualized basis. We
10 also fear the program could actually harm public
11 safety, as already has been pointed out.

12 Finally, we are concerned about the
13 administrative role of the Philadelphia Parking
14 Authority, an unelected entity that is no longer
15 under the control of the City of Philadelphia.

16 Red light camera technology is being
17 sold as a means for enhancing public safety and
18 reducing the number of accidents. We have serious
19 reservations about the evidence regarding red light
20 cameras and safety, and hope that you will look at
21 such evidence skeptically.

22 However, should you remain convinced
23 that this program will enhance public safety, and
24 feel that the benefits outweigh the serious
25 Constitutional concerns, then we hope that you will

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attach to this legislation a mandated reduction in insurance premiums for automobile drivers. After all, if we're being asked to give up some of our rights to privacy and due process, then certainly we should be guaranteed a substantial reduction in what we pay to insurance companies.

Under the proposed red light camera program, the owner of a car that is photographed going through a red light will be presumed to be guilty. The owner will have to request a hearing to prove his or her innocence. Furthermore, at such a hearing, the rules of evidence will not apply. All of this, in the birth place of freedom. In the United States of America, we presume someone is innocent until proven guilty. In this country, the burden is on the government to establish that one is guilty. These principles are abandoned in the red light camera program. The United States and Pennsylvania Constitutions recognize the right to confront one's accuser. This right of confrontation is rendered meaningless when one's accuser is a machine. Some discount these concerns about traditional notions of due process by claiming that public safety is more important than Constitutional

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notions of fairness.

You heard testimony from victims of crashes this morning. We are very sympathetic to the plight and suffering of victims. But the ACLU is just as concerned about public safety as the proponents of red light cameras. But it's this nation's commitment to due process and procedural fairness that distinguishes the United States from other countries. We lose too much of our freedom each time we trade away any of these core components of our justice system.

A state court in San Diego, California, has vindicated this concern over fundamental fairness. That Court held that the evidence from red light cameras is quote, so untrustworthy and unreliable, that it lacks foundation and should not be admitted.

There's additional information attached to my prepared remarks. The testimony presented by the Honorable Richard Army, then Majority Leader of the United States House of Representatives to the US House Transportation Subcommittee on Highways and Transit.

The ACLU is also concerned about the

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1
2 potential invasion of privacy through the use of
3 these cameras. Experience has shown that once
4 surveillance systems are put into place for a
5 limited purpose, they inevitably are used for
6 additional purposes. I'm sure you all can imagine
7 the pressure that will be brought to bear on law
8 enforcement to permit red light camera evidence to
9 be used for 24-hour surveillance. We fear that in a
10 few years' time, these cameras will not just be used
11 to catch drivers going through red lights, rather we
12 find that the cameras have become a critical
13 component of a system designed to keep tabs on all
14 of us, all of the time.

15 A related privacy concern is what the
16 ACLU calls "mission creep." We suspect that data
17 and photographs collected by red light cameras will
18 become part of ever-expanding databases. We have
19 seen that every new use for data opens the door to
20 more and more privacy abuses. For example, cameras
21 that were installed at the Texas-Oklahoma border
22 have been used to capture the license plate numbers
23 of thousands of law-abiding citizens who were then
24 subjected to inquiries about why they were crossing
25 the border. We feel that information collected

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2 through red light cameras will ultimately be sold,
3 shared, or otherwise abused.

4 The ACLU is also troubled by reliance on
5 technology, rather than human beings, to enforce the
6 laws of Pennsylvania. We think that this diminishes
7 the principle of individualized determination of
8 guilt. How can a person accused of driving through
9 a red light effectively cross-examine a video
10 camera? How does one test the credibility of the
11 photograph that was taken, or the system that is
12 used to generate the photograph? How does one
13 account for mistakes that are made by a machine?
14 Anyone who is mistakenly charged due to camera
15 errors will be required to demonstrate that the
16 system itself malfunctioned. Individuals will have
17 put themselves in a position where they may have to
18 spend hundreds, perhaps thousands, of dollars on
19 attorneys and experts in order to prove that the red
20 light cameras were improperly installed or
21 inaccurately functioning. Defending one's self
22 against a false charge of running a red light will
23 no longer mean merely demonstrating that the police
24 officer's observations were inaccurate. Rather, one
25 will have to show that a fancy technological device

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2 is not working properly. And all of this may
3 actually harm public safety.

4 There were reports in some jurisdictions
5 that used red light cameras that the yellow light
6 intervals had been shortened. While this may lead
7 to an increase in revenue for the government due to
8 more citations being issued, it can also lead to
9 more rear-end collisions at intersections where
10 yellow lights have been shortened. If you want to
11 make the public safer, you could have engineers
12 design the dangerous intersections that we all know
13 about in Philadelphia, lengthen the time of yellow
14 lights, and provide for more public transit so there
15 will be fewer cars on the road.

16 The ACLU believes that Americans should
17 carefully examine and debate the extent to which we
18 want computers, surveillance cameras, and other
19 technologies to be used for law enforcement purposes
20 in place of real human beings who make actual
21 observations of human behavior.

22 We also believe that traffic safety and
23 due process are not mutually incompatible. We do
24 not think that traffic is compromised when we
25 protect privacy.

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2 Last year the Pennsylvania General
3 Assembly passed Act 123. Pursuant to that law, the
4 Philadelphia Parking Authority must be the
5 administrator of the red light camera program. The
6 ACLU is troubled by the fact that this system that
7 compromises our privacy interests and the
8 fundamental notions of due process is going to be
9 run by an agency that is not elected and not under
10 the control of the City. It would be one thing for
11 the citizens of Philadelphia to have this system run
12 by employees who must answer to our elected
13 officials, but the system is not going to operate in
14 that manner. And the interests of the citizens of
15 Philadelphia will be subject to the whim of an
16 agency that is now a creature beholden to the powers
17 that be in Harrisburg.

18 It's for all these reasons that the ACLU
19 of Pennsylvania urges you to oppose this Bill.
20 However, should you not agree with our views, we do
21 hope that you will at least consider conditioning
22 implementation of this program on an actual
23 substantial reduction in auto insurance premiums in
24 Philadelphia. If we're going to be asked to
25 sacrifice our rights in the name of safety, then

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2 shouldn't we see some relief from the punishing auto
3 insurance rates?

4 Thank you for the opportunity to
5 comment. I'll be happy to take any questions you
6 have.

7 COUNCILMAN DICICCO: Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you very much.

9 I'm intrigued by your indication you
10 would like us to attach mandatory reductions in
11 insurance rates. Are you an attorney?

12 MR. DISABATINO: I am.

13 COUNCILMAN KENNEY: How in God's name
14 would we do that? Because if it's that easily done,
15 we could pass that today. I don't know if it's
16 going to work. What teeth does the City Council
17 have to mandate reductions in auto insurance rates?

18 MR. DISABATINO: I think you're right
19 that there's no way to directly do it.

20 COUNCILMAN KENNEY: Just symbolic?

21 MR. DISABATINO: No. I think that what
22 the City Council could consider is ways to negotiate
23 with the folks who are going to benefit from these
24 programs, to bring to the table the insurance
25 companies. I mean, we've been under these high

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2 insurance rates for so long, as City Council knows.
3 Various programs have been tried to try to make the
4 streets of Philadelphia safer for insurance
5 companies through Live Stop and other such programs,
6 but we haven't seen any relief. So it's a real
7 concern to the citizens of Philadelphia. If we can
8 come up with creative ways to make it more
9 affordable for drivers to register their cars and
10 insure their cars --

11 COUNCILMAN KENNEY: But for argument's
12 sake -- and the last witness disagrees with the
13 statistics that indicate the reduction in accidents
14 and injuries. You haven't spoken to that in your
15 testimony about statistics, whether you disagree or
16 agree with the effectiveness. Yours more is a civil
17 liberties argument. I understand it and respect it.
18 Would it seem natural that if, in fact, for
19 argument's sake, it did reduce the amount of
20 accidents and injuries, that it would be another
21 piece in our ability to go to Harrisburg, Live Stop,
22 reduction in accidents, reduction in injuries,
23 reduction in premium payments, wouldn't that seem to
24 make more sense as a component piece of the argument
25 on why Philadelphia should get some rate relief?

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2 MR. DISABATINO: Well, we don't think
3 that you can skip over the privacy and due process
4 issues.

5 COUNCILMAN KENNEY: We may have an
6 argument about that. I'm not going to debate you on
7 it because I respect the ACLU's position on a lot of
8 these issues. Thank God you're there to at least
9 give the other side. But as far as putting together
10 pieces that will allow us to make a cogent argument
11 to Harrisburg that we should deserve rate relief,
12 would not this seem to be one of those pieces?

13 MR. DISABATINO: That's essentially what
14 the core of that part of our proposal is, that if
15 you do go forward with this, that it be considered
16 in the entire nature of the negotiation.

17 COUNCILMAN KENNEY: Thank you.

18 COUNCILMAN DICICCO: Councilman Clarke.

19 COUNCILMAN CLARKE: Thank you, Mr.
20 Chairman.

21 Good morning, gentlemen. I actually
22 wanted to follow-up on Councilman Kenney's issue
23 with respect to insurance rates.

24 During the course of the deliberations
25 on the state level authorizing the implementation of

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2 this program in the City of Philadelphia, did the
3 ACLU testify?

4 MR. DISABATINO: The ACLU did
5 participate in the process. I wasn't there. Our
6 legislative director, Larry Frankel, was present.
7 I'm not sure if he gave testimony on it. I think he
8 did.

9 COUNCILMAN CLARKE: Well, you not
10 knowing if they testified or not, my question was
11 going to be relating to the auto insurance issue on
12 a state level, since the State Legislature has
13 substantially more involvement in the process than
14 we do here locally. I was wondering if that was a
15 part of the testimony and to what degree you were
16 hopefully going to tie this issue if, in fact,
17 implemented to the insurance rates? And it actually
18 may even come up in the confirmation hearings of the
19 insurance commissioner in the next few days.

20 MR. DISABATINO: It may not have been
21 raised during the original hearings in Harrisburg on
22 the 123. But for sure now, if this effort does move
23 forward, we will be tying this issue to the issue of
24 auto insurance in Harrisburg.

25 COUNCILMAN CLARKE: Wouldn't it be

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2 prudent even if we for some reason don't authorize
3 it today, to have that on the table in the future
4 if, in fact, we implemented it? It may change
5 Members' minds if there was actually a thought that
6 they would reduce to some degree. And I'm a little
7 reluctant to believe that that's going to happen,
8 frankly speaking, given all we've done here locally.

9 MR. DISABATINO: We can only try.

10 MR. MCCAREY: Councilman, if I may.

11 These red light ticket cameras increase
12 accidents, rear-end collisions especially, which are
13 litigated terrifically in Philadelphia. Insurance
14 rates are going to go up. Eventually, the insurance
15 companies are going to demand points on these
16 tickets like they have everywhere else in the
17 country. Everybody's rates are going to go up, and
18 it's going to be one more reason for people to leave
19 Philadelphia.

20 COUNCILMAN CLARKE: Well, that was
21 actually my next line of questioning with respect to
22 other municipalities.

23 With respect to other municipalities, do
24 you have statistics to show that where this program
25 has been implemented, rates have gone up or gone

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2 down?

3 MR. MCCAREY: I don't know about rates.
4 But I know about a 125 percent increase in rear-end
5 collisions after a 10-year study in Australia.

6 COUNCILMAN CLARKE: You just said that
7 in other municipalities auto insurance has gone up.

8 MR. MCCAREY: I'm assuming it's going to
9 go up with more accidents.

10 COUNCILMAN CLARKE: So you don't know
11 that that has, in fact, happened? You're assuming
12 that they've gone up in other areas?

13 MR. MCCAREY: As day follows night, when
14 you have an accident, your rates go up. There's
15 going to be more accidents and more deaths and
16 crashes.

17 COUNCILMAN CLARKE: For the record,
18 that's your assumption.

19 MR. MCCAREY: It's not an assumption.
20 It's a fact borne out by the insurance --

21 COUNCILMAN CLARKE: Sir, excuse me. The
22 question was, have they gone up or gone down in
23 other municipalities where this program has been
24 implemented? You either don't know, yes or no.

25 MR. MCCAREY: I don't know.

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2 COUNCILMAN CLARKE: That's the answer
3 I'm looking for. You don't know. Thank you.

4 COUNCILMAN DICICCO: Thank you.

5 Mr. McCarey, you keep referencing
6 Australia. Is there any difference in the traffic
7 patterns? I think they drive on the different side
8 of the road.

9 MR. MCCAREY: They drive on the left.

10 COUNCILMAN DICICCO: Is there anything
11 different?

12 MR. MCCAREY: Not substantially.

13 COUNCILMAN DICICCO: Well, not
14 substantially. But there is some difference in
15 their traffic patterns and their highways, I assume?

16 MR. MCCAREY: Not that I know of. This
17 study is the most comprehensive study. It debunks
18 other studies. The Insurance Institute says there's
19 no rear-end crashes. You can look at my last page.
20 I made a diagram. They look at the rear-end crashes
21 inside the crosswalks. If you go back 25 to 50
22 feet, that's where the rear-end collisions happen.
23 They conveniently leave that out of their studies.

24 COUNCILMAN DICICCO: Don't you think
25 that the cameras in those instances where there may

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2 be accident at an intersection, where there
3 hopefully is a camera installed, would help
4 alleviate some of the legal issues, the expenses of
5 lawyers debating who went through the light first?
6 Don't you think that would be somewhat helpful?

7 MR. MCCAREY: No. And it certainly
8 isn't worth the cost of the detriment of the
9 cameras.

10 COUNCILMAN DICICCO: It's certainly not
11 worth what?

12 MR. MCCAREY: It's not worth the
13 drawbacks that cameras bring to the situation.

14 COUNCILMAN DICICCO: What is the
15 National Motorists Association?

16 MR. MCCAREY: It's a grassroots,
17 member-funded, non-profit organization to promote
18 automobile rights. We're against this instance in
19 particular, enforcement for profit. There's
20 rational ways of engineering to make driving safe.
21 And there's a lot of misconceptions and myths put
22 out by the government, especially in the insurance
23 companies and some of the people you've heard here
24 today.

25 COUNCILMAN DICICCO: You say it's a

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2 grassroots organization made up of just --

3 MR. MCCAREY: Motorists. Just people
4 who drive cars.

5 COUNCILMAN DICICCO: How many members do
6 you have?

7 MR. MCCAREY: About 8,000 to 10,000.

8 COUNCILMAN DICICCO: Nationally?

9 MR. MCCAREY: Yes.

10 COUNCILMAN DICICCO: Non-profit. Do you
11 have a staff?

12 MR. MCCAREY: Well, there's a president
13 and a communications director and some lady answers
14 the phone. It's in Wisconsin.

15 COUNCILMAN DICICCO: So a three-member
16 staff?

17 MR. MCCAREY: Yes.

18 COUNCILMAN DICICCO: How do you reach
19 out to get members?

20 MR. MCCAREY: Advertising. Word of
21 mouth.

22 COUNCILMAN DICICCO: Someone handed me a
23 sheet of paper here that speaks to some of the
24 issues, and I'm not certain if they're accurate or
25 not. I'd like to ask you.

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2 What is the National Motorists
3 Association's position on sobriety checks?

4 MR. MCCAREY: Against it. It's a
5 violation of the Fourth Amendment. Most DUI
6 problems come from people who have 1.2 to 1.7
7 percent alcohol in their blood. There's a lot of
8 different complicated medical things about blood
9 alcohol --

10 COUNCILMAN DICICCO: I just want to make
11 certain that this note that was handed to me is
12 accurate or inaccurate.

13 What is the National Motorists
14 Association's position on mandatory seat belt laws?

15 MR. MCCAREY: Against it. It's up to
16 the person's individual choice. The government has
17 no business making decisions for people.

18 COUNCILMAN DICICCO: What is the
19 National Motorists Association's position on
20 automobile safety inspections?

21 MR. MCCAREY: They're not necessary.
22 They've proven to be ineffective.

23 COUNCILMAN DICICCO: So it's the
24 individual's right, in your opinion, the
25 Association's opinion, to decide whether or not

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2 their vehicle is safe or not?

3 MR. MCCAREY: People who drive cars
4 maintain them properly.

5 COUNCILMAN DICICCO: You suggest that
6 everyone who drives a car maintains it?

7 MR. MCCAREY: I'm not suggesting
8 everyone. Well over 97 percent of the motoring
9 public is safe and reasonable.

10 This is an attempt by the camera
11 companies paying for this program to discredit the
12 National Motorists Association.

13 COUNCILMAN DICICCO: Sir, I was just
14 handed a slip of paper. Sir, I've given you the
15 courtesy of listening to your testimony, much of
16 which I disagree with. But that's okay. That's the
17 process. So I'd just like to know the position of
18 your association on all these issues.

19 MR. MCCAREY: Happy to tell you, sir.

20 COUNCILMAN DICICCO: What is your
21 association's position on mandatory automobile
22 insurance?

23 MR. MCCAREY: I don't know. I assume
24 we're for it.

25 COUNCILMAN DICICCO: What is your

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2 opinion on mandatory factory installation of air
3 bags in vehicles?

4 MR. MCCAREY: Air bags have killed
5 people. There's a lot of controversy about that. I
6 don't know their position. I don't have a position.

7 COUNCILMAN DICICCO: Is it correct that
8 your association is now boycotting General Motors
9 Saturn products because apparently they are
10 manufacturing vehicles with daytime running lights?

11 MR. MCCAREY: That's correct. Daytime
12 running lights are unnecessary, and they're
13 confusing.

14 COUNCILMAN DICICCO: For me, I wish that
15 every time you started your car up your headlights
16 would go on automatically. Because I see people
17 driving around constantly at dusk, driving around in
18 the middle of the night without their headlights on.
19 I think that there should be a law that they go on
20 automatically all the time. As soon as your car
21 starts up, those lights should be on. So that's
22 really one I disagree with you on.

23 Any questions for this gentleman?

24 COUNCILMAN CLARKE: Mr. Chairman, I
25 wasn't finished.

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2 COUNCILMAN DICICCO: Oh, I'm sorry. I
3 thought you were.

4 COUNCILMAN CLARKE: No. Actually, I was
5 going to ask Mr. DiSabatino the question with
6 respect to insurance rates in other municipalities.

7 COUNCILMAN DICICCO: I apologize.
8 Councilman Rizzo will be next. I'm sorry about
9 that.

10 COUNCILMAN CLARKE: Mr. DiSabatino, the
11 issue with respect to other municipalities and
12 insurance rates, gone up, gone down, don't know?

13 MR. DISABATINO: I'm not prepared to
14 talk about those issues. I came to address mainly
15 the Constitutional issues.

16 COUNCILMAN CLARKE: I understand. But
17 you referenced it in your testimony.

18 MR. DISABATINO: We have seen some
19 evidence, but we have not evaluated the evidence.
20 We're attorneys rather than traffic safety people.

21 COUNCILMAN CLARKE: Thank you.
22 Thank you, Mr. Chairman.

23 COUNCILMAN DICICCO: Thank you.

24 Councilman Rizzo and then Councilman
25 Cohen after Rizzo.

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2 COUNCILMAN RIZZO: The statistics that I
3 have indicate that deaths, injuries, property damage
4 associated with -- after the installation of red
5 light cameras, property damage cases in many of the
6 municipalities have been reduced between 40 and 60
7 percent. And, again, I'm not here today to talk
8 about the financial aspects of this, but the
9 information that I received is that it's had the
10 trickle down effect and has affected the number of
11 losses in some of the cities that have implemented
12 cameras. So I just wanted to put that out there.

13 And, again, I appreciate both of you
14 coming in here. I wish you didn't come, but I
15 appreciate that you came and expressed yourself.

16 There's one last thing on the list that
17 really amazes me with the number of -- how the
18 National Motorists Association could be against
19 trying to repeal laws when you violate the speed
20 limit in a work zone. You're trying to repeal that
21 law that doubles the fine in a work zone. When you
22 hear -- just recently out on the turnpike, two
23 workers were killed by a car that was speeding and
24 in a work zone. Why you would want to be hooked up
25 with trying to repeal that law amazes me.

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2 MR. MCCAREY: You have to deal with that
3 individual speeder. Texas A&M transportation --

4 COUNCILMAN RIZZO: But after somebody's
5 killed, you can deal with individual speeder, but
6 that doesn't bring the person back to life that was
7 killed.

8 MR. MCCAREY: Well, neither will
9 doubling the fines.

10 COUNCILMAN RIZZO: If it slows down the
11 vehicle in the work zone and the accident never
12 occurs because that sign that says it's -- let me
13 tell you, it gets my attention and I think it gets a
14 lot of people's attention.

15 MR. MCCAREY: Texas A&M Department of
16 Transportation Engineering Department did a study
17 that said doubling fines has little effect on
18 compliance. So it's just a money grab by the
19 government.

20 COUNCILMAN RIZZO: I'm glad you came.
21 Thanks.

22 COUNCILMAN DICICCO: Councilman Mariano
23 and then Councilman Cohen.

24 Councilman Mariano first.

25 COUNCILMAN MARIANO: Thank you, Mr.

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2 Chairman.

3 Mr. McCarey, explain to me the rear-end
4 crashes in your theory on how the red lights
5 cause --

6 MR. MCCAREY: People panic stop to try
7 to avoid a ticket.

8 COUNCILMAN MARIANO: Do they also speed
9 through the yellow lights?

10 MR. MCCAREY: Not to my knowledge. You
11 need a certain amount of yellow time to safely
12 decide whether to stop or to continue. And I talked
13 to Charles Trainor and he said that the yellow time
14 is based on the posted speed limit. The posted
15 speed limit has nothing to do with what people
16 drive. People drive the 85th percentile speed.
17 That's the speed at which 85 percent of the drivers
18 or less, slightly less, speed. If the speed limit
19 posted is 30, people could be going 40 at the 85th
20 percentile. You need more yellow time to stop. So
21 every light in Philadelphia is mis-timed.

22 COUNCILMAN MARIANO: Do you think --
23 this is just my theory. Yellow light to a lot of
24 people means go faster and get through it before it
25 gets red. It's what I've seen. I'll be 48 years

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2 old. I've been driving since I was 16. I don't
3 think I had any moving violations that I can
4 remember.

5 The people listening to this on the
6 radio, if they're here, a lot of this stuff you're
7 trying to explain to us is very technical. It's
8 your theory on it. And the other side has a theory.
9 But in all practicality, to me, the yellow light
10 makes sense. Even if it saves -- will it save any
11 lives? Probably. Because people that have money
12 that are in a hurry are going to go through the
13 light anyhow and say, "The heck with it." And that
14 goes to sum up with what the guy from the ACLU says.
15 But people who don't have money, which are probably
16 most of the people in Philadelphia -- and it's not
17 about trying to get money, on my part. I can't
18 speak for the sponsor of the Bill. I know him. I
19 doubt it. He's really trying to do something here
20 that helps people stay alive. We can probably bring
21 a lot more people in for both sides of the issue. I
22 just can't understand why something like this -- I
23 understand the ACLU's point of view. I think I do.
24 But your point of view and your organization's point
25 of view, if there's a red light people are going to

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2 go through it, if they're going to go through it
3 anyhow.

4 I heard theories before from these
5 people that said, "We'd rather have stop signs
6 because people will blow red lights because they
7 figure the guy on the four-way red light or the
8 four-way stop" -- I'm looking at one of the judges
9 over there. I think he explained it to me. People
10 blow things if they're going to or not. But there's
11 an effect here. Something is going to happen here
12 if you do this. Someone is going to take a picture
13 of your plate, and if it's me driving or it's my
14 car -- I have to deal with my 22-year-old that may
15 have my car. It may give me a good reason not to
16 lend my car to him. You're not getting my car
17 because of that. But I just can't understand --
18 maybe it's a lack on my part -- where anyone would
19 think that this would cause more accidents. I mean,
20 I understand the stopping part, but it's going to
21 cause accidents the other way. It's got to be both
22 ways.

23 MR. MCCAREY: No, it's not. And they're
24 not my opinions and it's not theory. These are
25 engineering facts backed up by the Institute of

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2 Transportation Engineers and the Insurance Institute
3 for Highway Safety. If you have a properly
4 engineered intersection, the cameras are not
5 profitable.

6 COUNCILMAN MARIANO: Explain properly
7 engineered intersection. Let's talk about Grant and
8 the Boulevard in my district. That's the most
9 dangerous intersection in the country. Where we did
10 the Live Stops and people are still doing 85 miles
11 an hour in a 35-mile-an-hour zone.

12 MR. MCCAREY: Everybody?

13 COUNCILMAN MARIANO: A lot of people.
14 The only person I know that's not is me. I doubt if
15 everybody else is. I'm not. Because if I do it,
16 it's a story in the Inquirer. So I'm obviously not
17 doing it. Plus the cops that stop us know all of
18 us. And if you think they won't write us a ticket,
19 they will. It works the other way too. Seriously,
20 that's a busy intersection.

21 Now, I'm sure there was an insurance
22 company that was involved in that study, so you may
23 discount that study. I know what I see from living
24 in this City my whole life. People are riding
25 around -- one of the Councilpeople told me he saw

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2 somebody shaving as they were driving. I see people
3 driving SUVs that are smaller than me, they got
4 their hands up, they're talking on the cell phone,
5 they're doing things with their nose that I won't
6 mention, their ears. Who knows what else they're
7 doing. We need help here.

8 MR. MCCAREY: I can tell you what they
9 did in Detroit for four problem intersections. They
10 combined with the AAA. They made better pavement
11 markings, better signages, better site lines and
12 they increased the size of the lenses from eight
13 inches to 12 inches and they increased the yellow
14 time. Violations went down by 50 percent and it
15 stayed there.

16 COUNCILMAN MARIANO: Even if that's all
17 done, isn't that guy who's going to blow that red
18 light, he's going to blow that red light anyhow
19 because he's in hurry? The only thing that's going
20 to stop him from blowing that red light is because
21 something is going to happen to him. He's either
22 going to get hit in an accident or he's going to get
23 a ticket. Hopefully, he doesn't get in an accident.
24 He will get a ticket if this passes.

25 MR. MCCAREY: A camera is not going to

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2 stop a guy like that. There's a very, very small
3 percentage of people like that. You're never going
4 to stop a willful red light runner, a DUI, a
5 criminal, a reckless driver. That's what the police
6 are for. They can stop him before he gets to the
7 next camera to take a picture of him running into
8 somebody.

9 COUNCILMAN MARIANO: I have to differ
10 with you. It's not that I know a lot of criminals,
11 but I know a lot of people -- we're talking about
12 criminals and people who make bad decisions driving.
13 I just have to differ with you on that. They're
14 going to get in trouble. There's going to be at
15 least a ticket sent to their house.

16 So if my son, my 22-year-old or my
17 18-year-old is out there with my car, I'm going to
18 get that ticket. I read the stuff here that may
19 have been the ACLU's. Two weeks ago, I know who had
20 my car. It's down to two or three people. It's me,
21 my wife, my son and maybe my other son. He's in
22 college. Do you know what I'm saying? I mean, it's
23 clear in your mind, but it's just as clear in our
24 minds. It's simple stuff to me. I can't speak for
25 the rest of the Committee here. Something is going

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2 to happen. It may affect one person. If it affects
3 one person who slows down, that's a victory for us.

4 MR. MCCAREY: With all due respect,
5 those are emotional opinions, and the camera
6 companies have resorted to emotion to try to sell
7 these things. I have statistics that show that 80
8 percent of red light running occurs within one
9 second of the red. That's an honest human mistake.
10 Fairfax County, Virginia, lengthened the yellow from
11 four seconds to five-and-a-half seconds. Red light
12 violations went down by 96 percent and have stayed
13 there. That hasn't been tried in Philadelphia yet.
14 I think it's worth a try before you even look at
15 these cameras. But the statistics show the cameras
16 increase rear-end collisions. And it really is all
17 about the money.

18 COUNCILMAN MARIANO: This is the last
19 thing I'll say. I'm on this Committee. I've been
20 on this Committee for eight years. Nobody from any
21 red light company has contacted me, or any camera
22 company. I haven't heard anything. I talked to
23 Councilman Rizzo when he started it. I didn't sign
24 it at the beginning because one of the Traffic Court
25 judges had an opinion and I wanted to listen to

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2 them, and I did. Now I'm for it. But what's black
3 and white to you, it's not to us. Thank you.
4 Thanks for your theories.

5 COUNCILMAN DICICCO: Thank you,
6 Councilman.

7 Councilman Cohen.

8 COUNCILMAN COHEN: Thank you, Mr.
9 Chairman.

10 Mr. DiSabatino, you're the
11 representative of the American Civil Liberties
12 Union?

13 MR. DISABATINO: I am.

14 COUNCILMAN COHEN: Which branch? Is it
15 the national organization?

16 MR. DISABATINO: I'm the Executive
17 Director of the ACLU for Pennsylvania.

18 COUNCILMAN COHEN: I'm just a bit
19 troubled. I'm troubled by both aspects of this
20 situation, but I'm troubled that the Civil Liberties
21 Union would think in any way that a payoff in
22 financial relief would justify any violation of
23 privacy rights.

24 MR. DISABATINO: Well, I wasn't trying
25 to suggest that we justify it. I was suggesting

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2 that if Council does move forward with this, because
3 of an honest disagreement over the extent of the
4 Constitutional problems, that Council consider
5 providing relief to overburdened drivers at the same
6 time.

7 COUNCILMAN COHEN: Well, I'm not so sure
8 that there's really a difference of opinion about
9 violations of Constitutional rights. I think the
10 division is more about people who care about the
11 violations and those who don't. And if you don't
12 care about violations of civil rights, of course you
13 don't know anything about privacy, you don't care to
14 protect it. But if you care about civil rights,
15 then you know that things always come to us in
16 sweet, syrupy conditions.

17 This is only going to be the picture of
18 the license tag. Nobody is ever going to see a
19 face. Now, anybody who knows anything about
20 progress knows that's untrue, knows that shortly
21 after the plan is put into effect, if it ever is,
22 that there will come a statement, we've now
23 perfected this, and now we can get to the place
24 where we can put points on because we can get enough
25 of a picture so that somebody can defend himself

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2 properly and, therefore, we don't have to limit
3 ourselves to only ticketing. We can actually give
4 people points. Not only a civil violation, but we
5 can affect the driving habits.

6 We've seen photographs begin to invade
7 privacy all along the business intersections of the
8 City. And in no time at all -- speaking
9 historically, it may take 5 or 10 years. So maybe
10 in my lifetime I'm safe. But for most of my
11 colleagues, if they don't understand that this is
12 merely the beginning of what we generally call a
13 slippery slope, and it get's more slippery and the
14 slope gets more intense, and in a short period we're
15 going to have a violation of rights. So I would
16 just suggest that the Civil Liberties Union
17 reconsider its attitude.

18 I don't think there's any question as to
19 whether it's a violation of civil rights and
20 privacy. It is. And it leads to the kind of things
21 like in the new Security Act, which permits the
22 government to go into areas we never thought they
23 would ever be allowed to go. For example, if you
24 take a book out of a library -- now, isn't that an
25 innocent thing? You go to the library. You want to

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1
2 read a book. You've read maybe about Iraq you're
3 interested in. So you go there and then the
4 government decides to investigate because there's a
5 specific provision in that act which permits the
6 government to get library information, including
7 what books, who read. And so suddenly you're called
8 in. "We notice that in April three years ago you
9 read a book on Iraq. What was your reason for
10 reading that book on Iraq? Were you going to work
11 with Saddam Hussein? Were you against him? Tell us
12 all about it."

13 Well, that kind of privacy -- we've
14 always rejected that kind of invasions of privacy.
15 Yet it sounded innocent enough when introduced.

16 When people face a crisis -- and driving
17 accidents are a crisis. I admit that. It's a
18 serious problem. Philadelphia is a City where
19 everybody passes the red light and everybody throws
20 trash on the street. Sooner or later we're going to
21 have cameras on every street in Philadelphia so that
22 we'll identify people who drop pieces of paper on
23 the street. Maybe that's worth the price that you
24 have to pay for a clean city, but it seems to me
25 that other cities have become clean without that.

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2 And there must be non-invasive methods for dealing
3 with situations.

4 I'm also concerned about the fact that
5 governments have become pretty much like private
6 business. They look for every conceivable way to
7 raise funds, particularly from poor people and low
8 income people. And it seems to me that this is
9 aimed basically, like most government financing is
10 aimed, at the people who are not influential, at the
11 people who it's felt will accept it. And that's the
12 low income people who are overwhelmingly most of the
13 drivers in the country. So I'm concerned about
14 those aspects.

15 And I'm concerned about why is it that
16 in Philadelphia, unlike many other cities, we don't
17 solve these problems without going to these
18 extremes, which always also involve money. Somehow
19 the government makes money out of the bad habits of
20 people. So I'm concerned about all the aspects of
21 this case.

22 But one of my main concerns is the
23 Constitutional concern of privacy, and I just want
24 to reinforce my view that I don't think any price is
25 worth paying to permit an invasion of privacy.

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2 I wonder what happens if somebody is out
3 on a street that night and a robbery takes place
4 near where a red light was passed, and the police
5 begin an investigation very properly of the robbery.
6 And they want to follow every lead. And police
7 should follow every lead. And your car happened to
8 pass that intersection at or about the time.
9 Suddenly you're involved in a robbery investigation.
10 And maybe you were in that neighborhood for reasons
11 you're not prepared to disclose to the public.
12 Maybe if you were a lawyer, you were investigating a
13 case, a case for a client who did not wish to have
14 their names released. I can think of all kinds of
15 ways in which the information could be harmful to
16 people. And so I'm wondering is it worth the price,
17 if there is a price? Can there been a price to this
18 kind of thing?

19 Why can't we get smart and figure out
20 ways to clean up the City from the trash, make it a
21 clean City and make it a safe City. Why can't we
22 find a method to convince Philadelphians that you
23 ought not to pass red lights. It's too dangerous
24 for everybody; for the driver, for the pedestrians,
25 everybody. Why can't we do it preserving our basic

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2 Constitutional rights? Why is it whenever there is
3 a crisis in anything, the first approach always is,
4 let's give up some basic American right that we
5 think is important enough to fight about, to fight
6 militarily, to give up, if necessary, our children.
7 So I'm very concerned about this issue. I'm
8 listening intently. But I don't want to neglect or
9 underestimate the very serious invasion this would
10 be of privacy and Constitutional rights.

11 Just think of yourself walking your dog,
12 deciding one night to walk two blocks further
13 because it's a lovely night, having something happen
14 somewhere where you're walking, and then having to
15 explain what were you doing in this neighborhood.
16 You didn't belong here. We watched you walk on
17 other nights and you only walked across the street
18 where the park is. What were you doing two blocks
19 away that night? They're the kind of concerns I
20 have. I don't think this is an easy question at
21 all. And I'm also very suspicious -- who gets the
22 money in this Bill? Who's going to get the money?
23 Have you checked that?

24 MR. DISABATINO: It goes to the Parking
25 Authority, which is the administrator of the

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2 program. I'm not sure how that money is shared
3 between the City and the State.

4 COUNCILMAN COHEN: Well, if anybody has
5 any information, I'd like to know. Because Parking
6 Authority recently changed ownership. And they sold
7 out from one outfit to another outfit. And the
8 first outfit had all kinds of investment practices,
9 like building garages and empty holes, like at 8th
10 and Market Street investing \$30 million. And the
11 new ownership said, "We're going to take care of the
12 school system with the Parking Authority," only to
13 find there was no money.

14 COUNCILMAN DICICCO: Councilman Cohen,
15 there are representatives from the Parking Authority
16 who will be testifying this morning. I'm certain
17 that you will want to reserve your questions for
18 them.

19 COUNCILMAN COHEN: Okay. Very good, Mr.
20 Chairman. Thank you.

21 So if either of you have any comments --
22 I tried to follow the gentleman from the other
23 organization, but he was way beyond my level of
24 understanding about slippery slopes. I think he
25 slipped all the way down. But I am very much

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2 concerned with the position of the Civil Liberties
3 Union.

4 MR. DISABATINO: Councilman Cohen, I
5 just want to respond briefly by saying I agree with
6 you 100 percent. We are opposed to the legislation.
7 I didn't mean to imply that the ACLU would consider
8 it okay if there was enough of a financial relief
9 exacted for the citizens of Philadelphia. We
10 completely share your concerns about privacy and due
11 process. And I think that we are also aware, as you
12 are, of the importance of enforcing the the traffic
13 laws. But we really believe that real human police
14 officers, law enforcement officers, should be doing
15 that enforcement rather than relying on technology.
16 It's tempting, as you say. But also as you said,
17 the technology is advancing so quickly, that right
18 now or in a few years, we will have the ability to
19 track people in public in a way that a prior
20 generation couldn't even imagine. And when people
21 make the argument, "Well, it's for safety," it's a
22 very appealing argument, as you say. But it also
23 presents real Constitutional problems. And that's
24 what we're encouraging City Council to do, is to
25 think about those problems before adopting a new

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2 technology which then becomes part of everybody's
3 daily life.

4 MR. MCCAREY: Councilman Cohen, the
5 bottom line is, we're against this because it won't
6 work. It will cause more crashes and fatalities
7 and it just extorts money from motorists. If it
8 worked, fine. But it doesn't work. It has proved
9 it hasn't worked. There's statistics all over the
10 country, every program.

11 COUNCILMAN COHEN: I'm inclined to think
12 you're right with respect to your conclusion.

13 To Mr. DiSabatino, anybody who thinks
14 you're going to find a way to get the insurance
15 companies to stop molting the public, I think we're
16 dreaming.

17 On the Live Stop program, I think the
18 Chair has reported at other meetings about the great
19 reduction in the number of problems for insurance
20 companies. And the insurance companies respond,
21 "Yes, that's true. But that's kind of irrelevant.
22 It only reflected a tiny portion. So tiny it
23 doesn't effect the rates."

24 The insurance company will probably come
25 up with that kind of story, if this program were put

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2 into effect. And if it were indeed successful,
3 they'd probably say, "Well, that's really
4 irrelevant. You didn't stop enough. It wasn't
5 quite successful enough."

6 Insurance companies are going to have to
7 be dealt with by an Insurance Commissioner who
8 really works in the interest of the public. And
9 City Council has expressed its opinion to the
10 Governor as to the first -- two steps have already
11 been taken: The change in the Insurance
12 Commissioner and the passage of a Bill for a
13 Consumer Advocate for auto insurance. But in any
14 event, this presentation is a problem. I think it
15 ought to be presented, but I think we all ought to
16 be conscious of the dangers that we face by the
17 shortcut approach.

18 Thank you.

19 COUNCILMAN DICICCO: Thank you,
20 Councilman Cohen.

21 Are there any other questions for these
22 witnesses from the panel?

23 (No response.)

24 COUNCILMAN DICICCO: Seeing none, I ask
25 the National Campaign to Stop Red Light Running,

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2 Leslie Blakey, and Advocates for Highway and Auto
3 Safety, Cathy Chase.

4 Is there someone here from the
5 Pennsylvania Bicycle and Pedestrian Advisory
6 Committee? I don't have a name for that
7 organization. I want to hear from them.

8 Good morning, ladies. Please identify
9 yourself for the record. Decide among the two of
10 you who will speak first.

11 MS. BLAKEY: Thank you, Councilman
12 DiCicco, Vice Chairman Cohen, and Members of the
13 City Council for the opportunity to provide
14 testimony in support of City Ordinance 000682, a
15 Bill that would allow Philadelphia to establish a
16 photo red camera pilot program within
17 well-established guidelines.

18 As Executive Director of the National
19 Campaign to Stop Red Light Running, an
20 industry-funded advocacy organization, I urge your
21 favorable vote on this important Ordinance that will
22 help decrease red light camera running crashes and
23 reduce deaths and injuries in Philadelphia.

24 In Philadelphia during 2001 there were
25 20 fatalities caused by red light runners. Fatal

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2 red light crashes in Philadelphia are increasing,
3 and they account for nearly half of the fatal red
4 light crashes in the entire State of Pennsylvania.
5 Nationally, red light running caused as many as
6 218,000 crashes last year, resulting in more than
7 181,000 injuries and 880 deaths, at a \$14 billion
8 cost to American taxpayers. One in three Americans
9 knows someone who has been injured, somebody who has
10 been killed, or both, because of a red light runner.
11 Red light running crash deaths are increasing three
12 times faster than any other type of roadway
13 fatality.

14 Philadelphia's home to two of the
15 country's most dangerous intersections, according to
16 State Farm Insurance. But red light running is not
17 only a problem at these troubled intersections.
18 It's a problem right outside the doors of City Hall.
19 We took our cameras outside the building, and in
20 one hour, this is what we found. And I urge you to
21 look carefully on the video at the signal which
22 shows -- when the signal turns red, you will be able
23 to see running the red light right outside the doors
24 of City Hall.

25 (Videotape played.)

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2 MS. BLAKEY: As you can see, too many
3 drivers do not consider running a red light to be a
4 serious traffic offense or a danger to their fellow
5 citizens. Consistent enforcement is necessary to
6 deter people from making this dangerous and often
7 deadly choice, and photo red light camera programs
8 are a very effective safety countermeasure to
9 establish this goal.

10 I would like to depart from my written
11 remarks here for just a moment to address some of
12 the issues that were brought up by the previous
13 witnesses. In particular, I want to call the
14 Council's attention to three reports that were
15 released in just the past month: One from the
16 Transportation Research Board, a branch of the
17 National Academy of Sciences; one from the FHWA; and
18 one from the Texas Transportation Institute. All
19 three of these were major comprehensive reports and
20 all three endorsed the benefits of photo enforcement
21 programs and their effectiveness. There was also
22 one other report which was released back in February
23 from the Virginia Institute of Technology studying
24 the Fairfax County program in Fairfax, Virginia.
25 The report showed that, in fact, the issue of cost

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2 is really a cost to society, not the issue at hand.
3 It's the savings that are achieved from savings in
4 crashes and injuries and fatalities. In that study,
5 the research has found that projected over eight
6 years, eight cameras, only eight, in Fairfax County
7 would save \$30 million in societal costs, which is,
8 I think, one of most significant findings recently
9 is that we benefit from reduced accidents and
10 reduced injuries, but there's also saved police
11 power, saved EMS personnel, savings in terms of
12 commuter time from tie-ups and congestion and so
13 forth caused by injuries, not to mention the savings
14 in families from people who are out of work due to
15 these crashes and injuries.

16 Also, with respect to the aspect that
17 was brought up in terms of civil liberties, the
18 issue of being able to confront your accuser. Under
19 these systems, under these programs, and in the
20 Philadelphia proposal, you will still have the right
21 to do that. The ticket is merely a summons to
22 present your case at a hearing, if you so choose, or
23 to pay the ticket if you choose to do so because you
24 recognize that you are guilty. You can confront
25 your accuser, which is the State. The camera is not

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2 your accuser. The photo is merely evidence. The
3 State is your accuser, and the opportunity is there
4 for you to confront the State and deny that you ran
5 the red light. However, in most cases, people see
6 themselves in the photo and -- or where there's
7 video, they see themselves on the video and they
8 recognize that they actually ran the light. This is
9 a very --

10 COUNCILMAN KENNEY: Point of
11 information.

12 As I understand this Bill, you're
13 speaking in your testimony as to a photograph of a
14 person. It's my understanding that this program is
15 only photographing a license. So I don't want to
16 mislead anyone here. Maybe other jurisdictions have
17 the ability or the capacity to photograph the
18 driver. One of the things that was, I think,
19 strongly, from my perspective, favoring the Bill,
20 was the fact that it was only the license plate that
21 was being photographed. So a lot of the civil
22 liberties issues are not as serious because you're
23 photographing the plates. I don't want your
24 testimony to --

25 MS. BLAKEY: That's correct. What I was

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2 addressing was the issue of being able to confront
3 your accuser. And you do have the opportunity to
4 confront --

5 COUNCILMAN KENNEY: I just didn't want
6 anybody here in the room or on the panel to think
7 that somehow there was going to be facial
8 photographs of the driver.

9 MS. BLAKEY: That's correct. It will be
10 a rear license plate only. And the camera only
11 activates and takes a picture once someone has
12 crossed the crosswalk and entered the intersection
13 after the light has turned red. So that the only
14 pictures that will be taken will be people that are
15 actually breaking the law. And the picture will be
16 of their license plate, not of the individual. So
17 the issue that I was going to, in terms of
18 Constitutional issues, has do to with the right to
19 confront your accuser, which you still have.

20 COUNCILMAN KENNEY: I just want to make
21 sure that the record was clear, that no one's
22 photograph was being taken. It was only the license
23 plate.

24 MS. BLAKEY: That's correct.

25 COUNCILMAN RIZZO: Further point of

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2 information, Mr. Chairman.

3 I'd like to also point out that every
4 photograph, license plate that's photographed,
5 before that is sent to the registered owner of that
6 vehicle, that a Philadelphia Police officer will be
7 associated with the process where -- the Parking
8 Authority can further elaborate on that. But they
9 will view each of the photographs to be assured that
10 it is a legitimate violation, that it's looked at by
11 the police officer before it's sent. So that is
12 also the human factor into the process. And, again,
13 if that's not absolutely correct, I'm sure that I'll
14 be straightened out on that, but I believe that's
15 how that is going to work.

16 MS. BLAKEY: That certainly is my
17 understanding, as well.

18 And with respect to a remark that was
19 made by our previous witness, which is that in the
20 case of a live citation issued at the time by a
21 police officer that -- he made the comment that
22 guilt or innocence can be established at that time.
23 And, in fact, that is not the purpose of a law
24 enforcement officer. An officer is not to establish
25 guilt or innocence. The officer cites the offender

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based on what he has observed, and guilt or innocence is not established at that time. It operates exactly the same way effectively, as this program would operate, which is that you then are allowed to present your evidence at a hearing that you are either innocent or guilty. So there really is actually very little difference from a Constitutional standpoint.

COUNCILMAN RIZZO: Thank you very much. Excuse me for interrupting your presentation.

MS. BLAKEY: Sure. Absolutely.

One of the other aspects, though, that I was interested in addressing was the privacy issue, which I do want to reiterate that driving is a privilege. When you're driving on a public road, there's a different set of obligations at work. And when you're breaking the law on a public street, you're not entitled to special protections of privacy. The camera systems that we're talking about here will allow the photograph only from the rear and, therefore, we're not identifying any individual. And when that ticket or citation is sent to the owner of the vehicle, the owner has the opportunity to identify the person who is driving,

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if it was not them. And they have the opportunity, therefore, to have the ticket abated and the proper person cited subsequently. So there's quite a lot of built-in protection here in terms of civil liberties.

One of the other aspects that I wanted to address that was presented in the previous testimony is that there was an assertion that rear-end collisions greatly increased as a result of these programs. In fact, the evidence for the rear-end collisions have increased in one of the reports -- as a matter of fact, it was an extensive review of 90 different programs in the United States and in other countries which was released by the Texas Transportation Institute -- stated, and I quote, that any increase in rear-end collisions is both slight and temporary. That was their conclusions based on studies of 90 different communities. The previous witness, and often when we hear this from opponents, greatly exaggerates the importance of the rear-end crashes. The rear-end crashes also, when they do occur, tend to be much less injurious, much less damaging than the typical red light running crash, which is a T-bone crash

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2 often resulting in brain injury and spinal cord
3 injury, as well as fatalities.

4 One other point that I wanted to make
5 which has to do with the San Diego case that was
6 cited previously. In San Diego -- in fact, Judge
7 Stein's ruling in San Diego affirmed the
8 Constitutionality of the program there, as did the
9 audit that was conducted by the State of California,
10 which was an audit that was called for by the
11 State's Legislative Body and conducted by the
12 State's Independent Auditing Authority. The
13 Constitutionality was not at issue in that program,
14 on the temporary interruption of the program out
15 there. It had to do with procedures in oversight by
16 the City of San Diego in administering the program.
17 The interesting results, though, of ceasing the red
18 light camera program in San Diego was that crashes
19 in San Diego actually went up after the cameras were
20 turned off at camera intersections by 14 percent.
21 So if anyone has any doubt that red light cameras
22 reduce crashes, you have only to look at the case in
23 San Diego, which shows that once the cameras were
24 turned off during this temporary interruption, over
25 that period of time crashes went back up 14 percent.

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2 I think that's a very telling statistic.

3 The other aspect is the popularity of
4 the programs. It was asserted that a lot of people
5 don't understand them, don't know about them, or do
6 not have enough basis, therefore, on which to make
7 up their minds. Our opinion poll of just last
8 August, which was a national poll, showed that 83
9 percent of the American public supports the use of
10 photo enforcement. But more interestingly is that
11 in areas where photo red light programs are in
12 effect, the studies and polls by the Insurance
13 Institute for Highway Safety have shown that support
14 in the public actually goes up after the programs
15 are in place and have been in place for some time.
16 People recognize the value of the photo enforcement
17 programs in these cities, and support actually
18 increases.

19 I'll just return now to my original
20 remarks. I apologize for interrupting, but I just
21 could not let some of these inaccuracies pass
22 unchallenged.

23 The red light camera programs nationwide
24 have very promising results. And in nearby
25 Wilmington, Delaware, violations decreased by 56

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percent since the start of red light camera programs in July 2001. Additionally, citations from the Wilmington program have been upheld 97 percent of the time they've been contested. Residents there are getting the message that red light running is not an option.

Red light photo enforcement programs are popular with the general public. I just mentioned that our poll showed 83 percent support. And the cameras supplement police work and allow law enforcement to focus on other crimes.

Red light cameras capture and process the violation without a dangerous pursuit. This technology is a valuable supplement to good engineering and is in use in 70 communities throughout the United States.

I urge the City Council to authorize the use of this lifesaving technology as part of an overall traffic safety program. When combined with good engineering practice and strong public awareness and education programs, this method of enforcement is a very effective procedure in preventing crashes and tragedies that all too often result.

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2 Thank you very much.

3 COUNCILMAN DICICCO: Thank you.

4 Good morning, ma'am. Would you please
5 identify yourself for the record and proceed with
6 your testimony?

7 MS. CHASE: Good morning, Mr. Chairman,
8 Members of the Committee. My name is Cathy Chase.
9 I'm with Advocates for Highway and Auto Safety, and
10 I'm going to try to keep my remarks as short as
11 possible. A lot of my points have already been
12 expressed, but since I made the trip up from
13 Washington, I think I'll do my best to make some
14 remarks that hopefully you'll find persuasive.

15 Advocates for Highway and Auto Safety is
16 a non-profit organization. We work to advance
17 highway safety laws, both the state and federal
18 levels. We're a unique organization because we're
19 comprised of consumer health safety and law
20 enforcement organizations, as well as insurance
21 companies. For example, one of our board members is
22 Mothers Against Drunk Driving, and they are in
23 support of this legislation as well. I'm pleased to
24 be here today to testify on Bill 000682 to help stop
25 the dangerous problem of red light running in

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2 Philadelphia.

3 We all know how tempting it is to run a
4 red light, either if we're in a rush to go somewhere
5 or we're just running late. We all likely know that
6 this is dangerous behavior, but we don't know how
7 deadly the consequences of running a red light can
8 be. At Advocates, we work with victims of red light
9 crashes across the country to get laws passed. I've
10 seen firsthand how the crashes can affect the
11 victims and their loved ones. We've heard from two
12 of them today. But by working with victims, we
13 aren't playing on your empathy, as was suggested by
14 a person who testified earlier. Rather, we're
15 demonstrating, what else is there except for life?
16 If we're not here to try to protect people -- what
17 is the point of protecting people's rights to
18 liberty if you don't protect the people? I don't
19 understand that argument.

20 In 2001, 880 people were killed by red
21 light runners, and 181,000 people were injured. And
22 citizens of Philadelphia are not spared the personal
23 and financial toll of red light running crashing.
24 In 2001, there were 44 fatal red light running
25 crashes in Pennsylvania, in which 48 people died.

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2 And we've already heard before that almost half of
3 those happen in Philadelphia.

4 Additionally, in the City of
5 Philadelphia, there was 21,532 red light running
6 tickets issued in 2002. And so far this year, there
7 have been more than 6,000 red light runners who have
8 been cited. While this seems like a lot of tickets,
9 it's really only a small portion of red light
10 runners who are getting caught. Law enforcement
11 simply does not have the resources to devote to
12 consistent widespread enforcement that is needed to
13 deter people from engaging in this dangerous and
14 potentially deadly behavior.

15 You've already heard about some polls.
16 And poll after poll demonstrates that the public is
17 supportive of these red light running cameras.
18 People get it. They want the cameras.

19 Furthermore, there's ample data
20 demonstrating that the cameras work. You've already
21 heard of a couple of very credible studies that have
22 been done on these red light camera programs. I'll
23 just add one more that wasn't mentioned yet. Since
24 the start of its program in 1999, Washington, D.C.,
25 has experienced a 69 percent reduction in red light

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2 running violations at intersections with cameras.
3 That amounts to 25,900 fewer violations a month.
4 That's a lot of people who are being protected by
5 red light cameras.

6 And despite the lifesaving benefits that
7 we've mentioned and the public support that we've
8 mentioned, often-times this debate is boiled down to
9 Big Brother or misinterpreted Constitutional rights.
10 Arguments about privacy and Constitutionality are
11 specious, in that the Constitution gives us a
12 reasonable expectation of privacy, which does not
13 apply to public roads.

14 Additionally, the red light camera
15 proposed in this Bill would only require photographs
16 of the license plate of the offender, not the
17 driver's image and not the interior of the car. In
18 this respect, a photograph is less invasive than
19 when a police officer pulls someone over, because
20 the officer would see both the person and some of
21 the interior of the car. Cameras take a picture of
22 all violators. There's no subjectivity or privacy
23 violation. It's very clear. Whoever crosses the
24 intersection after the light turns red will receive
25 a citation. Unlike cameras at ATMs, shopping malls'

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2 parking lots, in this room, these cameras only take
3 your picture if you have already broken the law.

4 The right to confront one's accuser,
5 another lost liberty according to opponents, which
6 is embodied in the Sixth Amendment, has never meant
7 the right to confront an arresting officer or
8 someone issuing the ticket. The right is preserved
9 in court where all ticketed individuals can go if
10 they disagree.

11 By obtaining a driver's license, an
12 individual agrees to abide by certain rules, one of
13 which is to obey traffic signals. The use of
14 cameras is just one way to enforce this law, and is
15 a supplement to ongoing police enforcement. The
16 sole purpose of the automated enforcement systems is
17 to serve as a deterrent to breaking the law,
18 preventing this law-breaking act from happening in
19 the first place.

20 Finally, common sense ways in favor of
21 implementing red light cameras. Automobile crashes,
22 like diseases, kill tens of thousands of Americans a
23 year. When we're sick and go to the hospital, we
24 want and we expect our doctors to use the very best
25 methods and the very latest technologies to save our

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2 lives and treat our illnesses. Similarly, when
3 addressing the problem of motor vehicle crash deaths
4 and injuries, we want and we expect our government
5 to take every reasonable step to eliminate the
6 dangers posed by law breakers. It makes sense to
7 use all of the proven technological tools at our
8 disposal to prevent the loss of life of innocent
9 motorists.

10 For these reasons, Advocates for Highway
11 and Auto Safety strongly supports this Bill and
12 urges its passage. Allowing the use of auto and
13 photo enforcement to stop reckless driving will save
14 taxpayer dollars, save police resources and, most
15 importantly, save lives.

16 Thank you for your time and
17 consideration.

18 COUNCILMAN DICICCO: Thank you, Ms.
19 Chase.

20 For the record, Councilmember Goode, who
21 is a Member of this Committee, is also in
22 attendance.

23 Either of you ladies can answer this
24 question. I'm really impressed with the numbers in
25 your testimony, Ms. Chase, where you state that the

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reduction in red light running violations in Washington, D.C., had been reduced by 69 percent. That kind of goes counter to what some of the earlier witnesses were testifying, that this is just another attempt on behalf of government, in one sense or another, to increase ticket writing, which will, in effect, increase revenues.

Is there any reduction in the number of vehicles who use these intersections, since they now know that there are cameras there? Do you see any of that kind of reduction?

MS. CHASE: Not to my knowledge.

COUNCILMAN DICICCO: I'm just curious. I'm supportive of this Bill. I just was curious, that if people know that there is that red light at a particular intersection, they'll find an alternative route, and would that have any bearing on the number of violations that are being written.

MS. CHASE: Well, they don't always know where the red light cameras are. While it is on the MPD, the Metropolitan Police Department Website, where the cameras may be, they do move the cameras from time to time. The casings stay in place, but the cameras are moved, so people don't always know.

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2 They know it could be there and they know all of the
3 possibilities where it might be, but they don't know
4 if it would actually be there or not.

5 COUNCILMAN DICICCO: Is there a
6 percentage of intersections in the jurisdictions
7 that have the red light cameras installed, a
8 percentage of intersections that they're installed
9 at? Is that different in every municipality, or is
10 there a general number that we can look to?

11 Currently, I think we have nine or so
12 intersections that we're looking to do, out of I
13 don't know how many thousands of intersections in
14 the City of Philadelphia.

15 MS. BLAKEY: It varies greatly. There
16 are towns that have just one camera, and that's all
17 they have. I think that's the case --

18 COUNCILMAN DICICCO: Well, a community
19 similar to the size of Philadelphia, are there any
20 comparisons to that?

21 MS. BLAKEY: I think that basically it
22 varies. Partly because a lot of times these things
23 start out as pilot programs, and once the cameras
24 have been in place for some time, the City finds
25 that they're so effective that they decide to

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2 increase the number of cameras. It tends to be
3 quite varied in terms of how many.

4 COUNCILMAN DICICCO: Point of
5 information.

6 Councilman Rizzo.

7 COUNCILMAN RIZZO: Just for the people
8 attending and watching this hearing at home, in the
9 legislation that came from Harrisburg there are nine
10 intersections that are mentioned there. They are to
11 be considered. That doesn't necessarily mean that
12 they're going to get cameras. But they are nine
13 intersections that need to be considered by our
14 traffic engineering people, the Police Department,
15 to see whether or not they should be equipped with
16 cameras.

17 And I believe our policy here is even
18 going to be more stringent. There's going to be a
19 period of time where we're going to post that
20 intersection to let them know that it will be a
21 photo-enforced intersection, so there should be no
22 surprises here. In fact, that's part of what I
23 learned from you folks about the culture change in
24 Washington and other municipalities where the number
25 of violations decreased substantially because people

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2 realized that they should not be running red lights,
3 especially in the intersections that have cameras,
4 and even intersections that aren't equipped with
5 cameras in many of those municipalities. The
6 culture change, people started to stop when they see
7 that yellow light.

8 MS. BLAKEY: Keeping people informed is
9 one of the important aspects of this, and keeping
10 the public up to date about the camera program and
11 so forth helps to deter the red light running. What
12 we want is to ultimately get to zero citations and
13 zero violations.

14 COUNCILMAN RIZZO: Thank you.

15 COUNCILMAN DICICCO: Ms. Blakey, in the
16 interest of fairness, earlier I asked questions of
17 Mr. McCarey based on a sheet of paper that someone
18 handed me. Someone has now handed me a sheet of
19 paper to ask you a question.

20 Who funds your organization?

21 MS. BLAKEY: Happy to tell you. We are
22 funded by members of the industry that supplies and
23 maintains cameras, ACS State and Local Solutions and
24 Red Flex (ph) are funders of our campaign. Other
25 industry members also support us in various other

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2 ways and we are happy to acknowledge that.

3 Part of the mission of our campaign is
4 to operate in a very credible way, but we're here to
5 supply information that's provided by a number of
6 other resources, studies and other sources of
7 information. We do not do our own research. So
8 when I am reporting facts, they are facts that have
9 been established by other organizations.

10 COUNCILMAN DICICCO: Thank you. Thank
11 you for your answer.

12 Councilman Clarke.

13 COUNCILMAN CLARKE: Thank you, Mr.
14 Chairman.

15 Good morning. I wanted to ask briefly a
16 couple of questions, and it centers around
17 information.

18 One of the problems that we tend to have
19 when we have somewhat controversial issues, we have
20 individuals or groups that come in to testify. They
21 tend to be geared one way or another. And my
22 concern is that we rarely have an opportunity to
23 have an objective viewpoint. In government we have
24 certain offices set up in Philadelphia. We have the
25 City Controller, who is supposed to give us an

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objective viewpoint on the budget. So when Council and the Administration tend to have differences, we go to the Controller and other portions of government. You have auditors at the state level to give you the facts.

Is there an agency or an entity that I can go to that will give me the hard core facts as it relates to this issue, someone who is not funded by the red light camera industry or someone who has views that go beyond just this particular issue, but clearly views relating to the civil rights of individuals?

MS. BLAKEY: Sure. Actually, the Federal Highway Administration has no ax to grind on this at all. And they just came out with -- literally last month -- it was one of the reports that I mentioned and I'd be happy to get you a copy, "Guidelines for Red Light Camera Programs."

In addition, the Transportation Research Board, who also came out with their own guidelines as well last month, also essentially drew the same conclusion.

COUNCILMAN CLARKE: When you say guidelines --

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2 MS. BLAKEY: Guidelines for programs,
3 yes.

4 COUNCILMAN CLARKE: Well, I guess I'm
5 looking more for a statistical analysis.

6 MS. BLAKEY: I think that in both of
7 these reports they establish the statistical
8 analysis as part of the argument, and then they go
9 on to make their points.

10 COUNCILMAN CLARKE: Okay.

11 MS. BLAKEY: I'll be happy to get you
12 copies of both of those.

13 COUNCILMAN CLARKE: That would be very
14 helpful.

15 MS. BLAKEY: And both of those are
16 entirely independent. They have no connection to
17 anyone who gains or loses, except the public.

18 COUNCILMAN CLARKE: One other brief
19 question, since you are obviously very involved and
20 knowledgeable of the red light camera.

21 Traditionally when you talk about
22 running red lights, we have the human error because
23 we tend to utilize police officers. Is there a
24 failure rate associated with camera operations? Is
25 it minimal or does it vary?

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2 One of the concerns that I have is the
3 ability of an individual to face their accuser in
4 the event -- in the traditional program you have a
5 police officer and people that can kind of, like,
6 look to the judge to hear the case and hear the
7 story and make an objective determination based on
8 who's the most believable person. When you're up
9 against a machine, a camera, it's rather difficult
10 in terms of your ability to influence that
11 individual who makes that determination. But, in
12 fact, machines are machines. They sometimes fail.
13 And I'm wondering, is there a failure rate
14 associated with these cameras?

15 MS. BLAKEY: There's an extremely low
16 failure rate. Usually when there are issues that
17 come up concerning the programs, they involve
18 situations where, somehow or another, there's been a
19 breakdown between communication and the engineering
20 department, perhaps in the City and the enforcement
21 side, and some engineering error has been made,
22 perhaps in locating the cameras or something like
23 that. The camera and the camera technology itself
24 is extremely reliable.

25 I call your attention to the testimony

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2 that was submitted by Richard Reading of the
3 Insurance Institute for Highway Safety. And it was
4 written testimony that was submitted. He points out
5 that the insurance researchers used red light
6 cameras in Arlington, Virginia, for about three
7 years. This was just a field study. More than
8 30,000 violations were reported, but no citations
9 were issued because the work was conducted for
10 research purposes only. The camera systems have
11 been extremely accurate and reliable. They have
12 required virtually no maintenance.

13 The same equipment subsequently was
14 installed in two intersections in Howard County,
15 Maryland, to help police and traffic engineers
16 evaluate the extent of red light running and the
17 feasibility of using red light cameras to help
18 enforce traffic laws. The results confirmed, again,
19 that violations are frequent and that the red light
20 cameras function well. And they have quite a number
21 of the actual data and methodology to support Dr.
22 Reading's conclusions.

23 COUNCILMAN CLARKE: It's good to hear
24 that it's minimal. But there is -- and I'm sure
25 there has been instances when the camera didn't work

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2 properly. What recourse does an individual have?

3 One of my concerns is Joe Blow, Susie Q,
4 whatever, gets a violation. The camera is not
5 functioning properly. This person doesn't really
6 have the resources to hire an expert to determine if
7 the camera is functioning properly. Would the cost
8 associated with reviewing the camera or determining
9 whether or not the camera wasn't functional be left
10 on the City, the State, or would it be left on the
11 individual who's indicating that they think there
12 was a faulty camera?

13 MS. CHASE: It's my understanding
14 that -- and I don't work for the government,
15 obviously, or for anyone who runs the systems. But
16 it's my understanding that the company and the
17 government are so sensitive about the issue of the
18 cameras not working properly, that if there is a
19 question that perhaps this ticket shouldn't have
20 been issued or the camera wasn't working properly or
21 there was mud on the license plate or something,
22 that they don't issue the tickets. There's a
23 certain percentage of tickets that, even though
24 someone ran a red light, the tickets aren't issued.

25 But to address some of your other

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2 concerns, when -- I can speak in Washington, D.C. --
3 when someone goes to challenge a ticket, they go for
4 themselves. So they're inconvenienced. They have
5 to take some time off from work, which is an
6 inconvenience, certainly. But you can represent
7 yourself in Traffic Court and you can challenge, you
8 know, you don't believe the cameras were working
9 properly. And then the company or government has to
10 show that.

11 COUNCILMAN DICICCO: I have a follow-up
12 to that, as well. And you may not be the person to
13 answer this. It may have to do with the Parking
14 Authority.

15 In the City of Philadelphia, and I
16 suspect in other municipalities, if an individual is
17 issued a ticket at a meter for overtime and the
18 meter expired, and the individual who received the
19 ticket has a dispute as to the accuracy of that,
20 then the Parking Authority will send someone out
21 with a device or whatever to test the accuracy to
22 see if the clock on the meter is accurate.

23 Is there anything in this system, the
24 camera system or in the system of issuing the ticket
25 and the remedies to dispute that, that are similar

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1
2 in nature where if I were to receive a ticket for
3 having allegedly gone through a red light and I want
4 to dispute the fact and say it wasn't red, when I
5 entered the intersection it just went from green to
6 red, which is a common excuse in Philadelphia, there
7 was never any yellow; is there a remedy for that?
8 Is someone able to go out there to check and see if
9 the camera is accurate as it relates to the timing
10 of the lights?

11 I'm not sure how the mechanics of that
12 works. I suspect that when you enter the
13 intersection, it probably takes just about
14 everyone's tag, I would assume, right? Or is it
15 timed to the traffic device?

16 MS. CHASE: It's timed to the traffic
17 light. But what usually happens, what will tip off
18 the manufacturer or the government that the camera
19 systems aren't working properly, it doesn't make one
20 mistake. If there's a problem, it's broken and it
21 makes thousands of mistakes, then they send a
22 technician out to go fix it.

23 I think what you said, Mr. Chairman, is
24 a very fair analogy to the parking meters. It's a
25 very similar kind of system, in my understanding.

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2 COUNCILMAN DICICCO: Thank you.

3 MS. BLAKEY: That's exactly right. The
4 situations happen fairly rarely, but when they do,
5 it comes to the attention fairly quickly because
6 there's quite a few errors that get made. But also
7 the question of having regular maintenance crews
8 that really go out literally on a weekly or more
9 frequent basis.

10 COUNCILMAN DICICCO: That was my next
11 question. So there is regular maintenance?

12 MS. BLAKEY: Yes.

13 COUNCILMAN DICICCO: And I assume part
14 of the maintenance is to test the accuracy?

15 MS. BLAKEY: That's essentially right.
16 And that is part of the service thing that the City
17 pays for in their contract.

18 COUNCILMAN DICICCO: Thank you.

19 Councilmember Clarke, are you through
20 with your questions?

21 COUNCILMAN CLARKE: Actually,
22 Councilman, you kind of followed-up on what I was
23 going to ask.

24 COUNCILMAN DICICCO: Councilman Cohen.

25 COUNCILMAN COHEN: Thank you, Mr.

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2 Chairman.

3 You know, I marvel at the perfection of
4 these cameras in view of the fact that I live near
5 Central High School in Philadelphia. And near
6 Central High School is a big parking area where many
7 buses, school buses, are parked. They have a
8 traffic light to aid those buses during the school
9 day to leave and enter the parking area. Yet, after
10 many years of complaints, frequently still on
11 Saturdays and Sundays and at night when there is no
12 school, the traffic lights still operate for the
13 parking lot, even though no parking is going on, no
14 traffic at all. I wonder how come such a simple
15 problem as turning off traffic lights cannot be done
16 effectively, how these wonders exists with photo
17 cameras that are almost perfect.

18 Let me ask you, is it one company that
19 manufactures or more than that?

20 MS. BLAKEY: There's quite a few
21 companies that manufacture. There's various aspects
22 that are manufactured by maybe 20 different industry
23 members. And different companies have different
24 technologies and so forth, as well.

25 COUNCILMAN COHEN: And is there any

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2 contract or contract talks ongoing between any
3 companies and the State or City? I don't know who
4 would be dealing with that problem now.

5 MS. BLAKEY: I have no idea. I don't
6 know.

7 COUNCILMAN COHEN: Mr. Chairman, point
8 of information.

9 Will there be witnesses that can tell us
10 what the state of negotiations, if any, is and what
11 the names of the companies are?

12 COUNCILMAN DICICCO: Yes.

13 COUNCILMAN COHEN: And to the companies,
14 I would like to know about the officers and the
15 major stockholders and whether they contribute
16 funding to different political candidates and, if
17 so, to whom and how much. Because I'm very
18 concerned --

19 COUNCILMAN DICICCO: I'd like to have
20 that information as well.

21 COUNCILMAN COHEN: I'm just very
22 concerned --

23 COUNCILMAN DICICCO: I'm running for
24 reelection this year too. I'm just joking.

25 COUNCILMAN COHEN: -- with respect to

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2 this. For example, has there been tried ever that
3 when a red light goes on, on one side, that the
4 other side waits for a few seconds while they're
5 both red? Are there any studies on the accident
6 report? Because in Philadelphia that doesn't
7 happen.

8 MS. BLAKEY: That is called an all red
9 signal. In fact, there are engineering studies on
10 it. But the engineering community has said
11 throughout the use of all red, the purpose of it is
12 not to prevent red light running. It's a slight
13 time delay in allowing a green on one side, which is
14 to add an extra margin of safety. But the
15 engineering community disavows that that's a
16 technique specifically to prevent red light running
17 or that it necessarily is effective for that
18 purpose.

19 COUNCILMAN COHEN: I'm not sure -- tell
20 me what you said. The industry says what with
21 respect to the red light?

22 MS. BLAKEY: The engineering
23 communities, traffic engineers throughout the
24 country of various types who work on research issues
25 of this nature, such as the Transportation Research

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2 Board and the Institute of Transportation Engineers,
3 have studied the all-red clearance signal that
4 you're talking about. It is a useful tool to
5 provide a an extra margin of safety. But they
6 specifically indicate in their research that it is
7 not a technique for preventing red light running.
8 It is not considered to be a technique for that
9 purpose. It can be a useful engineering --

10 COUNCILMAN COHEN: Are the statistics
11 with respect to comparisons between intersections
12 which have that all red on all sides for a few
13 seconds as against those that don't?

14 MS. BLAKEY: Specifically, I don't know
15 if that study has been done, if a comparison study
16 like that has been done.

17 COUNCILMAN COHEN: It would seem to me
18 that might be pretty significant.

19 MS. BLAKEY: The question of light
20 timing gets really complicated because from the
21 engineering point of view, the light timing's really
22 primary purpose is to move the traffic smoothly and
23 allow for mobility, as well as safety. So when they
24 start to change the light timing at a lot of
25 intersections and try to adjust for things

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2 specifically to deal with the problem at that one
3 intersection, it messes up the whole process up and
4 down stream. So it's approached very cautiously by
5 traffic engineers typically.

6 COUNCILMAN COHEN: Thank you.

7 COUNCILMAN DICICCO: Thank you.

8 Any other questions for these witnesses
9 from the Committee?

10 (No response.)

11 COUNCILMAN DICICCO: Seeing none, I will
12 call up the next panel.

13 Philadelphia Parking Authority

14 represented by Vince Fenerty and Rick Dickson.

15 Bureau of Administrative Adjudication

16 represented by the Honorable Dominick Ceremele.

17 Police Department represented by Fran
18 Healy.

19 And the Traffic Court represented by
20 Judge Francis Kelly.

21 You gentlemen can decide for yourselves
22 who wants to go first. Normally, I would yield to
23 the judge.

24 JUDGE KELLY: Thank you, Mr. Chairman
25 and Members of the Committee. Thank you for the

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opportunity to present testimony on the Bill to permit camera red light enforcement in Philadelphia.

The primary objective of the Traffic Court is to promote traffic safety. Through the consistent enforcement of traffic laws and fair resolutions of disputes regarding traffic tickets, I believe the court plays a vital role in reducing accidents and saving lives. The proposed Ordinance is another tool in that effort.

Statistics gathered in other cities where automated red light enforcement takes place makes a compelling case for its use. While this program does not eliminate the need for police-issued moving violations, it frees police officers to monitor other intersections and, therefore, have a greater impact on public safety.

While the court will not preside over the initial hearing on tickets issued under this program, we will hear the appeals. The court is ready and willing to accept that responsibility. Each accident prevented as a result of this program is a potential life saved. Therefore, the court is willing to assume the responsibility for appeals on these matters.

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2 Thank you for the opportunity to present
3 testimony.

4 COUNCILMAN DICICCO: Thank you, Your
5 Honor.

6 Honorable Judge Ceremele -- former
7 judge.

8 MR. CEREMELE: Mr. Chairman and Members
9 of the Committee, I am Dominic Ceremele, Deputy
10 Finance Director of the City and Executive Director
11 of the Office of Administrative Review. I'm here on
12 behalf of Janice Davis, the Director of Finance and
13 Secretary of Financial Oversight.

14 We are in support of Council Bill 682,
15 which provides for civil liability for red light
16 violations cited via a photographic monitoring
17 system. However, our support is conditioned upon
18 the acceptance of certain amendments proposed by
19 Nelson Diaz, our City Solicitor, in his memorandum
20 to the Honorable Frank Rizzo dated November 13,
21 2002. I understand that those amendments will be
22 included.

23 The purpose of this proposed Ordinance
24 is to implement the provisions of Act 2002-123,
25 which was passed by the Pennsylvania General

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2 Assembly last year. Traffic safety is a very
3 important initiative of this City's Administration,
4 as demonstrated by our commitment to the highly
5 successful Live Stop program, which was fully
6 implemented last year.

7 All of us who drive in urban areas can
8 tell anecdote after anecdote, and you've heard many
9 today of the times we had near misses, which were
10 caused by bad drivers passing through full red
11 lights. Those of us who have been involved in
12 traffic safety education -- and, as you all know, I
13 have been doing this for more than 25 years, and I
14 have spoken in more than three-quarters of all the
15 schools in Philadelphia concerning traffic safety
16 over those years. And we all know full well that
17 most motor vehicle accidents in urban areas occur at
18 intersections, and are the direct result of one of
19 the drivers failing to obey a traffic control
20 device.

21 Further, intersectional or right angle
22 accidents are very dangerous for the reason that
23 only some of the very newest vehicles are now
24 equipped with side curtain air bags. Thus, the
25 possibility of severe injury exists in these types

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of collisions.

The intersections that are delineated in Act 123 are among the City's most notorious and dangerous intersections, so it is fitting that they should be addressed as soon as possible and outfitted forthwith with photographic equipment designed to enforce the prohibition against running red lights.

The technology for photographic enforcement of this particular violation of the vehicle code is now well tested and is used in numerous communities around the country. It has been delayed here in Philadelphia because the Commonwealth Motor Vehicle Code required amendments to allow this type of technology. Until the passing of Act 123, we would have been prohibited from this type of enforcement, since there is no provision in criminal law for an owner/operator inference, which is an essential ingredient for the issuance of a citation based on photographic images of the rear of a motor vehicle. Act 123 allows for the issuance of civil violations, which will be akin to a parking ticket, and relies on this owner/operator inference while still allowing for the owner to transfer

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2 responsibility to the actual driver as outlined in
3 this proposed Ordinance.

4 Act 123 mandates that the Philadelphia
5 Parking Authority be designated the system
6 administrator for photo enforcement and directs all
7 revenue to the Parking Authority for its
8 administrative expenses, with the remainder going to
9 the Pennsylvania Department of Transportation for a
10 to-be-established Transportation Enhancements Grants
11 program. There is no revenue from this program that
12 will benefit the City's General Fund.

13 At the same time, Act 123 obligates the
14 City to provide its employees to establish and
15 implement important parts of the program. The
16 Police Department is obliged to provide commissioned
17 police officers to review the images and sign off on
18 notices of violation. The Director of Finance is
19 obliged to provide hearing officers to preside over
20 administrative hearings. And the Bill also provides
21 for the Streets Department to conduct studies. All
22 of these items are costly and there needs to be a
23 provision, which is among those amendments proposed
24 by the Solicitor. There needs to be provisions to
25 allow the City to recoup its cost from the Parking

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1
2 Authority, who has the ability to recover these
3 costs from the revenue stream. Thus, it is vital
4 that the provisions suggested by the City Solicitor
5 be included that blocks the Ordinance from taking
6 effect until the Parking Authority enters into an
7 agreement with the City agreeing to pay the City for
8 its share of the administrative expenses of the
9 program. It is my belief that the Parking Authority
10 will readily enter into such an agreement, as we
11 have had earlier discussions with the Authority
12 along these lines.

13 In summation, let me say that this is
14 important legislation. This is legislation that
15 will enure to the benefit of the citizens of
16 Philadelphia and visitors alike. It will surely
17 save many lives. It will avoid numerous painful and
18 debilitating injuries and save millions of dollars
19 in property damage. It is, in short, legislation
20 designed to make this City safer.

21 Thank you.

22 COUNCILMAN DICICCO: Thank you.

23 Councilman Rizzo.

24 COUNCILMAN RIZZO: Judge Kelly indicated
25 that the Traffic Court is going to be part of the

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2 appeal process. Judge Ceremele, can you please
3 explain -- you mentioned that the Board of
4 Adjudication somehow is going to be -- if you don't
5 pay the ticket and you want to appeal it, does it go
6 to Judge Kelly?

7 MR. CEREMELE: First level will come to
8 those hearing officers that I designate, and then
9 appeals from them will go to Judge Kelly.

10 COUNCILMAN RIZZO: So if the person
11 wants to appeal it beyond your authority, then it
12 will go to Traffic Court?

13 MR. CEREMELE: They have the absolute
14 right to immediately go to Traffic Court.

15 COUNCILMAN RIZZO: Great. Thank you
16 very much, sir.

17 MR. DICKSON: Thank you, Mr. Chairman.
18 My name is Richard Dickson. I'm the Director of
19 On-street Parking for the Parking Authority. I have
20 written testimony here, but I think it would
21 probably be most helpful to the Committee if I
22 summarized how this program will operate under both
23 the state law and under the proposed Ordinance as
24 amended, and then address some of the concerns that
25 have been raised by other panelists that have

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2 spoken.

3 The terms set out by both Act 123 and
4 the Ordinance that has been proposed here today, the
5 Parking Authority and the Streets Department will
6 confer on what intersections would be designated as
7 applicable for this program. The state law lists
8 nine intersections to be considered. It does not
9 mandate that those intersections be selected, nor
10 does it limit the selection process to those
11 intersections. The Streets Department will conduct
12 surveys in order to determine those that have the
13 highest incidence of red light running and would be
14 most appropriate for inclusion in the process.

15 After we have agreed on what those
16 intersections would be, we would send that list to
17 the Secretary of Transportation for his or her
18 approval, and then we would begin the process of
19 installation. We will contract with a vendor to
20 install the cameras. One of the questions that was
21 raised earlier was how that would go about. That
22 will be a public bid. There are a number of
23 companies out there that provide this service. It
24 would be publicly bid among anyone that wanted to
25 apply, and the lowest responsible bidder would be

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2 awarded the contract.

3 When the devices are installed, they'll
4 work as a vehicle enters the intersection after a
5 red light has already happened. It will take a
6 picture of the rear end of that vehicle. A couple
7 of seconds later it will take another confirming
8 photograph to ensure that the vehicle was completely
9 in the intersection during the time the light was on
10 red. The photograph also includes the image of the
11 red light so that if the camera was not working
12 properly, we would have to display both the vehicle,
13 the license plate and the actual red light signal in
14 the photograph to confirm that the vehicle was in
15 the intersection at the time of the violation.

16 After those photographs are retrieved
17 from the device, they would be returned. A police
18 officer would review those and make a determination
19 as to which of those were actually in violation. We
20 would get the registration information from the
21 Department of Transportation from the State in which
22 the vehicle was registered and send a notice of
23 violation to the registered owner of the vehicle.
24 That will include a certification that the equipment
25 was working properly at the time that the photograph

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2 was taken, and the actual photograph showing the
3 vehicle in violation, as well as the information on
4 the date, time and the location of where the
5 violation took place.

6 If an individual wishes to contest the
7 ticket, they may do so by requesting a hearing
8 within 30 days at the Bureau of Administrative
9 Adjudication. The law lays out three affirmative
10 defenses to the violation. First is, I was not
11 driving the vehicle at the time. The law says the
12 Bureau may request some kind of documentation that
13 they were not driving the vehicle, but they may not
14 require that the person identify the person who was
15 driving the vehicle. So as Councilman Mariano
16 indicated earlier, if he got notification of this,
17 and his son was driving the vehicle and he could
18 convince the hearing examiner that it wasn't him, he
19 would not be required to identify his son as the
20 person who is was driving.

21 COUNCILMAN MARIANO: Point of
22 information. I would turn my son in. I might turn
23 him in even if he wasn't in the car, Mr. Dickson.

24 COUNCILMAN DICICCO: Sorry to interrupt
25 your testimony. But in that scenario, regardless of

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2 who the person is, to whom then does the ticket get
3 issued, or does no ticket get issued at all?

4 MR. DICKSON: If they cannot identify
5 the person who was driving the vehicle, and the
6 owner has sufficiently demonstrated that he was not
7 driving the vehicle, the ticket is not issued.

8 COUNCILMAN DICICCO: That's a very
9 watered down system there, isn't it?

10 MR. DICKSON: Well, a number of things
11 were considered in this, and some of those were the
12 due process issues that have been raised by other
13 people that testified here. And in order to protect
14 those people and not to turn everyone who is driving
15 a vehicle into almost like -- not to create a
16 situation where people felt compelled to disclose
17 what --

18 COUNCILMAN DICICCO: To give up who was
19 driving the car.

20 MR. DICKSON: Right.

21 COUNCILMAN DICICCO: Is that consistent
22 with other municipalities?

23 MR. DICKSON: Municipalities, to my
24 understanding, have a broad range of criteria that
25 they use in doing this. There are municipalities

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2 that do have this provision.

3 MR. CEREMELE: Mr. Chairman, obviously
4 it will be my responsibility to propound regulations
5 for the hearing of these violations. We will
6 include in those regulations, I presume, a mechanism
7 where a person would not need to come to a hearing
8 if they merely want to transfer responsibility to
9 someone else.

10 COUNCILMAN DICICCO: But my concern is,
11 in the event that they do not choose to identify who
12 the actual driver was.

13 MR. CEREMELE: They are then entitled to
14 a hearing.

15 COUNCILMAN DICICCO: They are entitled
16 to a hearing.

17 MR. DICKSON: And at that hearing they
18 are required to demonstrate somehow that they were
19 not driving the vehicle at the time. It's up to the
20 hearing examiner to determine whatever information
21 that they give or whatever documentation they
22 provide for that, as to whether or not that is
23 sufficient to relieve them of responsibility.

24 COUNCILMAN DICICCO: The first initial
25 hearing is going to be down at 9th and Filbert?

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2 MR. CEREMELE: No. It is not my
3 intention to do it at 9th and Filbert.

4 COUNCILMAN DICICCO: At Traffic Court?

5 MR. CEREMELE: No. It will be at the
6 Office of Administrative Review. We'll be using the
7 masters who hear the code violation matters, as well
8 as tax review board matters. Those masters tend to
9 be more highly trained. Some of them have law
10 degrees. Some of them are accountants. And we feel
11 these type of violations would best be heard by
12 them. The people at 9th and Filbert are very busy
13 with parking violations.

14 COUNCILMAN DICICCO: I apologize. I'm
15 breaking my own rules here by asking questions
16 before the panel completed its testimony.

17 Do you know yet what the time period is
18 between the initial hearing at your department and
19 the appeal that would be heard down at Traffic
20 Court? Have you worked that out yet?

21 MR. CEREMELE: We have not worked that
22 out yet.

23 COUNCILMAN DICICCO: Again, I apologize
24 for interrupting. Let us continue with all the
25 testimony.

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2 MR. CEREMELE: Let me just say, Judge
3 Kelly and I work very closely together. My office
4 manages collection processes for him, as well as his
5 data processing contract. We know what his
6 scheduling needs are. It will not be a long period
7 of time between the time that they have a hearing at
8 the Office of the Administrative Review and the time
9 that they the appeal at Traffic Court.

10 COUNCILMAN DICICCO: Thank you again. I
11 apologize one more time for interrupting.

12 Mr. Dickson.

13 COUNCILMAN DICICCO: Point of
14 information.

15 Councilman Cohen.

16 COUNCILMAN COHEN: Point of
17 information. I wanted to get clarified what was
18 said about compelling the owner of the car to give
19 information, if he knows it, about who the driver
20 was?

21 MR. CEREMELE: We didn't say anything
22 about compelling.

23 COUNCILMAN COHEN: Well, at the cost of
24 otherwise admitting you're guilty.

25 MR. CEREMELE: We offer the opportunity

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2 to the person to transfer responsibility.

3 COUNCILMAN COHEN: Well, I hardly think,
4 Judge, that it offers an opportunity. In most cases
5 it may well be a wife or more likely a child. And
6 what you're doing is tearing the family apart by
7 telling the father, if you give us the name of your
8 son who was driving the car or your daughter or your
9 wife, then we'll go after them. Now, that's
10 unlikely to happen. And you put the driver in a
11 position of admitting something that he did not do.
12 It seems to me the fairer procedure would be to
13 adopt a rule that does not permit the compulsion.
14 If he testifies he did not do it and that's the only
15 credible evidence, it seems to me he ought to be
16 found not guilty.

17 MR. CEREMELE: We'll certainly allow
18 that too, sir.

19 COUNCILMAN COHEN: Well, I don't know
20 what that means.

21 MR. CEREMELE: That means that the
22 individual who would like to come and testify that
23 he is not the person driving the car without giving
24 the name of the person who was driving the car,
25 we'll certainly give him that right too.

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2 COUNCILMAN COHEN: And will you carry
3 with it the instruction that that's not to be taken
4 as evidence of his guilt?

5 MR. CEREMELE: Yes. We will make sure
6 we include that in the instructions with the
7 training manual.

8 COUNCILMAN COHEN: That would be an
9 improvement.

10 COUNCILMAN RIZZO: Point of information.

11 COUNCILMAN DICICCO: Councilman Rizzo.

12 COUNCILMAN RIZZO: Councilman DiCicco
13 used the word watered down. I'll use that. A
14 parking ticket -- if I borrow a car and get a
15 parking ticket, the person that owns the vehicle is
16 responsible for the parking ticket.

17 MR. CEREMELE: We allow for the transfer
18 of responsibility of parking tickets too. There are
19 many, many vehicles, for instance, that are owned by
20 the City of Philadelphia, but driven by individuals
21 such as myself.

22 COUNCILMAN DICICCO: And us. I have a
23 credit down at the Parking Authority. I've overpaid
24 them. I can't get a refund.

25 MR. CEREMELE: But aside from the City

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2 of Philadelphia there are many other fleets,
3 particularly there are fleets that rent cars and we
4 allow for the transfer of responsibility of those
5 tickets from the owner of the vehicles to the actual
6 person who was driving.

7 COUNCILMAN RIZZO: I understand that.
8 What I'm getting at is that I wouldn't want to see a
9 system that a person walks in and says, "Yeah,
10 that's my car in the picture, but I wasn't driving,
11 and I ain't telling you who's driving it." And they
12 walk out, off the hook. I hope it isn't that matter
13 of fact. Because I know if the average citizen's
14 car gets a parking ticket, that you can't walk in
15 there and say, "Well, that's my car, but I wasn't
16 driving it and I'm not telling you who's driving,"
17 and walk out.

18 MR. CEREMELE: You have the expectation
19 -- you should have the expectation when you come to
20 a hearing officer that works for me or any of the
21 judges in Traffic Court, or when I was a Traffic
22 Court judge myself, you will get a fair hearing.
23 There will be someone there to listen to you and who
24 will make an appropriate decision based on what
25 you're telling him or her and based on the law.

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2 COUNCILMAN RIZZO: If you're confident
3 that a car with a specific license number was parked
4 at a meter, and the meter expired and a person
5 received a ticket, and then the person comes in and
6 says, "Yeah, that's my car, but I'm not
7 responsible," is that fair?

8 COUNCILMAN MARIANO: You do that once.
9 One time. I'm still serious. I'm giving up my
10 kids. But if I come in once and I'm not a
11 Councilman and I say, "I'm not telling you who," and
12 you let me slide once, you have the computer record
13 of that, right? So you may get away with it the
14 first time, but the next time you say, "Now, hold
15 on, Rick, you did this before. You're getting a
16 ticket now or you better find out who has keys to
17 your car." Am I correct in assuming that? Is there
18 a computer record?

19 MR. CEREMELE: There is a computer
20 record of the person at a hearing and we do have a
21 coding that we put on them. I think that the type
22 of detail --

23 COUNCILMAN MARIANO: Well, you would
24 know by my license plate how many times I've been in
25 front of you?

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2 MR. CEREMELE: Yes, we have that
3 information.

4 COUNCILMAN RIZZO: But my point is, that
5 I don't want to see us adopt a system that is kind
6 of like a joke on the street, just go down there and
7 give the pitch that it's not your car -- it's your
8 car, but I don't know who's driving it. There's got
9 to be some responsibility, especially if you're
10 driving a 2003 Corvette that's got a vanity tag on
11 it that blew a red light at Broad and wherever and
12 that --

13 MR. CEREMELE: I don't know how that
14 works because my body doesn't fit into a Corvette
15 anymore.

16 COUNCILMAN RIZZO: Again, I just want to
17 be assured that this isn't going to be a system
18 where in two weeks the word on the street is, just
19 go down there and say you don't know who was driving
20 the vehicle. So I'd like to hear today that -- and
21 what I heard from Mr. Dickson got me a little -- my
22 antenna went up, that all you have to do is give the
23 pitch that you don't know who the vehicle's driver
24 was, and that's not good enough for me.

25 MR. CEREMELE: No, sir. You also need

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2 to provide documentation as to how it was not you.

3 COUNCILMAN RIZZO: If you were on
4 vacation in Wildwood for two weeks --

5 MR. CEREMELE: We would like to see the
6 rental bill.

7 COUNCILMAN DICICCO: Just one more
8 question. I really want to go back to -- what I
9 started was the wrong thing. Let the panel finish
10 and we'll come in to a round of questions.

11 Councilman Clarke.

12 And then let's get on with the
13 testimony. We'll come back to questions. Thank
14 you.

15 Councilmember Clarke.

16 COUNCILMAN CLARKE: Thanks, Mr.
17 Chairman. I'll be very brief.

18 My understanding, based on what I've
19 heard, is that although the individual comes in and
20 sees the hearing examiner, they're presumed
21 innocent, but the burden of proof is on that
22 individual if he indicates that he did not, in fact,
23 drive that vehicle at that particular time. So the
24 responsibility is then on that individual. We
25 assume that this individual is guilty. He has to

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2 prove that he wasn't, in fact, driving.

3 MR. CEREMELE: This is not criminal law
4 where you're innocent until proven guilty beyond a
5 reasonable doubt. This is civil. These are
6 administrative hearings, and we will make a decision
7 based on the evidence that we hear.

8 COUNCILMAN CLARKE: Are you not, in
9 fact, innocent when you come into a civil hearing?

10 MR. CEREMELE: Guilt and innocence is
11 not the concept here. Liability or non-liability is
12 the issue. It is not like a criminal violation
13 where you're guilty. The impact here is only a
14 fine. So it is very much like a parking ticket.
15 You have to remember that when you have this hearing
16 and you go before the hearing officer -- and, again,
17 even when you go up to Traffic Court, you're the one
18 who's testifying. The violator is the only one who
19 is testifying. There is a picture there, but the
20 picture doesn't talk. It just sits there. You're
21 the one who's interacting with the hearing officer.
22 You're the human being engaging in dialog with
23 another human being.

24 COUNCILMAN CLARKE: I'm only talking
25 about in this small instance when an individual says

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2 he was not the driver of the vehicle. All I'm
3 saying is, is that the burden of proof is on that
4 individual to prove --

5 MR. CEREMELE: We would want more than
6 just that.

7 COUNCILMAN CLARKE: I'm kind of
8 responding to Councilman Rizzo's concern that a
9 person can just come in and say, I wasn't -- but I'm
10 assuming you'll have some guideline associated as to
11 what will be an acceptable circumstance, not
12 disallowing the hearing examiner to be all over the
13 place with determining that issue.

14 MR. CEREMELE: That is why we are going
15 to have them up at our offices at the Land Title
16 Building at the Office of Administrative Review. We
17 think that those people will be well equipped to
18 here these cases.

19 COUNCILMAN DICICCO: Thank you. I
20 promise I will not interrupt or allow any Member of
21 this Committee to interrupt until the testimony has
22 been complete. Thank you.

23 Mr. Dickson.

24 MR. DICKSON: Thank you, Mr. Chairman.

25 COUNCILMAN DICICCO: My apologies one

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2 more time.

3 MR. DICKSON: That's no problem.

4 There are also provisions in the law
5 which protect citizens from unwarranted intrusions
6 into their privacy. For example, only still
7 photographs can be taken. Pictures from the front
8 of the vehicle are specifically prohibited so that
9 you can't see in to see who the driver of the
10 vehicle is.

11 The system can't be used for automated
12 or user-controlled video surveillance, meaning
13 somebody can't sit there and move the camera to pan
14 an intersection to see what other people are doing.
15 The information cannot be used for any other purpose
16 other than for the enforcement of the red light
17 provision of the law, cannot be shared with anyone
18 else for any purposes except by a court order.

19 In addition to that, all of the evidence
20 must be destroyed within a year of the conclusion of
21 the case regarding the ticket.

22 There were some issues raised concerning
23 the impact of this on people's driver's licenses.
24 These are not convictions that would be applicable
25 to anyone's drivers record. None of this

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information is reported to PennDOT for inclusion in their record. There are no points assessed to anybody's record as a result of this. And it specifically prohibits using any conviction for these violations in the determination of a person's auto insurance rates by any insurance company.

The relationship between this program and Live Stop has also been raised, and I would say that this program, as well as the other programs, that the Authority and the City have cooperated on in order to address the overriding auto insurance rate problem are related. Anything that we can do to reasonably increase traffic safety, thereby reduce auto accidents and reduce the number of cases that are filed as a result of auto accidents, will result in our making a better case to the insurance industry to reduce those rates.

The question was also raised about the agency's relationship to the City. Despite the fact that there has been a change in the governance of the Authority in the last couple of years, we've been able to cooperate on a number of enterprises in order to help the City government in dealing with some of these issues. One of them was Live Stop,

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2 which has been universally claimed as a successful
3 program in both reducing the number of unregistered,
4 uninsured and unlicensed drivers from the street,
5 but also helping to reduce the number of abandoned
6 vehicles on the street by removing them from the
7 road.

8 The other thing that was raised is this
9 is just another attempt by the Parking Authority,
10 that evil empire over there on the other side of the
11 river, to pick people's pockets. We believe that
12 the larger problem in taking money out of the
13 pockets of citizens, and particularly those who are
14 poor, is the amount that they need to pay for auto
15 insurance rates in the City. If this helps to
16 reduce those rates, I think they are specifically
17 the people that will most benefit from the
18 implementation of this program.

19 Finally, some questions were raised
20 about the reliability of the equipment and how we
21 would determine whether or not the equipment was
22 working properly at the time the picture was taken.
23 Because the law requires that only 35 millimeter
24 film can be used in these cameras, it will require a
25 technician to go to those cameras on a regular basis

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2 to retrieve the film and bring it back for
3 processing. Every time one of those retrievals take
4 place, the technician will check the equipment and
5 determine whether or not it's working properly.

6 We're also required under the law to
7 certify to the citizen who gets the violation, that
8 at the time of the violation, the equipment was
9 working properly. So there is routine maintenance
10 and routine certification that those things are
11 working properly.

12 And in answer to the other question that
13 was raised earlier, will we have the opportunity to
14 send someone out if a person raises a question as to
15 whether or not the equipment was working. Will we
16 send someone out to verify that, and the answer is,
17 yes, we would.

18 The question has also been brought up as
19 to why the Parking Authority is to be the system
20 administrator of this program. For one thing, we
21 already have the mechanism in place to process these
22 notices, to schedule hearings at the Bureau of
23 Administrative Adjudication, which we do now, to
24 forward the information to the citizens, to process
25 the return requests for hearings. There's a

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2 telephone call system in place. There is a
3 correspondence system in place. So the economy of
4 scale already exists in order for us to fold this
5 program into our existing programs without much
6 additional cost.

7 In addition to that, I think that we
8 have really proven our expertise in this area, both
9 to the City and nationally in the Live Stop program
10 that we implemented for the City about a year ago.
11 We received an award this year from the
12 International Parking Institute for our ability to
13 get that program up and running, the efficiency with
14 which we run that program, and the processes that
15 have been in place to protect, not only the City's
16 interest in getting those vehicles off the street,
17 but the citizen's interest whose vehicles have been
18 claimed. So I think for all those reasons, that's
19 why the legislature determined that we would be the
20 appropriate place to be the system administrator for
21 the program.

22 COUNCILMAN DICICCO: Thank you.

23 Mr. Fenerty, are you testifying?

24 MR. FENERTY: No.

25 COUNCILMAN DICICCO: Mr. Healy.

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2 MR. HEALY: Good morning, Mr. Chairman.

3 COUNCILMAN DICICCO: Good afternoon.

4 Please proceed with your testimony.

5 MR. HEALY: Good morning, Mr. Chairman
6 and other Members of the Committee -- good
7 afternoon. My name is Francis Healy, and I'm
8 Special Advisor to Police Commissioner Johnson.
9 Commissioner Johnson has asked that I testify on his
10 behalf at these proceedings. The purpose of my
11 appearance is to support the amended version of City
12 Council Bill 000682 as it relates to automated red
13 light enforcement in Philadelphia.

14 The current Bill, like the enabling
15 state statute, has incorporated the requisite
16 procedural safeguards. Accordingly, the Police
17 Department has no objections to and fully supports
18 the use of red light camera traffic enforcement
19 technology in Philadelphia. This support is based
20 upon the authoritative research that has shown that
21 the introduction of this technology may
22 significantly reduce accidents and injuries
23 resulting from red light running accidents.

24 Specifically, in April of 2001, the
25 Insurance Institute for Highway Safety released the

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first significant study on the effects of red light camera enforcement technology. This study indicated that injury crashes at traffic signals were reduced 29 percent after the introduction of red light camera enforcement. Specifically, front and side collisions, the crash type that is most closely associated with red light running, were reduced 35 percent overall. Front into side crashes involving injuries were reduced 68 percent. Equally interesting, only about 9 percent of the total 125 intersections in the study had red light cameras. Nevertheless, crashes declined at those intersections without red light cameras, as well. That is, the violations apparently dropped in about the same proportionate intersections with and without the cameras, indicating a possible deterrent value of red light cameras and their ability to change driver behavior.

Considering that the goals of the Philadelphia Police Department's traffic enforcement efforts are to reduce auto accidents and the resulting injuries and death, any legislation authorizing the use of proven technology that can further help reduce such occurrences will be

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2 supported and eagerly welcomed by the Philadelphia
3 Police Department.

4 As you are aware, the state statute
5 authorizing the use of automated red light
6 enforcement technology mandates a police officer
7 will sign off on any tickets issued under the
8 statute. The Council Bill also accurately reflects
9 this requirement. This will undoubtedly pose
10 additional administrative burdens upon the Police
11 Department. Currently, Deputy Commissioner Nestell,
12 who commands the Administration of Training Bureau,
13 is researching and reviewing which administrative
14 unit or officers will be actually used or who will
15 bear the added responsibility. Since this is a new
16 endeavor and the actual volume of the work is not
17 clear, the Police Department is unable at the
18 current time to accurately identify any direct or
19 indirect cost that this program may occur.

20 This concludes my testimony. If there's
21 any questions, I'll be here.

22 COUNCILMAN DICICCO: Thank you, Mr.
23 Healy. I have a couple of questions.

24 Will there be signage warning motorists
25 in advance of the intersection where the cameras

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2 would be installed?

3 MR. DICKSON: Yes. Both the state law
4 and the Ordinance requires that each intersection be
5 signed. And the other thing I failed to mention,
6 that there will be a 120-day warning period before
7 any actual fines can be assessed at any of those
8 intersections.

9 COUNCILMAN DICICCO: I see that in your
10 testimony. You mentioned earlier, Mr. Dickson,
11 about the state statute provides for nine
12 intersections.

13 MR. DICKSON: Recommends nine
14 intersections for consideration.

15 COUNCILMAN DICICCO: We can, if we
16 wanted to, increase that number, I assume?

17 MR. DICKSON: Yes.

18 COUNCILMAN DICICCO: So in reality
19 there's no limit.

20 Will Council have any input as to the
21 installation of any of the cameras within a
22 particular Councilmatic district, or will that be
23 solely the responsibility of the Parking Authority?

24 MR. DICKSON: It's not solely the
25 responsibility of the Parking Authority. Under the

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2 Ordinance, it requires consultation with the
3 Department of Streets. And I think from the Parking
4 Authority's perspective, it would be prudent for us
5 to consult with District Councilpeople in order to
6 determine intersections in their district where it
7 might be appropriate.

8 COUNCILMAN DICICCO: The bids for the
9 companies that will be bidding for this, who will
10 control that, is that the Parking Authority? Is
11 that the City of Philadelphia?

12 MR. CEREMELE: That will be the Parking
13 Authority.

14 COUNCILMAN DICICCO: The Parking
15 Authority will let the bids -- the RFPs out?

16 MR. DICKSON: That's right.

17 COUNCILMAN DICICCO: Thank you.

18 Councilman Kenney and then Councilman
19 Mariano.

20 COUNCILMAN KENNEY: One question on the
21 statute. The statute does not prohibit the signage
22 of intersections where the cameras won't be
23 installed, does it?

24 MR. DICKSON: No, it doesn't.

25 COUNCILMAN KENNEY: Is there any

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2 anticipation of a little dummy work going on, as far
3 as putting some signs up in places where maybe we
4 can't necessarily afford the cameras, but -- because
5 I had heard earlier testimony about -- I think in
6 Washington or someplace -- they move the cameras
7 around just to keep people on their toes. So I
8 would ask that maybe you guys consider the
9 possibility of including additional signage where --
10 or some dummy cameras.

11 COUNCILMAN DICICCO: Councilman, I think
12 what the lady was testifying to, is that the cameras
13 do get moved, but the box or the housing of the
14 cameras remains there so some people would not know
15 whether there was a camera or not.

16 COUNCILMAN KENNEY: But there's nothing
17 prohibiting that?

18 MR. DICKSON: Not that I'm aware of,
19 Councilman. We would consult with the Streets
20 Department to see whether we could do that.

21 COUNCILMAN DICICCO: Councilman Mariano.

22 COUNCILMAN MARIANO: Thank you, Mr.
23 Chair.

24 This might be to Officer Healy, but
25 anybody can answer here. What about these license

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2 plate blockers and the sprays, what are you going to
3 do with that stuff? Is that a criminal offense?

4 MR. HEALY: Well, if you obstruct the
5 license, that's obviously a violation. But there's
6 no way this photo enforcement will be able to
7 enforce it because it's clearly blocked the license.

8 COUNCILMAN MARIANO: I'm not trying to
9 tip people off, but there is an Internet site. I
10 don't have anything to do it.

11 MR. HEALY: It's supposed to filter out
12 from the camera.

13 COUNCILMAN MARIANO: There's a spray.
14 You can get the spray.

15 MR. HEALY: It's my understanding that
16 the technology has advanced. The photo cameras are
17 also addressing those types of issues. The Police
18 Department, obviously, if we can't see the tag, we
19 can't sign off and give a ticket.

20 COUNCILMAN DICICCO: Mr. Fenerty, would
21 you please identify yourself. Speak into the mike.

22 MR. FENERTY: That's why the suggestion
23 was made by the state legislator to use the wet film
24 version of the cameras, rather than digital.
25 Because the wet film enhances the visibility of the

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2 license tag versus the new model, which is the
3 digital.

4 COUNCILMAN MARIANO: That license plate
5 blocker, it only hurts the digitals?

6 MR. FENERTY: Yes. It will reflect off
7 of the wet film, but wet film enhances the photo
8 imaging much better.

9 COUNCILMAN MARIANO: If a policeman
10 makes a stop -- nothing to do with this -- and sees
11 they have something obstructing the license plate,
12 they write a ticket anyhow?

13 MR. HEALY: That's correct.

14 COUNCILMAN MARIANO: These things I saw
15 in the Internet site when it was in the paper
16 before, you couldn't tell -- I had to look at it up
17 front. It looks like a clear piece of plexiglas
18 that goes over it, that you might want to put to
19 protect your license plate.

20 MR. HEALY: There's a lot of license
21 plate holders out there that actually, in effect,
22 obstruct the tag. A lot of times people aren't
23 aware of that. The officers -- if they do get
24 stopped -- usually inform them and they take it off
25 or a ticket is issued. It's at the discretion of

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2 the officers.

3 COUNCILMAN MARIANO: Thank you.

4 COUNCILMAN DICICCO: Councilman Cohen.

5 COUNCILMAN COHEN: Thank you.

6 First on a kind of legal question. In
7 reply to Councilman Rizzo's apparent view that
8 everybody ought to be held responsible for the
9 ticket if they're not prepared to say who drove the
10 car. Let me say, in every hearing matter of any
11 kind, civil or criminal, there always has to be a
12 finding of credibility. And clearly, if the hearing
13 examiner finds a witness credible, with respect to
14 stating, I did not drive that car, that is
15 sufficient grounds for finding someone not guilty of
16 whatever the person is charged with, whether it's a
17 civil offense or a criminal offense.

18 I want to make clear, Judge Ceremele,
19 that your original statement would stand the test of
20 law, in my judgment. You don't have to get a
21 confession from somebody, that their son or wife or
22 daughter or anybody else drove the car, if the
23 hearing examiner believes the witness is credible.
24 That's the reason why past testimony is important to
25 know about. That's why the demeanor of the person

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is important to know about. So I just wanted to state my understanding of the law from that point of view. It's not a difficult question at all. If the witness appears just to have made up a story, of course the hearing examiner wouldn't believe that person. But if the witness does appear to be credible and the hearing examiner finds it, there is sufficient basis for discharge of the ticket.

Now, with respect to a whole series of problems I have with the Bill.

First of all, why did the State pass it instead of permitting the City to deal with it? I'm insulted by the fact that the State picked nine intersections in Philadelphia with no consultation with the City Council at all. And I'm also insulted by the fact that the State seems to think it can come in and take over the duties of City Council and run them. I'm unalterably opposed to any legislation by the State dealing with City problems. Therefore, I believe this Bill is bad from its very inception, in addition to the reasons I've cited before of privacy. I don't think this Council ought to, in any way, encourage the notion that the State had a right to do what it did with respect to the

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2 Parking Authority.

3 I'm also suspicious that the State has
4 monetary reasons in their financial crisis, much
5 more severe than ours is locally, although according
6 to the Mayor we have severe problems. The money is
7 going to go to the State and not to the City. I
8 don't want to enrich the State or help the State
9 milk the citizens of Philadelphia out of their
10 money.

11 I think all of those reasons are bad
12 reasons. I think this is a matter for Philadelphia
13 to decide. I don't think the State has any wisdom
14 whatsoever, certainly not a superior wisdom, over
15 that of the legislators who represent Philadelphia
16 City Council as to the desirability of it. So once
17 more, I'm offended by the notion that the State
18 believes that we cannot do anything in Philadelphia.

19 I'm also very unhappy about the notion
20 about our Streets Department being involved. The
21 Streets Department, in my judgment, whenever it
22 comes to decisions about making -- Streets suddenly
23 puts on its state hat. It says, "We have been named
24 by the State to enforce the state laws and,
25 therefore, we don't have to pay any attention to

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1
2 City Council." At one point I proposed, and may
3 wish to propose again, that whenever they put on the
4 state hat, the State ought to take over the
5 responsibility for paying those engineers. I don't
6 see why they ought to be on City payroll allegedly
7 taking over the state function and saying, we're
8 superior to the rest of Philadelphia because we've
9 been given the assignment to carry through state
10 law's rules.

11 Therefore, there's so many things in
12 this Bill that concern me. The element of privacy.

13 And to the gentleman from the Parking
14 Authority who made an excellent presentation, we
15 know this is only stage one. You have all these
16 safeguards, but if you depend on safeguards in the
17 state law where the State on its own paid no
18 attention to the City of Philadelphia at all, as
19 least as far as City Council knows, and went ahead
20 and passed this Bill. The state can tomorrow right
21 after we act and say, approve this Bill, the State
22 can eliminate all those points that you refer to as
23 a safeguard.

24 Whenever something distasteful is given
25 like a medicine to a patient, you always sweeten it

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2 up with a lot of syrup. That's what this story is
3 all about. The moment the State gets us to adopt
4 the idea that the State has the right to rule us in
5 this fashion, all of these protections will begin to
6 disappear, including the one that limits this to
7 being a ticket or having to have points. Or maybe
8 the technology will increase in the next year or so
9 that there can be enough shown of the person driving
10 the car to identify who it is. They say, no, we're
11 forbidding it, but they're forbidding it for today.
12 There's no certainty at all that the law won't be
13 changed. Our experience generally is -- and that's
14 why we call it a slippery slope -- once you go down
15 this road, then you raise all kinds of questions.

16 Now, I do concede there is a serious
17 problem on the safety matter. I would like to find
18 out what other methods are there that can control
19 that. And I think before we move ahead to this
20 slippery slope we ought to be pursuing it.

21 I'm going to suggest that this is a
22 matter that be taken seriously for the first time.
23 The Bill has been around a long time. We did not
24 pass it in City Council. And it took the State a
25 long time to act. Because I understand this Bill is

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2 more than a year old. And I'm going to be urging
3 that this is not the way to proceed. I think we all
4 are concerned about safety, but there must be a
5 better way to do it.

6 I'd also like this other information I
7 raised. I would like to know what companies are
8 involved, who are their officers, who are their
9 major stockholders and what role do they play with
10 respect to campaign contributions. Because in my
11 opinion, much legislation is borne out of the way in
12 which it can serve to enhance campaign
13 contributions, rather than the welfare of the State
14 or of the City. So I have these questions.

15 Mr. Ceremele, what's your view with
16 respect to the legal question that I raised on
17 credibility? I know you're on the spot, but it
18 seems to me you have a very simple answer.
19 Credibility is always involved.

20 MR. CEREMELE: I have a very simple
21 answer, sir. With all the years that I've been
22 doing this, I can assure you that we will conduct
23 fair hearings and we will render appropriate
24 decisions.

25 COUNCILMAN COHEN: Well, your record is

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2 truth of the fact that what you say, you will make
3 every effort to achieve. We've known that, and
4 that's a strong point in favor of this program. But
5 nonetheless, there are these other problems that I
6 think requires some time to resolve.

7 Thank you, Mr. Chairman.

8 COUNCILMAN DICICCO: Councilwoman
9 Miller.

10 COUNCILWOMAN MILLER: Thank you, Mr.
11 Chairman.

12 I have a just a couple questions about
13 the mechanics of this whole thing. I guess most of
14 the questions are just around education of drivers.
15 For example, I see a lot of people in Philadelphia,
16 they're not actually running a red light, but the
17 light is yellow. It turns yellow as they're going
18 through the intersection. Is that a ticket? Is
19 that an offense? When you take the picture, does
20 the picture actually show the red light, or will it
21 show the yellow light? When you send someone a
22 picture, will the traffic light also be in the
23 picture?

24 MR. DICKSON: No, there is no violation
25 for a yellow light. The picture is not taken until

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2 the car enters the intersection during the red
3 signal. So a yellow light is not a violation. And,
4 yes, in answer to the second part of your question.
5 The picture will show both the vehicle and the red
6 signal.

7 COUNCILWOMAN MILLER: Okay. Is there
8 any place that's using this, any other state or city
9 that's using this, that the use of this has impact
10 on lowering insurance rates?

11 MR. DICKSON: I don't have that data.
12 There are over 70 cities in the United States that
13 are using similar types of programs. I believe
14 there was testimony earlier about the statistics on
15 the reduction in the number of accidents associated
16 with this. But I'm not sure I heard testimony
17 regarding insurance rates.

18 COUNCILWOMAN MILLER: People always
19 mention when we're looking at public safety, in
20 particular traffic calming or traffic control
21 techniques, that it may impact Philadelphia's
22 insurance rates. I just think that's like a buzz
23 that we all want to happen. So I was just wondering
24 if there was any really hard data or facts that
25 support that.

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2 MR. DICKSON: I have no data from other
3 cities. The only thing in my testimony concerning
4 insurance rates was, after listening to the
5 testimony before another Committee of this Council
6 concerning insurance, the issue is always raised
7 about the number of auto accidents and the number of
8 lawsuits that result from them. If by doing this we
9 can reduce the number of accidents, it would seem to
10 me it would be a much stronger argument to go to the
11 insurance industry and say, "We've both reduced
12 accidents and lawsuits and, therefore, should have
13 some benefit, financial benefit, back to the people
14 who buy insurance in Philadelphia."

15 COUNCILWOMAN MILLER: I don't know
16 whether this question is for the Parking Authority,
17 or the Streets Department or PennDOT. I don't know
18 who. But you have a suggested list of
19 intersections, correct?

20 MR. DICKSON: Yes.

21 COUNCILWOMAN MILLER: We're talking
22 about doing what, nine, 10?

23 MR. DICKSON: Nine are listed.

24 COUNCILWOMAN MILLER: How many
25 intersections are on the list?

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2 MR. DICKSON: There are nine
3 intersections recommended for consideration. None
4 of them are mandated and it's not limited to only
5 those nine. It will be determined after
6 consultation with the Streets Department, the
7 Parking Authority and approval by the State
8 Secretary of Transportation.

9 COUNCILWOMAN MILLER: Because how many
10 potential intersections -- how many dangerous
11 intersections do we have here in Philadelphia?

12 MR. DICKSON: That would be a question
13 for the Streets Department, the number of dangerous
14 intersections.

15 COUNCILWOMAN MILLER: We know that it's
16 way more than nine, though, correct?

17 MR. DICKSON: Yes. The law does not set
18 either a minimum or a maximum.

19 COUNCILWOMAN MILLER: This is a pilot
20 program?

21 MR. DICKSON: Yes.

22 COUNCILWOMAN MILLER: I just wanted to
23 know why the nine were selected and the accident
24 data, but I'll talk to the Streets Department or
25 PennDOT regarding the data to support the nine

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2 versus the 20 or whatever. Is it cost? All those
3 kinds of things.

4 Someone told me that Broad and Olney in
5 my district was being considered. And I was just
6 wondering why them versus somebody else. I'm not
7 saying we want Broad and Olney. I'm just trying to
8 figure out where you got the nine from.

9 MR. FENERTY: Councilwoman, Vince
10 Fenerty.

11 The nine were suggested during the Act
12 in Harrisburg. The Bill lets us go back to the
13 Streets Department of Philadelphia. And we will
14 accept input from City Council members and studies
15 from the Streets Department for additional selected
16 intersections or the possible elimination of any of
17 those intersections that are currently suggested as
18 not being warranted. It is not our intention just
19 to use those nine intersections. We are going to do
20 a proper intersection study with the Streets
21 Department and come up with the best intersections
22 in the City of Philadelphia to do the pilot program.

23 COUNCILWOMAN MILLER: So when would this
24 be implemented?

25 MR. FENERTY: If the Bill is passed by

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2 City Council, we would enter into negotiations with
3 the Streets Department, the proper studies, prepare
4 an RFP for public bidding. It would probably take
5 anywhere from six months to a year.

6 COUNCILWOMAN MILLER: And I assume that
7 there's going to be some education, some effort to
8 educate drivers here?

9 MR. DICKSON: Yes. Part of the
10 implementation of the program, not only would we
11 erect signs at the intersections in which the
12 equipment is installed -- and whether or not we did
13 that at other intersections -- but there would need
14 to be, and we anticipate, an intensive public
15 relations campaign to let the public know that this
16 is happening, what the consequences of the
17 violations are and how the process will work and how
18 it effects motorists in the City.

19 COUNCILMAN DICICCO: In addition to the
20 120-day period in which warnings will be issued as
21 opposed to actual citations?

22 MR. DICKSON: That's right.

23 COUNCILMAN DICICCO: That 120 days is
24 significant, obviously.

25 COUNCILWOMAN MILLER: Thank you.

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2 COUNCILMAN DICICCO: Councilman Clarke
3 and then I'll come back second round to Councilman
4 Cohen.

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

7 First I'd like to congratulate Mr.
8 Dickson on a preemptive response to a question that
9 he knew that was coming from me about the Parking
10 Authority's involvement in this process. It raised
11 some concerns and you gave a pretty good
12 explanation. But I want to ask you about the state
13 enabling legislation. It, in fact, could have gone
14 the way of authorizing the City to implement its own
15 program using whatever department it so felt
16 necessary to implement such a program; am I correct?

17 MR. DICKSON: It could have named a City
18 agency. It could have created a totally new agency
19 to administer it.

20 COUNCILMAN CLARKE: But they opted to go
21 with the Parking Authority for the aforementioned
22 reasons.

23 How many other municipalities is this
24 program currently operating in?

25 MR. DICKSON: We're aware of over 70 in

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2 the United States and there may be more.

3 COUNCILMAN CLARKE: In any of those
4 other municipalities, is the Parking Authority an
5 administrator of the program?

6 MR. DICKSON: I can't answer that,
7 Councilman. I don't know.

8 COUNCILMAN CLARKE: Can we find out?

9 MR. DICKSON: Certainly. I will work on
10 it.

11 COUNCILMAN CLARKE: With respect to the
12 contractual relationship you have with the City, so
13 many questions are arising that voiced some concerns
14 about the next phase of the program. Councilman
15 Cohen, I think, was the most extreme, but there have
16 been some questions raised about Council basically
17 authorizing the implementation of this program and
18 then subsequent changes where we would not be
19 involved. One of the concerns that I have is our
20 authorization, the implementation, and then
21 additional sites being added.

22 I know you talk about the Streets
23 Commissioner and the Streets Department, but if
24 you've ever been in some of the Council hearings, we
25 tend to disagree on a substantial amount of issues

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1
2 with the Streets Department. So it's not
3 necessarily a Council approval or involvement. In
4 the event that this is authorized, in terms of the
5 next phase or the advancement or the expansion or
6 any changes with respect to the administration of
7 the program, what involvement will Councilmembers
8 have, beyond the simple phone call, because you know
9 us and we've had these relationships over the period
10 of years?

11 MR. DICKSON: First of all, what the
12 state law did was authorize the City of Philadelphia
13 to make a determination as to whether or not they
14 want to implement this program in the City. That's
15 why it's before the Council now. The state did not
16 mandate that the City adopt this program. It said,
17 if the City adopts an Ordinance to do it, you have
18 the State's permission to do that. The State's
19 permission was required because it decriminalized
20 what is otherwise a criminal violation under the
21 State Code. So that's why we're here. I understand
22 the sometimes tense relationship --

23 COUNCILMAN CLARKE: Well, there's an
24 issue with respect to the authorization of the City
25 and authorization of the Parking Authority. Some

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2 would say that the City doesn't necessarily have
3 control of the Parking Authority. So although they
4 authorized the City, they mandated that the Parking
5 Authority be the entity involved in implementing the
6 program, so there's some question as to --

7 MR. DICKSON: They mandated that the
8 Parking Authority be the system administrator. The
9 Ordinance before the Council now also requires that
10 before any intersection is selected, that the
11 Streets Department, an agency of the City, must also
12 sign off on that. So we don't have the ability to
13 act independently, even if we wanted to, under the
14 Ordinance before the Council today.

15 COUNCILMAN CLARKE: To the best of my
16 knowledge, although we're on the Streets Committee,
17 we have no jurisdiction over the Streets Department.
18 So my question has more to do with Council's
19 involvement as we proceed on this program. As I
20 said earlier, we don't necessarily agree with the
21 Streets Department on a lot of issues.

22 MR. DICKSON: I understand that. The
23 initial question was that the City was cut out of
24 this process. My response to that is that the City
25 government is not cut out, in that their agent, the

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2 Streets Department, is there.

3 I also understand that there have
4 sometimes been tensions between Councilmembers and
5 the Streets Department. What I said earlier in my
6 testimony is, the Authority's position is that we
7 would always consult with District Councilmembers
8 before we made final determinations as to those
9 intersections we would recommend to PennDOT for
10 inclusion. That is the way that the Authority, I
11 believe, has operated --

12 COUNCILMAN CLARKE: If a Member of
13 Council said, "No, I don't want that intersection to
14 be subject to cameras," what happens?

15 MR. DICKSON: The Parking Authority's
16 position would be that that is a very important
17 consideration for us to make before making a
18 recommendation to the State Department of
19 Transportation. Our position has been that we've
20 always worked with District Councilmembers on any
21 kind of regulation or program implemented in their
22 district. We have always tried to take their views
23 into account before we would adopt a program or a
24 policy or a regulation that would affect their
25 district. All 17 Members of City Council.

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2 The normal process has been that we
3 first go to district Councilmembers for anything
4 that we do in their district, and secure their
5 approval before we would move forward. I anticipate
6 that the process would work the same way. We have
7 also been happy to deal with At-Large Members, since
8 they seem to be a majority of the Committee here, to
9 take their concerns into consideration, as well, for
10 areas where they have an interest.

11 COUNCILMAN CLARKE: Fast on your feet,
12 Mr. Dickson.

13 With respect to that, since we talk
14 about the Streets Department, there had been some
15 concerns raised about Streets Department operations,
16 granting closure of streets without any Council
17 involvement. And we actually ended up doing a Bill
18 that will require, if a street was closed beyond a
19 certain period of time, that the Streets Department
20 had to submit a memo where the Councilmember had to
21 sign off. We ultimately did not pass the Bill
22 because they've committed to do that and they've
23 subsequently been doing that.

24 Could you foresee some sort of memo,
25 some sort of formalization of that process beyond

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2 the fact that we've known each other for years?

3 Hopefully not, but there could be new

4 Councilmembers. I don't know what could happen.

5 MR. DICKSON: One of the things that's
6 mandated in the Ordinance is that we enter into an
7 agreement with the City for a variety of issues.
8 That's one of the things that could be brought up
9 for consideration. I can't say today that we're
10 willing to do that, other than to say the way we
11 have operated in the 19, almost 20 years that I've
12 been there is that, that is a regular part of our
13 process, that we consult with district
14 Councilmembers before we do anything in their
15 district.

16 COUNCILMAN CLARKE: Would you be opposed
17 to a requirement by the Streets Department to have
18 some sign off before they give their authorization
19 for you to proceed, since Council and the Streets
20 Department have a similar type arrangement
21 currently?

22 MR. DICKSON: I don't see any difficulty
23 with that. If the Streets Department wanted to be
24 the conduit for which Council approval was granted,
25 that's no problem to the Authority.

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2 COUNCILMAN CLARKE: I just want to get
3 some clarity on a couple of other issues.

4 With respect to the cost of police in
5 any City involvement in the process, I think you
6 indicated that we would be reimbursed in terms of
7 the number of tickets that the cops had to review,
8 in terms of -- and I'm assuming the installation of
9 any cameras would to some degree have some
10 relationship with the Streets Department by using
11 their poles.

12 MR. DICKSON: The Ordinance requires
13 that, as part of this agreement, that we would --
14 the agreement would specify that the City would be
15 reimbursed for any costs associated with the
16 implementation or maintenance of this program.

17 COUNCILMAN CLARKE: Is that before or
18 after the State gets its revenue?

19 MR. DICKSON: Before.

20 COUNCILMAN CLARKE: Before. Because
21 earlier in the testimony, I think you said the State
22 got its money, then the City would get what's left.

23 MR. CEREMELE: No. The way the system
24 works, both in accordance with 123 of 2003 and this
25 Ordinance, subject to the amendment that you were

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2 referring to, is that they must enter into agreement
3 with the City before the implementation of this
4 program. We will recover our costs out of that
5 portion of the revenue stream that the Parking
6 Authority gets for their cost. So we will recover
7 out of there. Any money left over goes to the
8 Department of Transportation for a Traffic Safety
9 Enhancement Grants program. And I assume that as a
10 City in the Commonwealth of Pennsylvania, if there
11 is such a grants program, we will make application
12 for grants for the City of Philadelphia too.

13 COUNCILMAN CLARKE: You earlier
14 indicated that this will not affect points on your
15 driver's license because it's been decriminalized,
16 so to speak. It's not a moving violation. Would
17 it, in fact, increase the ability to have your
18 vehicle booted? If you got a number, would it be
19 included in other tickets? What's the boot right
20 now, six tickets you get booted?

21 MR. DICKSON: Three tickets.

22 COUNCILMAN CLARKE: This would fall
23 within that category?

24 MR. DICKSON: Yes.

25 COUNCILMAN CLARKE: One of the concerns

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2 that I have, because of the process relating to the
3 hearing -- I'm not sure what it is now with this new
4 program -- is that I've seen, being involved in some
5 of these different programs that we've had in the
6 City, is that an individual's vehicle gets booted
7 while they have a pending ticket, it could be that
8 third ticket that authorizes them to be booted and
9 they have a pending hearing --

10 MR. DICKSON: If there are hearings
11 scheduled for any ticket, any parking ticket or one
12 of these tickets, it removes that ticket from boot
13 eligibility. So it would not apply to the
14 threshold.

15 MR. CEREMELE: We operate with an online
16 system, Councilman. And that is, if a person were
17 in the Bureau of Administrative Adjudication having
18 a hearing for parking tickets, and a booting crew
19 was going by outside -- and they too are online --
20 they would punch in the person's license number and
21 go back to the database via radio system. And if
22 the hearing examiner were to dismiss that ticket,
23 instantaneously, just before they would request boot
24 eligibility, it come up not eligible because the
25 hearing was taking place and the matter was

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2 resolved. It is all online.

3 COUNCILMAN CLARKE: All right.

4 MR. FENERTY: Councilman, just to go
5 back to the last portion where you were at regarding
6 Council approval for some of the intersections. I'd
7 like to point out that one of the intersections that
8 the State named is Thompson and Lehigh. There's
9 barely any traffic on that intersection. It's in my
10 neighborhood. I don't know how it got there. It's
11 in Councilman DiCicco's district, and I would think
12 that he would want the Streets Department to review
13 that because I think there would be a more active
14 intersection where there were many more accidents,
15 that the cost of putting a camera there and for the
16 enhancement of the program would be much better. So
17 the Parking Authority -- and I'm speaking bipartisan
18 effort here -- would want Council approval.

19 I've worked for many years with
20 Councilman DiCicco as my Councilman and I would not
21 want to tread on anyone's toes. I believe that
22 would be our program from the Parking Authority.

23 COUNCILMAN CLARKE: One last question.
24 Who signs off on state highways? Is the City
25 Highway Department involved in that?

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2 MR. DICKSON: For what purpose?

3 COUNCILMAN CLARKE: In the event that
4 there was a request to have a camera on a state
5 highway.

6 MR. DICKSON: Well, the final approval
7 was from the State Secretary of Transportation.

8 COUNCILMAN CLARKE: Is the City involved
9 in that?

10 MR. DICKSON: The selection of the
11 intersection comes from the City and then the final
12 approval is from the State Secretary of
13 Transportation.

14 COUNCILMAN CLARKE: Regardless of the
15 jurisdiction of the particular highway?

16 MR. DICKSON: Right.

17 COUNCILMAN CLARKE: Okay, gentlemen.

18 Thank you, Mr. Chairman.

19 COUNCILMAN DICICCO: Any other questions
20 for these witnesses?

21 COUNCILMAN COHEN: I have a question.

22 COUNCILMAN DICICCO: Councilman Goode
23 first and then Councilman Cohen. We're still on the
24 first round.

25 COUNCILMAN GOODE: Thank you, Mr.

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2 Chairman.

3 Mr. Dickson, you seem to suggest that
4 the choosing of the intersections is not going to be
5 driven by issues of traffic safety?

6 MR. DICKSON: No, sir. What we
7 anticipate happening is that the Streets Department
8 will identify intersections that have a high
9 incidents of traffic safety issues, whether they be
10 red light running, accidents, those kinds of things.
11 From that, they will do a study to determine which
12 are the most affected by traffic safety issues.
13 From those we will together make a recommendation
14 after consultation with members of Council to send
15 to PennDOT for the final approval of the Secretary
16 of Transportation.

17 COUNCILMAN GOODE: But that's not
18 written within our legislation. The streets are not
19 based on issues of traffic safety.

20 MR. DICKSON: It's based on, I believe,
21 a traffic engineering study, I believe it says
22 there.

23 COUNCILMAN DICICCO: Excuse me for
24 interrupting. We have two more witnesses, one from
25 PennDOT and one from the Streets.

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2 I assume you gentlemen may have heard
3 that last question. Would you be able to answer
4 that when you come up here?

5 You might want to wait. Thank you,
6 Councilman.

7 Thank you, Mr. Dickson.

8 Any further questions for this panel?
9 Councilman Ortiz.

10 COUNCILMAN ORTIZ: I imagine you studied
11 this in detail and you saw it from all sides. You
12 have studies from both sides that you can make
13 available in terms of -- because I don't think we
14 really have delved into this issue in this Council.
15 Do you have studies from different independent
16 sources outside of the insurance companies and so
17 on?

18 MR. CEREMELE: I don't have any.

19 MR. DICKSON: We have some studies that
20 we've collected, and we have the ability to get some
21 other ones, and we would be happy to make copies of
22 those and submit them to Members.

23 COUNCILMAN ORTIZ: I just want to know
24 what's the intellectual process that has taken place
25 in terms of deciding that this is a better answer

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2 against another methodology that might be available.
3 What is the decision-making process that took place
4 that proves that this is really the best process to
5 take in terms of preventing accidents?

6 MR. DICKSON: I will attempt to get any
7 documentation that we have available to us to you.

8 COUNCILMAN ORTIZ: Could you make that
9 available?

10 MR. DICKSON: Yes.

11 COUNCILMAN DICICCO: Councilman Cohen.

12 COUNCILMAN COHEN: Thank you.

13 Why are you bothering with signage and
14 education programs? What's the theory behind that?

15 MR. DICKSON: I'm sorry?

16 COUNCILMAN COHEN: What's the theory
17 behind having an educational program and signage at
18 corners? Is it to tell people that the other
19 corners that don't have the signage are corners that
20 are free corners, that people can pass red lights
21 safely? What's the idea of this education program?
22 Why do you need it? Why do you have to have signs
23 notifying people that particular corners are
24 directly involved? I'm trying to get at the theory
25 of this thing.

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2 MR. DICKSON: The principle behind it is
3 to increase driver awareness of the consequences of
4 red light running and the problems associated with
5 that, both in terms of public safety, bodily injury
6 and the number of deaths associated with it. Every
7 time we increase awareness of the problem by a
8 public relations campaign and letting people know
9 that there is another tool available to us in order
10 to confront the issue, whether it be policemen
11 stationed on a corner or remote camera enforcement
12 or any other number of devices that might be
13 available, it increases motorist compliance with the
14 law. And that is the ultimate goal.

15 COUNCILMAN COHEN: It seem to me the
16 tool is education, not the red lights. Why don't
17 you go into a heavy education campaign pointing out
18 what you say are the problems in safety and alerting
19 people at every corner not to pass through red
20 lights and not to get themselves in a position where
21 their car may be blocking intersections?

22 MR. DICKSON: We absolutely will do
23 that. But unfortunately, Councilman, unless there
24 is a credible deterrent to people doing that,
25 meaning that there's some kind penalty imposed for

COUNCILMAN COHEN: I've seen no program

I tried to follow the discussion between

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2 Mr. Dickson -- and we appreciate your service. None
3 of this is a personal attack. We know your deep,
4 loyal services of the Parking Authority Department
5 all these years and we appreciate that very much.
6 But in this case I think you're dead wrong. I think
7 that any act passed by the State ought to be
8 withdrawn and let us in Philadelphia deal with it.
9 And let us make clear that in Philadelphia, the
10 governing body as stated in the Home Rule Charter,
11 is City Council, not the Streets Department, whether
12 they're wearing a City of Philadelphia hat or
13 wearing a state hat.

14 Because your assurance, Mr. Dickson, it
15 may be given to us in good faith, but I can tell you
16 that the fact that we consult with you and you
17 consult with us will have nothing whatsoever to do
18 with the decisions of the Streets Department. They
19 will put on their state department hat --
20 incidentally, the states says that PennDOT does not
21 control the Streets. They say they don't tell the
22 Streets Department that they have the authority of
23 the state. But nonetheless the Street Department's
24 engineers do it. And I believe any action first
25 must restore to City Council its powers as the

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2 governing body. Therefore, I'm very much concerned.

3 I know of no educational program and no
4 educational campaign that's ever been waged in a
5 significant way with respect to red light running.
6 Maybe if I saw a campaign go on for six months or a
7 year and then saw the results of it, maybe that
8 would convince me. Or maybe it might convince you
9 that legislation wasn't needed. All I see is an
10 effort of compulsion and an effort to collect money.
11 And in this case, the collection of money would be
12 bad enough if that were the motive and the City got
13 it, but the money is going to go to the State.

14 On top of that, the State picks the nine
15 places. What's the State got to do with the nine
16 places in the City of Philadelphia? They don't even
17 know we have a gun problem in the Philadelphia.
18 They think the gun problem in Philadelphia is no
19 different than the gun problem in the most rural
20 areas of the state. The State is totally
21 incompetent when it comes to dealing with City
22 matters. So I think that's a basic weakness.

23 Why don't you start your educational
24 program now and let's see where it is three months
25 from now?

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2 You may have a comment with respect to
3 that, Mr. Dickson.

4 MR. DICKSON: Councilman, I wouldn't
5 dare.

6 COUNCILMAN COHEN: We appreciate what
7 you've done. We appreciate what Judge Ceremele has
8 done over the years. You both have had very
9 difficult and very uncooperative jobs from time to
10 time. But you've done the work with distinction.
11 We appreciate that. But that doesn't mean we're
12 going to just follow your advice whenever you give
13 it to us. We've got to question it and reach
14 conclusions. And the body that ought to reach
15 conclusions is City Council on City Council
16 legislation, not on legislation foisted upon us
17 without our consent by the State.

18 And to add insult to injury, they told
19 us, you don't even know what streets you ought to
20 begin with, therefore we're going to name nine
21 streets. Oh, you can maybe change them, if the
22 Parking Authority thinks it's right. Well, that's
23 not the way you deal with City Council. We're the
24 governing body. There are 18 people that make the
25 laws in Philadelphia. 17 of them are in City County

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2 and the 18th is the Mayor's Office.

3 JUDGE KELLY: Mr. Chairman, if I could
4 respond quickly.

5 COUNCILMAN DICICCO: Absolutely.

6 JUDGE KELLY: Because I'm going to ask
7 to be excused. I have actual trials.

8 In consulting with Judge Ceremele, I
9 think you raised a good point, Councilman Cohen,
10 regarding the educational programs. In looking back
11 to Judge Ceremele's previous service at the court, I
12 do expect, as the president judge, to work with
13 former Judge Ceremele regarding educational programs
14 and the impact of red light running, what the effect
15 that that does have on the community. I'll respond
16 to you.

17 MR. CEREMELE: We agree that we'll work
18 together on an educational program. Perhaps we
19 should ask the Department of Transportation for one
20 of those grants from this fund that they're setting
21 up to help us with that type of program.

22 Finally, I would say to you, Mr. Cohen,
23 you had a very interesting dialog with the Executive
24 Director of the ACLU of Pennsylvania today. I was a
25 little disappointed that you didn't chide him for

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2 his alliance with the comments of Congressman Dick
3 Army.

4 COUNCILMAN DICICCO: Thank you.

5 Any further questions for this panel?

6 The next witnesses are Philadelphia
7 Streets Department, Mr. Charles Trainor; and the
8 Pennsylvania Department of Transportation, Dutch
9 Eichorn.

10 Thank you. Thank you all.

11 Thank you, Your Honor.

12 Good afternoon. Please identify
13 yourself for the record and proceed with your
14 testimony.

15 MR. EICHORN: Good afternoon. My name
16 is Dutch Eichorn. I'm with the Pennsylvania
17 Department of Transportation in our District 6
18 Traffic Unit. I presented to the Council written
19 testimony given by our Bureau of Highway Safety and
20 Traffic Engineering, and I'd like to read this in at
21 this time.

22 We are pleased to have the opportunity
23 to provide written testimony to the Philadelphia
24 City Council Committee on Streets and Services
25 regarding Councilman Frank Rizzo's Bill 682 and the

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2 proposed amendments to this Bill, which were
3 prepared by the City Solicitor.

4 As you know, Senate Bill 238, Act 123 of
5 2002, was approved by the Pennsylvania General
6 Assembly in late September 2002 and was signed by
7 the Governor on October 4th, 2002. It provides the
8 legal authority for the establishment of a pilot
9 program of automated red light enforcement within
10 the City of Philadelphia in accordance with the
11 provisions of the Act.

12 One of the needed first steps for the
13 usage of automated red light enforcement systems
14 within the City of Philadelphia is the passage of an
15 Ordinance by City Council. The Pennsylvania
16 Department of Transportation will work cooperatively
17 with the Philadelphia City Council, the Department
18 of Streets, the Parking Authority and other City
19 organizations and officials to ensure that automated
20 red light enforcement systems desired by the City
21 are installed and operated in full compliance with
22 Act 123.

23 Our department has reviewed proposed
24 City Bill 682 and the proposed amendments to it that
25 were prepared by the City Solicitor. We have

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determined that if the City Solicitor's amendments are adopted, the City's Ordinance would be in compliance with Act 123. However, we very strongly recommend that the following revisions be made in the final version of the City's Ordinance.

Since Act 123 does not provide the legal authority to enforce Section 3710 of the Vehicle Code with automated red light enforcement systems, delete the second, third, fourth, and fifth "whereas" clauses which relate to spill back and gridlock. In essence, photo equipment can only be done for the red light running program.

In paragraph one of Section 12-3002 of the proposed amendments, replace the term "car" with the term "vehicle" to ensure that enforcement can apply to vehicles, trucks, cars, et cetera, and not just cars. This would also more closely conform with the terminology of vehicular traffic used in Section 3112 A-3 of the Vehicle Code.

In the same paragraph, consider changing "prohibitions" to "provisions."

Number three. In order to more closely conform to the provisions of Act 123, and in light of the material already contained in Section Two of

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2 the proposed amendments, we recommend revising
3 paragraph one of Section 12-3005 to read as follows:

4 One, automated red light enforcement
5 systems that are approved by the Pennsylvania
6 Department of Transportation may be used to enforce
7 this chapter at such intersections as designated and
8 agreed upon by the systems administrator and the
9 Pennsylvania Secretary of Transportation. Again,
10 this is for compliance with Act 123.

11 Listening to the testimony as it's been
12 presented, and having had Charlie Trainor review
13 this prior, I know there's reservations about not
14 including final approval by City Streets or what
15 have you. Now, in the Act it does allow for the
16 recommendations, initial recommendations to come
17 from the City Streets Department. In essence, they
18 are approving their own recommendations.

19 From the other standpoint, since the
20 signals themselves are owned and maintained by the
21 City Streets Department, they have final veto on
22 anything that can be hooked up to it. So if there's
23 not agreement on the City Streets Department, it
24 won't occur at that intersection.

25 Number four. Add the following to end

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2 of Section 2: "The Streets Department shall be
3 responsible for installing and maintaining automated
4 red light enforcement system equipment and
5 associated signing."

6 I again talked to Charlie Trainor about
7 this, because his intention is not to have the City
8 Streets Department maintaining the red light running
9 equipment, that it should be part of the system
10 administrator's responsibility. I talked to our
11 Harrisburg office about this, and they're in full
12 agreement with that. So that provision there can be
13 deleted.

14 We noticed that some provisions of Act
15 123 were not included in the proposed City
16 Ordinance. These include Sections 3116 D-3 and 4,
17 relating to operating record and insurance points;
18 Section 3116 I-3, relating to the annual report to
19 the State House and Senate Transportation
20 Committees; Section 3116 K-2, related to the
21 reimbursement for operation and maintenance costs
22 and the development of a Transportation Enhancements
23 Grant program by our department; Section 3116 N,
24 relating to compensation to manufacturer or vendor;
25 and Section 3116 P, on revenue limitations. You may

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2 wish to consider the addition of this material to
3 the Ordinance.

4 Beyond the actual text of the Ordinance,
5 our department realizes that we will need to have an
6 ongoing dialog with the City on the following
7 topics. One, we plan to work jointly with the
8 Streets Department to develop selection criteria for
9 the intersections to be equipped with automated red
10 light enforcement, equipment to determine equipment
11 specifications and to develop a standard design for
12 the sign that must be posted in advance of the
13 equipped intersections.

14 Two, we will need to work with the City
15 to develop suitable reimbursement procedures.

16 Three, we will seek the input of the
17 City as our department develops regulations for the
18 Transportation Enhancements Grant program.

19 Four, we will work with the City to help
20 ensure that they conduct an evaluation of the
21 automated red light enforcement program and file the
22 required annual report to the chairman and the
23 minority chairman of the Senate and House
24 Transportation Committees.

25 In conclusion, we'd like to commend

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2 Councilman Rizzo for his initiative in introducing
3 this Ordinance, as well the City Solicitor for
4 preparing amendments that will ensure compliance
5 with Act 123.

6 We welcome the opportunity to provide
7 comments. Our department will continue to work with
8 the City to ensure that this pilot program to
9 address the problem of red light running is
10 implemented in full compliance with Act 123 and is
11 properly evaluated.

12 COUNCILMAN DICICCO: Thank you, Mr.
13 Eichorn.

14 Mr. Trainor.

15 MR. TRAINOR: Mr. Chairman, Members of
16 the Committee, thank you for the opportunity to
17 appear before you today. My name is Charles
18 Trainor. I'm the Chief Traffic Engineer for the
19 Department of Streets. I'm here today to offer
20 testimony on Bill 000682.

21 The Streets Department supports the
22 passage of this Ordinance as amended, which permits
23 the use of cameras to enforce Section 3112 A-3 of
24 the State Vehicle Code. This support is based on
25 the nationwide accident reduction experience of 25

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2 to 30 percent in intersection injury crashes.

3 The Streets Department sees red light
4 cameras as an additional tool to provide for the
5 safe and efficient movement of traffic. The
6 department believes that their use should be at
7 locations that are engineered in accordance with
8 national standards, where there are demonstrated
9 crash problems, and are conducive to the
10 installation of the system.

11 Signals in Philadelphia provide a yellow
12 phase meeting or exceeding the minimum requirements
13 of PennDOT, the MUTCD, the ITE. Additionally, all
14 signals have an all red interval following the main
15 street movement with the majority having an all red
16 movement following all movements. Many main
17 arterial streets have a coordinated system. Signal
18 visibility is increased by the use of larger 12-inch
19 diameter signals for the main street, as well as for
20 overhead signals. These are engineering initiatives
21 that previously have been taken to improve
22 intersection safety. Still, PennDOT accident
23 records from 1996 to 2000 show 259 cluster locations
24 in the City of Philadelphia that experienced eight
25 or more reportable accidents where red light running

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2 was a contributing factor. A total of 4,728
3 reportable accidents occurred at these locations.
4 113, 2.4 percent, had at least one fatality. 2,525,
5 53.4 percent, had injuries. And the remainder, 44.2
6 percent, had at least one vehicle towed.

7 Philadelphia crash data show that the
8 enforcement of red light running by cameras should
9 be considered at Bridge and James streets, 51st and
10 Walnut streets, Comly Road and Roosevelt Boulevard,
11 Bridge and Tacony Streets, Grant Avenue and
12 Roosevelt Boulevard, 58th and Walnut Streets,
13 Devereaux Avenue and Roosevelt Boulevard, Roberts
14 and Wissahickon Avenues, 12th and Vine Streets,
15 Charles and Levick Streets, Harbison Avenue and
16 Roosevelt Boulevard, 25th Street and Sedgley Avenue,
17 Front Street and Roosevelt Boulevard, Bridge and
18 Harbison, 5th Street and Roosevelt Boulevard, 15th
19 Street and Vine Street, Front and Luzerne Streets,
20 Levick Street and Roosevelt Boulevard, 8th and Vine
21 Streets, 15th and Cayuga Streets.

22 Red light running is a complex driving
23 behavior that needs to be addressed with a
24 combination of engineering, enforcement and
25 education. This legislation will improve safety

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2 through enforcement at specific locations and, by
3 its publicity, spill over to non-camera
4 intersections.

5 Thank you for the opportunity to appear
6 before you.

7 Do you have any questions?

8 COUNCILMAN DICICCO: Thank you, Mr.
9 Trainor, and thank you, Mr. Eichorn.

10 In proposed amendments, I believe
11 attached to the amendments is a copy or some
12 material concerning Senate Bill 238, which it only
13 identifies the original nine.

14 Mr. Trainor, unless I missed your point,
15 you mentioned many more than nine intersections.
16 Are those recommended?

17 MR. TRAINOR: These are recommendations
18 from the Streets Department to be looked at. These
19 are 20 intersections that, based on intersection red
20 light running contributing factors from police crash
21 records, are the top 20.

22 COUNCILMAN DICICCO: Since I do not have
23 a copy of your testimony, or are not able to locate
24 it, are the nine that are in the proposed amendment
25 Bill with the attachment of Senate Bill 238, are

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2 they included in that list that you just put forth
3 in your testimony?

4 MR. TRAINOR: Only Grant and Roosevelt
5 Boulevard is on that list.

6 COUNCILMAN DICICCO: So Broad and
7 Washington Avenue, Thompson Street and Lehigh,
8 Aramingo and York are not included in your list?

9 MR. TRAINOR: That's correct.

10 COUNCILMAN DICICCO: Are you suggesting
11 that they are not that significant in terms of your
12 statistics warranting a camera?

13 MR. TRAINOR: They are not in the top 20
14 based on the police crash data for five years, but
15 they should be looked at based on the fact that they
16 are in the State Legislature.

17 COUNCILMAN DICICCO: I only mention
18 those three of the original nine because they happen
19 to be in my district. Actually, six of the original
20 are in my district, and I don't think they're
21 included in your list. Could somebody explain to me
22 -- maybe I missed the point -- how we came up with
23 this nine, and why is the recommendation for these
24 nine intersections different from the Streets
25 Department?

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2 COUNCILMAN RIZZO: The nine that were
3 listed are the original nine that were put into the
4 legislation by state representatives. And they are
5 not cast in stone. They are to be considered along
6 with other intersections that Charlie Trainor just
7 identified.

8 COUNCILMAN DICICCO: Well, for the
9 purpose of the initial installation of cameras --
10 assuming the Bill is passed and approved -- where do
11 these nine stand?

12 COUNCILMAN RIZZO: They're in the same
13 pot with the ones that Mr. Trainor just mentioned.
14 They get no preference, other than they need to be
15 considered.

16 COUNCILMAN DICICCO: But are we only
17 selecting nine of the original --

18 COUNCILMAN RIZZO: No. No.

19 COUNCILMAN DICICCO: But I thought that
20 earlier testimony said that the pilot program would
21 only be nine intersections? Correct me if I'm
22 wrong.

23 I just want clarification. Because
24 personally I think that these intersections -- I'd
25 like to see cameras installed at these

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2 intersections. They're in my district. And I'm
3 very familiar with Aramingo and York and Broad and
4 Washington Avenue. And I just was curious that
5 they're not a part of the testimony that was just
6 put forth by --

7 COUNCILMAN RIZZO: Mr. Chairman, the
8 nine that are in the initial legislation are now
9 part of the list that the Streets Department has
10 developed. Any of those intersections or any
11 intersection that's not even mentioned, if a camera
12 is warranted at that location, the process could
13 begin and the cameras could be installed with the
14 Department of Transportation's --

15 COUNCILMAN DICICCO: But Mr. Trainor's
16 testimony only identified two of the original nine.
17 How many intersections do you have total?

18 MR. TRAINOR: Twenty intersections.

19 COUNCILMAN DICICCO: Twenty
20 intersections. And only two of them were on the
21 nine. So if we wanted to get the rest of the nine
22 in there, we would bring that number up to 27.

23 MR. TRAINOR: Correct, Councilman.
24 Councilman, there may be additional intersections.
25 What I'm looking at here is based on Philadelphia

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2 Police crash records that we looked at.

3 COUNCILMAN DICICCO: I'm not arguing
4 that point. I think that you're doing a good job
5 and I appreciate your testimony and pointing out
6 that those are the higher incident intersections.
7 That, I understand. But I was just curious how we
8 moved from this list to your list and what happens
9 to --

10 COUNCILMAN RIZZO: That list is strictly
11 the Streets Department's recommendations, which
12 would eventually surface.

13 COUNCILMAN DICICCO: Councilman Goode.
14 And then we'll take some rounds of questions. Thank
15 you.

16 COUNCILMAN GOODE: Thank you, Mr.
17 Chairman.

18 That was exactly my question to the
19 Parking Authority, whether this was actually, in
20 fact, data driven. I'll ask the question in a
21 different way.

22 Under the original legislation, local
23 legislation or even proposed amendments, in your
24 estimation should the Streets Department be making
25 recommendation or making a determination as to the

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2 intersections?

3 MR. TRAINOR: In my estimation, yes, we
4 should be making recommendations.

5 COUNCILMAN GOODE: Or a determination?
6 I'm making a distinction between the use of the term
7 recommendation and the term determination.

8 MR. TRAINOR: Determination means that
9 we're looking at criteria that either says, yes,
10 there is a camera or, no, there is not a camera.
11 You're crossing the threshold if you determine that.
12 At this time there is no criteria of that nature.

13 COUNCILMAN GOODE: It would not be
14 driven by traffic safety data?

15 MR. TRAINOR: What we're looking at
16 doing with this phase, we're looking at the
17 intersections ranking both in the Philadelphia
18 Police crash data and also PennDOT crash data as the
19 highest intersections that have red light running
20 accidents, where that is the contributing factor.

21 COUNCILMAN GOODE: And your
22 determination will be based upon that data?

23 MR. TRAINOR: It will be based upon that
24 data. It would be based upon the volume and whether
25 we can physically place the camera and the system to

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2 do the camera at that intersection.

3 COUNCILMAN GOODE: Therefore, your
4 recommendations or determinations would be for the
5 20 intersections that you named?

6 MR. TRAINOR: My recommendation is that
7 we look at these 20, in addition to the nine, and
8 possibly --

9 COUNCILMAN GOODE: But your
10 recommendation would be those 20 before the other
11 seven?

12 MR. TRAINOR: No.

13 COUNCILMAN GOODE: Why wouldn't it be?

14 MR. TRAINOR: I don't have a
15 recommendation either way because I have not looked
16 specifically at the nine that are specifically in
17 the state legislation nor --

18 COUNCILMAN GOODE: You've already made a
19 determination of those 20 are the 20 that you would
20 pick based upon the data that you examined?

21 MR. TRAINOR: These are the first 20 to
22 be looked at because they are the highest in our
23 records.

24 COUNCILMAN GOODE: So you would
25 recommend those 20 before the other seven that are

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2 also included in the state legislation?

3 MR. TRAINOR: When we look at the state
4 crash records, the data from the state crash records
5 systems, we will wind up seeing a little different
6 aspect. The City's crash records are sorted on one
7 contributing factor out of many. The state puts in
8 at least five. And when they do their sorting, they
9 could wind up coming out with locations that are
10 higher incidences than I have. And also the ones
11 that are on the state legislation could be of a
12 higher incidence. So we have to delve into the
13 actual physical records.

14 COUNCILMAN GOODE: How do you negotiate
15 who makes the determination?

16 MR. TRAINOR: I think that would be a
17 triumph of the Streets Department, PennDOT and the
18 Parking Authority.

19 COUNCILMAN GOODE: That doesn't work for
20 me because it doesn't answer the question. How do
21 you negotiate who makes the actual determination?

22 MR. TRAINOR: Again, it will be a
23 combination of the Streets Department, who has to
24 approve it, the Parking Authority, who has to
25 install it, and PennDOT, who has to approve it.

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2 COUNCILMAN GOODE: So your testimony is
3 actually that you can agree upon anything you want
4 to agree upon?

5 MR. TRAINOR: There is no criteria to
6 define when cameras go in and when cameras do not go
7 in.

8 COUNCILMAN GOODE: But per the
9 legislation as its written and/or amended, the
10 Department of Transportation and the Streets
11 Department could just agree upon any intersections
12 they want to agree upon? It does not have to be
13 data driven?

14 MR. TRAINOR: It requires an engineering
15 study.

16 COUNCILMAN GOODE: It doesn't require
17 that you abide by that study, though?

18 MR. TRAINOR: Again, there is no
19 criteria as to what requires a camera.

20 COUNCILMAN GOODE: But it does not
21 require that you abide by the study that you
22 conduct. It just requests a study. It doesn't
23 require that you abide by the study. You are, under
24 the legislation, allowed to disagree upon the
25 intersections, whether it's data driven or not?

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2 That's a question.

3 MR. EICHORN: Could I respond? I don't
4 think the department would accept a study that the
5 data didn't support. I think that's why it's
6 important to have the different parties involved in
7 it. The list that Charlie started with, the list
8 that was in the Bill, they're basically just
9 starting points. They're based on one aspect of
10 that intersection, which is a red light running
11 violation.

12 COUNCILMAN GOODE: My concern is not
13 with any specific intersections at all, whether it
14 be the 20 that you named or the nine that were in
15 the state legislation. My concern is that it's data
16 driven. And that there's something within the
17 legislation that ensures that it's data driven and
18 that you can't just pick any 10, 20, 30
19 intersections that you want, simply because you
20 agree upon it.

21 MR. EICHORN: Well, my feeling was the
22 engineering study is the --

23 COUNCILMAN GOODE: It doesn't say you
24 have to follow an engineering study.

25 MR. EICHORN: I believe that it requires

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2 that the City Streets Department do an engineering
3 study.

4 COUNCILMAN GOODE: It requests that they
5 do an engineering study. It does not require that
6 they abide by it.

7 COUNCILMAN DICICCO: Point of order.
8 Who will make the final determination as to what
9 intersection or intersections will have a camera
10 installed? Apparently there's some communication,
11 or will be communication, between PennDOT and the
12 Streets Department; am I correct on that?

13 MR. EICHORN: That's correct.

14 COUNCILMAN DICICCO: And if one agency
15 does not think that it warrants it, will there be --
16 does PennDOT have the jurisdiction overriding
17 jurisdiction of the Streets Department? How do we
18 resolve that debate? I'm certain it's going to come
19 up.

20 MR. EICHORN: I tried to clarify that
21 over the written statement. The written statement
22 and the regulations state that the list would go to
23 the Secretary for approval. Realistically, though,
24 the City Streets Department, who owns the traffic
25 signals, if they don't want that signal hooked up,

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2 it won't get hooked up. So ultimate veto power is
3 the City Streets Department, as far as the use of
4 red light running on the --

5 COUNCILMAN DICICCO: The Chair
6 recognizes Councilman Cohen.

7 COUNCILMAN COHEN: I don't know why
8 you're saying the City. The City has no control
9 over a Streets Department that thinks it's part of
10 the State. That's why we have to threaten to go to
11 court when we want lights put in at an intersection
12 or a stop sign. The Streets Department doesn't give
13 control. Why are you staying away from City Council
14 control? Who made the State -- who made the effort
15 to put in two-thirds of the nine belonging,
16 apparently, to the Chairman of the Committee?
17 Someone must have researched that to say this is how
18 we get control.

19 I think we're being sold the bill of
20 goods here by well-meaning people who don't
21 understand that there are a lot of other methods
22 that could be employed. Why are we rushing into
23 this? Start your education program. That would be
24 very important. Tell people the dangers of running
25 red lights and of the casualties that occur. And

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2 don't confine it to few streets. We've got hundreds
3 of streets in Philadelphia, don't we? How many
4 intersections are there?

5 COUNCILMAN DICICCO: I think, Councilman
6 Cohen, there was earlier testimony -- it may have
7 been Mr. Dickson or someone else on that panel --
8 that it would be a minimum of about six months
9 before we even get to do the installation of the
10 first camera. So there will be some education
11 leading up to that. Certainly, the public is
12 getting educated before.

13 COUNCILMAN COHEN: They don't need this
14 Bill for an education program.

15 COUNCILMAN DICICCO: As the media will
16 cover this, I'm sure, quite intensively over the
17 next few days and months.

18 COUNCILMAN COHEN: I don't know what the
19 rush is to get into legislation, unless it is to
20 make some businesses happy. That's the only thing I
21 can see. An education program, which is really
22 what's important, can go on without this.

23 COUNCILMAN DICICCO: Councilwoman Miller
24 needs to leave. We're going to recess temporarily
25 the hearing on the Committee of Streets and Services

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2 and go into our public meeting for the purpose of
3 Councilwoman Miller leaving her vote.

4 (Public hearing recessed.)

5 - - -

6 (PUBLIC MEETING.)

7 COUNCILMAN DICICCO: Councilwoman
8 Miller.

9 COUNCILWOMAN MILLER: Thank you.

10 I'd like to be recorded as voting
11 favorably for this Bill to move out of Committee.

12 COUNCILMAN DICICCO: There may be
13 amendments, as well, if you care to leave your vote
14 on amendments.

15 COUNCILWOMAN MILLER: I'd also like to
16 leave my aye vote on the amendments.

17 COUNCILMAN DICICCO: Thank you.
18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you, Mr.
20 Chairman.

21 I would like to also be recorded as
22 voting aye on all amendments and on the Bill's
23 disposition in this Committee.

24 COUNCILMAN DICICCO: Thank you.
25 Councilman Mariano.

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2 COUNCILMAN MARIANO: Thank you, Mr.
3 Chairman.

4 I would like to do the same thing. I
5 tried to stick it out, especially when Charlie
6 Trainor was in favor of something. It's the first
7 time I seen him vote in favor of anything. I would
8 also like to vote aye to this Bill and all of the
9 amendments.

10 COUNCILMAN DICICCO: Thank you.

11 - - -

12 (Public Hearing Resumed.)

13 COUNCILMAN DICICCO: We will now go back
14 into the public hearing.

15 Councilman Cohen, do you still wish to
16 be recognized?

17 COUNCILMAN COHEN: Yes. I think we're
18 all being duped, and I think that the whole plan
19 involves money, and that's the whole purpose of it.
20 What's important here would be an educational
21 program. You're going to concentrate on a few
22 streets when we have hundreds and hundreds of
23 streets in Philadelphia where the problem exists
24 everywhere, where the City Council is again being
25 turned down as being the guiding body of the City of

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2 Philadelphia.

3 We're told that the Parking Authority
4 will intervene on behalf of the City Council. What
5 nonsense is that? City Council ought to make the
6 decision. We're ones that ought to pick the
7 streets. Yes, the Council-At-Large work closely
8 with the district Councilmembers. We all know the
9 City better than any other group. We're also more
10 interested than any other group in making sure that
11 the people in the City understand their rights and
12 understand that they're being protected by the City.
13 Streets Department doesn't listen to the people.
14 They just keep saying, no. And I have no reason why
15 except I expect they want to indicate that it's the
16 Streets Department that runs the City, not the City
17 Council.

18 So I just think we're being duped by the
19 Streets Department again acting in concert with the
20 State, Mr. Chairman.

21 I don't think the case has been made at
22 all. Are there any other methods around? Nobody's
23 told us of other methodologies that are available to
24 control this rampant red light running. Why has
25 Philadelphia had this problem all this time and

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2 never taken a serious educational step forward? Why
3 do they have to wait until they can find a way to
4 take money from taxpayers and award contracts to get
5 campaign contributions from them?

6 COUNCILMAN DICICCO: Councilman, as a
7 former court administrator of Philadelphia Traffic
8 Court, we spent the better part of 16 years at the
9 Philadelphia Traffic Court in a number of different
10 positions. I can assure you that my experience at
11 the court with the majority of the judges during
12 that 16-year period had much to do with education.

13 Many of the judges, including former
14 Judge Ceremele, who is here today, took the time of
15 -- their own personal time -- to visit high schools
16 throughout this Philadelphia community to talk about
17 the safe driving habits and talk about the laws and
18 what the penalties for violating those laws would be
19 if and when they got their licenses in the City of
20 Philadelphia and violated any of the Motor Vehicle
21 Codes.

22 I'm well aware -- again, 16 years is a
23 long time to spend with one agency. Approximately
24 four of those years was as a court administrator.
25 Our whole purpose was not to be a fining mill, as

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2 some people suggest, even until today. Our whole
3 purpose was to give folks an opportunity to be heard
4 on a citation that was issued to them by a police
5 officer in the interest of fairness and good
6 government, but also an opportunity to heighten the
7 awareness of folks and educate people to the laws
8 governing this Commonwealth as they pertain to the
9 Motor Vehicle Code and safe driving habits.

10 I can expect that we will continue to do
11 that, probably even more so, because I don't think
12 this is the end of this issue. I think it's
13 actually the beginning. Because over the next
14 several months, as the City, with the PennDOT folks
15 and the Streets Department and the Parking Authority
16 and all the other entities, begin to install these
17 cameras, there will probably be more awareness of
18 red light violation issues and what that means to
19 individual voters in the City of Philadelphia than
20 ever before -- cumulatively ever before. This is
21 going to be an educational process in and of itself.
22 And I don't mean that to be an -- it's not
23 argumentative.

24 COUNCILMAN COHEN: Mr. Chairman, let's
25 have an amendment that gives City Council the right

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2 to name the streets. Why do we have to go on our
3 knees to the Parking Authority and have them
4 intercede with the Streets Department? Why don't we
5 say clearly in the legislation that City Council
6 shall designate the streets, the intersections, that
7 will be used in a pilot program. That's our power.
8 We ought to have that.

9 COUNCILMAN DICICCO: Councilman, I
10 personally have no problem doing that. I don't know
11 if -- again, you're a lot more familiar with the
12 laws, being an attorney, and I respect that. I
13 suspect that the State's authority to supercede us
14 in many our issues would apply again, but I'm not
15 giving up to that.

16 COUNCILMAN COHEN: Well, let's put the
17 burden on them to do it. Why don't we stand up and
18 say, "This our City." We're 17 of the 18 members
19 that make the laws. This is an important law to the
20 people of Philadelphia. If that's how you feel,
21 therefore, City Council will make the decision on
22 the intersections. Then I'd have more confidence.

23 I don't want to maintain the system in
24 which City Council is having the thumb thrown in its
25 face all the time, being told, you don't count. We

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2 in the Streets Department are going to make the
3 decisions with the Parking Authority and, oh, we'll
4 consult with you. That's sounds like Mayor Street
5 telling us about things he consults with us in order
6 to convince us that he's right. He never consults
7 with us to discuss a problem and to try to get our
8 input. And that's the kind of consultation we're
9 going to get here. Let's assert our power. We have
10 the right to name these streets and these
11 intersections. Let's do that. We would have the
12 right to do it.

13 COUNCILMAN DICICCO: Are there any other
14 questions for these witnesses?

15 Is there anyone else here to testify?

16 Seeing none, we will actually recess for
17 a couple of minutes. We're waiting for another
18 Member of this Committee to return. They should be
19 here momentarily. We will then go into our public
20 meeting for the purpose of voting on the Bill.

21 Thank you. Thank all of you for your
22 patience and your testimony. I think today was one
23 of the better meetings of this Committee in terms of
24 the testimony. Thank you.

25 (Public hearing recessed.)

COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON STREETS AND SERVICES

- - -

Tuesday, May 6, 2003

- - -

Public Meeting conducted by the
Committee on Streets and Services, held in Room 696,
City Hall, Philadelphia, Pennsylvania, on the above
date, to consider action on the following:
BILL 000682.

- - -

PRESENT:

COUNCILMAN FRANK DICICCO
COUNCILMAN DAVID COHEN
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN RICHARD MARIANO
COUNCILMAN FRANK RIZZO
COUNCILMAN JAMES KENNEY
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL NUTTER

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2 COUNCIL PRESIDENT VERNA: I believe we
3 will now have the public meeting of the Streets and
4 Services Committee.

5 COUNCILMAN DICICCO: That's correct.
6 Thank you, Madam President.

7 The public meeting on the Committee of
8 Streets and Services is now back in session.

9 While the amendments are being
10 distributed, I'd just like to once again for the
11 record, earlier this morning Council President
12 appointed two City Council members to the Streets
13 and Services Committee. The reason for those
14 appointments was that yesterday we were informed
15 that two regular members of the Streets and Services
16 Committee did not believe that they would be in
17 session today, so in order to ensure that we had a
18 quorum, those two members being Council Member Jim
19 Kenney and Council Member Michael Nutter were
20 appointed to the Streets and Services Committee.

21 Will the clerk please read the title of
22 the amendments to Bill No. 000682.

23 THE CLERK: Thank you, Mr. Chair.

24 The original amendments that we proposed
25 will be changed in certain respects and the

1
2 following provisions will be added or changed: The
3 original Section 12-3005 entitled Intersections at
4 which this chapter applies, delete Subsection 1 in
5 its entirety and the new subsection will read as
6 follows: Automated red light enforcement systems
7 that are approved by the Pennsylvania Department of
8 Transportation may be used to enforce this chapter
9 only at the following intersections, and as this
10 list may be amended from time to time by ordinance.

11 COUNCILMAN COHEN: Can you slow down a
12 little bit?

13 THE CLERK: Sorry, Councilman. Do you
14 want me to start over?

15 MR. DICICCO: Yes.

16 THE CLERK: Subsection 1 will read as
17 follows: Automated red light enforcement systems
18 that are approved by the Pennsylvania Department of
19 Transportation may be used to enforce this chapter
20 only at the following intersections, and as this
21 list may be amended from time to time by ordinance,
22 subject to the designation of such intersections by
23 agreement of the system administrator and the
24 Pennsylvania Secretary of Transportation:
25 Subsection A, U.S. Route 1, Roosevelt Boulevard at

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2 Grant Avenue, at Red Lion Road and at Cottman
3 Street; Subsection B, Kensington Avenue at
4 Clearfield Street; Subsection C, Richmond Street at
5 Allegheny Avenue and at Castor Avenue; Subsection D,
6 Aramingo Avenue at York Street; Subsection E,
7 Thompson Street at Lehigh Avenue; Subsection F,
8 Broad Street at Washington Avenue.

9 Under Section 12-3012, Limitations,
10 Section 2 will add the following provision: Section
11 2, in furtherance of Council's power to amend
12 Section 12-30051 of the Code to revise the list of
13 intersections at which automated red light
14 enforcement systems may be installed, subject to the
15 designation of such intersections by agreement of
16 the system administrator and the Pennsylvania
17 Secretary of Transportation.

18 We have added a Section 5. Section 5
19 will read Non-Severability. The provisions of
20 Section 12-30051 of the Code has added by Section 1
21 of this ordinance providing that automated red light
22 enforcement systems may be used only at the
23 intersections listed in this subsection, and as that
24 list may be amended from time to time by ordinance,
25 are not severable from the remaining provisions of

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2 this ordinance, but are essentially and inseparably
3 connected with all other provisions of this
4 ordinance.

5 It is hereby declared to be the
6 legislative intent of Council that Council would not
7 have enacted this ordinance or any portion of this
8 ordinance unless such provisions of Section 12-30051
9 of the Code were a valid part of such enactment.

10 That, together with the rest of the
11 amendments that we circulated earlier.

12 COUNCILMAN DICICCO: Thank you.

13 The Chair recognizes Council Member
14 Rizzo for the motion on the proposed amendments to
15 Bill No. 000682. The amendments that were
16 originally distributed to members of City Council
17 and in addition to those amendments that included
18 deletions and additions that have just been read
19 into the record.

20 COUNCILMAN RIZZO: Mr. Chairman, I move
21 for the adoption of the amendments to Bill No.
22 000682 which have been circulated to the members of
23 the Committee.

24 (Motion seconded.)

25 COUNCILMAN DICICCO: It's been properly

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2 moved and seconded that the amendments to Bill No.
3 000682 be reported out of this Committee with a
4 favorable recommendation.

5 All those in favor signify by saying
6 aye.

7 MEMBERS: Aye.

8 COUNCILMAN DICICCO: Those opposed?

9 (No response.)

10 COUNCILMAN DICICCO: The amendments are
11 approved.

12 The Chair recognizes Council Member
13 Rizzo for a motion on the amended Bill 000682.

14 COUNCILMAN RIZZO: Mr. Chairman, I move
15 that Bill No. 000682 as amended be reported out of
16 Committee with a favorable recommendation, with the
17 recommendation that the rules of Council be
18 suspended --

19 COUNCILMAN COHEN: I would request --

20 COUNCILMAN DICICCO: Councilman Cohen,
21 would you please speak into the microphone.

22 COUNCILMAN COHEN: I would request
23 Councilman Rizzo not to include a suspension of
24 rules in order to give additional time for thinking
25 on this.

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2 COUNCILMAN RIZZO: Mr. Chairman, I
3 recommend that the rules of Council be suspended as
4 to permit first reading of this bill at our next
5 session of City Council.

6 (Motion seconded.)

7 COUNCILMAN DICICCO: It's been properly
8 moved and seconded that Bill No. 000682 as amended
9 be reported out of this Committee with a favorable
10 recommendation and a further recommendation that the
11 rules of Council be suspended.

12 COUNCILMAN COHEN: Mr. Chairman.

13 COUNCILMAN DICICCO: Councilman Cohen.

14 COUNCILMAN COHEN: I originally had been
15 totally opposed to this as a big brother watching
16 you bill, but I thought the Council acted
17 commendably on the amendments. I'm not quite sure
18 what they achieve, but it seems to me they reassert
19 the authority of City Council and they also limit
20 this to a trial period, and no further step can be
21 taken without the involvement of City Council, but
22 I'm not absolutely certain about that and I want to
23 be able to have opportunity to consider it further.

24 There were a lot of questions raised at
25 the hearings. Information is supposed to be

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2 furnished to us. I think the appropriate time for
3 action would be not rush at the next meeting, but
4 two weeks from now. And, therefore, if the motion
5 remains as it is, instead of abstaining as I was
6 intending to do, I will have to vote no on this.

7 COUNCILMAN DICICCO: To the sponsor of
8 the bill, there's been a request that you withdraw
9 the motion to suspend the rules for one week. What
10 is your pleasure?

11 COUNCILMAN RIZZO: I would prefer to
12 have the rules suspended.

13 COUNCILMAN DICICCO: So be it. There's
14 a motion on the floor to report Bill No. 000682 out
15 of this Committee with a favorable recommendation
16 and a further recommendation that the rules of
17 Council be suspended.

18 (Motion seconded.)

19 COUNCILMAN DICICCO: It's been properly
20 moved and seconded.

21 All those in favor signify by saying
22 aye.

23 MEMBERS: Aye.

24 COUNCILMAN DICICCO: Those opposed?

25 COUNCILMAN COHEN: No.

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2 COUNCILMAN DICICCO: Let the record
3 reflect that Councilman Cohen is voting no.

4 Thank you all of you for your patience
5 and time at this hearing. This now concludes --

6 Councilman Rizzo.

7 COUNCILMAN RIZZO: Do we have to vote on
8 the amendments or did we do that?

9 COUNCILMAN DICICCO: We did. That was
10 done.

11 Thank all of our for your attendance
12 today. This concludes the public meeting on the
13 Committee of Streets and Services.

14 (Streets and Services Committee
15 adjourned at 3:50 p.m.)

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CERTIFICATE

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LISA BRADLEY

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RPR-Notary Public

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I HEREBY CERTIFY that the proceedings,
evidence and objections are contained fully and
accurately in the stenographic notes taken by me
upon the foregoing matter on May 6, 2003, and
that this is a true and correct transcript of
same.

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