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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 5, 2010
2:45 p.m.

- - -

PRESENT:

- COUNCILMAN FRANK DiCICCO, CHAIR
- COUNCILMAN BILL GREEN
- COUNCILMAN WILLIAM GREENLEE
- COUNCILMAN CURTIS JONES, JR.
- COUNCILMAN JAMES F. KENNEY
- COUNCILWOMAN MARIA QUINONES-SANCHEZ

BILLS 090587, 100213, 100219, 100221, 100226,
100248, 100250 and 100252

- - -

1

2

COUNCILMAN DiCICCO: Good

3

afternoon, everyone. If I could have

4

your attention.

5

Mr. Fenerty. Thank you. Thank

6

you.

7

The Streets and Services

8

Committee is in session. Two members of

9

the Committee are here. To my far left

10

is Councilwoman Sanchez and to my

11

immediate left is Councilman Greenlee.

12

I will ask the Clerk to read

13

the title, Mr. McMonagle, to read the

14

title of the first bill.

15

THE CLERK: Bill No. 100219, an

16

ordinance establishing a one-way

17

regulation on East Duval Street, from

18

Lowber Street to Mansfield Avenue,

19

westbound.

20

(Witness approached witness

21

table.)

22

COUNCILMAN DiCICCO: Let the

23

record also note that Bill No. 090587 is

24

being held at the request of the sponsor,

25

which happens to be me. Thank you.

1 5/5/10 - STREETS - BILL 100213, etc.

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

5 MR. DLUGOSZ: Good afternoon.
6 Thank you for the opportunity for me to
7 appear before you today. My name is
8 David Glugosz, District Traffic Engineer
9 for the Department of Streets. I am here
10 to offer testimony on Bill No. 100219.

11 The Streets Department has no
12 objection to this bill. The two blocks
13 in question of East Duval Street were
14 changed to one-way operation already on
15 December 10, 2009 on a trial basis
16 pending the passage of the City Council
17 ordinance.

18 Thank you for the opportunity
19 to appear before you today. I'd be happy
20 to take any questions.

21 COUNCILMAN DiCICCO: Thank you.

22 Are there any questions for
23 this witness on this bill?

24 (No response.)

25 COUNCILMAN DiCICCO: Anyone

1 5/5/10 - STREETS - BILL 100213, etc.

2 else who wishes to testify for or

3 against?

4 (No response.)

5 COUNCILMAN DiCICCO: Seeing

6 none, please read the title of the next

7 bill.

8 THE CLERK: Bill No. 100248, an

9 ordinance establishing a no parking

10 anytime regulation on McMenemy Street,

11 between Cottage Street and Jackson

12 Street, both sides.

13 MR. DLUGOSZ: Good afternoon,

14 Mr. Chairman, members of the Committee.

15 Thank you for the opportunity to appear

16 before you today. My name is David

17 Dlugosz, District Traffic Engineer for

18 the Department of Streets. I am here to

19 offer testimony on Bill No. 100248.

20 The Department of Streets has

21 no objection to the passage of this bill

22 based on the following: McMenemy Street

23 is a 20-foot-wide two-way street with

24 multiple driveways between Cottage and

25 Jackson Streets. Passage of vehicles and

1 5/5/10 - STREETS - BILL 100213, etc.
2 maneuvering in and out of the driveways
3 would be easier if parking were
4 prohibited on both sides of the street.

5 As such, "No Parking Any Time"
6 signs will be installed within three
7 weeks of the passage of this bill once
8 this is adopted.

9 This concludes my testimony on
10 Bill No. 100248.

11 COUNCILMAN DiCICCO: Thank you.

12 Any questions for this witness?

13 (No response.)

14 COUNCILMAN DiCICCO: Anyone
15 else here who wishes to testify for or
16 against the bill?

17 (No response.)

18 COUNCILMAN DiCICCO: Seeing
19 none, please read the title of the next
20 bill.

21 THE CLERK: Bill No. 100221, an
22 ordinance amending Section 2 of an
23 ordinance (Bill No. 051234) approved
24 February 16, 2006, entitled "An ordinance
25 authorizing and directing the revision of

1 5/5/10 - STREETS - BILL 100213, etc.
2 of Streets, and the Department of Streets
3 would like to offer the following
4 testimony on Bill No. 100221.

5 This is not an administrative
6 ordinance, but an ordinance requested by
7 Mr. Carol DeLeon of the Goldenberg Group,
8 350 Century Parkway, Building 630, Suite
9 300, Blue Bell, PA 19422.

10 The purpose of this ordinance
11 is to further amend a previous ordinance,
12 Bill No. 051234, as amended, which
13 authorized the striking and vacating of
14 Jefferson Street and Heston Street, each
15 from 52nd Street to Paxon Street, and
16 Paxon Street from Jefferson Street to
17 Columbia Avenue. This amendment will
18 extend the time period for compliance
19 with the terms and conditions of the
20 ordinance for an additional two years.
21 The purpose of the initial authorization
22 was to facilitate the development of a
23 309,000 square foot retail shopping
24 center which has been built.

25 This ordinance is supported by

1 5/5/10 - STREETS - BILL 100213, etc.

2 the Department of Streets and is
3 recommended to your Committee for
4 favorable action.

5 COUNCILMAN DiCICCO: Thank you.

6 MR. ERICKSON: Good afternoon,
7 Chairman DiCicco and members of the
8 Streets and Services Committee. I am
9 William Erickson, a City Planner with the
10 Development Planning Division of the
11 Philadelphia City Planning Commission. I
12 am here to testify on Bill No. 100221,
13 which Councilman Jones introduced into
14 City Council on April 8, 2010.

15 This bill is a time extension
16 to Bill No. 051234, which is an ordinance
17 that authorized the striking from the
18 City Plan and vacating of Jefferson
19 Street and Heston Street, each from 52nd
20 Street to Paxon Street; by striking from
21 the City Plan and vacating Paxon Street
22 from Jefferson Street to Columbia Avenue;
23 and by reserving and placing on the City
24 Plan rights-of-way for gas main purposes,
25 water main purposes, and drainage

1 5/5/10 - STREETS - BILL 100213, etc.
2 purposes. These streets were stricken to
3 allow for the development of the West
4 Parkside Shopping Center, which contains
5 the Lowes.

6 The Planning Commission
7 approved Bill No. 080430, which was the
8 first time extension for this ordinance,
9 on May 20th, 2008. Therefore, the
10 Planning Commission recommends that Bill
11 No. 100221 be approved.

12 This concludes my testimony.

13 COUNCILMAN DiCICCO: Thank you.

14 Any questions?

15 (No response.)

16 COUNCILMAN DiCICCO: Anyone
17 else who wishes to testify for or against
18 this bill?

19 (No response.)

20 COUNCILMAN DiCICCO: Seeing
21 none, the title of the next bill.

22 THE CLERK: Bill No. 100226, an
23 ordinance amending Section 2 of an
24 ordinance (Bill No. 040511) approved June
25 21, 2004, entitled "An ordinance

1 5/5/10 - STREETS - BILL 100213, etc.
2 authorizing the revision of lines and
3 grades on a portion of City Plan No. 55
4 in the area bounded by Aramingo Avenue,
5 Frankford Creek, and Adams Avenue, under
6 certain terms and conditions," by
7 extending the period for compliance with
8 the terms and conditions stated therein.

9 MR. MORELLI: Good afternoon,
10 Mr. Chairman, members of the Committee.
11 My name is Frank Morelli, Survey Bureau
12 Manager of the Department of Streets, and
13 the Department of Streets would like to
14 offer the following testimony on Bill No.
15 100226.

16 This is not an administrative
17 ordinance, but an ordinance requested by
18 Mr. George Gross for Donald Hudson of
19 Don's Truck Sales, 4250 Aramingo Avenue,
20 Philadelphia, PA 19124.

21 The purpose of this ordinance
22 is to further amend a previous ordinance
23 (Bill No. 040544), which authorized the
24 striking from the City Plan and vacating
25 of Tulip Street from Ashland Street to

1 5/5/10 - STREETS - BILL 100213, etc.
2 Adams Avenue and Ashland Street from
3 Aramingo Avenue to Tulip Street. This
4 amendment will extend the time period for
5 compliance with the terms and conditions
6 of the ordinance to June 21, 2012. The
7 streets proposed to be stricken are not
8 physically open to public traffic and the
9 City is not desirous of constructing
10 streets at these locations. The abutting
11 owner has requested that these streets be
12 stricken to allow for business expansion
13 and improved security at this location.

14 This ordinance is supported by
15 the Department of Streets and is
16 recommended to your Committee for
17 favorable action.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for these
20 witnesses?

21 (No response.)

22 COUNCILMAN DiCICCO: Anyone
23 else here who wishes to testify for or
24 against the bill?

25 (No response.)

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: I'm sorry.

3 I went ahead of myself again.

4 MR. ERICKSON: Good afternoon,
5 Chairman DiCicco and members of the
6 Streets and Services Committee. I am
7 William Erickson, a City Planner with the
8 Development Planning Division of the
9 Philadelphia Planning Commission. I am
10 here to testify on Bill No. 100226, which
11 Councilman DiCicco introduced into City
12 Council on April 8, 2010.

13 This bill is a time extension
14 to Bill No. 040511, which is an ordinance
15 authorizing the revision of lines and
16 grades on a portion of City Plan No. 55
17 in the area bounded by Aramingo Avenue,
18 Frankford Creek and Adams Avenue. That
19 bill allowed the owners of Don's Truck at
20 4250 Aramingo Avenue to consolidate the
21 parcel by removing unneeded paper
22 streets, Tulip Street and Ashland Street,
23 under the on and off ramps to I-95.

24 Bill 040511 authorized this
25 action and was enacted by City Council on

1 5/5/10 - STREETS - BILL 100213, etc.
2 May 13, 2004. The time extension, Bill
3 No. 050789, was approved by City Council
4 on September 22nd, 2005. Therefore, the
5 Planning Commission recommends that Bill
6 No. 100226 be approved.

7 This concludes my testimony.

8 COUNCILMAN DiCICCO: Any
9 questions for these witnesses?

10 (No response.)

11 COUNCILMAN DiCICCO: Anyone
12 else here who wishes to testify for or
13 against the bill?

14 (No response.)

15 COUNCILMAN DiCICCO: Seeing
16 none, thank you. Thank you, gentlemen.

17 Read the title of the next
18 bill. Thank you.

19 THE CLERK: Bill No. 100250, an
20 ordinance authorizing HACE Community
21 Development Corporation, 167 West
22 Allegheny Avenue, Philadelphia, PA 19140,
23 to construct, own and maintain eight
24 trash receptacles and 12 artificial metal
25 palm streets on the east and west footway

1 5/5/10 - STREETS - BILL 100213, etc.
2 of 5th Street, from Lehigh Avenue to
3 Indiana Avenue, all under certain terms
4 and conditions.

5 (Witness approached witness
6 table.)

7 MS. BRISBON: Good afternoon,
8 Chairman DiCicco and members of the
9 Streets and Services Committee. My name
10 is Michelle Brisbon and I'm a Staff
11 Engineer with the Transportation Planning
12 and Analysis Unit of the Department of
13 Streets. I am here to offer testimony on
14 Bill No. 100250, which Councilmember
15 Sanchez introduced into City Council on
16 April 15, 2010.

17 This bill authorizes HACE
18 Community Development Corporation to
19 construct, own and maintain eight trash
20 receptacles and 12 artificial metal palm
21 trees on the east and west footway of 5th
22 Street, from Lehigh Avenue to Indiana
23 Avenue, all under certain terms and
24 conditions.

25 The Streets Department has

1 5/5/10 - STREETS - BILL 100213, etc.
2 reviewed the plans and has no objection
3 to the passage of the bill.

4 COUNCILMAN DiCICCO: Thank you.

5 Any questions for this witness?

6 (No response.)

7 COUNCILMAN DiCICCO: Anyone
8 else here who wishes to testify for or
9 against this bill?

10 (No response.)

11 COUNCILMAN DiCICCO: Seeing
12 none, please read the title of the next
13 bill.

14 THE CLERK: Bill No. 100252, an
15 ordinance authorizing Marianos Chris
16 Fetfatzes, owner of 738 MOC Inc. (aka
17 Hawthornes), 1108 Fitzwater Street,
18 Philadelphia, Pennsylvania, to construct,
19 own and maintain an encroachment in the
20 form of an open-air cafe on the sidewalk
21 located at 738-742 South 11th Street,
22 under certain terms and conditions.

23 MS. BRISBON: Good afternoon,
24 Chairman DiCicco and members of the
25 Streets and Services Committee. My name

1 5/5/10 - STREETS - BILL 100213, etc.
2 is Michelle Brisbon and I'm a Staff
3 Engineer with the Transportation Planning
4 and Analysis Unit of the Department of
5 Streets. I am here to offer testimony on
6 Bill No. 100252, which Councilmember
7 DiCicco introduced into City Council on
8 April 15, 2010.

9 This bill authorizes Marianos
10 Chris Fetfatzes to construct, own and
11 maintain an open-air sidewalk cafe
12 located at 1108 Fitzwater Street.

13 The sidewalk cafe consists of
14 eight tables and 16 chairs encroaching
15 approximately four feet onto the west
16 sidewalk of 11th Street. This
17 encroachment leaves approximately seven
18 feet of clear unobstructed footway for
19 pedestrian traffic.

20 The Streets Department has
21 reviewed the plan and has no objection to
22 the passage of the bill.

23 COUNCILMAN DiCICCO: Thank you.

24 Any questions for this witness?

25 (No response.)

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: Please let
3 the record reflect that Councilman Curtis
4 Jones, who is a member of this Committee,
5 is now present.

6 Anyone else who wishes to
7 testify for or against this bill?

8 (No response.)

9 COUNCILMAN DiCICCO: Seeing
10 none, please read the title of the next
11 bill.

12 Thank you, ma'am.

13 THE CLERK: Bill No. 100213, an
14 ordinance amending Section 9-605 of The
15 Philadelphia Code, entitled "Towing," by
16 revising the provisions governing the
17 licensing and regulation of towers, under
18 certain terms and conditions.

19 (Witnesses approached witness
20 table.)

21 COUNCILMAN DiCICCO: Good
22 afternoon, gentlemen. Please decide
23 among yourself who is going to testify
24 first. Thank you.

25 MR. HAIGLER: Good afternoon,

1 5/5/10 - STREETS - BILL 100213, etc.
2 Councilman DiCicco and members of the
3 Committee. I am Otis Haigler, Jr.,
4 Director of Legislative Affairs for the
5 Department of Licenses and Inspections.
6 Today I am here to provide testimony on
7 Bill 100213, which amends Section 9-605
8 of The Philadelphia Code related to the
9 towing of motor vehicles. Specifically,
10 the amendments under consideration
11 address the involuntary towing of
12 vehicles from private property and
13 vehicles located in the right-of-way that
14 block access to or egress from legal
15 off-street parking areas pursuant to the
16 requirements of Subsection (11) of
17 Section 9-605.

18 The Department of Licenses and
19 Inspections supports the enactment of
20 this bill. The proposed amendments
21 provide additional clarification with
22 regard to the manner in which vehicles
23 may be towed from private property under
24 contract for towing services and the
25 acceptable method of payment that

1 5/5/10 - STREETS - BILL 100213, etc.
2 includes debit and credit cards that is
3 permitted. Such method of payment must
4 be indicated on all signs posted by the
5 towing company at locations under
6 contract for towing services and the
7 towing operator must provide a list of
8 all legal off-street parking locations
9 under contract to the Department for
10 review and placement on the City's
11 website for public access.

12 In addition, the proposed bill
13 provides a mechanism for the submission
14 and receipt of citizens' complaints
15 through the City's 3-1-1 system. This
16 information is required on each sign that
17 is placed by the towing company at
18 locations under contract for towing
19 services.

20 Thank you for the opportunity
21 to provide the Department's testimony on
22 this bill. I'll be happy to answer any
23 questions.

24 COUNCILMAN DiCICCO: Let the
25 record also reflect that Councilmember

1 5/5/10 - STREETS - BILL 100213, etc.
2 Green, who is a member of this Committee,
3 is present and also Councilman Kenney,
4 who is not on this Committee but is the
5 sponsor of the bill that we're hearing
6 now, is also present.

7 Vince, are you next?

8 LIEUTENANT HEALY: Good
9 afternoon, Chairman DiCicco and members
10 of the Committee on Streets and Services
11 and Councilman Kenney. My name is
12 Francis Healy. I'm Special Advisor to
13 Police Commissioner Ramsey. I'm here to
14 testify on his behalf regarding Bill No.
15 100213.

16 First and foremost, the
17 Commissioner would like to extend his
18 gratitude for allowing the Police
19 Department to voice its opinion on this
20 very important and long-needed piece of
21 legislation.

22 With that being said, let me
23 state at the outset that the Philadelphia
24 Police Department strongly supports this
25 bill. For far too long, too many

1 5/5/10 - STREETS - BILL 100213, etc.
2 problems have plagued officers on the
3 street with respect to removing cars from
4 private property and driveways. The
5 first issue is whether the car was in
6 fact illegally parked prior to being
7 towed. The second involves whether the
8 private property had lawful signs posted
9 on the property. As the law is currently
10 written, neither of these requirements
11 can be confirmed by law enforcement
12 officers prior to any cars being removed.
13 As a result, officers are left to deal
14 with scores of irate car owners that
15 claim there were no signs when they
16 parked their cars or that they were
17 legally parked on private property.
18 Regrettably, the current law actually
19 facilitates these problems and is the
20 very reason why the Philadelphia Police
21 Department supports the amendments here
22 offered by Councilman Kenney.

23 Let me explain in more detail.
24 As we all know, prior to towing cars from
25 private property, the property must have

1 5/5/10 - STREETS - BILL 100213, etc.
2 proper signage and the cars must be
3 illegally parked. This sounds simple
4 enough, but this is not the case. What
5 most people don't realize is that those
6 with financial incentives to remove
7 illegally parked cars are the very people
8 making the law enforcement decisions on
9 what constitutes an illegally parked
10 vehicle. Furthermore, these very same
11 people are the ones posting the signs
12 needed prior to towing. So, in essence,
13 under the current law, a private tower
14 becomes judge, jury and executioner when
15 towing from private property. Herein
16 lies the fundamental flaw with the
17 statute that this current bill remedies.

18 Let me begin by addressing the
19 removal of illegally parked cars from
20 private property and the problems that
21 have evolved. Obviously the towing and
22 storage fees are in addition -- or
23 associated with moving a car from a
24 private property are additional penalties
25 obviously for illegally parking and very

1 5/5/10 - STREETS - BILL 100213, etc.
2 good reason not to park in someone else's
3 property. Nonetheless, this additional
4 penalty is supposed to be predicated on
5 an illegal act and should be subject to
6 some independent review or appeal. This
7 is not the case in Philadelphia. Prior
8 to removing a vehicle in all other towing
9 scenarios in the City, a ticket is issued
10 by an authorized officer that can be
11 appealed to an independent forum for
12 review. This is the only way private
13 property should be taken by government
14 officials or those operating via
15 government-mandated legislation.
16 However, the simple and basic right to
17 appeal an administrative decision is
18 improperly absent when it comes to
19 removing cars on private property, and
20 this has led to such abuse that action
21 must be taken. On a daily basis,
22 officers are confronted with aggrieved
23 car owners who claim that they had in
24 fact legally parked their cars, went
25 shopping and returned to find their cars

1 5/5/10 - STREETS - BILL 100213, etc.
2 towed away. These people were clearly
3 victimized and officers are left
4 powerless to do anything about it. At
5 best, our officers can only advise these
6 victims to claim their cars as soon as
7 possible to avoid additional storage
8 fees. There is no forum to appeal the
9 actions of the tower. This is just
10 inherently wrong.

11 Those car owners that feel they
12 have been improperly towed, like all
13 aggrieved car owners, should know that
14 decisions to remove their cars was made
15 by a law enforcement officer, not one who
16 stands to personally gain from the
17 decision and that this decision can be
18 appealed to an independent forum. As
19 such, the Philadelphia Police Department
20 fully supports the provisions requiring
21 that a parking ticket be placed on a
22 vehicle prior to being towed from private
23 property or driveways. This will ensure
24 that the law enforcement decisions are
25 shifted back to financially disinterested

1 5/5/10 - STREETS - BILL 100213, etc.
2 law enforcement officers and will provide
3 all aggrieved car owners with the proper
4 appellate rights. This is absolutely an
5 additional burden on Police, but one that
6 must be accepted to end the egregious
7 abuses that are actually occurring.

8 Next, when it comes to required
9 signage on private property, police
10 officers are hard-pressed to determine
11 whether a towing sign was lawfully placed
12 on the property by the property owner,
13 whether it was improperly placed on a
14 closed business by a tower or improperly
15 placed on an illegally created driveway.
16 This is incredibly important, because the
17 posting of the sign is what currently
18 gives private towers the lawful
19 authority, assuming of course the car is
20 illegally parked, to remove the vehicle.
21 While this is true, there is no current
22 mechanism for officers to determine if
23 the sign was posted lawfully.

24 Consequently, officers
25 routinely deal with complaints from

1 5/5/10 - STREETS - BILL 100213, etc.
2 aggrieved car owners who swear that there
3 was no sign on certain lots, but that one
4 mysteriously appeared after they had
5 parked. Regrettably, this practice
6 occurs weekly in Old City, Roxborough and
7 a lot of other entertainment destinations
8 throughout the City. Also, officers are
9 confronted with complaints from neighbors
10 who claim fellow neighbors simply decide
11 to make a driveway onto their property
12 without any City approval and post a
13 sign.

14 Since the posting of a no
15 parking sign is required prior to any tow
16 from private property, it's critically
17 important for law enforcement officers to
18 be reasonably assured that any signs
19 observed are posted in a lawful manner
20 and only at lawful locations. Currently,
21 this is not the case, and the current
22 bill before us adequately remedies this
23 flaw.

24 Requiring towers to register
25 the signs with L&I will stop this

1 5/5/10 - STREETS - BILL 100213, etc.
2 behavior and provide officers with the
3 reasonable assurance needed that the
4 signs posted actually belong where
5 they're posted and are done so at the
6 property owner's request.

7 So for the reasons cited, the
8 Philadelphia Police Department strongly
9 supports Bill 100213. It's long overdue
10 and it will immediately stop the abuse
11 and victimization that occurs throughout
12 the City on a daily basis. Furthermore,
13 the Philadelphia Police Department
14 strongly believes that the additional
15 burdens placed on the Police of issuing
16 parking tickets in these scenarios is far
17 outweighed by the rights of the citizens
18 and the visitors alike of the City to be
19 free from such abuses. As such, the
20 Police Department willingly accepts this
21 responsibility. The additional burdens
22 are consistent with the overall mission
23 of the Police Department under
24 Commissioner Ramsey and comport with our
25 core missions of honor, service and

1 5/5/10 - STREETS - BILL 100213, etc.

2 integrity.

3 This concludes my testimony.

4 I'd be happy to answer any questions.

5 COUNCILMAN DiCICCO:

6 Mr. Fenerty.

7 MR. FENERTY: Good afternoon,
8 Councilman DiCicco. I did not prepare
9 written testimony. I was asked to come
10 in to support this bill, which we have
11 read and our attorneys have read, Bill
12 No. 100213. I have specifically read
13 Section 11(d) of this bill, which
14 requires the issuance of a parking
15 violation at this location, and I'm here
16 to state on behalf of the -- as Executive
17 Director of the Parking Authority that if
18 this bill becomes statute, we will sit
19 with L&I and the Police Department and
20 act as backup to the Police Department in
21 the Central Business District and
22 everywhere else where we patrol. We will
23 set up a designated number to take calls
24 to have our officers answer and issue the
25 proper tickets. I assure Council in

1 5/5/10 - STREETS - BILL 100213, etc.
2 conjunction with L&I after the perimeters
3 are set, our officers will be properly
4 trained to professionally answer these
5 calls and make a judgment.

6 COUNCILMAN DiCICCO: Thank you.

7 The Chair recognizes Councilman
8 Greenlee.

9 COUNCILMAN GREENLEE: Thank
10 you, Mr. Chairman.

11 Good afternoon, everybody.
12 First, just for the record, I have to say
13 I certainly understand why this bill is
14 put in, because in both my lives here as
15 an assistant to a Councilman and since
16 I've been in City Council, I've heard
17 numerous complaints from all over the
18 City, as Lieutenant Healy has talked
19 about, from residents who feel that they
20 were not towed properly or with the
21 proper notice.

22 The one question that has come
23 up -- and I'm guessing other witnesses
24 will express this concern -- is the
25 fact -- Lieutenant Healy, I think you

1 5/5/10 - STREETS - BILL 100213, etc.
2 noted it -- that with all the other
3 things Police have to do, that there'll
4 be a problem in timely response, and they
5 also are concerned about the Parking
6 Authority. I think I can say the Parking
7 Authority will not have a problem with
8 timely response. You don't on anything
9 else, so I would think you're okay there.
10 But I'll ask the Police --

11 LIEUTENANT HEALY: That
12 specific question I spoke with
13 Commissioner Ramsey about. We understand
14 it's an additional responsibility. We
15 understand it's low on the priority scale
16 when it comes to radio calls. However,
17 the amount of victimization that we're
18 encountering, we need to step up. So if
19 this -- once this is passed, we will
20 draft, with L&I and with the Parking
21 Authority, different amendments to our
22 current directive on ways that we can
23 better facilitate and respond to these in
24 a timely manner, because we're not
25 looking to slow things down in any

1 5/5/10 - STREETS - BILL 100213, etc.
2 process, especially a lot of the
3 businesses that are out there. We're not
4 trying to impede business. We're just
5 trying to give a level of assurance to
6 people that do have their cars towed that
7 they are actually improperly towed and
8 that if they have any objection, they
9 have a forum that they can address those
10 complaints to.

11 So, yes, it is an additional
12 burden, and we are going to do everything
13 possible to meet that burden.

14 COUNCILMAN KENNEY: Mr.
15 Chairman, a point of information relative
16 to the personnel issue.

17 In addition to the Police
18 Department and the Parking Authority, the
19 University of Pennsylvania Police,
20 Temple's Police, SEPTA Police, any one of
21 those entities that have ticket-writing
22 capability would be considered an
23 appropriate person to write the ticket.
24 So, for example, I've had discussions
25 with folks around Temple concerned about

1 5/5/10 - STREETS - BILL 100213, etc.
2 the delay. Temple Police are there all
3 the time, and we expect a large amount of
4 coordination between those departments
5 when it comes to getting a timely
6 response and a timely ticket placed on
7 the vehicle. So it won't just be those
8 two entities. There'll be other police
9 departments involved in this also.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 COUNCILMAN DiCICCO: Thank you.
13 Councilman Green.

14 COUNCILMAN GREEN: Thank you,
15 Mr. Chair.

16 Good afternoon. Lieutenant, do
17 you know how many cars are towed a year
18 in the City of Philadelphia?

19 LIEUTENANT HEALY: I don't have
20 that number with me. I can get the
21 number for you. From private property or
22 in general?

23 COUNCILMAN GREEN: From private
24 property.

25 LIEUTENANT HEALY: Because it

1 5/5/10 - STREETS - BILL 100213, etc.
2 would also include the ones blocking
3 driveways and stuff like that. I'll
4 reach out to our tow files and --

5 COUNCILMAN GREEN: So really
6 how can you say it's not going to be a
7 significant diversion of resources if you
8 don't know how many?

9 LIEUTENANT HEALY: I said it
10 will be a significant burden. We agreed
11 that up front, but due to the
12 victimization that's occurring --

13 COUNCILMAN GREEN: But you
14 don't know what the burden is?

15 LIEUTENANT HEALY: It's a
16 burden we have to bear. That's the
17 bottom line. There's too many people
18 having their cars taken.

19 COUNCILMAN GREEN: But don't
20 you think we ought to have the data about
21 whether or not -- exactly are there 100
22 cars towed a night?

23 LIEUTENANT HEALY: Well, this
24 is the reason why we collaborated with
25 the Parking Authority, to make sure that

1 5/5/10 - STREETS - BILL 100213, etc.
2 there were available resources, not just
3 Police resources available. But, like I
4 said, yes, there is -- I don't have the
5 actual numbers, to be honest with you. I
6 don't know. The Commissioner and the
7 Deputies agree that this is a problem,
8 that this is the only way to address it.

9 COUNCILMAN GREEN: Well, let's
10 talk about that. In your testimony you
11 stated that the signs will have to be
12 registered with L&I. If you're going to
13 have a no parking sign on your property
14 where you can tow people, you're going to
15 have to register that; is that right?

16 LIEUTENANT HEALY: It's
17 register or notify, I believe.

18 MR. HAIGLER: Otis Haigler
19 again.

20 I believe in the bill that it
21 indicates that the towing operators have
22 to provide the Department with a list of
23 all their locations that they have
24 contracts for towing and that we would
25 place that list on the City's website for

1 5/5/10 - STREETS - BILL 100213, etc.

2 public access.

3 COUNCILMAN GREEN: Okay.

4 MR. HAIGLER: It's not a
5 registration.

6 COUNCILMAN GREEN: It's not a
7 registration.

8 MR. HAIGLER: It's just
9 providing the list of all the locations.

10 COUNCILMAN GREEN: Okay. And
11 the property owners aren't required to
12 provide that list if they want to post?
13 I mean, it seems to me like you're on
14 private property, somebody is there
15 without their permission of the private
16 property owner, and what you're saying is
17 that private property owner can't take --
18 can't on his own or her own remove that
19 trespassing piece of property on their
20 own?

21 MR. HAIGLER: That's correct.

22 COUNCILMAN KENNEY: No. Point
23 of information.

24 We didn't say -- the bill
25 doesn't say they can't remove it. The

1 5/5/10 - STREETS - BILL 100213, etc.
2 car can be relocated. For example, when
3 a construction company resurfaces a
4 street and they post signs the night
5 before that they must move by 7:00 a.m.,
6 and 7:00 a.m. comes and there's still
7 cars parked there, they hire a tow truck
8 that comes and relocates the car.

9 The difference between
10 relocation, what we're talking about, is
11 the tower now impounds the car
12 unilaterally and takes that person's
13 private property to a site where they
14 require them in many cases to pay cash in
15 violation of the City Code and hold their
16 car for an undue period of time.

17 We've told all the private lot
18 operators that they can relocate if the
19 car is blocking egress or ingress or the
20 car is doing something that is causing
21 them a harm to their business. They can
22 relocate the car. They can't allow --

23 COUNCILMAN GREEN: Well, they
24 can --

25 COUNCILMAN KENNEY: -- them to

1 5/5/10 - STREETS - BILL 100213, etc.

2 take the car --

3 COUNCILMAN GREEN: Excuse me.

4 COUNCILMAN KENNEY: -- without
5 permission.

6 COUNCILMAN GREEN: They can
7 relocate the car on their own property.

8 COUNCILMAN KENNEY: They can --

9 COUNCILMAN GREEN: They
10 cannot -- so my question was correct.

11 They cannot remove from their property a
12 car that is trespassing on their
13 property.

14 COUNCILMAN KENNEY: Yes, they
15 can. They can relocate the car. It says
16 specifically in the bill.

17 COUNCILMAN GREEN: Relocate it
18 where?

19 COUNCILMAN KENNEY: Relocate it
20 to a parking spot just like --

21 COUNCILMAN GREEN: Not on their
22 property?

23 COUNCILMAN KENNEY: A public
24 parking spot.

25 COUNCILMAN GREEN: They can put

1 5/5/10 - STREETS - BILL 100213, etc.
2 it on the street? So they can drive
3 around with a tow truck and put it on the
4 street. So essentially what you're
5 saying --

6 COUNCILMAN KENNEY: No. It's
7 within the -- I'm sorry. It's within the
8 facility. They can move it out of the
9 way.

10 COUNCILMAN GREEN: Right. So
11 they can't remove a trespassing car from
12 their property.

13 COUNCILMAN KENNEY: Prior to a
14 ticket.

15 COUNCILMAN GREEN: Prior to a
16 ticket.

17 COUNCILMAN KENNEY: Right.
18 That's correct.

19 COUNCILMAN GREEN: Okay. Well,
20 that's what I said.

21 COUNCILMAN KENNEY: But my
22 point is, they can relocate the car
23 within the facility. If it's obstructing
24 their business, they can relocate it
25 within the facility.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN GREEN: I
3 understand, but what I don't understand
4 is why there is not a remedy against the
5 property owner who authorizes -- there is
6 a remedy against the tower if they took
7 it. We have laws against what they're
8 doing today. It would be a crime if they
9 committed fraud to move the car. I
10 assume what we're doing is requiring this
11 ticket to try to prevent fraud, someone
12 posting a sign -- not posting a sign and
13 then towing away properties. Is that --
14 tell me what crimes are committed under
15 the current system.

16 LIEUTENANT HEALY: Currently,
17 there's two ways. The lawfully placed
18 signs are there, but the cars are not
19 illegally parked. Old couple goes into
20 Wawa and they're in there a little longer
21 than the average person. We have
22 evidence from Major Crimes tow truck
23 drivers are sitting out there scooping up
24 the cars, and the people will come out
25 and say, Listen, my car was legally

1 5/5/10 - STREETS - BILL 100213, etc.
2 parked. Well, if the officer wasn't
3 there to actually observe the people
4 actually going into Wawa, these people
5 are at the tower's mercy. They have no
6 way to prove that they were legally
7 parked. Even if they went in with a
8 videotape and said, Listen, I was in Wawa
9 and went down to the towers, towers
10 wouldn't -- it's irrelevant. You pay to
11 get your car out or you just rack up
12 storage fees. That type of egregious
13 behavior, there's no one actually
14 independent saying the car was illegally
15 parked. What you do is, you have the
16 people who are making money off the tows
17 making the determination what is and what
18 isn't illegally parked. It's just
19 inherently wrong.

20 COUNCILMAN GREEN: On private
21 property, though.

22 LIEUTENANT HEALY: On private
23 property. But it's still a penalty
24 that's imposed by City statute. They're
25 making money based on a law enforcement

1 5/5/10 - STREETS - BILL 100213, etc.
2 decision that should be made by an
3 independent person. And that's all we're
4 asking.

5 COUNCILMAN GREEN: Well, we are
6 authorized -- we actually are restricting
7 private property rights with the existing
8 statute. The existing statute restricts
9 private property rights. So now you're
10 further restricting private property
11 rights. It is the responsibility of the
12 property owner in addition to the
13 tower -- I'm sure the property owner has
14 the tower indemnify them for any suits or
15 other things like that, but we've already
16 restricted the rights of a private
17 property owner by saying that you have to
18 post signs, you have to say where it's
19 going to be, you have to put it on the --
20 now we're going to have the tow companies
21 have to put on the Internet, et cetera.
22 This is further restricting the rights of
23 private property owners in order to be
24 able to remove something that is
25 trespassing on their property.

1 5/5/10 - STREETS - BILL 100213, etc.

2 LIEUTENANT HEALY: I disagree
3 your point of view. The bottom line is
4 to tow the car and impound it is what
5 we're talking about. If the private
6 property owner has a car blocking his
7 driveway and he wants to relocate it to
8 the street, cop comes, writes a ticket,
9 moves it to the street. If you have to
10 drag it, whatever you have to do, you get
11 it off your property. We're talking
12 about impounding --

13 COUNCILMAN GREEN: So that
14 means that the private property owner has
15 to pay someone to come take it.

16 LIEUTENANT HEALY: Correct.

17 COUNCILMAN GREEN: Rather than
18 the person who is trespassing being
19 responsible for paying for that.

20 LIEUTENANT HEALY: If he wants
21 to push it off his property, he has that
22 capacity, but I'm saying what he has to
23 do is first -- he doesn't need a ticket.
24 We're talking the cases here is, you've
25 contracted with a private tower. Now,

1 5/5/10 - STREETS - BILL 100213, etc.
2 these towers are authorized by City
3 statute to impound these cars and they're
4 entitled to the towing and storage fees.
5 We're not talking about the owner that
6 has something blocking his driveway and
7 is able to push it off to the side if he
8 has to. These people are actually --
9 these are towers making law enforcement
10 decisions of what is and what is not an
11 illegally parked car, and it's just
12 inherently wrong.

13 COUNCILMAN GREEN: Well, it's
14 the tow operator and -- I understand what
15 you're saying. The property owner is
16 also responsible. They've delegated that
17 to a tow operator.

18 LIEUTENANT HEALY: Correct.

19 COUNCILMAN GREEN: And so
20 aren't they responsible under -- who is
21 responsible under the law today if that
22 fraud is committed?

23 LIEUTENANT HEALY: If the car
24 is not illegally parked and it's towed?

25 COUNCILMAN GREEN: Yeah.

1 5/5/10 - STREETS - BILL 100213, etc.

2 LIEUTENANT HEALY: It could be
3 both. The question is now fraud to what.
4 No one has testified or written anything
5 down.

6 COUNCILMAN GREEN: Well, people
7 are calling you and making a complaint,
8 and you're saying you don't investigate
9 it because you can't prove it.

10 LIEUTENANT HEALY: Correct.

11 COUNCILMAN GREEN: But it's
12 illegal. And you're just choosing to
13 believe the tow operator over the
14 citizen.

15 LIEUTENANT HEALY: We have no
16 other choice. They already have the car
17 in custody. They're already racking up
18 storage charges on the cars. I can't
19 tell you whether the cars are taken
20 illegally or not, and therein lies the
21 problem, and that's all we're trying to
22 address here. And that's, like I said,
23 an additional burden on the Police, but
24 due to the volume of complaints that we
25 receive -- and it's only from a small

1 5/5/10 - STREETS - BILL 100213, etc.
2 number of towers. Most towers in the
3 City are completely legitimate and we
4 have no problems with.

5 COUNCILMAN GREEN: And your
6 testimony is that this is the only way to
7 solve the problem?

8 LIEUTENANT HEALY: Yes. If you
9 have your car towed and you object to it
10 being towed, there is no way for you to
11 go into court and object to that. The
12 only way to get your car out of that
13 impound lot is to pay. Then you have to
14 file a private civil suit against the
15 owner. Then possibly --

16 COUNCILMAN GREEN: But here's
17 the problem: Most tows are probably not
18 fraudulent. And so what you've got is a
19 situation where you're distracting
20 Police, taking Parking Authority people
21 off their normal route, so, in theory,
22 they'll miss revenue, to deal with the
23 less than 50 percent or less than
24 probably -- who knows. We don't know how
25 much is fraud and how much isn't, because

1 5/5/10 - STREETS - BILL 100213, etc.
2 we don't have any data on how many tows
3 there are or anything else. But once the
4 ticket -- let's assume there's prompt
5 Police response. Once the car is towed,
6 the person has to go to the lot and it's
7 impounded and they have to pay with their
8 credit card or cash and they have to get
9 the car out. So are we talking 90 -- 95
10 percent of the cases of tows don't have
11 any issue and we're creating an extra
12 burden on the Police and other people to
13 deal with five percent, and I'm
14 suggesting that maybe there's a different
15 regulatory structure that solves the
16 problem in a different way so that we're
17 not 100 percent of the time having to
18 respond. That's my suggestion.

19 LIEUTENANT HEALY: I --

20 COUNCILMAN GREEN: I mean,
21 maybe lot owners are required to have
22 video cameras. Most lots do have video
23 cameras. It would be fairly easy for the
24 Police to check the video camera of the
25 lot and determine whether or not

1 5/5/10 - STREETS - BILL 100213, etc.
2 somebody's car was parked legally or
3 illegally on that private property or --
4 there's just lots of different ways to
5 deal with this, including having L&I go
6 check properties for signs and charging a
7 fee for that to the tow operators.
8 There's lots of ways to deal with this.

9 That's all I have for now,
10 Mr. Chairman.

11 COUNCILMAN KENNEY:

12 Mr. Chairman, just for information's
13 sake, I'm sorry, on numbers, apparently
14 the City Controller's report reported
15 that 2,153 private tows were made by 33
16 different operators between May of 2008
17 and July of 2008. So May, June, July is
18 three months, 2,153 tows. I assume you
19 can multiply that by four.

20 Councilman Green?

21 COUNCILMAN DiCICCO: Councilman
22 Green?

23 COUNCILMAN KENNEY: Just from a
24 data standpoint, the City Controller's
25 report back not too long ago reported

1 5/5/10 - STREETS - BILL 100213, etc.
2 that there were 2,153 private tows by 33
3 operators between May of 2008 and July of
4 2008. So for a three-month period there
5 were 2,100 tows. I assume it would be
6 safe to multiply that by four.

7 COUNCILMAN GREEN: Right. How
8 many were fraudulent?

9 COUNCILMAN KENNEY: Well, a lot
10 of people don't file complaints. There
11 were 44 complaints filed from May to
12 July. So you multiply that by four. And
13 then you don't -- you take out the folks
14 that paid their fee and went home mad,
15 not to return again. I don't know how
16 many there are, because there's no way to
17 determine that.

18 COUNCILMAN GREEN: Okay. So
19 give me the numbers again. 221,000?

20 COUNCILMAN KENNEY: No; 2,153
21 from May of '08 to July of '08. So I
22 assume it's safe to multiply that by
23 four.

24 COUNCILMAN GREEN: All right.
25 And 44 complaints were filed?

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN KENNEY: Forty-four
3 filed complaints -- that doesn't count
4 the people who didn't file a complaint --
5 between the same period of time.

6 COUNCILMAN GREEN: May, June
7 and July?

8 COUNCILMAN KENNEY: Correct.
9 So you multiply that by four.

10 COUNCILMAN DiCICCO: Excuse me.
11 My math might be wrong. May of '08?

12 COUNCILMAN KENNEY: May, June
13 and July of '08.

14 COUNCILMAN DiCICCO: May '08 to
15 June '08 is one month.

16 COUNCILMAN KENNEY: No, no, no.
17 May --

18 COUNCILMAN DiCICCO: To July
19 '08.

20 COUNCILMAN KENNEY: -- to July
21 '08.

22 COUNCILMAN DiCICCO: It's only
23 two months.

24 COUNCILMAN KENNEY: May, June,
25 July.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: It's not
3 the whole month of -- May 8th --

4 COUNCILMAN KENNEY: May --

5 COUNCILMAN DiCICCO: Let me
6 finish. May 8th through June 8th is one
7 month --

8 COUNCILMAN KENNEY: No, no, no.
9 '08, 2008.

10 COUNCILMAN DiCICCO: Oh, I'm
11 sorry.

12 COUNCILMAN KENNEY: May, June
13 and July of 2008.

14 Now, that doesn't count the
15 folks that didn't file a complaint that
16 paid the exorbitant fees, which were
17 illegal fees to be paid anyway, and went
18 on their way angry with a bad experience
19 in the City.

20 COUNCILMAN GREEN: That's
21 great. That really makes my point. Two
22 percent of all tows filed complaints
23 and --

24 COUNCILMAN KENNEY: They file
25 complaints --

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN GREEN: And if you
3 assume another 44 just went and paid and
4 maybe it's -- we're --

5 COUNCILMAN KENNEY: Well, I
6 don't know how you assume that.

7 COUNCILMAN GREEN: We're
8 recreating the structure -- well, all we
9 have is 44 complaints. We can't -- I
10 guess we can speculate that the problem
11 is bigger than that, but 44 complaints is
12 two percent of 2,153. So if you want to
13 speculate that it's more than 44, you can
14 say it's four percent, six percent, but
15 we're going through an awful lot of
16 trouble diverting an awful lot of
17 resources from regular duties to solve a
18 problem that doesn't occur, I think it's
19 reasonable to say, 94 percent of the time
20 to 98 percent of the time. And so this
21 is 2,153 potentially, and if it's at
22 nighttime, which is probably when a lot
23 of this happens, it's Police, not Parking
24 Authority, and so this is 2,153 responses
25 to parking tickets by Police every three

1 5/5/10 - STREETS - BILL 100213, etc.

2 months. That seems, I don't know,

3 wasteful.

4 COUNCILMAN KENNEY: Unless of

5 course it was your car that was towed and

6 you went through that process. And I

7 also believe that we have a

8 responsibility -- see, a lot of this

9 could be resolved if the private

10 operators of the parking lots would

11 simply hire reputable people, because a

12 lot of this has been brought on

13 themselves by the towers who act in the

14 manner that they've acted. And they've

15 been acting in that manner for the past

16 20 years, 19 years that I've been here

17 and basically make comments as reported

18 in the Daily News that -- there's a guy

19 by Tow Decision, Mike Williams, says,

20 those signs -- Williams would never

21 accept credit cards, a position that

22 seems to be strongly held among tow truck

23 operators despite City ordinances. "We

24 work in cash and no one in the world can

25 tell me I must take a credit card,"

1 5/5/10 - STREETS - BILL 100213, etc.

2 except the fact that it's City law.

3 Now, I recognize that we're
4 still in the process of dealing, through
5 the administrative process, of dealing
6 with those companies, but in the meantime
7 they're out there like tuna fishers
8 trying to scoop up cars, hold them for
9 ransom and shake people down for cash.

10 COUNCILMAN GREEN: Look, I'm
11 against that.

12 COUNCILMAN KENNEY: I think we
13 have a responsibility to stop that.

14 COUNCILMAN GREEN: I'm against
15 that. It's fraud. It's probably -- it's
16 actually probably --

17 COUNCILMAN KENNEY: Car theft.

18 COUNCILMAN GREEN: Car theft,
19 right.

20 How many times has the Police
21 Department, Lieutenant, asked or gone to
22 see the parking lot operators' video when
23 someone has made a complaint?

24 LIEUTENANT HEALY: None that
25 I'm aware of.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN GREEN: Are you
3 saying you simply don't investigate it?

4 LIEUTENANT HEALY: We don't --
5 we have nothing to investigate.

6 COUNCILMAN GREEN: Sure you do.
7 If they have a video, you can determine
8 whether or not it was illegally parked.

9 LIEUTENANT HEALY: No, we
10 don't.

11 COUNCILMAN GREEN: You don't do
12 it?

13 LIEUTENANT HEALY: No.

14 COUNCILMAN GREEN: But you
15 could do it?

16 LIEUTENANT HEALY: I doubt it
17 very much.

18 COUNCILMAN KENNEY: Well, that
19 would be a use of manpower.

20 COUNCILMAN GREEN: That would
21 be 44 Police responses instead of 2,153.

22 COUNCILMAN DiCICCO: We're
23 going to take a little bit more time I
24 think having somebody sit there and
25 review a video. I mean, you're really

1 5/5/10 - STREETS - BILL 100213, etc.

2 starting to really --

3 COUNCILMAN GREEN: But it's car
4 theft. It's fraud. It's a serious
5 crime. That's the way to get the tow
6 truck operators.

7 LIEUTENANT HEALY: Well, if the
8 provisions of this bill, you tow a car
9 without a ticket, you will be arrested.
10 That's part of the provision of this
11 thing, that it's an option in the
12 statute.

13 COUNCILMAN GREEN: But it's
14 already a crime. It's car theft. It's
15 fraud. You can probably list ten things
16 in your head. And if you just go look at
17 videotape, you'll be able to catch these
18 guys.

19 LIEUTENANT HEALY: Councilman,
20 all we're looking for is parity with tows
21 throughout the City. You tow a car,
22 impound it, it gets a ticket. That's all
23 we're asking for.

24 COUNCILMAN GREEN: Look, I
25 learn by asking questions. That's what I

1 5/5/10 - STREETS - BILL 100213, etc.

2 do.

3 LIEUTENANT HEALY: The problems
4 we get, a lot of them are anecdotal. We
5 get them from the police officers. This
6 issue came up through the ranks to me to
7 please address, and the problem is, when
8 officers are on scene -- and this is some
9 of the things that have happened --
10 officers end up ordering the tow truck
11 drivers to drop the car. It gets into a
12 heated discussion at that point.
13 Obviously towers in their right mind will
14 drop the car. Oftentimes they don't, and
15 that becomes a bigger problem. Just
16 having the ticket on the car solves a lot
17 of these problems, and it's in parity
18 with everything else that the City does.
19 You tow and impound the car, you should
20 have a right to appeal that decision.

21 I mean, granted, it is a lot of
22 work for the Police Department and I've
23 debated this with the Commissioner back
24 and forth. Due to the egregious behavior
25 of a small amount of numbers, it's

1 5/5/10 - STREETS - BILL 100213, etc.
2 something that we believe we need to do.

3 COUNCILMAN GREEN: I
4 understand.

5 LIEUTENANT HEALY: So that's
6 our position.

7 COUNCILMAN GREEN: I liked your
8 testimony better with the background
9 noise. Thank you.

10 COUNCILMAN DiCICCO: Councilman
11 Jones.

12 COUNCILMAN JONES: Amazing.
13 As you rate phone calls that
14 come into 9-1-1 or whatever processes you
15 have, how do you prioritize those phone
16 calls?

17 LIEUTENANT HEALY: Those are
18 probably the lowest protocols.

19 COUNCILMAN JONES: So give me a
20 set of protocols.

21 LIEUTENANT HEALY: If this
22 passes, what I plan on doing with the
23 Commissioner and Police Radio, who
24 actually does the priority calls, is
25 figure out how we can dispatch these in

1 5/5/10 - STREETS - BILL 100213, etc.

2 an efficient manner.

3 COUNCILMAN JONES: All right.

4 LIEUTENANT HEALY: Because we

5 have to, especially in Center City.

6 That's why the benefit is having a

7 collaboration with the Parking Authority

8 and their resources on the street.

9 COUNCILMAN JONES: My question

10 is, how do you classify response calls?

11 I mean, if there are three categories,

12 five categories of priority. How many

13 are there?

14 LIEUTENANT HEALY: Off the top

15 of my head, I'm not -- Deputy

16 Commissioner Johnson could actually speak

17 to the number of priorities.

18 COUNCILMAN JONES: Thank you.

19 (Witness approached witness

20 table.)

21 DEPUTY COMMISSIONER JOHNSON:

22 Councilman, good afternoon, sir.

23 COUNCILMAN JONES: Good

24 afternoon.

25 DEPUTY COMMISSIONER JOHNSON:

1 5/5/10 - STREETS - BILL 100213, etc.
2 Basically we have what's called a
3 computer-aided dispatch system. It's
4 predicated on the severity of an
5 incident. For example, it goes from zero
6 to, I believe, six. Zero is the highest
7 priority, six the barking dog at 3
8 o'clock in the morning type perspective.
9 So --

10 COUNCILMAN JONES: What --

11 DEPUTY COMMISSIONER JOHNSON:

12 If I may, sir.

13 COUNCILMAN JONES: I didn't

14 mean to interrupt you. Go ahead.

15 DEPUTY COMMISSIONER JOHNSON:

16 Not a problem.

17 Zero would be an assist
18 officer. Obviously that's predicated on
19 an absolute danger to the officer or some
20 civilian that we no longer have the
21 ability to protect. A one would be an
22 assignment in progress. It's a robbery,
23 a shooting, something of that dire
24 nature. And then it de-escalates. A
25 two -- again, I'm doing this off the top

1 5/5/10 - STREETS - BILL 100213, etc.
2 of my head, because I've never worked in
3 this particular discipline. But a two
4 would be something similar to a
5 disorderly crowd or a drug dealer on the
6 corner, something of that nature, and it
7 de-escalates along the line.

8 A parking situation, to the
9 best of my knowledge and just my own
10 acumen at the time, would probably fall
11 somewhere in the four and five, unless
12 there's possibly repeated calls, unless
13 it's conveyed in the verbiage to Police
14 Radio that there's some propensity for
15 violence that would escalate it up to the
16 status of an assignment in progress. But
17 just a homeowner or someone calling about
18 an illegally parked vehicle and it's not
19 causing a serious impediment of any sort
20 would probably be in the lower rung of
21 the hierarchy in the priority assignment.

22 COUNCILMAN JONES: Generally
23 categorizing them, would that be like
24 with the barking dog, the loud neighbor
25 with the music category?

1 5/5/10 - STREETS - BILL 100213, etc.

2 DEPUTY COMMISSIONER JOHNSON:

3 Yeah. The loud music would probably come
4 in somewhere in the area of a four, sir,
5 because it's not the end of the world,
6 predicated on the other incidents we
7 respond to. However, if your point is
8 that, yeah, it may be dire to the person
9 at the time, we can escalate -- if we get
10 repeated calls on any type of incident,
11 we'll promote that to a higher category
12 and we'll get a quicker response. It's
13 still not going to circumvent responding
14 to assignments in progress, sir.

15 COUNCILMAN JONES: So what I'm
16 trying to get to is, what is your average
17 response time per category?

18 DEPUTY COMMISSIONER JOHNSON:

19 That I would have to -- obviously I
20 wouldn't know that off the top of my
21 head. We try for the priority
22 assignments -- and this is more
23 speculative than anything, just my
24 experience. We try to get there,
25 needless to say, as soon as possible but

1 5/5/10 - STREETS - BILL 100213, etc.
2 within several minutes of the actual
3 call, and all that is predicated on
4 availability and other factors that we
5 have to deal with at the time of the
6 call.

7 COUNCILMAN JONES: It has been
8 my experience -- and I base that both
9 personally and with people that call my
10 office -- that lower priority if it's
11 similar to the barking dog is indefinite,
12 and I want it to be indefinite because
13 I'd rather you respond to higher priority
14 issues that even then have challenges to
15 meet in response time.

16 My point being is that I'm kind
17 of confused as to when we are close -- we
18 closed the 192nd Police --

19 DEPUTY COMMISSIONER JOHNSON:
20 No; 92nd, sir.

21 COUNCILMAN JONES: The 92nd
22 Police District in the park in order to
23 reduce response time and we're going to
24 add a category of response that probably
25 is better suited in another realm. I

1 5/5/10 - STREETS - BILL 100213, etc.
2 want you guarding me. You know, I can go
3 to civil court. If a parking garage does
4 something that I think is wrong or even
5 criminal, that I have -- I can take out a
6 private consumer complaint and even a
7 criminal complaint against them. I'm
8 just vexed as to why this bumps up when I
9 have people clamoring to get response
10 times to more serious crimes due to
11 shortages of resources that we would add
12 this to a list of responses. I'm vexed
13 about that.

14 DEPUTY COMMISSIONER JOHNSON:
15 Well, in all due reality, sir, whenever
16 we receive an inquiry or a service
17 request to our E911, as we call in our
18 parlance, we have to make a response.
19 That response may not be in, I guess,
20 directly dispatching a police officer,
21 but we have supervisory oversight. If we
22 get a preponderance of calls relevant to
23 one particular incident, even though it's
24 a lower priority, then we will have some
25 type of response mechanism where a

1 5/5/10 - STREETS - BILL 100213, etc.
2 supervisor will say, Well, we're
3 receiving a great many calls on this,
4 we'll notify the street supervisor, we'll
5 dispatch a message to him or her, and he
6 or she will have that ability to maybe
7 dispatch someone to that assignment as
8 soon as they could without deterring the
9 system. So we do have oversight, if
10 that's what you're asking me, as far
11 as --

12 COUNCILMAN JONES: It's not --
13 I believe that you have great oversight.
14 It is the response time and the impact of
15 adding that, not to mention that there is
16 probably going to be a business trying to
17 conduct business while they wait.

18 The other issue I have is
19 that -- and I'm not an expert on this
20 matter and you would be far greater
21 qualified to speak to it, but it seems a
22 trend by which -- and I take this in
23 account of New York -- that terrorists
24 are using the opportunity to go into
25 public parking garages, leave a car that

1 5/5/10 - STREETS - BILL 100213, etc.
2 often is suspicious, whether it's smoking
3 or something like that, and without the
4 authority to remove a car, it seems as
5 though that there might be some
6 implications even there.

7 DEPUTY COMMISSIONER JOHNSON:
8 That example is relevant, but, again, if
9 I can respond to that, because this is my
10 expertise.

11 COUNCILMAN JONES: Yes, it is.
12 I yield. Go ahead.

13 DEPUTY COMMISSIONER JOHNSON: I
14 am in charge of Homeland Security and
15 Domestic Preparedness. We disseminated
16 information to business people,
17 businesses, including parking facilities,
18 if a vehicle arouses their suspicion, we
19 try to educate them to be precise in
20 their verbiage to tell us why it's doing
21 this. If they just think it's illegally
22 parked, then obviously it's not going to
23 receive a high priority. If they feel as
24 though there's some suspicious
25 indicators -- and we educate the

1 5/5/10 - STREETS - BILL 100213, etc.
2 businesses relevant to that -- then we
3 will dispatch not only district personnel
4 but people from my particular command
5 purview to go and make an inquiry.

6 So the terrorism nexus is very
7 relevant maybe in this conversation, but
8 it's a different story all together. I
9 mean, we'll use the analogy what
10 transpired over the weekend. If we
11 receive a call like the call of that
12 nature where we have smoke emanating from
13 a vehicle, we have other factors,
14 indicators that would convey to us that
15 possibly this is more than just an
16 illegally parked vehicle, we will have a
17 more substandard response. We're trained
18 to do that. We train the business people
19 to look for that. We train the public.
20 We have a campaign, without digressing
21 too much, we have a very intensive
22 campaign to educate public personnel or
23 people in business, or whatever entity
24 you want to convey or you want to name at
25 this time, to be aware, because the

1 5/5/10 - STREETS - BILL 100213, etc.
2 preponderance of information in deterring
3 a terrorist incident will come from the
4 community, it won't come from our
5 investigative resource.

6 So, again, sir, if that answers
7 your question.

8 COUNCILMAN JONES: That gives
9 me more than an answer. It gives me
10 comfort. But I would like to ask that
11 you guys -- and no one on the panel seems
12 to be able to tell me about response
13 times on average to lower priority calls,
14 and I do know that the Fire Department
15 keeps response times.

16 DEPUTY COMMISSIONER JOHNSON:
17 We do also. Understand my response to
18 you is that I'm simply saying I don't
19 have immediate access to that
20 information. It is accessible and within
21 minutes of this inquiry, I could have
22 that for you, sir.

23 COUNCILMAN JONES: If you could
24 provide that to members of the Committee,
25 the Chair in particular, that would be

1 5/5/10 - STREETS - BILL 100213, etc.

2 helpful.

3 DEPUTY COMMISSIONER JOHNSON:

4 Okay. Just so I understand exactly what

5 you're conveying to me, you want the

6 entire realm of response times to each

7 category or just the lower ones?

8 COUNCILMAN JONES: Just the

9 lower ones.

10 DEPUTY COMMISSIONER JOHNSON:

11 And more relevant to the parking

12 perspectives?

13 COUNCILMAN JONES: No; just the

14 lower ones then, because if you're going

15 to put them in a batch that kind of fits

16 a mold, then let's see what that is.

17 Because, again, I know it will affect the

18 others.

19 DEPUTY COMMISSIONER JOHNSON:

20 Yeah. One of the caveats I want to

21 convey, to state at this time -- and I

22 don't know if I've answered this for you,

23 but I would for my own edification, if we

24 have incidents involving disturbances

25 relevant to parking circumstances,

1 5/5/10 - STREETS - BILL 100213, etc.
2 private lots, public entities or
3 whatever, then that goes into a higher
4 category, because that is now a
5 disturbance. That's not merely a parking
6 circumstance per se. It means that now
7 someone is in some type of either verbal
8 or potential physical altercation where
9 there could be damage to life and
10 property. So that would escalate the
11 priority.

12 So much is predicated, if I
13 may, sir, on the verbiage that is
14 conveyed to our 9-1-1 operators. If they
15 call, just as an example, say there's an
16 illegally parked car at such-and-such a
17 location, well, sir or ma'am, we'll
18 respond to it, but obviously it's not
19 going to be one of the higher priority
20 items. If they say again as you
21 indicated, Well, it has wires sticking
22 out and there's smoke emanating,
23 obviously a very dire circumstance in
24 light of what's transpiring in the world,
25 terrorism, today, that will get a more

1 5/5/10 - STREETS - BILL 100213, etc.
2 substandard response. If they say, Well,
3 we have a tow truck operator out here,
4 they look like they're going to go to
5 fisticuffs, well, let's face the reality,
6 we have people in the City who are prone
7 to violence, and that would definitely,
8 that verbiage would definitely escalate
9 it. So, again, so much is predicated on
10 what we receive at the initial time of
11 the call and the priority system in and
12 of itself.

13 COUNCILMAN JONES: I appreciate
14 the explanation. For every action
15 there's an equal and opposite reaction.
16 If you have an additional 44 calls in the
17 low priority, eventually at some point
18 you have to respond to them. That has to
19 impact the other priority calls in some
20 way.

21 COUNCILMAN KENNEY:
22 Mr. Chairman, just if I may say, if
23 there's a car in a private parking lot
24 with wires hanging out of it and smoke
25 coming out of it, I don't want these

1 5/5/10 - STREETS - BILL 100213, etc.

2 private towers hooking and taking it,

3 because it will probably blow up.

4 LIEUTENANT HEALY: Just to be

5 very clear, all we're asking for is, this

6 current statute is missing something that

7 all we're really asking for is put what

8 it should have had in the first place.

9 Every tow in the City should have a

10 ticket on it so as when you come and get

11 your car, you know that some independent

12 person made an evaluation that it was

13 illegally towed or illegally parked prior

14 to having to pay all these additional

15 storage and fees. It happens in every

16 other situation.

17 We do understand it's a burden,

18 and we're going to work to see how we can

19 expedite these cases, and that's

20 something we would absolutely do. But we

21 will get you the response times for the

22 lower level.

23 COUNCILMAN JONES: I appreciate

24 it.

25 LIEUTENANT HEALY: Thank you,

1 5/5/10 - STREETS - BILL 100213, etc.

2 sir.

3 COUNCILMAN JONES: Is there any
4 other questions?

5 COUNCILMAN GREEN:

6 Mr. Chairman?

7 COUNCILMAN DiCICCO: Yes.

8 COUNCILMAN JONES: Mr. Green.
9 Councilman Green.

10 COUNCILMAN GREEN: Thank you.

11 Are you familiar with the
12 Illinois Truth in Towing law?

13 LIEUTENANT HEALY: Am I
14 personally? No, sir.

15 COUNCILMAN GREEN: It requires
16 registration of tow company operators,
17 which I assume they're required to get a
18 business privilege license. I don't
19 know. Are they required also to get a
20 license to tow cars?

21 MR. HAIGLER: Yes.

22 COUNCILMAN GREEN: What
23 information is required with that
24 license?

25 MR. HAIGLER: They have to have

1 5/5/10 - STREETS - BILL 100213, etc.
2 insurance. They have to -- it's all
3 stipulated in Section 9-605 of the Code.
4 I have a copy of it here.

5 COUNCILMAN GREEN: Do they have
6 to time stamp when they remove a car?

7 MR. HAIGLER: That's not part
8 of the license process, no.

9 COUNCILMAN GREEN: Is there a
10 requirement under the law right now for
11 tow operators to time stamp when they
12 take a car?

13 MR. HAIGLER: No. No.

14 COUNCILMAN GREEN: Well, that's
15 required in most jurisdictions, and that
16 can help resolve a lot of disputes about
17 whether or not the car was --

18 COUNCILMAN DiCICCO: Point of
19 order. I'm sorry. I was side-barring on
20 this issue. Could you explain -- I
21 didn't hear the last question.

22 COUNCILMAN GREEN: The last --
23 well, it was more of -- I guess it was
24 more of a statement. But we've looked at
25 towing laws in Illinois, New York, other

1 5/5/10 - STREETS - BILL 100213, etc.
2 places, and they have requirements that I
3 think that we don't have that might be an
4 interim step to see if it has an impact
5 on the two percent of cases where there
6 appears to be a demonstrable problem.
7 One of them is requiring time stamps when
8 things were towed. The other is
9 requiring them to give a final itemized
10 invoice upon demand to the customers.
11 They require tow operators to maintain
12 records for five years. There are
13 specific penalties for enforcement of
14 these acts that are up to \$1,000 per
15 violation and license suspension or
16 revocation.

17 I mean, I'd like your reaction
18 to that.

19 MR. HAIGLER: We have
20 provisions in The Philadelphia Code also
21 that speak to license revocation. We
22 have provisions in there that speak to
23 the class of violation. If there is a
24 violation, it's a per offense penalty for
25 the violation. I believe this is a Class

1 5/5/10 - STREETS - BILL 100213, etc.
2 3 offense for towing, I believe, and
3 that's up to a \$2,000 fine that could be
4 imposed by the court system.

5 COUNCILMAN GREEN: So the tow
6 operator that Councilman Kenney read the
7 quote from in the paper, have we moved to
8 revoke their license or suspend it?
9 They're clearly saying they're breaking
10 the law. What has L&I done about that
11 tow operator?

12 MR. HAIGLER: Well, the law
13 specifically as written now -- and I have
14 a copy of it -- doesn't really say
15 specifically this is what the amendment
16 will do. It says specifically you have
17 to take a credit card or debit card.

18 COUNCILMAN GREEN: That's
19 already the law.

20 MR. HAIGLER: And it has to be
21 posted on the sign.

22 COUNCILMAN GREEN: They're
23 already required to pay by credit card.

24 MR. HAIGLER: I understand.

25 COUNCILMAN GREEN: So what have

1 5/5/10 - STREETS - BILL 100213, etc.

2 you done to enforce that law?

3 MR. HAIGLER: And if the
4 Department were to go out and do an
5 inspection, we would look for whether or
6 not you have the capabilities of taking
7 the credit card or debit card. If you
8 don't, then that's a violation.

9 COUNCILMAN KENNEY: Point of
10 information.

11 The way in which it works with
12 some of these bad operators is, they all
13 have a credit card machine. It never
14 works when a person comes to use the
15 credit card. So until the police officer
16 shows up, then magically it goes back
17 online. So they do have the capability
18 of doing it. When the person comes there
19 at 1 o'clock in the morning and wants to
20 use their credit or debit card, they're
21 consistently told that it doesn't work,
22 and until the person persists and calls a
23 police officer, magically it works.

24 COUNCILMAN GREEN: I
25 understand.

1 5/5/10 - STREETS - BILL 100213, etc.

2 How many times has L&I said
3 they have a car in the lot, looked at a
4 car, said that's their car, asked for the
5 bill and then tried to pay with a credit
6 card? Sort of a little sting operation.

7 MR. HAIGLER: I don't have that
8 information. I really don't.

9 COUNCILMAN DiCICCO: I have a
10 question, Mr. Haigler.

11 COUNCILMAN GREEN:
12 Mr. Chairman.

13 COUNCILMAN DiCICCO: Maybe you
14 don't have the answer. Do we have any
15 idea -- maybe some of the parking lot
16 guys would be able to answer this better.
17 Do you have any idea how much time it
18 takes from when the call is placed by the
19 parking lot/garage operator/manager
20 before the tow truck comes to respond?

21 COUNCILMAN KENNEY: I'm sorry.
22 Point of information, because we've been
23 through this. They don't have to call
24 anybody, because in many locations, they
25 are sitting there waiting for the time to

1 5/5/10 - STREETS - BILL 100213, etc.
2 expire on the meter so they can scoop the
3 car.

4 COUNCILMAN DiCICCO: I'm
5 getting to that point. I think it ties
6 in -- I appreciate it, but I think it
7 ties in what I was having a sidebar about
8 maybe there should be a timing mechanism,
9 not unlike what we just recently did with
10 the Department on stolen vehicles,
11 allowing the owner of the vehicle once
12 notified, there's a certain amount of
13 time now before the tow truck operator
14 can take the car away. I'm just
15 wondering if the sponsor of the bill --

16 COUNCILMAN KENNEY: San
17 Francisco is an hour.

18 COUNCILMAN DiCICCO: If we can
19 figure out a way. The call comes in,
20 there's a car parked illegally on our
21 parking lot, 9:00 p.m., Police have one
22 hour to respond to ticket. If they don't
23 respond within the hour, the car gets
24 taken. I'm just using that as --

25 COUNCILMAN KENNEY:

1 5/5/10 - STREETS - BILL 100213, etc.
2 that behavior. They never come back, and
3 they probably never file any appeals.

4 Mr. Fenerty, is your phone off?

5 MR. FENERTY: I hope so. I'm
6 bad.

7 Mr. Chairman, we've
8 investigated some of these complaints.
9 They're not generally within our
10 jurisdiction in some of the most
11 egregious cases, which usually come from
12 Council, some around a sporting facility
13 where cars have mysteriously disappeared.

14 What we do know and are able to
15 obtain, a great number of these tow
16 companies don't own their own vehicles.
17 They may own one or two and then they
18 subcontract to others, who they pay a
19 percentage or a commission on what we
20 call vultures where they come in. If the
21 tow fee is 150, they may get a
22 percentage, a split or however it may
23 happen.

24 COUNCILMAN DiCICCO: It's 125
25 for the tow and 250 to use the winch that

1 5/5/10 - STREETS - BILL 100213, etc.

2 pulls the car onto the truck.

3 MR. FENERTY: And that's bull
4 crap. We all know that. It's just -- if
5 it's a wreck, if it's an accident scene
6 and there's a cleanup and there's special
7 towing tools or equipment that has to be
8 used, there would be different charges.
9 For a straight tow, whether it be a
10 flatbed, an eagle claw pickup, an
11 old-fashioned strap truck or a chain
12 truck, it should be one flat fee.

13 People are victimized by
14 commissions or independent operators who
15 paint their trucks with a company's name
16 on it to bring it in. This is what --
17 this is what this has done. I've seen
18 them hanging around parking lots myself
19 down the street waiting for somebody to
20 come in. There's a church parking lot or
21 something like that, somebody goes in a
22 Wawa or goes in a restaurant and the car
23 is gone.

24 So I think there is some
25 accountability needed there, especially

1 5/5/10 - STREETS - BILL 100213, etc.
2 for the credit cards. Although it's
3 there, there needs to be an enforcement
4 measure.

5 In here it says that a
6 competent court of review can look at it.
7 It is very frustrating when we do answer
8 a complaint that we've been sent -- we've
9 looked at it, we've talked to the tow
10 company, we believe the people, there's
11 no independent body whatsoever that can
12 sit and say, Okay, tow company was wrong,
13 give them their money back. It's
14 generally a tourist or a senior citizen
15 who is victimized or a young new driver
16 who is calling their parents when they go
17 down to a club or a restaurant, Come help
18 me with the car. By the time they're out
19 of there, the clock starts a little after
20 midnight. Day one could be 10 o'clock at
21 night. Day two is 12:01 a.m. Unlike the
22 City Code says for City impoundments it's
23 a full day.

24 So some type of regulation is
25 needed here to protect the people who

1 5/5/10 - STREETS - BILL 100213, etc.
2 visit our city and people who live here
3 from vultures.

4 As Councilman Green said, it is
5 going to place a great burden on the
6 Parking Authority where someone may have
7 to take a call and walk to a parking lot
8 or drive there rather than finish
9 patrolling their beat in the proper and
10 timely manner. It could distract us to
11 some degree. I would say I would rather
12 see the Parking Authority be a little
13 distracted than the Police a lot
14 distracted. And we will do our best to
15 respond to anything within 15 minutes
16 where we have people working. A lot of
17 sections we don't. Most of the towing is
18 going to be done, I would assume -- I've
19 seen those statistics. I'll be perfectly
20 honest, but most of the calls I think
21 would be in the Central Business District
22 and University City, and I would think
23 Lieutenant Healy could provide those
24 details if Councilman Kenney doesn't
25 already have them.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: Councilman
3 Kenney.

4 COUNCILMAN KENNEY:

5 Mr. Chairman, a lot of the problem is not
6 just the private parking lots. A lot of
7 the problem comes off the street itself
8 where these guys scoop up cars that they
9 say were blocking a driveway. I mean,
10 there's no reason why -- there's no
11 emergency unless the driveway is a garage
12 for a rescue squad, there's no real
13 emergency why there couldn't be some
14 period of time to get a ticket on that
15 car, because these guys -- and there's no
16 proof. The car could be close to the
17 driveway and not in it and they scoop it
18 anyway, and there's no way to prove that
19 the car was legally parked unless there's
20 some objective non-financial incented
21 person that says, yes, in fact it's in
22 the person's driveway.

23 MR. FENERTY: That does happen,
24 Mr. Chairman. It does happen. We answer
25 those calls, because the Parking

1 5/5/10 - STREETS - BILL 100213, etc.
2 Authority generally patrols the streets.
3 We do all the towing on the streets.
4 There is an ordinance on the books that
5 says if you're parking a private driveway
6 and a private vehicle, a private vendor
7 can tow you as long as it is marked
8 specifically that Joe's Towing is going
9 to do it. What we have found, there's no
10 markings. They come by, say get a call,
11 they scoop them up, people don't know
12 where they are. It's not properly called
13 into the Police Department's queue tow
14 system. So when the 3-1-1 operator or
15 the 9-1-1 operator answers a distressed
16 citizen's call, it may be 24 hours or a
17 day or two before we figure out where the
18 car is. They call us, they go wait in
19 our lines thinking we have it. It's not
20 uniform.

21 Something we could also look
22 at -- and this is just a thought -- is
23 when our officers or when the police
24 officers are on the scene and the tow
25 truck is on the scene, that could be

1 5/5/10 - STREETS - BILL 100213, etc.
2 called into the dispatch center, either
3 our dispatch center by our officers or
4 the Police at that point, that company
5 ABC is now taking it and it's located
6 there, and we both as law enforcement
7 agencies, the Parking Authority and the
8 Police Department, have the immediate
9 access to place it in the queue tow
10 system, so the public could be quickly
11 informed and maybe also close that
12 deficiency at the same time, if
13 Lieutenant Healy and Deputy Commissioner
14 Johnson would agree to that.

15 COUNCILMAN DiCICCO: Thank you.
16 There are four other panels. I
17 appreciate your testimony, so unless
18 there's any other questions for these
19 guys.

20 COUNCILMAN GREEN: No.
21 Thank you for your testimony.
22 I do agree that this is a problem we need
23 to get to the bottom of. I'm hopeful
24 that we can find a less distracting way
25 of resolving the issue. That's all I

1 5/5/10 - STREETS - BILL 100213, etc.

2 have to say. Thanks.

3 COUNCILMAN DiCICCO: Thank you.

4 MR. FENERTY: Councilman, could
5 I have a copy of that law? Could you fax
6 me that, from Illinois? I'd like to read
7 it.

8 COUNCILMAN GREEN: Yes.

9 COUNCILMAN DiCICCO: If you
10 gentlemen don't mind waiting around, if
11 you can, in case there's any other
12 questions, I'd appreciate it.

13 The next panel, Angela Mebane.

14 (Witness approached witness
15 table.)

16 COUNCILMAN DiCICCO: Good
17 afternoon, ma'am. Please identify
18 yourself for the record and proceed with
19 your testimony.

20 MS. MEBANE: Good afternoon,
21 Chairman. My name is Angela Mebane and
22 I'm here to support the Bill No. 100213.

23 Never in a million years did I
24 imagine that I would get the opportunity
25 to be standing or sitting here in front

1 5/5/10 - STREETS - BILL 100213, etc.
2 of you in the midst of you. I only wish
3 that it was not under these
4 circumstances.

5 My name is Angela Mebane. I am
6 a 43-year-old -- I am 43 years old.

7 I'm sorry. I'm a little
8 nervous. This is my first time here, and
9 I only seen you on television or
10 something like that.

11 COUNCILMAN DiCICCO: You're
12 fine.

13 MS. MEBANE: Thank you.

14 Never in a million years did I
15 ever imagine that I would get the
16 opportunity to be sitting here in the
17 midst of you. I only wish that it was
18 not under these circumstances.

19 My name is Angela Mebane and I
20 am 43 years old. I am a newlywed since
21 February 2010 and I have three daughters,
22 23, 15 and 7. I was born and raised in
23 Philadelphia and I have worked over the
24 years in and around Philadelphia.
25 Changing careers from the medical field,

1 5/5/10 - STREETS - BILL 100213, etc.
2 I went back to school and got my
3 Bachelor's Degree in paralegal October
4 2009. I have been doing an internship
5 since January here in City Hall
6 Courthouse in the Case Management
7 Conference Center while seeking permanent
8 employment.

9 I was put in a bad situation
10 and was a victim to a crime. I call it a
11 crime, and I'm sure you will too. I was
12 robbed and my integrity was challenged.
13 I must say that becoming a paralegal and
14 then doing an internship in the courts
15 gave me the insight and courage to fight
16 back legally. Transitioning from my
17 medical career into my legal career has
18 given me an opportunity to meet the
19 people that deal with the persons that
20 commit illegal activities and understand
21 how important their jobs are in creating
22 law and order in Philadelphia.

23 I have lived in Germantown in
24 an apartment complex for one year and
25 four months. The apartment complex has a

1 5/5/10 - STREETS - BILL 100213, etc.
2 visitor parking lot and a tenant parking
3 lot. The management gave me a temporary
4 parking permit when I first moved into
5 the complex and then a permanent one,
6 which was to be placed in the rear window
7 of the vehicle. I knew that there was a
8 towing company that came to the complex
9 to tow vehicles that was parked
10 illegally. So I was very much aware of
11 these guys, because I was a tenant and
12 because I have seen them come into the
13 parking lot every day 24/7 and tow
14 vehicles within a couple of seconds after
15 people vacate their vehicles.

16 My mini van was hit in the back
17 by another tenant's truck in the tenant
18 parking lot around March the 18th, 2010.
19 The tenant's insurance agreed to fix my
20 mini van. I put my mini van into the
21 body parts shop to get repaired on March
22 the 27th. The insurance company allowed
23 me to get a rent-a-car. On March the
24 27th, I drove the rent-a-car home and
25 parked it in the tenant parking lot in

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2 front of the apartment complex office so
3 that I could go and talk to the
4 management about getting a temporary
5 parking permit.

6 In the manager's office there
7 is a window to look out and see the car.
8 So it was in a safe place at that time.
9 I did not want the rent-a-car to get
10 towed, because I did not have the money
11 to spare to recover the car. The manager
12 gave me a temporary parking permit that
13 day. I never took the permit in the
14 house. I immediately put it into the
15 car. Monday, Tuesday and Wednesday the
16 temporary parking permit stayed in the
17 car. On Thursday, April the 1st, April
18 Fool's Day, I woke up thinking about what
19 April Fool's joke I could play on my
20 daughters and my husband. Well, little
21 to say, the jokes that I played on my
22 family backfired on me.

23 My daughters and I got dressed
24 that morning to go Easter shopping. They
25 were excited, and I felt good about

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2 having the extra money to take them
3 shopping. My husband was at work. My
4 daughters went outside before me and
5 immediately came back running into the
6 house saying, Mommy, the car is gone. I
7 just knew that they were playing an April
8 Fool's joke on me. They were not.

9 I went outside and the car was
10 gone. I called the towing company right
11 away, because if I had to choose, I would
12 rather the towing company have the car
13 and it not be stolen.

14 When I called, I asked the guy
15 that answered the phone did he tow my
16 car. He asked me to describe the car,
17 and I did. He said he had the car, and I
18 said, You towed my car illegally. I had
19 a temporary parking permit in the back
20 car window.

21 He said verbatim, The temporary
22 parking permit was not visible.

23 There is another tenant in my
24 complex that went through a similar
25 incident. She left her temporary parking

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2 permit in the car also and came out of
3 her apartment, and the towing truck had
4 her car almost up, but not all the way,
5 but was lifting her car as she was
6 telling them she was a tenant and here is
7 my temporary parking permit. They still
8 made her pay \$150 to let her car go.

9 I told him that I know for sure
10 that the temporary parking permit had
11 been in the car window because I put it
12 there the night before. I hung up and
13 called the complex manager. The manager
14 told me that they could not do anything
15 to help me and that I should get an
16 attorney. They told the other tenant the
17 same thing. There are many tenants that
18 have experienced if not the exact same
19 thing, very similar.

20 I decided to call the Police.
21 They told me to call them once I got to
22 the towing shop. So I had to go by
23 myself.

24 My girls and I started walking
25 to the shop. We had no ride. We walked

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2 about a mile and a half before I saw a
3 police car. I stopped the police car and
4 told them the situation. They offered my
5 girls and me a ride the rest of the way.
6 I assured them that when we got there,
7 there would be a temporary parking permit
8 in the car.

9 When we got to the shop, the
10 Police told me to stay back while they
11 went to the car. Needless to say, there
12 was no temporary parking permit in the
13 car. I felt terrible. I did not know
14 what to say or do. I was just numb. My
15 daughters were there, and because they
16 have been there from the beginning, I had
17 to keep my cool.

18 I did voice my opinion on what
19 I thought about them doing what they did.
20 I explained to the man in the shop that I
21 had a temporary parking permit in the car
22 and that somebody had to go into the car
23 and take it out. His response was, We
24 did not see any temporary parking permit.

25 The Police tried talking to the

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2 guys inside the shop about not making me
3 pay \$189 to get my car back.

4 They said my car was parked
5 illegally and that I had to pay.

6 I asked them could I give them
7 a credit card or pay by credit card.

8 They said no, they do not take credit
9 cards or checks.

10 I asked to speak to a manager
11 and what was his name. They would not
12 tell me.

13 My daughters and I had to walk
14 three more blocks to an ATM machine to
15 get cash. I asked the Police to stay
16 until I was finished doing everything
17 that I could do to get my car back. I
18 did not want to be alone with these guys.
19 At this point, I did not trust them. It
20 made me so angry that I went through the
21 necessary steps to get the temporary
22 parking permit and to avoid getting my
23 car towed and not have to pay any money,
24 and the car still got towed. I felt
25 violated, I felt robbed and I felt

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2 confused. I felt really bad for my
3 daughters, because what we planned for
4 that day did not happen.

5 Once I got the car back and
6 before I drove away, the Police from the
7 35th District where I got the DC number
8 for the report said that they get calls
9 all the time from people trying to get
10 their cars back from this particular
11 towing company and how they have to pay
12 so much money. The Police tell them to
13 file a claim against the towing company.
14 Well, I had to let my rage out, so I took
15 their advice.

16 The same day I drove to Center
17 City to find out what I could do. I
18 wanted my money back, but most of all, I
19 wanted these guys to be punished for
20 breaking into my car. I wanted justice.
21 They had no right to break into my car.
22 I knew they broke into the car, because
23 the same day I decided to take the car
24 back to the renters, Enterprise
25 Rent-a-Car, I knew -- Enterprise rental

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2 agency and let them check the car out.
3 The rental place and I saw marks where
4 the towing people left on the car door
5 and the body of the car when they broke
6 into the car. The rental agency wrote a
7 report and I took pictures the same day.

8 The legal steps that I took: I
9 spoke to Councilwoman Donna Reed's
10 office. This was all in the same day,
11 because I just was so mad, I just wanted
12 to get some advice on how I could pursue
13 this matter. So the same day down here
14 in Center City, I went to Councilwoman
15 Donna Reed's office, because I was told
16 that she handles the area that this
17 happened in. I was advised to file a
18 claim with the Attorney General's Office
19 next door to Family Court on 11th Street.
20 I did, and they said because of the
21 complaint, they did not have the
22 authority to help me.

23 I filed a claim in the Small
24 Claims Court and paid \$89. The hearing
25 is June the 7th, 2010. I hope that the

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2 owners get served the court papers.

3 I have shared this story with
4 family and friends and now I'm sitting
5 here before you. Call it coincident,
6 fate or a blessing, but Councilman Kenney
7 could not have presented this bill at a
8 better time. I thank him and I thank you
9 for listening, and I hope that this bill
10 will be approved for cracking down on
11 illegal towing and justice for all the
12 citizens of Philadelphia.

13 I'd just like to say that
14 sometimes people don't have the money to
15 get their cars out when they're towed,
16 and the other thing is is that not to
17 violate the private property rights or
18 anything, but something has to be done.
19 This matter is going to get bigger. I'm
20 an ordinary citizen and I am out there,
21 and I know that the ones that are doing
22 illegal towing -- and I know all of them
23 aren't, but the ones that are, they need
24 to stop, because it's not fair, and they
25 are hurting people.

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2 The complaints, as far as the
3 Police, we will understand if the Police
4 can't respond immediately, but the thing
5 is is that if they were more involved in
6 this situation -- I know a couple of
7 tenants. One went out there and actually
8 sat in the car before the tow truck took
9 his car away, and they called the Police,
10 and the Police made them give him his car
11 back. The Police definitely need to be
12 involved, because it's getting bigger out
13 there.

14 You can't tell if a car is
15 towed illegally because there's nobody
16 there to witness it. They come in like a
17 thief and a robber and they do what they
18 do and they're gone. And because I was a
19 victim to this and I'm still hurting
20 behind that because I did everything
21 legally and I did the right thing and I
22 try to live morally and right, and I just
23 felt as though they did what they did and
24 it was wrong. So that's all I have to
25 say.

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2 COUNCILMAN DiCICCO: Thank you.

3 Thank you for your testimony. One

4 minute, ma'am. Excuse me.

5 Councilman Kenney, but before,

6 you said another tenant in your

7 complex --

8 MS. MEBANE: Yes.

9 COUNCILMAN DiCICCO: -- had a

10 similar experience?

11 MS. MEBANE: Yes.

12 COUNCILMAN DiCICCO: Do you

13 know of others? Was it just him?

14 MS. MEBANE: Yes, I know lots

15 of them, and we were talking this morning

16 and she was saying that the management

17 was even saying get a petition, get the

18 other guys to sign. And her car, she had

19 a ticket temporary-- see, the management

20 give these temporary parking permits and

21 they say that it will help us, but then

22 the towing people come and they just

23 disregard that temporary parking permit.

24 And they had her car lifted up. They

25 still made her pay \$150.

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2 COUNCILMAN DiCICCO: Has anyone
3 discussed with management about maybe
4 changing the tow truck operator, a
5 different company?

6 MS. MEBANE: I called -- not to
7 get another towing company, because we're
8 thinking -- and I don't want to assume or
9 anything, but a lot of people are saying
10 that they're actually getting a cut from
11 this. And so they tell you they can't do
12 anything, that like she told me, get an
13 attorney. And so she told me that. She
14 told the other lady that. And, you know,
15 I don't know -- like right now I'm asking
16 her to give me a letter so that I could
17 take to Small Claims with me that she did
18 give me the temporary parking permit.
19 She told me this last week and she told
20 me again this week, and now she's telling
21 me that it's going to be up to her boss,
22 which is the higher management. They
23 want to be the ones that write this
24 letter for me.

25 COUNCILMAN DiCICCO: Okay.

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2 Thank you.

3 COUNCILMAN KENNEY: Point of
4 information.

5 COUNCILMAN DiCICCO: Councilman
6 Kenney.

7 COUNCILMAN KENNEY: I'm just
8 curious as to what the name of the
9 company is.

10 MS. MEBANE: Excuse me?

11 COUNCILMAN KENNEY: I'm just
12 curious as to what the tow company's --

13 MS. MEBANE: Manton.

14 COUNCILMAN KENNEY: Manton?

15 MS. MEBANE: Yes.

16 COUNCILMAN DiCICCO: That's one
17 of the companies that was cited in City
18 Controller Butkovitz's report.

19 COUNCILMAN KENNEY: Thank you.

20 COUNCILMAN DiCICCO: Thank you.

21 You did very well. Very well. Thank
22 you.

23 MS. MEBANE: Thank you.

24 COUNCILMAN DiCICCO: I'm sorry.

25 Any other questions? I'm sorry. Bill.

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2 COUNCILMAN GREEN: I'm very
3 sorry about what happened to you.

4 MS. MEBANE: Thank you.

5 COUNCILMAN GREEN: Is it
6 Angela?

7 MS. MEBANE: Yes.

8 COUNCILMAN GREEN: Yeah.
9 That's a horrible story. You're
10 certainly tenacious. I wouldn't want you
11 working against me. That's horrible.

12 Let me ask you a question. Are
13 there security cameras at your landlord's
14 building?

15 MS. MEBANE: Yes. There are
16 securities, but only in the evening time.
17 They work from 7:00 until 4 o'clock. And
18 actually one of the security guards when
19 I told her the situation, she said they
20 was just looking at your car, your
21 rent-a-car, the night before and she told
22 them that that car was fine. They don't
23 check in with no security. They don't
24 check in with the management to say,
25 Okay, well, is this car okay or not?

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2 They just take it.

3 COUNCILMAN GREEN: Did the
4 Police talk to the security guard?

5 MS. MEBANE: Well, when I
6 called the Police, I called them on two
7 occasions. The first time I called them
8 was when I was going to get my car.
9 Because I called to try to get the DC
10 number later on that evening, like I was
11 advised or told by the Police. They
12 couldn't find the DC number or something,
13 so I said, Well, I'm going to call again
14 and file another report. And so then at
15 that time that evening, another couple of
16 police officers came to my apartment
17 complex and then they did the DC and they
18 also talked to the security at that time,
19 too.

20 COUNCILMAN GREEN: And did they
21 follow up with the tow company; do you
22 know?

23 MS. MEBANE: No, because they
24 said that they can't do anything because
25 of the law right now. They said they can

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2 only go but so far, because of the law
3 and that, you know, they can't do but so
4 much.

5 COUNCILMAN GREEN: I understand
6 that that's what they're saying. There's
7 sometimes a difference in what people say
8 and what they can do.

9 MS. MEBANE: Well, the thing
10 is, sir, that they were there with me
11 when I tried to get my car back, so they
12 talked to the towing guys, and because
13 they know their rights and know what they
14 can and cannot do, they said what they
15 said and the Police just made the report.

16 COUNCILMAN GREEN: Well, I'm
17 very sorry this happened to you.

18 MS. MEBANE: Thank you.

19 COUNCILMAN GREEN: I'm not
20 certain I'm going to support this bill,
21 but I want to try to solve this problem
22 in some way.

23 MS. MEBANE: Yes.

24 COUNCILMAN GREEN: Thank you
25 very much.

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2 MS. MEBANE: Yes. Thank you,
3 sir.

4 COUNCILMAN DiCICCO: Any other
5 questions?

6 (No response.)

7 COUNCILMAN DiCICCO: Thank you
8 again. We're through. Thank you.

9 Next, Christine Young-Gertz.

10 Did Vince Fenerty leave?

11 (He's in the hallway.)

12 COUNCILMAN DiCICCO: When the
13 Parking Authority tows a vehicle for
14 being either in a tow zone or parked
15 illegally for whatever, is it ticketed
16 before they tow it?

17 (Audience member talking
18 without microphone.)

19 COUNCILMAN DiCICCO: You can't
20 tow it until you ticket it?

21 (Audience member talking
22 without microphone.)

23 COUNCILMAN DiCICCO: Thank you.

24 COUNCILWOMAN SANCHEZ: Do you
25 want to get that on the record?

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2 COUNCILMAN DiCICCO: Maybe you
3 can testify yes, no, whatever to that
4 question.

5 COUNCILWOMAN SANCHEZ: On the
6 record.

7 COUNCILMAN DiCICCO: Come on up
8 and identify yourself.

9 (Witness approached witness
10 table.)

11 COUNCILMAN DiCICCO: So my
12 question is, before the Parking Authority
13 tows a vehicle for whatever reason,
14 whether it's in front of a hydrant,
15 whether it's parked at a tow zone,
16 whatever, does the Parking Authority, do
17 they tow the car first or does it need to
18 be ticketed before it's towed?

19 MR. THORNTON: No. A ticket --

20 COUNCILMAN DiCICCO: Identify
21 yourself for the record.

22 MR. THORNTON: I'm sorry.
23 Edward Thornton, Director of Parking
24 Management with the Philadelphia Parking
25 Authority.

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2 COUNCILMAN DiCICCO: In order
3 for the car to be towed.

4 MR. THORNTON: In order for the
5 vehicle to be towed, a ticket would have
6 to be issued to the vehicle prior to
7 towing.

8 COUNCILMAN DiCICCO: And you do
9 not tow unless it has been ticketed?

10 MR. THORNTON: No.

11 COUNCILMAN DiCICCO: By either
12 the Parking Authority or the Police?

13 MR. THORNTON: By either.

14 COUNCILMAN DiCICCO: Thank you.
15 Thank you.

16 Yes, ma'am. Please identify
17 yourself.

18 MS. YOUNG-GERTZ: Good
19 afternoon. My name is Christine
20 Young-Gertz. I'll spell the last name.
21 It's capital Y-O-U-N-G, capital
22 G-E-R-T-Z. I'm with the -- I'm the
23 Government Affairs Director for the
24 Apartment Association of Greater
25 Philadelphia. Thank you very much for

1 5/5/10 - STREETS - BILL 100213, etc.
2 allowing me to testify today, and it was
3 rather short notice and I appreciate your
4 accommodating me on such short notice.

5 Just a little bit about the
6 Apartment Association. It's a trade
7 association whose members are owners and
8 managers and developers of apartment
9 communities, the larger apartment
10 communities, many of which throughout the
11 City have private parking lots for the
12 use of their tenants. We have
13 approximately 150 members and we
14 represent approximately 140,000 apartment
15 units. That means 140,000 homes. And I
16 don't have hard and fast statistics. I
17 think it's about a third of which would
18 be Philadelphians. We represent the
19 five-county area.

20 I'm here today to oppose just
21 one little piece of this bill. I
22 understand the great difficulty rogue
23 towing companies who flagrantly violate
24 Philadelphia law, the problems they cause
25 for everyone, and it's a little difficult

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2 to follow the wrenching story of one
3 particular tenant who's obviously had a
4 very, very difficult time, and I'm very
5 sorry that happened to her as well. But
6 I have to point out that most apartment
7 building owners -- and my association, we
8 stress responsible property management
9 and adherence to all laws. I have to
10 point out that most apartment building
11 owners with private parking lots in
12 Philadelphia will have a very difficult
13 time getting unauthorized cars towed,
14 illegally parked cars towed from their
15 properties if the provision that requires
16 ticketing first goes into effect. It's
17 going to be a crucial -- well, getting
18 cars towed from parking lots in a timely
19 manner is a protection for the tenants.
20 And while I understand the bad apples and
21 the aberrations and the horrendous
22 stories that people go through, the fact
23 is that private parking lots, apartment
24 parking lots, have to routinely and
25 frequently get illegally parked cars

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2 towed from their properties. Typical
3 scenarios are it's 1 and 2 o'clock in the
4 morning and somebody takes advantage of
5 the parking lot in an apartment complex
6 and tenants come home and they can't find
7 a place to park in their own homes. It
8 happens a lot in areas where the
9 apartment house, the apartment building,
10 is adjacent to some public facility,
11 SEPTA particularly. It happens a lot
12 where folks go off on their daily
13 commutes having parked their cars
14 illegally in an apartment complex and
15 taking advantage of a free spot, and
16 tenants are left out in the cold, and
17 frequently that means very unsafe
18 situations for many tenants.

19 That's just the one piece, and
20 I would urge that of the bill that I'm
21 arguing about, I would urge that some
22 language be crafted to carve out the
23 situations where places like private
24 apartment owners have to protect their
25 tenants and their tenants' rights and

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2 they have to do it in a timely manner.

3 I really appreciate the sincere
4 efforts on the part of the Police
5 Department, the Parking Authority and
6 License and Inspections to responsibly
7 look at this and work something out where
8 they, with all good intentions, want to
9 respond in a timely manner to get cars
10 ticketed.

11 Other folks have testified and
12 there's been discussion already about the
13 financial burdens and the priorities that
14 necessarily have to be a part of any
15 decision to dispatch someone to give a
16 ticket on an illegally parked car, and in
17 the best of times, that would strain any
18 departments' resources, I understand
19 that. I get all that, and it's for that
20 reason alone that I would respectfully
21 submit that the language has to be
22 tweaked to allow for apartment
23 communities or other private facilities
24 to be able to protect their tenants and
25 their own property in a timely manner.

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2 If they have to get tickets beforehand,
3 it's going to virtually shut down any
4 kind of towing, I think, that will be
5 able to take place legitimately.

6 That's the one point I wanted
7 to make. I really appreciate your time,
8 and I'd be happy to discuss or answer any
9 questions.

10 COUNCILMAN DiCICCO: Thank you.
11 Thank you for your testimony. You're
12 under the assumption that it's going to
13 take something that is untimely or not as
14 timely. I'm trying to figure out what,
15 in your opinion, would be a timely manner
16 in which the vehicle that was improperly
17 parked on one of the facilities in which
18 your group owns a property, what do you
19 consider to be timely?

20 MS. YOUNG-GERTZ: Well, in
21 situations --

22 COUNCILMAN DiCICCO: And let me
23 just finish. There's another piece to
24 that. Explain to me, explain to us what
25 the general procedure is for having a car

1 5/5/10 - STREETS - BILL 100213, etc.
2 removed. Does a call from the manager of
3 the building get placed to the towing
4 company or is it a towing company that
5 just would rove through the parking lot
6 to see if there is a vehicle or vehicles
7 that do not have proper ID?

8 MS. YOUNG-GERTZ: It's my
9 understanding from my members that,
10 generally speaking, it could happen both
11 ways, that an apartment complex owner,
12 manager would have a contract with a
13 towing company, and hopefully a
14 legitimate, law-abiding towing company,
15 and they would call when the need arises
16 to tow an illegally parked car. Other
17 times there are parking stickers, and I
18 do understand that many owners have
19 contracts with hopefully legitimate,
20 law-abiding towing companies on a routine
21 basis --

22 COUNCILMAN DiCICCO: If they
23 were all doing it legitimately, we
24 wouldn't be here today.

25 MS. YOUNG-GERTZ: We wouldn't

1 5/5/10 - STREETS - BILL 100213, etc.

2 be here.

3 (Continued) -- on a routine
4 basis, would drive through the lot and
5 look for the valid parking stickers that
6 are issued by the apartment complex and
7 take actions if they don't find it.

8 I do sympathize so with the
9 story that was just conveyed to you prior
10 to my testimony. That sort of thing
11 hopefully, with responsible property
12 management, would not be allowed to
13 happen, and hopefully the problems ensued
14 would be addressed in a little more
15 responsible way. And I certainly don't
16 condone --

17 COUNCILMAN DiCICCO: I know
18 you'd have to go back to your members,
19 but something on the line of what I
20 mentioned earlier, and I'm not suggesting
21 that an hour is the appropriate time, but
22 if we had some sort of a time sequence
23 where the property owner or the manager
24 notified the Police or the Parking
25 Authority that there's a vehicle parked

1 5/5/10 - STREETS - BILL 100213, etc.
2 on their property that shouldn't be there
3 because it's not -- doesn't have a permit
4 to park there.

5 MS. YOUNG-GERTZ: What would be
6 a reasonable time? Yeah, I would have to
7 poll my members. Just given the
8 testimony that came earlier about the
9 difficulty in nailing that down -- and,
10 of course, I as a citizen as well don't
11 want the Police to be forced in any
12 situation where there are more pressing
13 concerns certainly to respond to. It
14 seems to me I would really urge that the
15 language be tweaked to carve out an
16 exception for private apartment -- lots
17 in private residence.

18 In the alternative, if this
19 bill were to become law as is without
20 such an amendment, I would offer the
21 services of my association to work out --
22 to work on maybe a task force situation
23 or whatever to come to a reasonable idea
24 of what timely response would be.
25 Perhaps we can work together to look at

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2 all sides of it and consider the angles.

3 COUNCILMAN DiCICCO: Well,
4 Councilman Kenney, as you know, is the
5 sponsor of the bill and that's something
6 you would need to discuss with him.

7 Questions?

8 Councilman.

9 COUNCILMAN KENNEY: When
10 they're done, when the members of the
11 Committee are finished.

12 COUNCILMAN DiCICCO: Councilman
13 Greenlee.

14 COUNCILMAN GREENLEE: Thank
15 you, Mr. Chairman.

16 Ma'am, I certainly understand
17 your concern, but I guess I have to take
18 issue with a couple words you used.
19 Early on in your testimony you used the
20 word "aberration," and I've certainly
21 heard enough over the years -- and I said
22 this early in the hearing. I don't know
23 if you were here. It's not an
24 aberration. There's a lot of it going
25 on. Now, there's a lot of legitimate

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2 companies, but unfortunately, when
3 there's enough illegitimate companies,
4 action has to be taken, not just on this,
5 but on other things, because there's not
6 enough control.

7 And the second thing is, you
8 said carving out private apartment units.
9 I think that's one of the places it
10 happens a lot, again, depending on who
11 the apartment owners hire to be the
12 tower. So I think carving it out, you're
13 carving out also a lot of the people that
14 have the problem, in my opinion.

15 MS. YOUNG-GERTZ: The rest of
16 the bill does a great deal of good to
17 further regulate the industry and make
18 sure that legitimate, law-abiding towing
19 companies are the ones that operate in
20 the City. Maybe "aberration" was too
21 strong a word, but if we tie the hands of
22 every apartment complex owner who's got
23 to frequently and routinely rid
24 themselves of illegally parked cars,
25 we're not protecting most of the tenants.

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2 And it's hard to minimize. I certainly
3 don't want to minimize the difficulties
4 that perhaps frequently arise, but I
5 think in the routine and frequent
6 operation of a typical apartment
7 business, if we could not cast such a
8 wide net to prevent managers from
9 protecting all tenants, I think that's
10 what I'm suggesting.

11 COUNCILMAN GREENLEE: All
12 right. But I will just quickly add that
13 the Police and Parking Authority both
14 testified that because they are very
15 concerned about this issue and they've
16 heard about it, they are going to be as
17 proactive as they can be and --

18 MS. YOUNG-GERTZ: I fully
19 appreciate their intentions. It's just
20 in the best of times, I know that's going
21 to be difficult.

22 COUNCILMAN GREENLEE: Lots of
23 things are difficult. Okay. Thank you.

24 COUNCILMAN DiCICCO: Councilman
25 Kenney.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN KENNEY: Thank you.

3 Thank you for your testimony. Are most
4 of the members of your association in
5 Philadelphia? Do they have private
6 surface lots, I guess, adjacent to their
7 apartment complexes?

8 MS. YOUNG-GERTZ: Yes, part of
9 the property.

10 COUNCILMAN KENNEY: So they're
11 not street spaces, they're generally
12 spaces next to or across the street from
13 an apartment building?

14 MS. YOUNG-GERTZ: Well, there
15 are all kinds of parking --

16 COUNCILMAN KENNEY: In general.

17 MS. YOUNG-GERTZ: In general --

18 COUNCILMAN KENNEY: In general,
19 they're not curbside --

20 MS. YOUNG-GERTZ: In general,
21 what this bill would apply to would be
22 private parking lots.

23 COUNCILMAN KENNEY: So they're
24 not curbside spots?

25 MS. YOUNG-GERTZ: We're

1 5/5/10 - STREETS - BILL 100213, etc.
2 addressing the problems that private
3 parking lots would have.

4 COUNCILMAN KENNEY: Two
5 questions. Number one, I realize there's
6 an expense associated with the first
7 suggestion. A lot of surface lots that
8 service folks like that, you have a key
9 card and a gate and the gate goes up and
10 you go in and then the tow truck guy
11 don't go in and no one who doesn't --
12 shouldn't park there goes in. I think
13 that may be a better way to protect the
14 tenants in that particular building, is
15 that the only people who could park in
16 there are the people who have the key.

17 MS. YOUNG-GERTZ: Sure. Lots
18 of apartment communities have that, but I
19 would venture that many apartment
20 communities who offer decent, affordable
21 housing don't have that.

22 COUNCILMAN KENNEY: That's one
23 suggestion. The other question is, do
24 your members get complaints routinely
25 from their tenants about the story that

1 5/5/10 - STREETS - BILL 100213, etc.
2 was told here today, which represents
3 lots of other folks that have gone
4 through that? Does the management of
5 your members get complaints from their
6 residents about being illegally towed?

7 MS. YOUNG-GERTZ: To my
8 knowledge, I don't know if that is a huge
9 problem. If they did get that sort of
10 complaint, if a tenant were to come to
11 them and say this is ridiculous --

12 COUNCILMAN KENNEY: I had a
13 temporary tag and they towed my --

14 MS. YOUNG-GERTZ: Right, what's
15 going on --

16 COUNCILMAN KENNEY: The
17 question I have for your folks, for the
18 parking lot owners and all the other
19 stuff is, why are these folks hired in
20 the first place? I mean, they have an
21 ongoing bad reputation, and it's been
22 publicized in numerous newspaper
23 accounts, TV undercover operations.
24 These are the guys who are constantly the
25 violators, but why would you contract

1 5/5/10 - STREETS - BILL 100213, etc.
2 with someone who has had a history of
3 abusing folks?

4 MS. YOUNG-GERTZ: Well, again,
5 our association stresses responsible
6 property management, complete compliance
7 with the laws. So I would -- I don't
8 have any hard and fast facts to give you
9 about my members and who they hire, but
10 we would certainly and I would venture to
11 guess that most of my members, being
12 responsible property managers, would deal
13 with legitimate companies and not hire
14 the ones that clearly are problems. I
15 don't -- I can't promise you who is
16 hiring who, but --

17 COUNCILMAN KENNEY: I'm sure
18 you don't know every --

19 MS. YOUNG-GERTZ: -- we
20 certainly would stress doing the job
21 properly, and that's really what we're
22 talking about, is we have to do the job
23 properly on an ongoing basis.

24 COUNCILMAN KENNEY: I'm sure
25 you don't know of every arrangement, but

1 5/5/10 - STREETS - BILL 100213, etc.
2 do you have any knowledge of what the
3 financial arrangements are between the
4 property management and the towing
5 company? Is it a case-by-case? I mean,
6 is it whatever they tow, they tow and get
7 or is there financial contractual
8 arrangements?

9 MS. YOUNG-GERTZ: I'm sorry, I
10 don't. I could look into that and get
11 back to you on it.

12 COUNCILMAN KENNEY: Do the
13 property managers pay the tower to be of
14 service to them? Does the tower pay the
15 property manager to have the contract?

16 MS. YOUNG-GERTZ? It's a
17 contractual arrangement and I could look
18 into the typical details.

19 COUNCILMAN KENNEY: I'd be
20 interested in knowing what the financial
21 arrangement is, because obviously the
22 financial incentive is to tow as many
23 cars as you can. That's the financial
24 incentive. Whether they're legally towed
25 cars or illegally towed cars, the

1 5/5/10 - STREETS - BILL 100213, etc.
2 financial incentive is that. So I'd be
3 interested in knowing if your membership
4 and how they contract with towing
5 companies.

6 MS. YOUNG-GERTZ: And the
7 incentive of doing the job responsibly
8 from the property management side is to
9 make sure to protect the tenants and make
10 sure the tenants have the spaces they're
11 entitled to to park.

12 COUNCILMAN DiCICCO: We all
13 agree on that.

14 COUNCILMAN KENNEY: But as we
15 heard today, once the sign goes up and
16 the person gets illegally towed and they
17 go into the property manager and say,
18 Hey, they towed my car, Well, I have
19 nothing to do with that, it's between the
20 tower and you. That's not protection of
21 tenants either.

22 MS. YOUNG-GERTZ: If I were
23 involved in any sort of discussions
24 between a tenant and a property manager
25 or if a property manager used the

1 5/5/10 - STREETS - BILL 100213, etc.
2 educational facilities and resources of
3 my association to address that problem, I
4 would encourage the property manager to
5 protect that tenant and to look into it
6 and, again, handle it in a responsible
7 way and, again, encouraging complete
8 compliance. And the bottom line for any
9 responsible landlord is, they're going to
10 do that anyway, they're going to protect
11 their tenants. Their bottom line depends
12 on a happy tenant, and they want to
13 deliver a good product. That's what I
14 would emphasize to my members.

15 COUNCILMAN KENNEY: Thank you,
16 Mr. Chair.

17 COUNCILMAN DiCICCO: Thank you.
18 Any other questions from this
19 Committee for this witness?

20 (No response.)

21 COUNCILMAN DiCICCO: Thank you,
22 ma'am. We appreciate your testimony.

23 MS. YOUNG-GERTZ: Thank you
24 very much.

25 COUNCILMAN DiCICCO: The next

1 5/5/10 - STREETS - BILL 100213, etc.
2 panel, Mr. Anthony Boyle, K&A Salvage;
3 Mr. Richard Antoacci, Philadelphia Towing
4 and Transport; and Mr. Joe Parente,
5 Wharton's (sic) Towing.

6 (Witnesses approached witness
7 table.)

8 MR. PARENTE: Good afternoon,
9 Councilmembers.

10 COUNCILMAN DiCICCO: Good
11 afternoon.

12 MR. PARENTE: My name is Joseph
13 Parente. I am the owner of Morton Towing
14 and Recovery. My company tows stolen and
15 abandoned vehicles for the City of
16 Philadelphia. I'm here as a
17 representative of the Philadelphia Towers
18 and Salvors Association to testify in
19 favor of Bill 100213 amending Section
20 9-605.

21 It is our understanding that
22 these amendments will help to make the
23 towing industry more responsible and
24 accountable in the towing of a vehicle.
25 It is also important that the towing of a

1 5/5/10 - STREETS - BILL 100213, etc.
2 vehicle is fair to the consumer as well
3 as the towers. Having signs, fees,
4 location, hours of operation availability
5 is imperative for the retrieving of a
6 vehicle. In the towing of stolen,
7 abandoned, repossessed or an accident
8 vehicle, the proper authorities are
9 notified. This is done for several
10 reasons: To ensure that the vehicle is
11 not in stolen status. In some of the
12 above instances, vehicles are ticketed as
13 to the violations which authorize the
14 towers to be able to remove that vehicle.
15 And also so that there is a record where
16 the vehicle was towed from and where it
17 is going to be stored.

18 We feel that this bill will not
19 hinder the legitimate towing of the
20 vehicles, but will ensure a better
21 standard in the procedures for all
22 towers.

23 Thank you, Council.

24 COUNCILMAN DiCICCO: Thank you.

25 Any questions, comments?

1 5/5/10 - STREETS - BILL 100213, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: Thank you.

4 Are you testifying, sir, or are
5 you just coming along for the ride?

6 UNIDENTIFIED SPEAKER: I'm
7 along for the ride.

8 COUNCILMAN DiCICCO: Thank you.
9 We appreciate your testimony.

10 Next panel, Rob Zuritsky,
11 Parkway Corporation; Harvey Spear, E-Z
12 Park; Janine Bauer, Szaferman, Lakind,
13 Blumstein and Blader; and David Farber,
14 property owner.

15 (Witnesses approached witness
16 table.)

17 MR. SPEAR: Mr. Chairman and
18 members of the panel, thank you for
19 allowing us to testify. First thing I
20 want to say is, I also am a member of
21 HAPCO, which is the largest property
22 owners, apartment owners association, and
23 I'm authorized on their behalf to voice
24 their opposition for the same reason that
25 the Apartment Association did.

1 5/5/10 - STREETS - BILL 100213, etc.

2 So if there's any further
3 questions -- I know a little bit about --
4 she's the attorney for the Apartment
5 Association. I'm on the Board of HAPCO
6 and I'm authorized through the President
7 and through the counsel to explain HAPCO.

8 HAPCO has a number of low- and
9 moderate-income members and they provide
10 housing for low and moderate income, in
11 addition to middle class. And they have
12 on-site parking and they have parking
13 adjacent to their buildings, and I could
14 tell you that in a case of emergency or
15 something like that in Germantown Avenue
16 where there's an apartment complex, there
17 is no way -- I already spoke to
18 Mr. Fenerty from the Parking Authority.
19 I said, What happens at 2:00 in the
20 morning if somebody is blocked in and a
21 pregnant mother has to get out or
22 somebody -- an emergency situation? He
23 admitted there's nobody to come and give
24 a ticket at that time.

25 So I just wanted to -- if

1 5/5/10 - STREETS - BILL 100213, etc.
2 Councilman Kenney would like to ask any
3 questions regarding the Apartment
4 Association, I can answer for HAPCO.

5 COUNCILMAN KENNEY: We can give
6 a pregnant mother an exemption, I'm sure.
7 That shouldn't be a problem.

8 MR. SPEAR: Well, maybe you
9 could give us an exemption --

10 COUNCILMAN KENNEY: I don't
11 think it's all revolving around pregnant
12 mothers, so --

13 MR. SPEAR: Well, it's not only
14 that. Suppose you're going home to go to
15 sleep one night at 2:00 in the morning
16 and you can't get a Parking Authority or
17 a policeman?

18 COUNCILMAN KENNEY:
19 Mr. Chairman, why don't we -- before we
20 get into a dialogue, we should do the
21 testimony.

22 MR. SPEAR: I just wanted to
23 offer that testimony on behalf of the
24 Apartment Association.

25 As far as the parking

1 5/5/10 - STREETS - BILL 100213, etc.
2 association, Rob Zuritsky and myself will
3 give our testimony.

4 MR. ZURITSKY: Good afternoon.
5 My name is Robert Zuritsky. I'm
6 President of Parkway Corporation, an
7 80-year family-owned parking management,
8 real estate development business proudly
9 headquartered two blocks down the street,
10 Broad and Race. Thank you for the
11 opportunity to discuss this issue.

12 Regarding this bill, I have to
13 express my company's concerns about the
14 new requirement that cars need to be
15 ticketed by the Police or Parking
16 Authority before a towing company will be
17 allowed to tow a car. My company now
18 operates 19 pay-by-space or
19 pay-and-display open parking lots. We
20 hope to park 370,000 parkers on those
21 lots this year. For customers who forget
22 to pay our kiosks, we issue them tickets
23 from our hand-held device similar to what
24 the Philadelphia Parking Authority uses.
25 Our system automatically records the

1 5/5/10 - STREETS - BILL 100213, etc.
2 car's description and license plates.
3 After three violations, we tow the car.
4 We call for a towing company. Parkway is
5 now averaging around 50 cars towed per
6 year from our facilities, a very low
7 number of cars compared to how many cars
8 that we are parking. So the system is
9 working. We have used this system for
10 over four years since we have had these
11 kiosk machines on our parking lots, but
12 we have also been towing cars, problem
13 cars, off of our parking lots for 40
14 years and we've never had a problem.

15 Though the concept of having
16 another penalty, a \$50 parking ticket, to
17 enforce our own parking regulations is
18 intriguing, my concern is we will have to
19 depend on a third party, the Police or
20 Philadelphia Parking Authority, to work
21 with us. It was noted recently in an
22 article last week about the Philadelphia
23 Police will no longer respond to car
24 accidents. We are sure this new
25 responsibility of writing a ticket for

1 5/5/10 - STREETS - BILL 100213, etc.
2 parking violators on our parking lots is
3 not something that the Police will
4 respond to, and we don't think that they
5 should spend their time responding to
6 that kind of an issue. So that leaves
7 the Philadelphia Parking Authority. Now,
8 they may have the tools and staff to
9 respond to our needs, but the fact that
10 we only need one tow per week -- and some
11 of them are, as Harvey noted, late nights
12 and weekend when the PPA may not even
13 have people out -- we have some anxiety
14 about them supporting us.

15 The parking industry in
16 Philadelphia has been devastated by the
17 recession. In the first year that the
18 new 33 percent parking tax went into
19 effect, all parking revenues for the City
20 fell \$30 million, or eight percent. On
21 top of that, we had to pay an additional
22 \$12 million in new parking taxes. This
23 has had a catastrophic impact on our
24 industry, as we already were the highest
25 taxed industry in the City before the

1 5/5/10 - STREETS - BILL 100213, etc.
2 increase. Many companies have had to
3 make painful layoffs, and for my company,
4 as an example, had our first layoffs in
5 the first time in our 80-year history.
6 My concern is that this will further
7 burden our industry by taking away the
8 threat of towing from our facilities and
9 reduce revenues yet again.

10 There are licenses and laws
11 already in place to punish bad towing
12 operators who don't follow the rules.
13 And we just -- going through this
14 process, we heard about one of the towing
15 operators that we use, we heard that they
16 have some problems and we're now
17 investigating probably leaving them, but
18 we didn't know about their problems
19 before, and we read the papers all the
20 time. We suggest that these rules be
21 enforced, the rules that are in place, or
22 if other rules need to be put into place,
23 let them be enforced before passing
24 additional ones. This new law is meant
25 to hurt those bad towers, but by taking

1 5/5/10 - STREETS - BILL 100213, etc.
2 away our flexibility to tow scofflaws,
3 you risk damaging good businesses that
4 are complying with the existing laws and
5 causing no problems.

6 I would encourage City Council
7 to encourage that they use the
8 enforcement that they already have on the
9 books and go after the bad towing
10 companies and again -- or maybe exempt
11 public parking companies who do keep good
12 records like we do.

13 Whenever we do tow a car once a
14 week, we issue the information -- we give
15 the information to the parking towing
16 company, so they have it as a record that
17 they have had at least three strikes on
18 our facilities. So we are keeping good
19 records, like the Parking Authority.

20 So we hope that we can work and
21 we can work to either change the laws
22 that's going in or work with the existing
23 laws that are in place. So thank you.

24 COUNCILMAN DiCICCO: Thank you.

25 One quick question,

1 5/5/10 - STREETS - BILL 100213, etc.

2 Mr. Zuritsky. The automatic system that
3 you have for ticketing, after the third
4 offense a ticket is issued, the tow
5 company is called. Is that standard in
6 the industry in Philadelphia?

7 MR. ZURITSKY: The system that
8 we use on our parking lots is similar to
9 the ones that are a little less confusing
10 than the Parking Authority ones, but it's
11 basically the same concept, and we've
12 been using those for four years. The
13 kiosks --

14 COUNCILMAN DiCICCO: I'm not
15 talking about the kiosks. I'm talking
16 about the system in which you begin to
17 issue violations to those who have not
18 put the money in the kiosk or whatever.

19 MR. ZURITSKY: These are
20 available to -- where I was going -- what
21 I was going to say is, not too many of
22 the parking companies have implemented
23 the kiosk systems on their facilities
24 yet. And, again, parking operators that
25 have -- that collect ticketing -- you

1 5/5/10 - STREETS - BILL 100213, etc.
2 know, a lot of them are set up where you
3 get a ticket on the way in and there's a
4 gate and there's a cashier, so there is
5 no towing issue for those people, or
6 garages.

7 MR. SPEAR: There still may
8 be towing issues.

9 COUNCILMAN DiCICCO: Let Rob
10 finish.

11 COUNCILMAN KENNEY: Just a
12 point of information. Mr. Spear said
13 that there still may be towing. Why
14 would that be?

15 MR. SPEAR: Because we may not
16 have a system like Parkway has, but we do
17 keep records, and we don't tow the first
18 time either.

19 COUNCILMAN KENNEY: No. I'm
20 saying in a gated garage, if you have --

21 MR. SPEAR: Some of our
22 locations that are not gated but that are
23 ticketed.

24 COUNCILMAN KENNEY: High rise,
25 structured parking?

1 5/5/10 - STREETS - BILL 100213, etc.

2 MR. SPEAR: No. We're talking
3 about surface lots.

4 COUNCILMAN KENNEY: I just want
5 to make --

6 COUNCILMAN DiCICCO: I think
7 I'm trying to get --

8 COUNCILMAN KENNEY: There's no
9 structured garages involved in this
10 conversation, correct?

11 MR. SPEAR: There are some.

12 MR. ZURITSKY: We tow from
13 garages too, because we get abandoned
14 cars.

15 COUNCILMAN KENNEY: There's no
16 emergency, you can wait for a ticket for
17 that one. That's not --

18 MR. ZURITSKY: Yeah.

19 MR. SPEAR: We're saying on
20 some of our locations, our surface
21 locations, you may have cars who were
22 blocked in by other cars and they'll come
23 in and walk away, they won't pay, they'll
24 pull in and block another car.

25 COUNCILMAN DiCICCO: Are those

1 5/5/10 - STREETS - BILL 100213, etc.

2 automated parking garages?

3 MR. SPEAR: I'm not talking
4 about automated.

5 COUNCILMAN DiCICCO: Well, if
6 you have attendants and cars are being
7 parked and someone's blocking another
8 vehicle in, wouldn't that be --

9 MR. SPEAR: I wish it was
10 foolproof. We do have attendants. We
11 have an attendant at Broad and Vine and a
12 car may pull in at 13th and Vine and run
13 away without paying and block somebody
14 in.

15 COUNCILMAN KENNEY:

16 Mr. Chairman --

17 MR. SPEAR: If that happens --

18 COUNCILMAN KENNEY: -- we
19 addressed it in the legislation through
20 an amendment that allows them to relocate
21 that car. It's in there.

22 MR. SPEAR: The danger of that
23 is that what if we do see that, we wait
24 for the Police to come, the car --

25 COUNCILMAN DiCICCO: He said

1 5/5/10 - STREETS - BILL 100213, etc.

2 you can just relocate it.

3 COUNCILMAN KENNEY: You can get
4 your tow truck guy who is waiting across
5 the street anyway to come and move the
6 car.

7 MR. ZURITSKY: That's where I
8 disagree. First of all, to answer your
9 question, this is standard for our
10 company. There aren't too many
11 companies -- I don't think there are too
12 many other companies that use this or use
13 kind of the honor system like we have.
14 So it is really kind of -- it's not
15 really that big of an issue yet in our
16 industry. It is for my company because
17 we do this and we have this system set
18 up.

19 The issue is that we do not
20 have tow companies waiting, on our
21 situations, on private parking lots.
22 They only tow from our facilities when we
23 call them, and they are not waiting.
24 They take traditionally 20 minutes to an
25 hour to respond to us when we call for a

1 5/5/10 - STREETS - BILL 100213, etc.
2 tow. That's typical. So the concern,
3 again, is waiting for the Parking
4 Authority to respond to us. We're not
5 natural allies in this world of parking
6 to begin with. But let's just say that
7 they do respond, and Vince -- this is the
8 first time I got to talk to Vince about
9 this. He said -- I asked him how long it
10 would take to respond. He said, you
11 know, 20 to 40 minutes. So now we take
12 the risk of losing -- of opening this
13 door wider. Just like it sounds to me
14 like there might have been good tow
15 companies and they're not being policed.
16 Now they're bad tow companies. My
17 concern is that we have good customers,
18 and if we can't police our customers,
19 they'll become bad customers, and
20 that's -- this is the only punishment
21 that we have, is the towing. That's the
22 third strike and that's all we have.

23 COUNCILMAN KENNEY: But, see, I
24 think -- again, I don't mean to
25 interrupt, but since we started this

1 5/5/10 - STREETS - BILL 100213, etc.
2 conversation. If you're giving them two
3 free passes anyway --

4 MR. ZURITSKY: Not free.

5 COUNCILMAN KENNEY: What do you
6 mean "not free"?

7 MR. ZURITSKY: We give them a
8 ticket, and they are responsible to pay
9 not only the full day amount, plus a \$10
10 fine.

11 COUNCILMAN KENNEY: Under what
12 authority?

13 MR. ZURITSKY: Under what?

14 COUNCILMAN KENNEY: Do you have
15 authority to do that?

16 MR. ZURITSKY: That is what we
17 do for violators who do not pay us.

18 COUNCILMAN KENNEY: But you
19 don't have them towed?

20 MR. ZURITSKY: We have them
21 towed after three times not paying.

22 COUNCILMAN KENNEY: So, I mean,
23 this will actually be better for you
24 because you could have them towed the
25 first time and you won't have to worry

1 5/5/10 - STREETS - BILL 100213, etc.

2 about it.

3 MR. ZURITSKY: I still don't
4 think I would do that. I still think --
5 I don't want to -- see, that's the thing.
6 We don't want to -- I don't want to piss
7 off good customers.

8 COUNCILMAN DiCICCO: Let me
9 interrupt. They're not going to come and
10 tow a car out of any of your garages
11 unless you call them anyway.

12 MR. ZURITSKY: Exactly.

13 COUNCILMAN KENNEY: I want to
14 make sure the discussion is clear. We're
15 not talking about high rise -- we're not
16 talking about structured parking here.
17 This is a surface lot problem, correct?

18 MR. ZURITSKY: Yeah.

19 MR. SPEAR: I just want to say
20 there are times that we don't have the
21 luxury of waiting for a tow truck. Right
22 now the law is sufficient. We call a tow
23 truck, they call the Police, we have a
24 record. We don't tow until after three
25 times. The tow --

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: Excuse me.

3 On average, how long does it take for the
4 tow truck to arrive after you make the
5 call?

6 MR. SPEAR: It could take 15,
7 20 minutes. And if you have an irate
8 customer that's blocked in in one of the
9 lots for whatever reason it is -- and
10 it's happened to us --

11 COUNCILMAN DiCICCO: I agree.
12 I think the person who blocked them in
13 should be either towed or relocated. I
14 don't think there's a disagreement with
15 anybody on that one.

16 MR. SPEAR: See, the problem
17 that we have is, what if it happens at 2
18 o'clock in the morning and what if it
19 happens in one of our locations that's a
20 remote location? It's already been said
21 that they won't -- the Police won't come
22 out for --

23 COUNCILMAN DiCICCO: Is there
24 that much activity at 2:00 in the morning
25 that if you had to wait for an hour for a

1 5/5/10 - STREETS - BILL 100213, etc.

2 police officer --

3 MR. SPEAR: Councilman, the
4 problem is, if it happens once -- we had
5 a car that was blocked in on Third and
6 Arch and you wouldn't believe what
7 happened. I mean, he started a fight.
8 The Police were called. It took at least
9 a half hour for a major crime like that.
10 He ransacked our attendant booth and --
11 this is what I'm afraid of. If you take
12 a guy's car and you're jeopardizing
13 putting it on a hook, moving it 20 feet
14 away while the customer is coming back --

15 COUNCILMAN DiCICCO: Wait a
16 minute. You want to move the car so that
17 the person who is blocking --

18 MR. SPEAR: We want to get the
19 car out of there. We want to let the tow
20 company deal with the car.

21 COUNCILMAN DiCICCO: Whether
22 they relocate it or get it out, the
23 question is how do we determine whether
24 it was towed legally or did a roving tow
25 company drive through the lot and take it

1 5/5/10 - STREETS - BILL 100213, etc.
2 away when it may not have been blocking
3 anyone in?

4 MR. SPEAR: We don't do
5 business that way. We're the same as
6 Parkway. We only tow after three times
7 unless it's an emergency. We tow maybe
8 15 cars a year.

9 COUNCILMAN DiCICCO: Then I
10 don't think there's an issue for you
11 guys.

12 MR. SPEAR: Well, the issue is,
13 you're putting the onus on the legitimate
14 business to --

15 COUNCILMAN KENNEY: I'm sorry.
16 How many cars a year do you tow?

17 MR. SPEAR: See, the issue is
18 you're putting the onus --

19 COUNCILMAN KENNEY: How many?

20 MR. SPEAR: -- on a legitimate
21 business --

22 COUNCILMAN KENNEY: I'm sorry.
23 I just asked a question. I didn't hear
24 the number.

25 COUNCILMAN DiCICCO: Fifteen.

1 5/5/10 - STREETS - BILL 100213, etc.

2 MR. SPEAR: We only tow 15 to
3 20 cars a year.

4 COUNCILMAN KENNEY: A year?

5 MR. SPEAR: A year.

6 COUNCILMAN DiCICCO: Councilman
7 Kenney, they don't ask for the car to be
8 towed until after the third time, unless
9 somebody is blocking someone in.

10 Is that accurate?

11 MR. SPEAR: Or unless they're a
12 violator. They may be a violator and
13 they may after three times.

14 COUNCILMAN KENNEY: But if
15 Parkway tows 50 a year and they tow 15
16 and I have 176 or so valid complaints or
17 at least filed complaints, I mean, I
18 don't -- I thought you were going to tell
19 me you tow like literally hundreds of
20 cars a year.

21 MR. SPEAR: And we don't even
22 half the time collect, but our concern is
23 the times that we have to tow, that
24 you're putting an onus on a legitimate
25 company and making us responsible to wait

1 5/5/10 - STREETS - BILL 100213, etc.
2 for the Police or the Parking Authority
3 to come.

4 COUNCILMAN KENNEY: I will go
5 back to my original premise. We wouldn't
6 be sitting here if the folks that
7 everyone hired followed the rules, and
8 there are folks out there who follow the
9 rules. Actually, there's more of them
10 than don't.

11 MR. SPEAR: We're not here to
12 support the tow companies. We totally
13 agree with you, and we feel that the laws
14 on the books today, that if the laws were
15 enforced that are on the books today,
16 that if a tow company tows a car
17 illegally and doesn't take credit cards,
18 we totally support your bill. All we're
19 saying is to exempt legitimate public
20 parking companies that have no other
21 recourse but to tow at times.

22 COUNCILMAN KENNEY: But your
23 testimony indicates that you feel bad for
24 the poor guy who's blocking at 2 o'clock
25 in the morning. How about the poor

1 5/5/10 - STREETS - BILL 100213, etc.
2 person who can't find their car at 2
3 o'clock in the morning because one of
4 those rogue operations have it locked up
5 behind bullet-proof glass and won't
6 take -- my point is, I have more sympathy
7 for those folks than the poor guy who is
8 blocked in and he probably could take a
9 taxi home if he had to. These folks
10 can't find their car.

11 MR. SPEAR: I agree with you,
12 but we've been in business for 50 years
13 and I think out of the 50 years, we've
14 never had a problem like somebody
15 being -- the wrong towing company, and I
16 can vouch for most of the association,
17 that I don't think there's ever been --
18 have you had a problem like that, Rob,
19 where they towed the wrong car?

20 MR. ZURITSKY: That's what I
21 was saying. That's why -- we do keep the
22 records. We do agree. We don't want bad
23 towing operators, and we won't use them
24 if we knew that they were bad. We
25 wouldn't use them. And they should be

1 5/5/10 - STREETS - BILL 100213, etc.

2 shut down by L&I, but not by us.

3 COUNCILMAN KENNEY: Well, we're
4 not asking you to shut them down.

5 MR. ZURITSKY: But you just
6 said that we shouldn't use bad towing
7 operators. We don't know if they're bad
8 unless L&I shuts them down. If you have
9 44 bad complaints --

10 COUNCILMAN KENNEY: No, no.
11 Forty-four in three months. It's 176 or
12 so.

13 MR. ZURITSKY: That's --

14 COUNCILMAN KENNEY: It's more
15 complaints than both of you guys tow in a
16 year.

17 MR. ZURITSKY: So why doesn't
18 L&I or the City Controller go after them
19 and close those companies down? I mean,
20 then you got the problem solved.

21 COUNCILMAN DiCICCO: I just
22 want to go back to my original line of
23 questioning. A tow truck driver can't
24 get on your property unless they're
25 allowed in, either by an attendant or --

1 5/5/10 - STREETS - BILL 100213, etc.

2 I don't know how they get into the
3 automated garages. They go in, but they
4 got to be able to pay to get out, right?

5 MR. SPEAR: Unless there's no
6 gate. If there's no gate, they come in
7 only if we call them. We don't have
8 roving tow companies come on our
9 facility.

10 MR. ZURITSKY: They're not
11 allowed on our facilities unless we call
12 them.

13 COUNCILMAN KENNEY: Just for
14 your own business safety and your own
15 customer safety, why wouldn't you gate
16 the lot?

17 MR. ZURITSKY: Some lots are
18 too small to put gates on. It's not
19 physically possible in some lots.

20 MR. SPEAR: And some lots have
21 entrances on each side that you can't
22 gate them. We do have video camera and
23 we will be happy to supply that
24 information if the wrong car is towed.

25 COUNCILMAN KENNEY: What's the

1 5/5/10 - STREETS - BILL 100213, etc.
2 financial arrangement between the parking
3 lot and the tow company?

4 MR. ZURITSKY: For my
5 situation, they help to collect the
6 fines. We supply them with the record of
7 bad --

8 COUNCILMAN KENNEY: Do you have
9 to pay them or are they just on a
10 piecework basis?

11 MR. ZURITSKY: They collect the
12 fine for us. No, we don't pay them.
13 They get their fees.

14 COUNCILMAN DiCICCO: Their
15 towing fee?

16 MR. ZURITSKY: And then they
17 collect their penalties and parking fees
18 that we are owed.

19 COUNCILMAN DiCICCO: So the
20 printout, not to interrupt, but the
21 printout says three tickets, \$100 each
22 violation, so you owe us \$300 for
23 non-paying --

24 MR. SPEAR: No. We're talking
25 about \$15.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: -- for
3 non-payment of parking. The tow truck
4 company gets his or her fee for towing,
5 collects the other 300 that you were
6 entitled to, and you're reimbursed?

7 MR. ZURITSKY: Right.

8 MR. SPEAR: Let me just --

9 MR. ZURITSKY: That's what we
10 do.

11 MR. SPEAR: On our end, we ask
12 for the daily rate, whatever that is,
13 \$15, \$10 a day, and if they're after
14 three days -- if they're there after
15 three days, they'll collect the money.
16 We don't --

17 COUNCILMAN DiCICCO: You're
18 asking for the money you're entitled to
19 for having them park their car in your
20 spot for whatever length of time?

21 MR. SPEAR: That's the only
22 enforcement we have.

23 MR. ZURITSKY: That's the last
24 line of defense what we have.

25 COUNCILMAN DiCICCO:

1 5/5/10 - STREETS - BILL 100213, etc.

2 Understood.

3 MR. SPEAR: And we put tow
4 signs up to tell people if they don't
5 pay.

6 Now, I have to tell you, there
7 have been times that I did call the
8 Police when somebody refused to pay, and
9 the Police were put in a situation where
10 they told the people to leave and not
11 pay. So, I mean, we don't want to put
12 the Police in that position either.
13 There have been a number of times
14 recently that the Police would come on
15 the lot and say, Well, I'm not here to be
16 judge and jury. You let that car go and
17 leave them off the lot.

18 I mean, we don't want the
19 Police or the Parking Authority to become
20 a judge and jury. When we're ready to
21 tow, we want to get the car out of there.

22 COUNCILMAN DiCICCO: Councilman
23 Green.

24 COUNCILMAN GREEN: Thank you.

25 COUNCILMAN DiCICCO: Excuse me.

1 5/5/10 - STREETS - BILL 100213, etc.

2 Ma'am, we'll get to your
3 testimony. I apologize. Thank you.

4 COUNCILMAN GREEN: It seems to
5 me that there is a relatively simple
6 solution to the problem, if the Police
7 would agree, and, that is, provide an
8 exemption in the bill for attended lots.
9 In other words --

10 COUNCILMAN DiCICCO: That's
11 what I just said.

12 COUNCILMAN GREEN: Oh, is that
13 what you just said?

14 COUNCILMAN DiCICCO: Well, not
15 out loud. I've spoken to him about maybe
16 we can carve that out.

17 COUNCILMAN GREEN: I'm sorry.
18 Or provide an exemption if a lot owner
19 calls as opposed to have it being one of
20 these trolling situations. Either thing
21 seems to me would solve the problem
22 relatively easily, and we're talking
23 about a very small number of the cars
24 that are towed. And if you have an
25 attended lot, you're talking about

1 5/5/10 - STREETS - BILL 100213, etc.
2 somebody that's probably a responsible
3 businessman. That doesn't solve your
4 problem for the lots that aren't
5 attended.

6 MR. ZURITSKY: Okay. What
7 happens is, we have roving people who
8 walk around and write the tickets. We
9 call for a tow --

10 COUNCILMAN GREEN: So it would
11 be an attended lot or call for a tow?

12 MR. ZURITSKY: Yeah. And the
13 person waits for the tow company to make
14 sure they get the right car and to hand
15 them the information. So, I mean, in a
16 sense, it is attended when there's a tow.
17 But, yeah, all of these lots that we're
18 talking about, or most of them, are
19 unattended, machine operated, but they're
20 roving --

21 MR. SPEAR: We can guarantee
22 that we can have somebody there to sign
23 for the tow, if that's what you're
24 asking.

25 COUNCILMAN GREEN: So here's

1 5/5/10 - STREETS - BILL 100213, etc.
2 the issue that the Lieutenant explained
3 to me, and, that is, the Police are
4 planning to try to enforce this by if
5 there's no ticket on the window of a car
6 that is being towed, they're going to
7 stop that tow truck driver. So one way
8 to solve that problem would be to allow
9 people to apply for something that you
10 could -- a City-issued thing that would
11 go to people who are going to be there
12 when the car is picked up so that that
13 essentially ticket is visible to the
14 Police as it's driving down the street.

15 MR. ZURITSKY: Well, this
16 ticket could be visible too, the one that
17 we print out. I mean --

18 COUNCILMAN GREEN: Well, then
19 you'd have tow operators do it, but I'm
20 talking like a blue and yellow --
21 something that clearly came from the City
22 of Philadelphia that your roving people
23 could have with them and put under the
24 windshield.

25 COUNCILMAN DiCICCO: So they're

1 5/5/10 - STREETS - BILL 100213, etc.

2 basically doing the work that the
3 legislation is looking for the Police
4 and/or the Parking Authority to do?

5 COUNCILMAN GREEN: Right,
6 because where they plan to enforce this
7 is on the street, not in the lots, as tow
8 trucks go by without tickets.

9 MR. SPEAR: If we can have
10 something to identify the car, we sign
11 for the car, we call, the tow company
12 does -- the legitimate ones are supposed
13 to call the Police so that the Police has
14 a record, we have a record.

15 Now, my concern of the way the
16 bill stands now, if you think this thing
17 through, if we have to wait for the
18 Police to come --

19 COUNCILMAN GREEN: Mr. Spear,
20 we're talking about a solution to that.

21 MR. SPEAR: Your solution would
22 be great.

23 COUNCILMAN GREEN: Okay.

24 COUNCILMAN DiCICCO: Councilman
25 Kenney.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN KENNEY: Part of the
3 problem is, I have to go by what the
4 Police Commissioner is telling us they're
5 willing to do, and we talked about
6 exemptions, for example, for some
7 residential issues and private
8 residential lots. It is the Police
9 Department's belief that carve-outs begin
10 to create an uneven system and they want
11 to -- now, I'm not saying they're right
12 or wrong. I'm just saying this Police
13 Commissioner is pretty firm and pretty
14 direct in what he says and what he
15 believes, and he has told me through
16 Lieutenant Healy that they want to see
17 how it goes for a couple months, and if
18 there's a problem, we could adjust at
19 that point, but do not want to start
20 carving out now, because there will be
21 additional requests for carve-outs that
22 will weaken the bill.

23 COUNCILMAN GREEN: I guess what
24 I'm suggesting is, we have time -- we
25 don't have time today to get a response

1 5/5/10 - STREETS - BILL 100213, etc.
2 from Commissioner Ramsey, but the bill
3 is --

4 COUNCILMAN KENNEY: Well, he's
5 authorized to speak for the Commissioner
6 if he wants to come back and --

7 COUNCILMAN GREEN: Well, then I
8 guess I'd like, after this panel, to hear
9 Lieutenant Healy's explanation of why
10 we're not solving -- the problem the
11 Police were trying to solve by requiring
12 everyone to have a ticket is so they can
13 enforce it on the street. If we give
14 people with attended lots or ticket or a
15 piece of Philadelphia paper that we've
16 clearly authorized, I don't see why we
17 haven't solved -- we haven't met
18 Commissioner Ramsey's goal.

19 COUNCILMAN KENNEY: Well, I'll
20 let Lieutenant Healy do that at the end,
21 but I think the testimony here at the
22 table is that many of these lots are not
23 attended.

24 COUNCILMAN GREEN: Attended
25 or -- well, they are calling for the tow

1 5/5/10 - STREETS - BILL 100213, etc.

2 and they will have someone there when the
3 tow truck comes.

4 COUNCILMAN KENNEY: But the
5 problem --

6 COUNCILMAN GREEN: So that
7 person can put that sticker there.

8 COUNCILMAN KENNEY: Well, the
9 issue is is that and what we're trying to
10 stop is when their rover, which seems to
11 me to be not someone --

12 COUNCILMAN GREEN: They don't
13 have rovers.

14 COUNCILMAN KENNEY: Who doesn't
15 have a rover?

16 MR. ZURITSKY: None of us have
17 rovers.

18 COUNCILMAN KENNEY: Didn't you
19 say rover?

20 MR. SPEAR: Our own attendants,
21 our own supervisors.

22 MR. ZURITSKY: We have people
23 who walk around and they're patrolling.

24 COUNCILMAN DiCICCO: They're
25 employees.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN KENNEY: Within the
3 facility or they go from lot to lot?

4 MR. ZURITSKY: They go from lot
5 to lot.

6 COUNCILMAN KENNEY: So they're
7 not at one lot all the time?

8 COUNCILMAN GREEN: But they're
9 there when the tow truck comes.

10 COUNCILMAN KENNEY: But here's
11 the problem: When they're not there --

12 COUNCILMAN GREEN: Nobody tows
13 when they're not there.

14 MR. ZURITSKY: They have to be
15 there to --

16 COUNCILMAN KENNEY: How do we
17 ensure that?

18 MR. ZURITSKY: That's just our
19 policy.

20 COUNCILMAN KENNEY: I
21 understand. But if the tow --

22 COUNCILMAN GREEN: If their
23 employee is not there, Councilman,
24 there's no sticker, there's no ticket or
25 sticker or other thing that we authorize

1 5/5/10 - STREETS - BILL 100213, etc.

2 them to --

3 COUNCILMAN KENNEY: I
4 understand that. But the three hours
5 that the rover is not there, there's no
6 way -- and there's no gate --

7 MR. ZURITSKY: They never tow
8 from our lots without our permission.

9 COUNCILMAN KENNEY: Who is your
10 tow company?

11 MR. ZURITSKY: Tow Decision.

12 COUNCILMAN KENNEY: Really?

13 MR. ZURITSKY: If we had ever a
14 complaint like this, we would reimburse
15 the customer. We would fire the company.
16 And like the first time I heard a bad
17 thing about Tow Decision was with the
18 Police in your meeting, and it was eye
19 opening, and we are investigating. We're
20 probably going to not use them.

21 COUNCILMAN KENNEY: Where would
22 a person -- who would a person complain
23 to if -- so you've never personally
24 received a complaint. We don't know for
25 sure that it hasn't happened.

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2 MR. ZURITSKY: I have a claims
3 department and complaint department and I
4 get a lot of complaints. I like to hear
5 about complaints, so I know what the heck
6 is going on in my parking lots. So I
7 appreciate complaints, and I respond to
8 them. I don't always agree with the
9 remedy, but we handle a lot of complaints
10 and we try to do it as professionally as
11 possible, and I've never had a personal
12 call about a tow. Again, we tow so few
13 cars that --

14 COUNCILMAN KENNEY: See, that's
15 why I don't understand why this is such a
16 burden.

17 MR. ZURITSKY: Because we're
18 concerned about this, just like if you
19 open the door and people start to feel
20 better -- just because I only tow so many
21 cars, that doesn't mean that I have --
22 just like the Parking Authority comes out
23 every year with like \$75,000 worth of
24 parking fines, we're starting to develop
25 that. We have people here that have \$250

1 5/5/10 - STREETS - BILL 100213, etc.
2 worth of fines that they haven't paid.
3 You open the door up a little bit more
4 and you're not able to get those people,
5 it's going to get worse and it's going to
6 get worse. And our collections, it's on
7 an honor system, and it works now. And
8 if you open the door, it's going to get
9 worse and it's going to be bad for my
10 company. It's going to be bad for the
11 City because the taxes that we collect
12 for the City also.

13 COUNCILMAN KENNEY: But it's
14 also bad for the City when people have a
15 bad experience and don't come back.

16 MR. ZURITSKY: If it happens on
17 my lot, I'm going to remedy it, and it
18 hasn't happened to me. I agree with you.

19 COUNCILMAN KENNEY: Mr. Spear,
20 who is your tow company?

21 MR. SPEAR: We have two. We
22 use either George Smith or Lew Blum, and
23 I have to say over the years, I've never
24 had any problems.

25 COUNCILMAN KENNEY: Well --

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN DiCICCO: Again --

3 COUNCILMAN KENNEY: -- maybe
4 you don't park in your own lot, I guess,
5 or something or you don't have your car
6 towed, but of the three operators that
7 you just raised, it's three of the
8 problems why we're sitting in this room
9 today.

10 MR. SPEAR: We're not here on
11 the side of the tow company. All we want
12 to do is be treated as legitimate
13 business people and be able to run our
14 own business.

15 COUNCILMAN KENNEY: I
16 understand that, but --

17 MR. SPEAR: I agree with you,
18 if there's a bad tow company -- we don't
19 tow out of driveways unless they're
20 blocking a driveway. We don't tow unless
21 somebody is a violator, and all we're
22 asking for is not to be put in a position
23 where we have to wait -- it could be
24 hours if it's in the middle of the night
25 for a tow truck to come.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN KENNEY: So if you
3 have to wait -- hypothetically, you have
4 to wait for hours. Where's the car
5 sitting?

6 MR. SPEAR: Well, some of the
7 lots are small. They won't be able to
8 move them anywhere.

9 COUNCILMAN KENNEY: But they're
10 sitting in a parking space, correct?

11 MR. SPEAR: They're sitting in
12 a parking space.

13 COUNCILMAN KENNEY: And the
14 issue is, you can't turn that parking
15 space over or there's some --

16 MR. SPEAR: That's one of the
17 issues. The other issue, it may be
18 blocking another car in.

19 COUNCILMAN KENNEY: Then you
20 have the ability to move it.

21 MR. SPEAR: How would I move
22 it?

23 COUNCILMAN KENNEY: We put it
24 in the legislation that you can relocate
25 the car.

1 5/5/10 - STREETS - BILL 100213, etc.

2 MR. ZURITSKY: But the tow
3 companies are not going to come -- I
4 mean, we talked --

5 COUNCILMAN KENNEY: Don't you
6 guys have equipment too that can move a
7 car, you can jockey cars?

8 MR. SPEAR: We open ourselves
9 up to liability if we have to get into
10 that.

11 COUNCILMAN KENNEY: Do you have
12 the equipment?

13 MR. SPEAR: We have some
14 equipment that might do it, but we open
15 ourself up to liability.

16 COUNCILMAN KENNEY: You have
17 some equipment that might do it. You
18 either have the equipment that can do it
19 or you don't.

20 MR. BAUER: It's much more
21 complicated --

22 COUNCILMAN DiCICCO: I need to
23 ask everyone just to hold their thoughts
24 for a minute. Councilwoman Sanchez needs
25 to leave and she wants to get something

1 5/5/10 - STREETS - BILL 100213, etc.
2 on the record. So just hold -- and I
3 apologize. I usually let the panel go,
4 but I opened the door and I apologize.

5 So Councilwoman Sanchez.

6 COUNCILWOMAN SANCHEZ: First,
7 again, I think we're very much open to
8 working with the parking folks around how
9 do we do this bill, but I have to put on
10 the record because in the last month, two
11 of my staff members' cars have been
12 towed, and we do have tremendous amounts
13 of complaints, and unfortunately for
14 folks in my district where these
15 companies have just popped up all over
16 the place encouraging people to put these
17 on driveways, those ugly yellow signs on
18 driveways, it is out of control really.
19 And I don't think that the L&I numbers
20 truly reflect the level of complaints,
21 because I know in my case in the Latino
22 community, many folks do not complain.

23 But I had two staff people who
24 experienced these companies, the credit
25 card didn't work. I mean, we just went

1 5/5/10 - STREETS - BILL 100213, etc.
2 over and over, because they're going
3 around hunting down folks who shop. In
4 one case, one of my assistants parked in
5 a parking lot to pick up something at the
6 shopping piece, went across the street to
7 say hello to somebody and got towed.

8 I mean, it is just -- so I want
9 you guys to understand, when you're
10 talking about 50 and this is happening
11 hundreds and hundreds of times in my
12 district and I'm getting folks who are
13 paying exorbitant fees from this,
14 unfortunately we end up having to
15 legislate because you have these bad
16 characters. But there are hundreds of
17 people in my district who have been
18 impacted.

19 So I just want you to know that
20 to the extent that we can work with you,
21 we will, but your cases -- your number of
22 cases is so little in comparison to the
23 consumer part of this that it's out of
24 control. So I don't want you to think in
25 any way we're not being sensitive to

1 5/5/10 - STREETS - BILL 100213, etc.
2 that, but this has to be -- this has to
3 stop and what these companies are doing.

4 So I'm in full support of this
5 legislation that Councilman Kenney has
6 put forward, and I just wanted to put it
7 in the context of the consumers who are
8 being defrauded every single day by these
9 companies.

10 Thank you.

11 COUNCILMAN DiCICCO: I would
12 ask -- again, I apologize, Ms. Bauer.
13 Would you please give us your testimony.
14 I'll ask everyone to hold any further
15 questions until you're through with your
16 testimony.

17 MS. BAUER: Are you ready?

18 COUNCILMAN DiCICCO: Yes.

19 MS. BAUER: Thank you very
20 much, Mr. Chairman and members of the
21 Committee. I want to thank you for the
22 opportunity to present testimony today on
23 behalf of the private tow industry. This
24 industry has serious concerns with the
25 bill, and we strongly urge you to delay

1 5/5/10 - STREETS - BILL 100213, etc.
2 passage of the bill or advancement of the
3 bill until we have an opportunity to work
4 out some of the concerns which have been
5 raised by members of the Committee, as
6 well as many of the people who have
7 testified today.

8 I think it goes without saying
9 that everyone does recognize that the
10 private tow industry has a place and
11 performs a very valuable service and a
12 service that's economically valuable to
13 this city as well, and I want to
14 particularly address since there's been a
15 lot of testimony about residential lots
16 today, and I do represent tow firms that
17 tow from residential lots, but I want to
18 particularly stress commercial and
19 industrial, because I wasn't sure until
20 Councilman Kenney just said so that there
21 was not going to be a residential
22 carve-out.

23 COUNCILMAN DiCICCO: I'm sorry.

24 MS. BAUER: That's quite all
25 right.

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2 If there's not going to be a
3 resident carve-out, which is one of the
4 versions of the bill that we saw, then I
5 would like to point out -- and I do think
6 there is no distinction really between an
7 institutional lot and a commercial lot
8 and a residential lot in terms of the
9 enforcement aspect, at least of the
10 problem that you're trying to solve and
11 regulate. But we represent many
12 customers and have contracts with many
13 customers and accounts which are both
14 institutional and commercial, and they
15 rely upon, as I'm sure you have received
16 many letters from both commercial lots,
17 institutional, churches, all kinds of
18 things, copies of which have been given
19 to us, where they rely upon frequent
20 turnover so that their patrons and
21 customers can find parking. Because,
22 frankly, if you don't find parking,
23 you're not going to patronize that
24 business anymore. So it's extremely
25 valuable to the accounts that we have

1 5/5/10 - STREETS - BILL 100213, etc.

2 that those contracts be serviced and
3 serviced very efficiently.

4 We're extremely concerned about
5 the ability the Police, who absolutely
6 are well intentioned and should be our
7 partners, but the Police's ability to
8 efficiently respond. We did ask -- and
9 we were very thankful to Councilman
10 Kenney and Councilman Kenney's staff for
11 hearing our concerns in a pre-meeting
12 that we had. We did ask if there had
13 been any kind of representation as to
14 what would be a timely response, one of
15 the very concerns that you, Mr. Chairman,
16 have raised today, and one of the things
17 that would help us to feel more
18 comfortable about the bill is if we had
19 that kind of representation or if we even
20 had some kind of draft protocol, but to
21 hear the Police Department say, Well, if
22 the bill passes, we'll figure out the
23 protocol, which is what was said today, I
24 really feel that that is going to impact
25 tremendously the people that we have

1 5/5/10 - STREETS - BILL 100213, etc.

2 contracts with that depend on our

3 services to police the lots.

4 And I just want to point out

5 that there really is no distinction --

6 there certainly wouldn't be a distinction

7 under the law -- for the residential

8 lots, and I credit the gentleman's

9 testimony who just went forward, but they

10 have employees that are essentially

11 acting as the determining agent to figure

12 out whether the car is illegally parked

13 or not, because they have a kiosk system.

14 One of the things that I would suggest

15 and I have suggested to my clients as

16 well whom I represent here today is both

17 technology and information, which will

18 lead to more competition and better

19 service, as well as regulation by the

20 Department of License and Inspection can

21 go a long way to help solve this problem.

22 One of the things that may not

23 be clear to the Committee is that there

24 is a written record of when the call is

25 made. Obviously every private tow firm

1 5/5/10 - STREETS - BILL 100213, etc.
2 on a private lot, whether it's roving or
3 not, but generally they do police several
4 lots because they have several contracts.
5 That's the only way they are in business
6 obviously. You wouldn't just stick
7 around one lot. You might have one tow
8 or not even a tow.

9 They have to call into the
10 Police, and the Police record the time
11 that the request for permission to tow is
12 made, and then that callback probably
13 happens 20 minutes later, 30 minutes
14 later. So there's already not only a
15 written record, but there's a built-in 20
16 or 30 minutes before the callback occurs
17 and the car is towed. It seems to me
18 technology can solve the problem. And,
19 for instance, Parkway has the technology,
20 because they have both the kiosk, so they
21 know whether the car paid or not, and
22 they have, I guess, apparently sort of a
23 private ticket-writing procedure that
24 they use. But that's not public
25 authority to write what is essentially a

1 5/5/10 - STREETS - BILL 100213, etc.
2 public ticket or a government ticket; in
3 other words, in lieu of a summons, which
4 is what a ticket is.

5 So I think that with
6 technology, we can provide that sort of
7 consumer recourse that you're looking for
8 and that the Police Department says it's
9 looking for, so that the police officer
10 doesn't have to make the decision.
11 Because the other flaw with this bill,
12 aside from the waiting time -- and the
13 waiting time is going to result, from my
14 clients' perspective, in a danger to them
15 while they wait around. It might be a
16 bad neighborhood. It might be an irate
17 customer or something who was illegally
18 parked. There's nothing to say that
19 illegal parkers are irate at a different
20 rate than somebody who happens to be
21 victimized by a bad company.

22 But the other problem is,
23 you're making the officer the
24 determinant, and the officer is going to
25 come and will have absolutely no

1 5/5/10 - STREETS - BILL 100213, etc.
2 information and will not feel comfortable
3 having cause to write the ticket.

4 So we feel that not only the
5 time delay, but the lack of personal
6 knowledge, I would say, somewhere between
7 personal knowledge and probable cause to
8 write that ticket is essentially going to
9 shut down the apartment owners,
10 commercial businesses, restaurants, bars
11 and so on and so forth that hire my
12 industry to police their lots,
13 McDonald's, shopping centers, strip malls
14 and so on and so forth, that are next to
15 SEPTA stations, you know, all the things
16 that you've heard today. They're going
17 to be shut down by that, because the
18 officer is going to show up and he's
19 going to say, Well, I don't know. I
20 don't know that that car parked there,
21 the person got on the SEPTA train. In
22 other words, there's nothing to suggest
23 that an employee of Parkway is somehow
24 more reliable or less reliable than
25 another person in a different situation

1 5/5/10 - STREETS - BILL 100213, etc.
2 than another person in a different
3 situation. It doesn't seem reasonable in
4 terms of resources to put it all on the
5 Police, and what I'm suggesting is, even
6 if you did that and even if the delay
7 time were not a factor in terms of
8 efficiency, safety and everything else,
9 you're still going to have the situation
10 where you're putting the officer in the
11 position of making a determination that a
12 car, where he was not on the lot for the
13 last hour, was illegally parked. I,
14 frankly, don't see how that's going to
15 happen.

16 COUNCILMAN KENNEY: Point of
17 information, Mr. Chairman.

18 I'm sorry. I must have missed
19 your earlier testimony. Who are your
20 clients? Who do you represent?

21 MS. BAUER: Tow firms,
22 Councilman Kenney.

23 COUNCILMAN KENNEY: Which tow
24 firms?

25 MS. BAUER: Today I represent

1 5/5/10 - STREETS - BILL 100213, etc.

2 George Smith, Steven's and Tow Squad.

3 COUNCILMAN KENNEY: Okay. But
4 you don't represent the entire towing
5 industry?

6 MS. BAUER: I do not.

7 COUNCILMAN KENNEY: How many
8 tow clients do you have?

9 MS. BAUER: Today?

10 COUNCILMAN KENNEY: How many
11 towing firms do you represent?

12 MS. BAUER: Well, I'm an
13 attorney, and as an attorney, I represent
14 one tow firm and that's Tow Squad, and
15 I've represented them for years.

16 COUNCILMAN KENNEY: But you're
17 not speaking on behalf of the entire
18 towing industry?

19 MS. BAUER: No. Today I'm
20 speaking on behalf of those three that
21 I've just named.

22 COUNCILMAN KENNEY: So your
23 testimony that like the City is going to
24 shut down and all the commercial and
25 retail and entertainment areas are going

1 5/5/10 - STREETS - BILL 100213, etc.
2 to shut down as a result of this
3 legislation, you're speaking on behalf of
4 three clients?

5 MS. BAUER: That's correct.

6 COUNCILMAN KENNEY: Okay.

7 Thank you.

8 COUNCILMAN DiCICCO: Councilman
9 Greenlee.

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

12 If I could just ask you,
13 Ms. Bauer. I don't mean this with any
14 disrespect, but I'm not hearing any
15 acknowledgment that there is a problem
16 out there. Do you acknowledge that there
17 is a problem with tow companies doing
18 many times the wrong thing? And not just
19 in the one witness's case, but in
20 Councilwoman Sanchez's, Councilman
21 Kenney's estimation, hundreds of them.
22 Do you acknowledge that?

23 MS. BAUER: I don't have any
24 personal knowledge of that, but I'm sure
25 that that's so. I've certainly seen

1 5/5/10 - STREETS - BILL 100213, etc.
2 press reports, and what generally
3 happens, especially with Tow Squad, whom
4 I represent, is that the industry
5 unfortunately gets painted, as happens
6 with many industries, with the bad apples
7 in the barrel. So absolutely you are
8 correct, there are bad apples in the
9 barrel.

10 COUNCILMAN GREENLEE: But going
11 with that theory of the bad apples, I
12 guess isn't the question is there enough
13 bad apples that maybe you have to do
14 something different because of those?
15 Maybe Mr. -- I think Mr. Zuritsky's
16 company operates well, Mr. Spear's, but
17 there's a lot that don't and that you
18 have to -- maybe, as was said before,
19 maybe there's some other amendments that
20 could take care of this. But I guess I'm
21 just not getting, with all due respect to
22 you, that there is a real problem out
23 here. You're telling us about your
24 problems, and I understand that, but
25 there's literally hundreds, probably

1 5/5/10 - STREETS - BILL 100213, etc.
2 more, people, individuals, innocent
3 folks, that have a problem because a lot
4 of people in the industry you represent,
5 maybe not your particular companies, but
6 the industry you represent are acting in
7 a -- I don't know what else to say, but
8 an outlaw manner. Do you acknowledge
9 that?

10 MS. BAUER: I think I already
11 said yes, Councilman.

12 COUNCILMAN GREENLEE: All
13 right.

14 MS. BAUER: What I would like
15 to say is that rather than -- I think
16 there's been a lot of commentary and
17 support today for having the Department
18 of License and Inspections more closely
19 regulate and in fact kick out bad repeat
20 operators, and certainly the tow
21 company -- I mean, the tow industry
22 supports that. My clients that I'm
23 representing today supports that
24 completely, because we don't want to be
25 aggrieved and economically hurt by the

1 5/5/10 - STREETS - BILL 100213, etc.
2 bad apples in the barrel. So we 100
3 percent support the objective that the
4 City Council is trying to do. I guess
5 what I was trying to suggest -- first of
6 all, I've only addressed myself to the
7 one issue, and that is the ticketing.
8 There are many good things not only in
9 the existing ordinance but in the bill.

10 The ticketing we find to be
11 extremely problematic. And with respect
12 to the consumer recourse aspect of it,
13 what I was suggesting by both technology
14 and information, there was talk about the
15 website, the lots would be licensed or at
16 least registered, they'd be up on the
17 website, the signs would be up, it would
18 be clear to consumers what the -- or
19 clearer to consumers what the rules were
20 and what the rates were and so on and so
21 forth. I guess what I'm saying is, what
22 I'd like to see and what we would like to
23 see is a more surgical approach and also
24 a more attractive approach to not only
25 preventing those problems, but providing

1 5/5/10 - STREETS - BILL 100213, etc.
2 a quick and speedy response if there is a
3 problem. And if there is an illegal tow
4 as opposed to an illegal park and a
5 proper tow, we certainly don't want to
6 have any illegal tows, and there
7 absolutely needs to be recourse for that
8 and better recourse for it, because we're
9 hearing that there's not a good recourse.

10 COUNCILMAN GREENLEE: And
11 there's a lot of them going on.

12 COUNCILMAN KENNEY:
13 Mr. Chairman, if I can -- and I
14 appreciate your testimony and I know you
15 represent your clients, so I'm not trying
16 to -- but let me give you one of the
17 worst anecdotes that I've had in this
18 issue. A couple years ago, about 15 cars
19 parked in the stadium complex area in a
20 street that was unsigned. There was no
21 signage from the Parking Authority, no
22 signage from anywhere. People parked.
23 All 15 of those cars were impounded by
24 these tow companies and a sign was then
25 placed after the cars were taken.

1 5/5/10 - STREETS - BILL 100213, etc.

2 The cars were taken to an empty
3 lot at Front and Oregon, around Front and
4 Oregon, and they were put in the circle
5 of tow trucks, all 15 cars, and the tow
6 trucks circled around them, and the
7 owners came and were demanded \$300 cash
8 before they would let their car go.
9 Until the Police came and threatened to
10 arrest all the tow truck drivers, the
11 cars magically then were released.

12 This is the type of stuff we're
13 dealing with, and this is the type of
14 stuff that too many people in this
15 industry engage in, and this is the type
16 of stuff that those guys over there have
17 come to ask us to pass a bill so they're
18 no longer besmirched by this kind of
19 activity. This is why we're here.

20 Now, I can listen to
21 Mr. Zuritsky and Mr. Spear and Mr. Spear
22 and maybe try to figure out a way to deal
23 with their issues, but we're sitting here
24 because some poor guy 2 o'clock in the
25 morning has to go to some prison-like

1 5/5/10 - STREETS - BILL 100213, etc.
2 environment behind double-pane
3 bullet-proof glass to get shook down for
4 more money than the City allows them to
5 collect and won't take a credit card or a
6 debit card to do it, until the police
7 officer comes and then the credit card
8 machine magically comes back to life.

9 This is what we're talking
10 about. We wouldn't be here if everyone
11 acted the way the legitimate tow truck
12 guys operate.

13 I'm willing to listen to, if
14 the Police Department was willing to
15 cooperate with us, to listen to what
16 Councilman Green is suggesting with these
17 attended parking lots, but I have been
18 fighting with this issue for 19 years,
19 from wreck chasing to today, and every
20 time we pass an ordinance, every time we
21 pass something, they figure out a way to
22 get around it. We shut them down and
23 they open up another company under
24 another name with the same people running
25 the company and the same drivers driving

1 5/5/10 - STREETS - BILL 100213, etc.
2 the trucks. It goes on and on and on,
3 and you know what, I'm willing to
4 legislate this thing forever, but at some
5 point in time does anyone care about this
6 poor consumer? I mean, does anyone care
7 about this person that -- this is one of
8 my favorites. New Era Collision towed a
9 car, an '08 Honda Civic. The tow fee was
10 \$125. The winch fee, the winch fee was
11 250. The garage fee was 75. The
12 administrative fee was 75. The clean-up
13 was 75, and the storage fee was 57.50,
14 for a grand total of \$657.50, and they
15 wouldn't take a credit card. That's why
16 we're here.

17 So, again, you represent your
18 clients. I mean no personal offense, but
19 enough is enough with this stuff, and
20 we've gone from times where they're
21 having fist fights in the street,
22 fighting over a Mercedes-Benz that was in
23 an accident when the cops had to
24 intercede and break up fights. We've
25 been in situations where tow truck

1 5/5/10 - STREETS - BILL 100213, etc.
2 operators will go into emergency rooms
3 and try to solicit people for business
4 for wreck-chasing lawyers. It's a bad,
5 complicated business and it's taking
6 people's money out of their pocket, and
7 I'm tired of sitting by watching it
8 happen, and that's why we're here.

9 So any punitive or apparently
10 punitive measures is a direct result of
11 their operation and the way they run
12 their businesses, and that's why we're
13 here.

14 MR. SPEAR: Councilman, we are
15 in no way here in support of the tow
16 companies.

17 COUNCILMAN KENNEY: I hear you.

18 MR. SPEAR: But we are getting
19 caught in the middle of this. We're
20 legitimate businesses, and we are saying
21 that the tow companies that do this
22 should be penalized. I wouldn't want my
23 car towed. I wouldn't want my daughter
24 to have to go to one of the places that
25 they have.

1 5/5/10 - STREETS - BILL 100213, etc.

2 COUNCILMAN KENNEY: I hear you,
3 and we're going to discuss it, but
4 somehow --

5 MR. SPEAR: If there's a way we
6 can distinguish ourselves, we'd
7 appreciate it.

8 COUNCILMAN KENNEY: And the
9 worst part is is that legitimate guys who
10 pay their taxes, have their insurance,
11 drivers are licensed, have the right
12 equipment, follow the rules, they get --
13 you're right, they get painted with the
14 same brush for a half a dozen or seven of
15 these guys that need to either clean up
16 their act or go.

17 MR. SPEAR: Could I just add to
18 that? You mentioned earlier that
19 reputable certified L&I tow companies, if
20 there's a list, they would be acceptable
21 to you.

22 COUNCILMAN KENNEY: We'll talk.
23 I'm sorry. If you have more
24 testimony.

25 MS. BAUER: Well, I think the

1 5/5/10 - STREETS - BILL 100213, etc.
2 further testimony that I just want to
3 say -- and I think you're absolutely
4 right and I couldn't agree with you more,
5 Councilman Kenney. I think we just don't
6 want to -- and, frankly, we and our
7 customers don't deserve to be waiting
8 around and have a lot of problems in
9 terms of policing our lots because of
10 those bad apples, and I think there are
11 some more strategic or surgical ways of
12 doing it.

13 The situation that you
14 described, that \$600 with the admin fee
15 and the winching fee and so on and so
16 forth, clearly that's a deceptive
17 business practice. Clearly that company
18 should have their license pulled. I have
19 no idea what the enforcement record is on
20 either more closely regulating so that
21 people like that don't get licensed or in
22 terms of pulling their licenses, but
23 we're just here to say it's an overbroad
24 approach.

25 And I do want to make just one

1 5/5/10 - STREETS - BILL 100213, etc.
2 other point before I close, and, that is,
3 the tow -- at least in terms of the
4 witness list that I understood, the
5 previous tow firm that testified, they
6 don't do our business. They don't do
7 impound lot business. They only --
8 they're called for disabled cars. They
9 do police towing and so on and so forth.
10 So that tow firm that said that they
11 represent the bill, just be aware they're
12 not in our business. So as far as I
13 know, I'm the only witness that
14 represented the business that is going to
15 be regulated by this, other than the
16 apartment owners and, for instance,
17 Parkway and so forth.

18 So it's a very broad brush that
19 you're painting with, and we are really
20 just identifying the ticket as being the
21 one that really -- we would love to sit
22 down. If the bill does advance today,
23 we'll deal with it, but we would like to
24 see a mutually and collaborative
25 approach, because we've only had a couple

1 5/5/10 - STREETS - BILL 100213, etc.
2 days. I know that there's been about a
3 dozen letters, as I say, from hospitals
4 and churches and universities and so on
5 and so forth that went to you that
6 expressed concern about how they were
7 going to be policing their lots, and
8 that's really just with two or three
9 business days' notice from us that this
10 bill was coming down the pike. We think
11 there's going to be some serious
12 unintended consequences.

13 COUNCILMAN DiCICCO: Thank you.

14 Any other questions for these
15 witnesses?

16 (No response.)

17 MS. BAUER: Thank you very,
18 very much.

19 COUNCILMAN DiCICCO: Thank you.

20 I believe we do have one more
21 witness.

22 MR. PARENTE: I'm sorry. I
23 just wanted to make a comment. We do do
24 roving towing too.

25 MS. BAUER: I stand corrected

1 5/5/10 - STREETS - BILL 100213, etc.

2 then if he does.

3 (Witness speaking without
4 microphone.)

5 COUNCILMAN DiCICCO: John
6 Haliburton.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN DiCICCO:
10 Lieutenant, if you don't mind, would you
11 come up and respond on the record.

12 Sit down, gentlemen. Just stay
13 at the table. There's three seats up
14 there.

15 COUNCILMAN GREEN: Councilman
16 Kenney, you clearly are very passionate
17 about this issue and you've worked hard
18 on this issue for a long time and you're
19 trying to solve a real problem facing
20 citizens in Philadelphia, and so I
21 appreciate your patience with me as I get
22 up to speed on this issue.

23 COUNCILMAN KENNEY: The older I
24 get, Bill, the more patience I get.

25 COUNCILMAN GREEN: Lieutenant,

1 5/5/10 - STREETS - BILL 100213, etc.
2 making sure that the cars that are towed
3 were actually illegally parked. Therein
4 is the reason for the ticket, one reason.
5 An independent person says, Yay, that's
6 an illegally parked car, it deserves to
7 be towed.

8 The other side of it is, as the
9 Councilman mentioned, the consumer
10 advocacy side of it, because when you do
11 get your car towed, in any other place
12 when you take property, when the
13 government takes property, there's due
14 process, except in this scenario. The
15 Parking Authority takes your car, you
16 have due process. You can go in front of
17 a judge, determine whether or not yay or
18 nay should have been towed. In this
19 scenario, the consumers, even if they're
20 illegally parked cars or not, have no
21 forum to go to to address the complaint.
22 They have to actually invest their own
23 money and file a lawsuit. Well, that's
24 contrary to due process. All we're
25 trying to say is put this standing on par

1 5/5/10 - STREETS - BILL 100213, etc.

2 with everything else.

3 A ticket. Now, the question is
4 who can issue a ticket. The only problem
5 I see here that everybody is really
6 concerned about is the ability to respond
7 quick enough to issue a ticket. The
8 issuance of the ticket is not the
9 concern. It's whether or not they can
10 get there quick enough to do it in an
11 efficient manner, and I respect that.
12 And that's something that we're looking
13 at to make sure that we can do. And we
14 agree that we don't know for sure how
15 well we can do it, but the question is
16 maybe we can expand the people that can
17 issue lawful tickets. Maybe that's an
18 avenue of a way around this hurdle,
19 because it seems to me the only hurdle is
20 how quickly the Police or the Parking
21 Authority can get there.

22 City Code says authorized
23 persons can issue parking tickets. Now,
24 is there a mechanism that we can sit
25 sidebar and discuss who other in the City

1 5/5/10 - STREETS - BILL 100213, etc.
2 could be authorized to issue these
3 specific tickets? I don't know. That
4 may be --

5 COUNCILMAN GREEN: Well,
6 essentially what I'm talking about is the
7 same thing, except they're not actually
8 issuing a ticket. They're putting in a
9 sticker, but that's the same thing as
10 them issuing a ticket.

11 LIEUTENANT HEALY: Well, yes
12 and no. It's -- actually, no. That
13 ticket is --

14 COUNCILMAN GREEN: Because
15 their car is towed at that point.

16 LIEUTENANT HEALY: But the
17 ticket is what gives them, on the flip
18 side of that, the authority to have that
19 decision appealed. So whoever signs the
20 bottom of that ticket can be called into
21 court and say, What did you see. As it
22 stands right now, there's no one to come
23 to court to say, Yeah, it was illegally
24 parked or not and I can swear to it. So
25 that is where the consumer advocacy side

1 5/5/10 - STREETS - BILL 100213, etc.
2 is missing in the current law and
3 actually should have been there.

4 COUNCILMAN GREEN: But there is
5 much greater protection under what I'm
6 proposing, because the lot owner is
7 required to call the tow company. That
8 makes them responsible for the decision.

9 LIEUTENANT HEALY: Correct. I
10 mean, I'm with you. I understand the
11 policing side --

12 COUNCILMAN GREEN: And, yes,
13 there is a civil penalty for that in
14 Small Claims Court, which is not the same
15 as being able to appeal your ticket, but
16 appealing your ticket doesn't deal with
17 the other civil issues with respect to
18 that, including appealing the -- just
19 because you win an appeal on a ticket
20 doesn't mean you don't have to pay the
21 tow company.

22 LIEUTENANT HEALY: The judge
23 can order the release of the car, yes.
24 That's the whole point of appealing,
25 because otherwise the car is sitting in

1 5/5/10 - STREETS - BILL 100213, etc.
2 the lot racking up fees. If you believe
3 your car is not legitimately towed, you
4 make the appeal and, yeah, the judge can
5 order the release of the car. That is
6 his authority. So that's really what you
7 want. Like the poor victim that came
8 forward, she has to go pay \$98 to file --

9 COUNCILMAN GREEN: Right, but
10 we're talking about a very small number
11 of cars here.

12 LIEUTENANT HEALY: Right. And
13 what I'm trying to say is maybe there's a
14 mechanism -- I'm not sure if there is.
15 I'm not saying there is -- that we can
16 expand the authority to issue a ticket.

17 COUNCILMAN GREEN: I'm saying
18 that I don't think that that's
19 necessarily the proper solution. Just
20 giving them something they can put under
21 the car for a very small number of cars
22 solves the problems of your enforcement,
23 given the number of cars we're talking
24 about, 50 a year.

25 LIEUTENANT HEALY: If it's a

1 5/5/10 - STREETS - BILL 100213, etc.
2 small number, then I'm sure something
3 could be worked out obviously, but we
4 need to address the larger problem, like
5 I said.

6 COUNCILMAN GREEN: And I agree
7 with you. I'm with you on --

8 LIEUTENANT HEALY: The ticket
9 is the most logical thing, because that's
10 what's actually missing in the statute
11 that should have been there in the
12 beginning, and we're just trying to
13 really backfill what should have been
14 there from a due process perspective.
15 Right now you get your car taken from
16 whatever, residential, commercial,
17 whatever, lot, people have no forum.

18 COUNCILMAN GREEN: Well, no
19 other city in the country actually
20 requires a ticket before towing off of a
21 private lot. So, I mean, we're not
22 solving a problem that we should have
23 solved before. There's no other city in
24 the country that has this requirement.

25 COUNCILMAN DiCICCO: We could

1 5/5/10 - STREETS - BILL 100213, etc.

2 be the first.

3 LIEUTENANT HEALY: I don't know
4 that for a fact. I know that --

5 COUNCILMAN GREEN: We've done a
6 survey of all the major cities.
7 Obviously we didn't look at every city in
8 the country, but we couldn't find a city
9 that --

10 LIEUTENANT HEALY: Well, the
11 question is towing off a lot, a lot of
12 the other statutes that I'm aware of will
13 remove the car and relocate it. They'll
14 relocate it to a lawful position. So if
15 it's on your -- you take it and move it.
16 We're actually impounding it. So we're
17 actually not relocating it.

18 COUNCILMAN GREEN: I understand
19 the problem we're trying to solve, and I
20 agree with you on solving that problem.
21 I'm just saying let's have a narrowly
22 tailored exception that addresses people
23 who are responsible in the industry.

24 COUNCILMAN DiCICCO: And I
25 agree with that. Councilman Kenney

1 5/5/10 - STREETS - BILL 100213, etc.
2 mentioned something earlier about the
3 Police Commissioner not wanting too many
4 carve-outs.

5 LIEUTENANT HEALY: Right.

6 COUNCILMAN DiCICCO: Not
7 wanting too many carve-outs, and I
8 understand that, because now you got to
9 try to figure out who is in and who is
10 out.

11 LIEUTENANT HEALY: Well, the
12 officer on the street can't make the
13 determination of what's an exception and
14 what's not.

15 COUNCILMAN DiCICCO: When I
16 hear the testimony of Mr. Zuritsky and
17 Mr. Spear about their process, I would
18 venture to say that they don't want to
19 have people towed because it's bad
20 business for them, unless they're not
21 being paid. So they're not just going to
22 have somebody towed for the sake of
23 having that vehicle towed unless it's
24 blocking or they're not being paid. And
25 there is an accountability there. What

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2 we're really looking for is where there
3 is no accountability, you have these
4 rovers just going through parking lots
5 and other places, but when you have a
6 legitimate parking garage and/or surface
7 area parking location that there is
8 management that sees what's going on, I
9 hate to use the word "carve-out," but I
10 think that that's maybe what we can -- if
11 we can work on some adjustment to that,
12 that industry would be held harmless.

13 LIEUTENANT HEALY: In sidebar,
14 that's where I'm thinking we can -- I
15 don't know legally whether 100 percent,
16 but I think I might have a solution, but
17 I'd like to say it privately.

18 COUNCILMAN GREEN: I understand
19 what you're saying, but remember, the
20 problem we're trying to solve, all the
21 testimony about cars that were taken,
22 things that happened to people, not one
23 person said somebody -- the lot owner
24 called the tow truck on me. Every
25 problem was roving, right? So it's these

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2 rovers that are sort of these pirates out
3 there doing this, and we solve that
4 problem if we give people who call the
5 tow operator, keep a record of it for a
6 year, a sticker to put on the car so that
7 the Police will know when that car goes
8 by, it's been authorized by somebody who
9 called in a tow. That would mean that
10 also that the Police could spot-check to
11 make sure that the tow was called in.

12 So it's just -- it's a
13 suggestion, and I hope you'll consider
14 it.

15 Thank you.

16 COUNCILMAN DiCICCO: Thank you.

17 Gentlemen, thank you for your
18 patience.

19 MR. HALIBURTON: Thank you,
20 Mr. Chairman and members of the
21 Committee. My name is John Haliburton.
22 I'm with Compiled Logic. We work with
23 cities and counties around the country in
24 the towing area. Believe it or not, we
25 wake up every morning and think about

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2 vehicle towing.

3 We appreciate you giving us the
4 opportunity to speak. We're going to be
5 very short and to the point. This is Don
6 McAfoose with Compiled Logic, and he's
7 going to say a few words.

8 Thank you very much.

9 COUNCILMAN DiCICCO: Thank you.

10 MR. McAFOOSE: Again, thank
11 you, Mr. Chairman and Councilmen. My
12 name is Don McAfoose. I'm with Compiled
13 Logic. We as a company serve the
14 municipalities, the towing industry and
15 the citizens within the municipalities.
16 Fundamentally what we have found is just
17 like what you're finding. One of the key
18 things is reporting of information and
19 the sharing of information. What we have
20 found is, jurisdictions just like
21 yourself require reporting of tows on a
22 timely basis; for example, within 30
23 minutes to an hour. Our solution is a
24 web-based solution so that the reporting
25 is done via the Internet into a central

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2 repository. What that does is, the
3 Police have information very quickly. It
4 allows the towers to enter the
5 information that's required for them very
6 quickly, and, most importantly what it
7 does, it gives the citizens of the
8 county, of the city, of whatever, the
9 ability to go onto a portal and actually
10 see a number of things: if their car was
11 towed, who towed it, where it was towed
12 from, and we're also putting a new
13 feature in where they actually can see
14 what their tow bill would look like.

15 What we have found is, giving
16 this type of information to the citizens
17 allows them when they go to pick up a
18 vehicle, they know up front what their
19 tow bill should look like. And it's
20 the -- like you were saying before, like
21 80 to 90 percent of the towers are
22 legitimate towers, and how do you handle
23 the extra ten percent or the five
24 percent. Part of it is consumer
25 awareness, consumer having information,

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2 so when they go to retrieve their
3 vehicle, they know exactly what they
4 should pay, they know what the fees
5 should be, and if it's wrong, they have a
6 recourse, they can call the Police and
7 the Police can come out.

8 That information is also stored
9 within the repository, so the Police can
10 actually query to find if we've got
11 towers that are actually charging too
12 much or have complaints against them.

13 So what we are here really is
14 more from an industry -- this is the
15 industry we deal with. This is the stuff
16 we deal with on a daily basis, and we
17 just want to offer ourselves as maybe
18 some subject matter experts, as well as
19 our solution as this legislation moves
20 forward to consider using an electronic
21 repository versus just handwriting or
22 faxing in and then having the delays, as
23 well as the inefficiency of that type of
24 system.

25 So thank you very much.

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2 COUNCILMAN DiCICCO: Thank you
3 very much. I would suggest that you
4 contact the sponsor of the bill,
5 Councilman Kenney, and maybe from there,
6 Parking Authority Police might be
7 interested in this program of yours.
8 Thank you for your patience.

9 MR. McAFOOSE: Thank you very
10 much.

11 MR. HALIBURTON: We also have a
12 website called towedcar.com that you
13 have.

14 COUNCILMAN DiCICCO: I saw it
15 on there. Thank you.

16 This Committee will adjourn
17 until tomorrow morning at 9 o'clock --
18 make that 8:30.

19 Thank you.

20 (Committee on Streets and
21 Services adjourned at 5:40 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY

RPR-Notary Public

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