

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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Proposed Regulation #18-415
67 PA Code Chapter 233

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House Transportation Committee

Capitol Building
60 East Wing
Harrisburg, Pennsylvania

Wednesday, October 21, 2009 - 9:30 a.m.

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BEFORE:

Honorable Joseph Markosek, Majority Chairman
Honorable Michael Gerber
Honorable John Sabatina, Jr.
Honorable John Siptroth
Honorable Timothy Solobay
Honorable Mike Carroll
Honorable Paul Costa
Honorable Ted Harhai
Honorable Mark Longietti
Honorable Richard Geist, Minority Chairman
Honorable David Hickernell
Honorable John Evans
Honorable Mark Keller

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1 ALSO PRESENT:

2 Stacia Ritter
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4 Tara Friel
5 Majority Legislative Assistant

6 Anne Baloga
7 Majority Research Analyst

8 Eric Bugaile
9 Minority Executive Director

10 Vicki Trostle
11 Minority Legislative Assistant

12 Adam Gingrich
13 Minority Research Analyst

14 Greg Grasa
15 Minority Research Analyst

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1 CHAIRMAN MARKOSEK: Good morning
2 and welcome to the Transportation Committee
3 hearing. The first order of business is to
4 recognize our birthday boy today, Paul, and
5 for him to lead us in the Pledge of Allegiance
6 of the flag.

7 (Pledge of Allegiance recited.)

8 CHAIRMAN MARKOSEK: Thank you,
9 Paul.

10 Good morning, everybody. We are
11 commenced with the hearing here. We are not
12 going to take formal role. There will be no
13 votes taken today. But the members that do
14 show up will be recorded, certainly, as being
15 here.

16 I really don't have a whole lot of
17 opening remarks. Chairman Geist, do you have
18 any opening remarks?

19 REPRESENTATIVE GEIST: I am just
20 here to listen.

21 CHAIRMAN MARKOSEK: Okay. Well, we
22 will get started then. The first person to
23 testify is our good friend Mr. Scott Christie,
24 the Deputy Secretary for Highway
25 Administration, PennDOT. Scott, good morning.

1 MR. CHRISTIE: Good morning.

2 CHAIRMAN MARKOSEK: Welcome. And
3 you have got your colleague there as well.

4 MR. CHRISTIE: Yes.

5 CHAIRMAN MARKOSEK: Who is welcome,
6 certainly.

7 MR. CHRISTIE: Yeah, I brought
8 Glenn Rowe, who is the Acting Director of the
9 Bureau of Highway Traffic and Safety Bureau.

10 THE REPORTER: Excuse me, sir. Can
11 you move the mike closer there and repeat your
12 colleague's name again?

13 MR. CHRISTIE: This is Glenn Rowe
14 from the Bureau of Highway Traffic and Safety.

15 CHAIRMAN MARKOSEK: Okay. You may
16 proceed.

17 MR. CHRISTIE: Thanks very much.
18 Mr. Chairman and members of the committee,
19 thank you for allowing us the opportunity to
20 testify about our role in working with the
21 City of Philadelphia on administering the
22 automated red light cameras under the terms of
23 the state law.

24 Just as a little bit of background:
25 The state law permits the use of the Automated

1 Red Light Enforcement Program within the City
2 of Philadelphia. And as it is working right
3 now, the department is responsible for
4 improving the intersections for the red light
5 enforcement and for developing regulations for
6 the distribution of revenues from this special
7 enforcement program.

8 The City of Philadelphia is
9 responsible for implementation, operation, and
10 maintenance of the devices. And the city has
11 appointed the Philadelphia Parking Authority
12 as the system administrator to supervise and
13 coordinate the administration of the program.
14 And the city mails each violation as to the
15 conditions specified in the state law.

16 As required by the law, the city
17 remits the fines, less the operation and
18 maintenance costs, to the department for
19 deposit into the Motor License Fund. And then
20 fines are deposited in the restricted account
21 and shall be used by the department to fund,
22 by regulation, a transportation enhancement
23 grant program.

24 Just a little bit more of the data:
25 In the history, the department has currently

1 approved 15 installations or intersections to
2 date, and 13 intersections are in operation,
3 and two are under construction.

4 As to the revenues: As of August
5 20th, 2009, the department has received
6 \$8,850,394 from the program, and the money has
7 been deposited into a restricted account in
8 the Motor License Fund.

9 As to effectiveness of the program:
10 Since June 23rd, 2005, the program has had a
11 total of 253,982 violations at what I would
12 say predominantly were 10 operating
13 intersections over that time frame.

14 Based on the 2009 Philadelphia
15 Parking Authority annual report, the current
16 average yearly revenue per intersection is
17 approximately \$880,008.

18 Based on the Philadelphia Parking
19 Authority's annual report, the automated red
20 light enforcement operation and maintenance
21 cost to date is \$9,458,850.

22 The Federal Highway Administration
23 indicates a general crash reduction of 25
24 percent in intersection angle crashes when a
25 automated red light enforcement is implemented

1 at an intersection.

2 At this time the city's crash
3 reduction effectiveness I would say can't
4 really be determined, as the majority of the
5 intersections, 10 out of the 13, have less
6 than three years of needed after installation
7 crash data. So we still are taking a look at
8 that, and we haven't had the three years that
9 we need.

10 Based upon the Philadelphia Parking
11 Authority annual reports, running red light
12 violations have been decreasing at the
13 intersections. And while each intersection is
14 different, violation reductions have ranged
15 from 10 percent to 81 percent on the various
16 intersections.

17 Overall, it appears the program is
18 successful and will continue to help with
19 traffic safety enforcement in the City of
20 Philadelphia.

21 With regard to the next steps, the
22 department will continue to evaluate the
23 effectiveness of the program using supporting
24 crash and violation data.

25 And as authorized by the state law,

1 the department has developed a proposed
2 regulation for the Transportation Enhancement
3 Grant Program using the revenues. The
4 regulation was placed in the Pennsylvania
5 Bulletin on the 1st of August of 2009, and we
6 are reviewing the formal comments.

7 If you take a look at the comments,
8 the comments I would say can be generalized
9 into two different categories. The first
10 category, or category A, is the need for
11 further clarification on how the program will
12 be administered, meaning, or, for example: Is
13 it going to be a competitive program? What's
14 the time frame? What can the funds be used
15 for? Things along those lines.

16 The second category of comment is
17 basically: Who should be eligible for the
18 funding that is generated through the program
19 that is currently operating only in the City
20 of Philadelphia?

21 And I will say, we are working to
22 address these comments, and modify the
23 regulation to address the use of the funds,
24 and we do welcome the comments as we work
25 towards improving our infrastructures.

1 Thanks very much.

2 CHAIRMAN MARKOSEK: Thank you very
3 much. I have a question just -- You know, you
4 have touched on it, and I was looking at my
5 paperwork and I apologize. But as far as
6 where we are with the regulation right now,
7 what's remaining to go here before it is
8 approved?

9 MR. CHRISTIE: We have to address
10 the comments. And at that point in time, if
11 we are making changes, it's where we --

12 MR. ROWE: We received the formal
13 comments back from the IRRC, and that was from
14 the public and also from the legislators. So
15 the department at this point now determines
16 how we are going to address those comments.
17 So really the ball is in the department's
18 court at this point.

19 CHAIRMAN MARKOSEK: And what is the
20 time frame?

21 MR. CHRISTIE: Yeah.

22 MR. ROWE: My understanding is from
23 the regulatory process that you can have up to
24 two years before the comments lapse, so we do
25 have some time to really review this.

1 CHAIRMAN MARKOSEK: Okay. And
2 comments made by any of us here today on the
3 record would be included in, you know, the
4 final regulations or at least considered by
5 PennDOT?

6 MR. ROWE: Yes.

7 CHAIRMAN MARKOSEK: The department?

8 MR. ROWE: Definitely considered,
9 yes.

10 CHAIRMAN MARKOSEK: Okay. I just
11 wanted the members to know that, so.
12 Representative Paul Costa.

13 REPRESENTATIVE COSTA: Thank you,
14 Mr. Chairman.

15 Mr. Christie, the money that's
16 derived from the cameras is in -- I think you
17 said it is put into a fund where we are
18 holding it right now. If I am going through
19 an intersection in Philadelphia that is not
20 camera'd and I get a ticket for violating the
21 traffic signal, how is the money broken down?
22 Do you get any of that now?

23 MR. CHRISTIE: Yes.

24 REPRESENTATIVE COSTA: How?

25 MR. CHRISTIE: It depends upon who

1 issues the ticket. So it is a variety of ways
2 that's written into the state law as to handle
3 violations. So it depends on who writes the
4 ticket, whether it is the State Police or the
5 local, but in general some portion in some
6 cases does come back to the Motor License
7 Fund.

8 REPRESENTATIVE COSTA: Okay. Let's
9 assume it is a Philadelphia police officer
10 that gives me the ticket.

11 MR. CHRISTIE: I would have to
12 check. If it is a Philadelphia police
13 officer, that might be different. I would
14 have to check the state code.

15 REPRESENTATIVE GEIST: So it really
16 has to be extreme.

17 REPRESENTATIVE COSTA: So is there
18 going to be a difference between someone who
19 gives a violation for going through the one
20 with the camera and somebody who goes through
21 the intersection without a camera?

22 MR. CHRISTIE: Okay, if you are
23 talking just about a red light enforcement --

24 REPRESENTATIVE COSTA: Yes.

25 MR. CHRISTIE: -- that's probably

1 different then. I believe that would probably
2 stay in the City of Philadelphia. But I -- To
3 be honest with you, I would have to check that
4 in its terms of the state law.

5 REPRESENTATIVE COSTA: I don't know
6 if you can answer this question. What do we
7 do now when Easy Pass, if you are a violator
8 of Easy Pass, when they take your picture?
9 And where does that money get divvied up?
10 Does all of it go to the Turnpike, or the
11 Delaware Port Authority, whatever? Who --

12 MR. ROWE: I don't know the answer.

13 MR. CHRISTIE: I don't know the
14 answer to that one.

15 REPRESENTATIVE COSTA: Thank you.

16 MR. CHRISTIE: I don't think the
17 state's a beneficiary. Do you -- (inaudible).

18 MR. ROWE: No, I don't know that.

19 THE REPORTER: I am sorry, sir.
20 Could you please speak up, so I can get your
21 answer?

22 MR. CHRISTIE: Thank you.

23 CHAIRMAN MARKOSEK: Hold on.

24 Excuse me. The Chair recognizes Chairman
25 Geist.

1 REPRESENTATIVE GEIST: Thank you
2 very much, Joe.

3 (Off-the-record discussion.)

4 REPRESENTATIVE GEIST: Just a
5 couple of questions. When you are preparing
6 your regulation to go to IRRC, have you ever
7 consulted the people that worked on this in
8 the General Assembly? Has there been any
9 communication with us?

10 MR. ROWE: Not at this point.

11 MR. CHRISTIE: I would probably say
12 not that I am aware of. But I would -- I
13 would only say we drafted the original
14 regulation as per our understanding of the
15 state law.

16 REPRESENTATIVE GEIST: I was deeply
17 involved with this since the get go, for
18 years. And if you really would like to
19 discuss legislative intent, we would be more
20 than glad to do that with you. It is always
21 surprising to read what legislative intent was
22 from people who had no part in it.

23 The program was developed and
24 designed by Philadelphia rep's, by working
25 with some of us, to be a safety program. And

1 it is very interesting when I read some of
2 this stuff to kind of wonder really what's
3 going on.

4 And then I have one more question
5 for you. Do you believe in the Uniform
6 Vehicle Code for the whole State of
7 Pennsylvania? And does anybody get a pass to
8 write their own vehicle code?

9 MR. CHRISTIE: I --

10 REPRESENTATIVE GEIST: And you are
11 the secretary, deputy.

12 MR. CHRISTIE: Well, I understand
13 that. I guess I've -- I hadn't thought about
14 that question in particular. I believe in the
15 Uniform Vehicle Code. I guess --

16 REPRESENTATIVE GEIST: Should
17 municipalities have a right to write their own
18 vehicle code or should there be one vehicle
19 code for the whole state?

20 MR. CHRISTIE: To be honest with
21 you, I hadn't thought about that. I would
22 have to give that some thought before I give
23 you my answer on that.

24 I really hadn't thought about that.
25 But, although, I do believe in the vehicle

1 code and I would probably say I --

2 No, I would have to think about
3 that. I hadn't thought -- I haven't really
4 thought about the pro's and con's of your
5 question.

6 REPRESENTATIVE GEIST: So if you
7 had 50 different municipalities across the
8 state who wrote 50 laws that are contrary to
9 the vehicle code, would that be all right?

10 MR. CHRISTIE: No, I don't think
11 so. But I -- Like I said, I would have to --
12 To give you an honest answer, I would have to
13 take some thought on that.

14 REPRESENTATIVE GEIST: All right.
15 Thank you. We are going to get into some of
16 this stuff later, so I just --

17 MR. CHRISTIE: I will say too --

18 REPRESENTATIVE GEIST: I would
19 strongly suggest, though, that PennDOT is not
20 that far away from this building.

21 MR. CHRISTIE: And I quite
22 honestly --

23 REPRESENTATIVE GEIST: And for some
24 reason, over the last few years, and I have no
25 idea why, it is like it is a million miles

1 away from us and it doesn't have to be.

2 MR. CHRISTIE: Well, I think I
3 would say, quite honestly, we felt we wrote
4 the original regulation in accordance with the
5 state law, and we were certainly going to be
6 having discussions with all of the interested
7 parties to make sure that we come up with a
8 regulation that works.

9 REPRESENTATIVE GEIST: Thank you.

10 CHAIRMAN MARKOSEK: Representative
11 John Siptroth.

12 REPRESENTATIVE SIPTROTH: Thank
13 you, Mr. Chairman. In regards to the question
14 which was asked of the Easy Pass, I will
15 identify I have been working for the Delaware
16 River Joint Toll Bridge Commission for a
17 number of years. There is no affect, monetary
18 affect on the Commonwealth of Pennsylvania
19 regarding the delinquent accounts for the
20 actual use of the Easy Pass money. So, to the
21 best of my knowledge, there is no --

22 THE REPORTER: Excuse me, sir.
23 Could you repeat that last part? I am having
24 difficulty hearing. Sorry.

25 REPRESENTATIVE SIPTROTH: I think

1 it's the position of the speaker. Not the
2 speaker or these speakers, but the physical
3 speaker up there. It is facing over in the
4 corner and it is bouncing around. But I will
5 try to speak slowly and a little more loudly.

6 To the best of my knowledge, there
7 is no direct benefit to the Commonwealth of
8 Pennsylvania, monetarily, regarding the use of
9 Easy Pass.

10 I have one question and I would
11 just like clarification. Did you -- And I
12 apologize, I was a little bit late coming in.
13 Did you indicate, Mr. Secretary, that the
14 commonwealth has been a beneficiary in the
15 Motor License Fund of \$8 million to date --

16 MR. CHRISTIE: Yeah.

17 REPRESENTATIVE SIPTROTH: -- with
18 red light camera enforcement?

19 MR. CHRISTIE: Yes, it's been
20 placed in a restricted account.

21 REPRESENTATIVE SIPTROTH: Thank you
22 very much. Thank you, Mr. Chairman.

23 CHAIRMAN MARKOSEK: Thank you.
24 Representative Mark Keller.

25 REPRESENTATIVE KELLER: Thank you,

1 Mr. Chairman.

2 As you went through your report
3 here, Scott, we talked about the annual report
4 that you received on red light running and the
5 violations. What concerns me is such a
6 difference in reduction from 10 percent to 81
7 percent. Can you indicate why there is such a
8 difference in that percentage?

9 I mean that just seems awful
10 strange to me. That from 10 percent to 81
11 percent seems, you know, kind of maybe there
12 is some missed numbers there.

13 MR. CHRISTIE: I --

14 MR. ROWE: It's probably based on
15 the --

16 MR. FENERTY: That's a specific
17 question and the Parking Authority should
18 answer it.

19 MR. CHRISTIE: Okay. Yeah, I
20 believe that the Parking Authority just
21 indicated that he has some further information
22 to answer that. I --

23 We talked about that internally, in
24 the department. And it obviously has--and as
25 for the testimony that I have provided--it has

1 to do with various locations and whether
2 people really get, become aware that there is
3 a camera there and change their behavior. So
4 I am assuming they all have them.

5 We haven't looked at it in depth at
6 this point in time. Although, we did notice
7 the numbers, as you indicated, and we probably
8 would like to take a look at it.

9 REPRESENTATIVE KELLER: So we can
10 look forward, when the Parking Authority does
11 their testimony, to how to address that?

12 MR. CHRISTIE: Yes.

13 REPRESENTATIVE KELLER: Okay. Very
14 good. Thank you.

15 CHAIRMAN MARKOSEK: Okay.
16 Representative Mark Longietti.

17 REPRESENTATIVE LONGIETTI: Thank
18 you, Mr. Chairman.

19 Just a couple of questions on the
20 remarks that you have made. You indicated
21 that it has only been a three-year period and
22 therefore you can't really say what percentage
23 or what the actual reduction was in terms of
24 angle accidents. Why isn't three years long
25 enough? And what period of time would be long

1 enough to make that determination? Do you
2 have any comments on that?

3 MR. ROWE: Right, because it needs
4 to be statistically significant.

5 MR. CHRISTIE: Yeah. It just --
6 Just like we do for fatalities across the
7 state, things have to be statistically
8 significant.

9 And if you look at, if you just
10 look at the overall fatalities for the entire
11 state, you need a number of years to determine
12 that the fatalities are truly coming down or
13 accidents are truly coming down. So if you --

14 Sometimes you can do something and
15 see a drastic reduction--or even a slight
16 increase--and then it takes a bit of time
17 before the changes take affect and you can
18 actually determine a trend. And so, well, you
19 don't want to conclude just on three years'
20 evidence that something is working very well
21 or not working. To be statistically valid in
22 the traffic arena, we generally found five
23 years is the -- is a more effective time
24 frame.

25 REPRESENTATIVE LONGIETTI: Is there

1 any -- Are there any data on in the three-year
2 period of time? I understand that is not
3 preferable to look at, but is there actual
4 data on reduction of accidents during that
5 period of time?

6 MR. CHRISTIE: Well, certainly,
7 there is data. And, certainly, there is an
8 indication that it, as we indicated, there is
9 a -- Generally, you can determine that it is
10 up to 25 percent, around 25 percent.

11 We would have to take a look at
12 each -- We can -- I am sure we can get the
13 data, or the Parking Authority has the data,
14 that we can take a look at it as far as how
15 each intersection is actually behaving or what
16 is happening in each intersection.

17 REPRESENTATIVE LONGIETTI: I think
18 it would be helpful to see that. You know, I
19 don't know what all goes into selecting how
20 many years is most optimal to look at, but it
21 would seem logical that a three-year period of
22 time --

23 You know, it takes some time for
24 people to realize there is a red light camera
25 there and then it takes some period of time

1 for them to modify their behavior. If that's
2 the whole premise of the red light camera, one
3 would think, in passing them in three years,
4 that you would be able to experience that.
5 But it would be interesting to see how that's
6 borne out in various intersections.

7 MR. CHRISTIE: And we can take a
8 look at that. I just reiterate that,
9 historically, when you look at traffic and
10 safety and fatalities, that type of
11 information, when you look at it overall, in
12 all of the things we do, whether it's red
13 light cameras, rumble strips, cable guide
14 rails, all different types of things that we
15 put in, generally you have to look at a trend
16 over five years to determine the true
17 effectiveness.

18 REPRESENTATIVE LONGIETTI: Now,
19 when you talk about the reduction in actual
20 violations as opposed to accidents, what are
21 we comparing there?

22 Are we comparing violations prior
23 to the red light camera being installed versus
24 afterwards? Or are we looking at, okay, the
25 red light camera was installed last year and

1 now a year later the violations have been
2 reduced?

3 Do you know what we are comparing?
4 Is it pre camera? Is it post camera? Or is
5 it during the period of the camera?

6 MR. CHRISTIE: Yeah. I was going
7 to say that the Parking Authority has the
8 actual data on all of that.

9 REPRESENTATIVE LONGIETTI: Okay.

10 MR. CHRISTIE: I mean there would
11 be violations and there would be accidents to
12 take a look at, so all of that would be
13 germane.

14 REPRESENTATIVE LONGIETTI: That
15 would be interesting to hear from them,
16 perhaps later on, on that issue.

17 One would think that, you know,
18 there is not 24-hour-a-day police surveillance
19 prior to the cameras, so that is going to make
20 a difference because the cameras are on 24
21 hours a day.

22 Lastly, you mentioned that the
23 revenue goes into the Motor License Fund and
24 then is used for Transportation Enhancement
25 Grants. And I haven't been on the committee

1 that long, so my ignorance. But is that --
2 Are those grants statewide or is that for just
3 a particular region? Do you know?

4 MR. CHRISTIE: That's -- was yet to
5 be determined. The original regulation, the
6 way it was drafted, indicated that it would be
7 statewide. However, the comments that have
8 come in that this is a City of Philadelphia --
9 this is an operation occurring in the City of
10 Philadelphia and where should the funds be
11 utilized?

12 REPRESENTATIVE LONGIETTI: Are you
13 aware of any other circumstance where the
14 state collects money itself and--for
15 transportation, that is--and only distributes
16 it to a particular region versus providing it
17 for statewide purposes?

18 MR. ROWE: I am not aware of any.

19 MR. CHRISTIE: I am not -- I mean
20 the state gets various funds from a lot of
21 different things, a lot of different
22 operations. I -- At this point in time, I am
23 not aware of any in particular.

24 REPRESENTATIVE LONGIETTI: I
25 certainly would be an advocate to remind us:

1 If this is collected like this, it should be
2 available to the entire state for
3 transportation improvement projects based on
4 the common merits of those projects and not
5 just compartmentalize it for a particular
6 region.

7 Thank you, Mr. Chairman.

8 CHAIRMAN MARKOSEK: And thank you.
9 Representative Mike Carroll.

10 REPRESENTATIVE CARROLL: Thank you,
11 Mr. Chairman.

12 Can you, Scott, define or describe
13 the transportation enhancement?

14 MR. CHRISTIE: It could be a
15 variety of things. It could be things to
16 improve the safe routes to schools, things
17 like that. It could be enhancing sidewalks.
18 It could be enhancing intersections and the
19 operation of an intersection and the signals
20 at an intersection. So it could be -- It
21 could be providing extra trails in some cases.

22 But I think that's part of the
23 comments that we have received, is that, okay,
24 what would we prioritize if we are looking at
25 an enhancement program? And what should the

1 money be used for? Should it be towards
2 fixing the safety at intersections and the
3 operation of the signal? Or should it be for
4 other issues? And what's the importance in
5 the list of priority of those, of those
6 projects?

7 REPRESENTATIVE CARROLL: But based
8 on that short answer, it sounds like the
9 transportation enhancement, as identified at
10 least, could be -- or it could be necessary in
11 any region of the state?

12 MR. CHRISTIE: Certainly
13 enhancement -- I mean there is an enhancement
14 program right now that goes out through all
15 the MPOs and RPOs and so there is an
16 enhancement program statewide currently.

17 REPRESENTATIVE CARROLL: But there
18 is no one community in this state that needs
19 transportation enhancements to the -- with
20 that need being the exception of all the
21 others.

22 MR. CHRISTIE: No, I would say that
23 everybody is looking for enhancement projects.

24 REPRESENTATIVE CARROLL: And one
25 final question. Do you expect the

1 disbursement from the dedicated funds would be
2 an annual disbursement?

3 MR. CHRISTIE: That's the intent.
4 Yeah, that was the intent. Although, that is
5 one of the comments that did come in: How are
6 we going to be managing it and administering
7 it? Is it going to be annual? And you should
8 put time frames in there. So, yes, that's --
9 That was the intent of it.

10 REPRESENTATIVE CARROLL: Okay.
11 Thank you very much.

12 CHAIRMAN MARKOSEK: Okay. Thank
13 you. Representative Tim Solobay.

14 REPRESENTATIVE SOLOBAY: Thank you,
15 Mr. Chairman.

16 And some of this has already been
17 talked about in one sense or another. But one
18 of the biggest oppositions that we hear about
19 the red light intersection cameras is that
20 it's going to increase accidents and problems
21 verses decreasing.

22 And what I have heard from you so
23 far, based on the three years of data,
24 collection of your data, it has shown that
25 that has not been the case. I am anxious to

1 hear what the folks from Philly have to say.

2 But is it pretty safe to say then
3 that that opposition is probably more based on
4 the fact that there is fines being levied and
5 then impressed versus the actual safety
6 concerns that a variety of them are trying to
7 eliminate -- or the safety concerns we are
8 trying to impose there versus causing more of
9 a problem?

10 MR. CHRISTIE: Yeah, certainly, we
11 wouldn't do it if it was causing more of a
12 safety problem. So I -- I don't -- I can't
13 speak for anybody that objects to it based
14 upon safety because, as indicated, the Federal
15 Highway Administration would say that
16 generally safety is improved when any of these
17 are put in place.

18 So I don't know where the -- I
19 can't speak for them, but I --

20 At this point in time, from looking
21 at the data, it looks like safety does, it
22 does get improved where these are installed.

23 REPRESENTATIVE SOLOBAY: Thank you.

24 CHAIRMAN MARKOSEK: Chairman Geist.

25 REPRESENTATIVE GEIST: Thank you

1 very much.

2 I would like to correct the answer
3 to the one about this. First of all, it is a
4 pilot program.

5 MR. CHRISTIE: That's correct.

6 REPRESENTATIVE GEIST: And the
7 pilot program, to become permanent, needs the
8 votes of all the members of the General
9 Assembly, just not the members of
10 Philadelphia?

11 MR. CHRISTIE: That's correct.

12 REPRESENTATIVE GEIST: So I want to
13 make it very clear that this is a pilot
14 program. It was set up by the General
15 Assembly to be a pilot program to show that we
16 could drastically cut the number of accidents,
17 especially on Roosevelt Boulevard.

18 Now, to make it permanent, there is
19 other work and some heavy lifting that has to
20 be done by the General Assembly, by all of the
21 General Assembly?

22 MR. CHRISTIE: That's correct.

23 CHAIRMAN MARKOSEK: Okay.

24 Representative John Siptroth.

25 REPRESENTATIVE SIPTROTH: Thank

1 you, Mr. Chairman.

2 Just as a follow-up, does the State
3 of Florida have a statewide camera enforcement
4 program in place? Does anyone from the
5 department know that?

6 MR. CHRISTIE: I am not. And I
7 haven't looked into that, so I am not aware of
8 that.

9 REPRESENTATIVE SIPTROTH: Are there
10 any other states across the United States that
11 may have a statewide camera enforcement
12 program in place?

13 MR. ROWE: Actually, there are six
14 -- The statewide chapter, there is --

15 MR. CHRISTIE: You said statewide?
16 That's why I am not --

17 MR. ROWE: There is --

18 REPRESENTATIVE SIPTROTH: Well,
19 rather, then, just say a particular area.

20 MR. ROWE: There's 22 states. If
21 Florida does, I would think they would have
22 red light regulations. I don't know the
23 details.

24 MR. CHRISTIE: The information we
25 have indicates that 22 states have a red light

1 enforcement technology in place. Now, whether
2 it is statewide or not, I am not aware of. We
3 would be happy to check that.

4 REPRESENTATIVE SIPTROTH: Would you
5 research that and provide it to the committee,
6 if you would, please?

7 MR. CHRISTIE: Yeah, we could take
8 a look at that. That's fine.

9 And I hesitated to answer your
10 question, I -- We know that states have the
11 program, but you asked whether they were
12 statewide so I would have to check that.

13 REPRESENTATIVE SIPTROTH: Okay.
14 And, currently, in the pilot program that is
15 currently in place, does the City of
16 Philadelphia have the ability to deduct the
17 administration and maintenance costs prior to
18 the distribution of the funds or the fines
19 that it would be receiving?

20 MR. CHRISTIE: Yes, that's what --
21 that's what is happening.

22 REPRESENTATIVE SIPTROTH: And that
23 would be that that would continue as well?

24 MR. CHRISTIE: Yes, that would be a
25 base in the program, if it were going forward,

1 yes.

2 REPRESENTATIVE SIPTROTH: Okay.

3 Thank you. And just for the record and a
4 comment, I feel that we are going to be facing
5 a very, very significant transportation
6 funding -- surface transportation funding
7 shortage in the next couple of years and that
8 the loss of the revenues that are generated
9 through this program will certainly impede the
10 state for the great benefits that the
11 traveling public receives from the use of the
12 Motor Fund. So I would be very cautious that
13 the program be eliminated, and would be more
14 supported, a broader base.

15 Thank you, Mr. Chairman.

16 CHAIRMAN MARKOSEK: Okay. Thank
17 you.

18 One quick question, Mr. Deputy
19 Secretary. The \$8 million that we have
20 currently are we receiving interest on that?
21 Is that drawing interest?

22 MR. CHRISTIE: I am going to
23 presume so. Usually, when we place it in a
24 restricted account, it's -- I mean I would
25 have to refer that to my fiscal officer to

1 actually get a definitive answer for you.

2 But I -- I'm -- It is in a
3 restricted account in the Motor License Fund,
4 and I would have to take a look at how it is
5 invested. But we can get you that answer.

6 CHAIRMAN MARKOSEK: Okay. If you
7 can respond to the committee with that answer,
8 we would appreciate it.

9 MR. CHRISTIE: Okay.

10 CHAIRMAN MARKOSEK: Okay. Not
11 seeing any other questions, Deputy Secretary,
12 Mr. Rowe, thank you very much. We appreciate
13 that. It was very enlightening.

14 And before I introduce our next
15 person to testify, I want to read for the
16 record the members who are here for the
17 benefit of the stenographer and the record.

18 Besides myself, of course, Chairman
19 Geist. We have Representative Tim Solobay,
20 Representative John Evans, Representative Mark
21 Longietti, Representative Mike Carroll,
22 Representative Mark Keller, Representative
23 Paul Costa, Representative Dave Hickernell,
24 Representative John Siptroth, Representative
25 Ted Harhai, and Representative John Sabatina.

1 So, with that, thank you for
2 attending. And our next person to testify is
3 an old friend of -- Or I should say friend, a
4 former state employee, Rina Cutler, who is now
5 the Deputy Mayor of Transportation and
6 Utilities for the City of Philadelphia.

7 Rina, good to see you again.
8 Welcome.

9 MS. CUTLER: Thank you, Mr.
10 Chairman.

11 CHAIRMAN MARKOSEK: And you may
12 begin.

13 MS. CUTLER: Good morning to the
14 committee, Chairman Geist, Chairman Markosek,
15 and members of the committee.

16 Again, my name is Rina Cutler. I
17 am the Deputy Mayor for Transportation and
18 Utilities for the City of Philadelphia. I am
19 here this morning on behalf of Mayor Nutter to
20 offer testimony relating to Proposed
21 Regulation #18-415 regarding Transportation
22 Enhancement Grants from Automated Red Light
23 Enforcement System Revenues.

24 The city objects to a basic aspect
25 of the proposed rules that funding derived

1 from penalties assessed against drivers
2 violating traffic rules solely at 15--I
3 apologize, my comments say 16--intersections
4 located in Philadelphia may be granted for
5 highway improvement projects located elsewhere
6 in the state.

7 We believe it is fundamentally
8 unfair to use funding derived from serious
9 traffic violations that endanger only
10 Philadelphia residents and visitors, and which
11 fine money is paid entirely by Philadelphia
12 residents and visitors, for the development of
13 traffic safety improvements throughout the
14 commonwealth.

15 The city supports language that
16 directs fine money to the city or county where
17 the red light camera is in operation.

18 We do recognize at this time during
19 this pilot program that the City of
20 Philadelphia is the only municipality and/or
21 county that implements this program, but we
22 are also very strongly supportive of the
23 program being expanded statewide.

24 I am aware of the concerns
25 expressed by Representative Geist in his

1 September 21st, 2009 letter to PennDOT. The
2 city agrees with Representative Geist that
3 this is a program which is first and foremost
4 about safety. It was successful as a pilot
5 program; has been continued I believe two more
6 times, currently until the end of 2011; and it
7 continues to be successful as one of the ways
8 the city is trying to reduce accidents and
9 fatalities in the city.

10 The fatality rate on Roosevelt
11 Boulevard, where the Red Light Camera Program
12 originated, decreased from 16 in 2007 to
13 seven--including one pedestrian death--in
14 2008. Our goal is to get that fatality rate
15 to zero. Let me repeat: This is not about
16 revenue enhancement. It is a tool to assist
17 law enforcement with capturing illegal and
18 dangerous driver behavior.

19 There does seem to be some
20 confusion about the operation of the program.
21 And while I hate to disagree with my former
22 colleague, Deputy Secretary Scott Christie, I
23 would like to clarify this.

24 The City of Philadelphia neither
25 operates the Red Light Camera Program nor has

1 any influence as to either the number of
2 citations issued or how those dollars are
3 collected.

4 The city does approve, through City
5 Council, only the location of the cameras.
6 There is no way for the city to either assume
7 control of the program nor have any influence
8 on how many violators are caught on camera.
9 The technology takes photos of vehicles that
10 run red lights. The money will not go to the
11 city's General Fund and will be reinvested
12 specifically for transportation safety
13 programs.

14 While I hear about anecdotal
15 stories of technology manipulation and/or the
16 notion that the city would use this
17 program--which it in fact never touches--to
18 raise revenue, is both disappointing and
19 cannot be supported by facts.

20 In fact, a successful Red Light
21 Camera Program should operate with a
22 diminishment of citations every year. That
23 has certainly been the case here. In April
24 2009, the last month for which data is
25 publicly available, there were an average of

1 27 violations issued per intersection per day.
2 Compare that to a maximum level of 120
3 violations on average per intersection per day
4 during the program's first year. That is an
5 overall reduction of about 78 percent.

6 There is information and data which
7 we could provide, which actually breaks that
8 down by intersection that we could provide you
9 from the Philadelphia Police Department, if
10 that is the committee's desire. But that is
11 hardly the revenue enhancement you may hear
12 about.

13 An insurance institute for highway
14 safety evaluation of red light cameras in
15 Philadelphia found that increased yellow
16 signal timing reduced red light violations by
17 36 percent. The addition of red light cameras
18 further reduced those violations -- The
19 addition of red light cameras further reduced
20 red light violations by approximately 96
21 percent.

22 Giving drivers ample warning is
23 critical to the safety impact of the program,
24 signs which are posted in advance of
25 intersections with automated enforcement that

1 read "PHOTO ENFORCED" allows drivers to slow
2 down before they get to the red light. In
3 fact, the most successful red light cameras
4 generate limited revenue.

5 The results of this program to date
6 have been remarkable, and the sunset period,
7 as I said, has been extended twice, currently
8 to 2011.

9 When former State Rep. George
10 Kenney--who I believe will testify
11 shortly--from Philadelphia sponsored the
12 original automated red light enforcement
13 legislation in 2001, the intent was to
14 determine if this technology could reduce red
15 light running and improve safety.

16 While it may be true that the
17 ultimate legislation passed by this
18 legislature was different, that did not change
19 the initial intent of that bill. The history
20 of legislative intent, at least it was as part
21 of my involvement in it, that was clear: At
22 no time did anybody talk about those revenues
23 being diverted outside the city for safety
24 improvements; it was intended to be reinvested
25 in the community.

1 In my former capacity as Deputy
2 Secretary for Administration for PennDOT, I
3 worked very hard with Representative Kenney in
4 the Philadelphia delegation to gather support
5 for this project partly because it was
6 earmarked for safety improvements in
7 Philadelphia.

8 The newest intersections, by the
9 way, that have come on line since the initial
10 ones are in fact on city streets and not on
11 state highways, and those were authorized and
12 voted on by the Philadelphia City Council.

13 As part of a multi-agency effort to
14 improve safety and reduce pedestrian deaths on
15 the Roosevelt Boulevard corridor, a press
16 conference was held, including the
17 Philadelphia delegation, where it was
18 announced that the city and state had formed a
19 task force to develop safety programs along
20 Roosevelt Boulevard and that the "Kenney" Red
21 Light Camera bill had been introduced,
22 proposing use of fines and money generated for
23 the program for safety improvements along the
24 boulevard and in the city.

25 At no point in the discussions, at

1 least with those of us from the City of
2 Philadelphia, was there any indication that
3 anyone thought those dollars would or should
4 be used outside the city.

5 As a transportation professional
6 with three decades of experience, I would
7 recommend automated red light enforcement to
8 any jurisdiction where red light running is a
9 persistent safety problem. It seems to me
10 that it is only fair that revenues derived
11 from automated red light enforcement programs
12 be invested in safety improvements in the city
13 or county where they are generated. This is a
14 fairness and equity issue for the City of
15 Philadelphia and we ask for your support.

16 I am happy to answer any questions
17 anyone may have.

18 CHAIRMAN MARKOSEK: Okay. Thank
19 you very much, Rina.

20 Representative and Chairman Rick
21 Geist.

22 REPRESENTATIVE GEIST: Thank you
23 very much.

24 Let me ask you the same question I
25 asked Scott Christie. As a former Deputy

1 Secretary, do you believe in the Uniform
2 Vehicle Code for the whole state and should
3 municipalities be able to write their own
4 vehicle code law?

5 MS. CUTLER: I do, Chairman Geist,
6 believe in a uniform vehicle code. But I do
7 believe that the vehicle code is amended on a
8 very regular basis to deal with specific
9 issues in specific places. So I do believe in
10 this case -- And I assume we are talking about
11 the cell phone ban, not the red light ban?

12 REPRESENTATIVE GEIST: It isn't
13 just one. It is just not Philadelphia. There
14 are other municipalities that have done it.

15 MS. CUTLER: So I do agree it
16 should be uniform. However, I do agree that,
17 with the legislature, it should be able to be
18 amended for specific reasons, yes.

19 REPRESENTATIVE GEIST: And do you
20 believe the legislators outside of
21 Philadelphia should have a say in that code
22 statewide?

23 MS. CUTLER: In that code
24 statewide, I do.

25 REPRESENTATIVE GEIST: As you

1 quoted, a press conference that was held in
2 Philadelphia about revenues staying in
3 Philadelphia, but at that time there wasn't
4 enough horse power in this General Assembly to
5 pass legislation, and you were part of that.

6 I worked the compromise to know
7 what happened here.

8 And then I would like to correct
9 something else in your testimony. And you are
10 free to debate that, if you want.

11 You already have had one problem
12 with yellow light timing, the dwell timing in
13 Philadelphia. It had to return -- A lot of
14 fines were collected because of that.

15 MS. CUTLER: I am happy --

16 REPRESENTATIVE GEIST: This General
17 Assembly is very concerned about how that
18 program is administered. I think the Parking
19 Authority does a marvelous job with it. The
20 reports have been great.

21 But this is a -- just not a
22 Philadelphia thing. This is a pilot program.
23 If it works, it works well there, it will be
24 all over the state.

25 MS. CUTLER: I do agree that the

1 Parking Authority has done a good job.

2 I would only debate your beginning
3 comment that said the city has had an issue
4 with yellow light manipulation. In fact, the
5 city does not touch this program. So if there
6 is an issue with that, that issue rests solely
7 with the Parking Authority.

8 REPRESENTATIVE GEIST: Thank you.

9 The intersections that we have
10 amended, that the city has amended, show a
11 very, very good program. The revenue that is
12 collected is only the amount that is to be
13 administered to run the program, additional
14 revenues that comes to the state enhancement
15 program.

16 Now, it has been three years. And
17 even during your watch, you had the ability to
18 write this regulation and we still don't have
19 it. It has taken an awful long time, hasn't
20 it?

21 MS. CUTLER: It has indeed, and
22 there is no reason for it.

23 REPRESENTATIVE GEIST: The
24 suggestion that I had before and I am deadly
25 serious about: The department is very close

1 to this building. It doesn't take anybody
2 much to walk over here and sit down and talk
3 to us. We would be more than glad to put our
4 expertise and our records, and what was said
5 in debate and what was put on the record, into
6 crafting a very good piece. I don't think any
7 of that has been done so far. I would suggest
8 that it be done. But we could probably speed
9 this process up.

10 And as enhancement goes, in the way
11 the enhancement money is distributed across
12 the state, Philadelphia can apply for that
13 money just like anyone else.

14 But there is no reason that
15 projects in Pittsburgh and other places don't
16 qualify. We have used people from all over
17 this state to pay for the transportation
18 program for others. Act 44 is a great example
19 of that.

20 We let people that live in Bedford
21 drive to Breezeway every day help pay for mass
22 transit. It is just not stand alone. And the
23 attitude that if it is collected in
24 Philadelphia, it stays in Philadelphia, is
25 totally contrary to the intent of this

1 legislation.

2 CHAIRMAN MARKOSEK: Okay.

3 Representative Paul Costa.

4 REPRESENTATIVE COSTA: Thank you,
5 Mr. Chairman.

6 And, Miss Cutler, thank you very
7 much. I don't know if you were here when I
8 asked the previous speakers. Are you aware,
9 is there any difference between receiving a
10 ticket in going through a camera intersection
11 as opposed to a non-camera intersection as far
12 as how much money Philadelphia receives from
13 that ticket?

14 MS. CUTLER: Yes, there is.

15 REPRESENTATIVE COSTA: And what's
16 the difference?

17 MS. CUTLER: Um.

18 REPRESENTATIVE COSTA: Do you
19 receive more from the camera light or less?

20 MS. CUTLER: Well, at the moment,
21 no one is receiving any.

22 REPRESENTATIVE COSTA: Okay.

23 MS. CUTLER: But the fine for
24 running the red light, I believe, is the same.
25 But the Red Light Camera Program tacks on an

1 additional penalty for it. Is that -- The
2 Parking Authority representative can answer
3 that, including how the money splits between
4 the locals and the state.

5 But I am not a hundred percent sure
6 of my answer. But I -- But the Parking
7 Authority can answer it.

8 REPRESENTATIVE COSTA: I just want
9 to be clear--and not to get my Philadelphia
10 roommates upset with me--I think that it
11 should be fair. I mean, I would like to keep
12 the \$8 million until we can figure out what to
13 do with it, but I am thinking it should be a
14 fair system.

15 If I run a red light in Harrisburg
16 or Philadelphia without a camera, or
17 Pittsburgh, whatever percentage those
18 municipalities get, I believe that you should
19 get the same amount. So that's what I am
20 trying to find out. Is that the case?

21 MS. CUTLER: I am sure the Parking
22 Authority can respond.

23 REPRESENTATIVE COSTA: Thank you.

24 CHAIRMAN MARKOSEK: Chairman Geist
25 has a follow-up.

1 REPRESENTATIVE GEIST: One of the
2 things that we tried to correct in this, is
3 that, if you cite somebody in Philadelphia,
4 the officer has to be able to testify to the
5 cite --

6 MS. CUTLER: Um-hum.

7 REPRESENTATIVE GEIST: -- a camera
8 is not acceptable. So if you're going to
9 enforce within the city, then you would have
10 to use city officers to do that, who could
11 testify?

12 This program was written as a --
13 one of the first really trust agreements. We
14 tried for years to have camera enforcement in
15 construction zones for speed. All of that was
16 knocked down because it is unconstitutional in
17 Pennsylvania.

18 And we understand exactly how
19 traffic enforcement works. And if the city
20 wants to do that, they could add more police
21 officers and work every intersection if they
22 want. But what happened was the city couldn't
23 afford it, so we had to work out a legal
24 compromise that would work to improve safety.

25 And that's what this was all about.

1 I don't know how it has gotten twisted around
2 to the fact that there is a pot of money
3 there, let's just keep it in Philadelphia. An
4 awful lot of people that come down Roosevelt
5 Boulevard and get tickets are from Bucks
6 County, I think, right?

7 MS. CUTLER: I believe that's
8 correct.

9 REPRESENTATIVE GEIST: And you are
10 not talking about sharing it any with Bucks
11 County, right?

12 MS. CUTLER: I am happy to provide
13 the structure for Bucks County to run their
14 own Red Light Camera Program.

15 REPRESENTATIVE GEIST: That's why
16 we have to be pure to the procedures and make
17 sure that it really works in Philadelphia, and
18 let Vince and the fine people and Corinne and
19 the fine people at the Parking Authority do
20 their job and do it well and stay absolutely
21 pure with it.

22 If there is a hint that this is for
23 revenue collection rather than safety, then it
24 is going to hurt. It is going to do it for
25 the whole state.

1 MS. CUTLER: I totally agree with
2 you, Representative Geist.

3 CHAIRMAN MARKOSEK: Okay.
4 Representative Mark Longietti.

5 REPRESENTATIVE LONGIETTI: Thank
6 you, Mr. Chairman.

7 Correct me if I am wrong, there is
8 no cost to administrating this program to the
9 City of Philadelphia; is that right?

10 MS. CUTLER: Well, there is a cost
11 in two ways. The first is that I believe, as
12 just referenced by Representative Geist,
13 Philadelphia police officers review the
14 violations, the camera angles and the shots
15 before citations are issued, so there is that
16 cost.

17 There is also the cost of just
18 dealing with the -- When a location for a
19 camera is put forth, whether it is put forth
20 from the Parking Authority or the city, city
21 engineers go out to do the work relative to
22 the location of the camera. Is the
23 intersection safe? So we have some costs
24 related to locations prior to installation.

25 REPRESENTATIVE LONGIETTI: So a

1 little bit of startup cost there. But in
2 terms of the cameras themselves, I believe the
3 previous testifier talked about that there was
4 a \$9.5 million operating cost that comes
5 directly out of the proceeds from the
6 penalties; is that correct?

7 MS. CUTLER: Yeah, it is all from
8 the Parking Authority.

9 REPRESENTATIVE LONGIETTI: So
10 that's not a cost to the city, right?

11 MS. CUTLER: No, it is not, sir.

12 REPRESENTATIVE LONGIETTI: Okay.
13 You mentioned in your testimony, I think, that
14 there are signs that are placed to notify
15 drivers that there is photo equipment?

16 MS. CUTLER: Photo enforcement.

17 REPRESENTATIVE LONGIETTI: Who pays
18 for those signs?

19 MS. CUTLER: I believe they come
20 out of the program.

21 REPRESENTATIVE LONGIETTI: And tell
22 me if I am wrong, but, intuitively, there is a
23 benefit to the City of Philadelphia both in
24 terms of safety is the primary concern,
25 reducing accidents.

1 We all know, tell me if I am wrong,
2 if there is an accident, the police officers
3 are going to be dispatched and there is going
4 to be time and effort spent on determining who
5 is at fault, perhaps the accident
6 reconstruction, perhaps testimony at hearings,
7 that sort of thing?

8 MS. CUTLER: Absolutely. We agree
9 that the program definitely benefits the city.

10 REPRESENTATIVE LONGIETTI: And tell
11 me if I am wrong there, there would also, I
12 would think, be a benefit in terms of, well,
13 if we have an effective red light camera at an
14 intersection that we really don't need to
15 devote man and woman hours so much to policing
16 that intersection as we might have prior to
17 the camera being installed because the camera
18 is doing the job?

19 MS. CUTLER: Yes. And in fact one
20 of the interesting statistics that have come
21 out of the program: Most of the accidents on
22 Roosevelt Boulevard actually happen between
23 midnight and 5 a.m., and so, obviously, those
24 are not hours where we have a lot of police
25 officers watching traffic. So, yes.

1 In fact, I think the original --
2 one of the original intents of the program was
3 to be able to monitor that without police
4 officers live at the scene.

5 REPRESENTATIVE LONGIETTI: So when
6 we look to this program with an eye towards
7 safety, we also see, though, at the same
8 time--tell me if I am wrong--that there really
9 isn't much of a financial cost to the City of
10 Philadelphia for this, but the city is reaping
11 significant benefits in terms of reduced costs
12 because the police aren't having to man
13 intersections, accidents aren't occurring
14 which require costs to the city?

15 MS. CUTLER: I believe there is a
16 benefit, yes, sir.

17 REPRESENTATIVE LONGIETTI: And a
18 financial benefit as well?

19 MS. CUTLER: Yes -- Oh, no, not a
20 -- There is no cost to the city. There is a
21 safety benefit.

22 REPRESENTATIVE LONGIETTI: Right.
23 And, well, to say a financial benefit, though,
24 too? Because, tell me if I am wrong, you just
25 talked about we won't have to police it as

1 much, we won't have as many accidents which
2 costs the city money, so there is a financial
3 benefit as well.

4 MS. CUTLER: Well, it is a
5 deployment question more than a financial
6 benefit.

7 In fact, in the past, I think it
8 was very little enforcement on the boulevard
9 during those hours so I don't know that there
10 would be an additional financial cost; the
11 number of police officers would stay the same.

12 REPRESENTATIVE LONGIETTI: Well,
13 one -- You know, I guess we could debate that
14 point. But one would assume that at a certain
15 point there is an opportunity cost in terms
16 of -- You know, there is going to be a public
17 outcry if there is lots of fatalities at these
18 intersections; and if we don't have red light
19 cameras, then we are going to have to respond
20 to that at some degree, I think, and assign
21 police officers to monitor those
22 intersections; and so, therefore, we don't
23 have to do that now, we can deploy those folks
24 in other places, and so that there is some
25 opportunity cost there at this point.

1 MS. CUTLER: Yeah. I don't want to
2 leave you with the impression that there is no
3 police enforcement on the boulevard. There
4 are a great number of intersections along that
5 nine-mile corridor that do not in fact have
6 red light cameras that are still being
7 monitored by the police department.

8 REPRESENTATIVE LONGIETTI: And I am
9 sure. Sure. It's just it may not be to the
10 degree that would be necessitated for that.

11 MS. CUTLER: Deployment has changed
12 for that. Yes, it has.

13 REPRESENTATIVE LONGIETTI: Thank
14 you, Mr. Chairman.

15 CHAIRMAN MARKOSEK: I just have one
16 question myself. Do you think Philadelphia
17 would support a grant program that they would
18 be eligible just like everybody else would be
19 eligible to share in that fine? On that
20 basis, though, that they would have an
21 opportunity to apply for a grant, you know,
22 just like my community or anybody else's?

23 MS. CUTLER: I think that is what
24 the current regulations actually state. And
25 it would certainly be the city's preference

1 that the program gets opened up statewide and
2 that the money for those private programs stay
3 in the communities where the program is
4 generating them.

5 CHAIRMAN MARKOSEK: Okay. So is
6 that -- That's a no?

7 MS. CUTLER: I have been doing this
8 a long time. I thought that was a perfect
9 answer.

10 CHAIRMAN MARKOSEK: All right.
11 Thank you, Rina. One more question.

12 MS. CUTLER: Oh, sorry.

13 REPRESENTATIVE GEIST: Rina, a Red
14 Sox fan or a Phillie fan?

15 MS. CUTLER: Right now I am a very
16 serious Phillie fan, going home for the game
17 tonight. So, go Phillies.

18 CHAIRMAN MARKOSEK: All right, go
19 Phillies. And Mrs. Caesar (phonetic) is --
20 It's Bill Caesar, the guy that runs the pizza
21 shop, I'll refer to him.

22 Thank you very much.

23 Let me just also for the record
24 point out: As I know there have been some
25 comments about PennDOT, that, you know, they

1 are a big organization, a big bureaucracy, and
2 we have had our frustrations with PennDOT over
3 the years, but I would have to say that the
4 Deputy Secretary has been working very closely
5 with us. Any time we have asked them for
6 anything, they have responded forthwith.

7 So I get there is good as well as
8 some negative stuff with PennDOT, and I just
9 wanted to make sure that I got it on the
10 record.

11 Okay. Next we have the
12 Philadelphia Parking Authority, Mr. Vince
13 Fenerty. Do you want to bring your
14 associates?

15 MR. FENERTY: Yeah, in case there
16 is a question I can't answer. Because after
17 listening to what you asked the Secretary and
18 Rina, I feel I am going to get grilled pretty
19 good.

20 CHAIRMAN MARKOSEK: Let me just
21 remind you that you need to have the mike
22 close, close there, or else the -- So if you
23 could introduce or have your associates
24 introduce themselves and spell their names for
25 the stenographer, please.

1 MS. O'CONNOR: Corinne O'Connor,
2 Director of On-Street. C-O-R-I-N-N-E
3 O-C-O-N-N-O-R.

4 CHAIRMAN MARKOSEK: Thank you. The
5 next gentleman.

6 MR. VOGLER: Chris Vogler, Manager
7 of Red Light Photo Enforcement for the
8 Philadelphia Parking Authority. Vogler,
9 V-O-G-L-E-R.

10 CHAIRMAN MARKOSEK: Okay. Thank
11 you. Okay. Vince, you may begin.

12 MR. FENERTY: Good morning, Mr.
13 Chairman Markosek and Mr. Chairman Geist. As
14 you know, my name is Vince Fenerty. I am the
15 Executive Director of the Philadelphia Parking
16 Authority. And I would like to thank the
17 members of the committee for allowing us to
18 testify here today.

19 And I would like to offer remarks
20 concerning the proposed rules establishing the
21 criteria for distribution, for the
22 distribution process for which the Department
23 of Transportation will distribute revenue
24 generated solely by Philadelphia's Automated
25 Red Light Enforcement Program.

1 Since the proposed rule permits the
2 use of revenue generated from the Red Light
3 Camera Program for highway safety and mobility
4 within the commonwealth, the Parking Authority
5 respectfully disputes the consistency of the
6 proposed rule with the legislative intent of
7 the statute which necessitates its
8 promulgation.

9 It is the Parking Authority's
10 recommendation that the proposed rule be
11 amended to direct the use of the Red Light
12 Camera Program fund solely within the City of
13 Philadelphia, where every dollar controlled by
14 the proposed rule has been generated.

15 Philadelphia's unique highway
16 transportation challenges were the reason for
17 the program, and every dollar available is
18 critically needed to further the remedy of
19 Philadelphia's transportation challenges and
20 safety concerns.

21 As members of the committee are
22 aware, the Parking Authority is the system
23 administrator of the Red Light Camera Program.
24 The program is the first and the only of its
25 kind in the commonwealth and was created as a

1 pilot program, with the original sunset
2 provision being December 31st of '05. Due to
3 the program's success in reducing red light
4 camera violations and motor vehicle accidents
5 where the cameras were deployed, the enabling
6 legislative sunset provision has been extended
7 twice, and now currently runs through December
8 31st of 2011.

9 Over the past several years, the
10 scope of the red light cameras have been
11 judiciously extended through Philadelphia
12 through the joint consent of the Parking
13 Authority, the Department of Transportation,
14 and the City of Philadelphia. There are
15 currently 70 cameras at 15 intersections, with
16 plans for an additional 15 cameras at four
17 intersections within the next several months.

18 The legislation directs that all
19 revenue generated by the Red Light Camera
20 Program, net of the administrator's operating
21 expenses, be transferred to the Department of
22 Transportation. As the program has been
23 expanded, so has the revenue generated by the
24 fines, such that the Parking Authority now has
25 transferred \$8,850,394 to the Department of

1 Transportation since the Red Light Camera
2 Program's inception.

3 The legislation requires the
4 Department of Transportation to place the
5 revenue generated by the Red Light Camera
6 Program into the Motor License Fund for
7 distribution throughout a Transportation
8 Enhancements Grant Program.

9 While the legislation does not
10 expressly constrain the department to direct
11 the available revenue to Philadelphia, the
12 legislation was created only because of the
13 heavily burdened and often dangerous highway
14 system in Philadelphia, which must provide
15 safe transportation for 1.5 million residents
16 and tens of thousands of intrastate and
17 interstate visitors every day.

18 The intent of the legislation was
19 to improve the highway transportation system
20 in Philadelphia. The act dealt only with
21 Philadelphia and every dollar generated by the
22 Red Light Camera Program is derived from
23 Philadelphia residents or frequent users of
24 the highway system.

25 While one day the Red Light Camera

1 Program may be extended throughout the
2 commonwealth, and thus alter the intended
3 scope of Transportation Enhancements Grant
4 Program, today the program only operates in
5 Philadelphia and the enhancements grants
6 should be designated for use in Philadelphia.

7 It is imperative that the
8 Department of Transportation take the intent
9 of the legislation into consideration when
10 promulgating the final rule. The Parking
11 Authority respectfully suggests the following
12 alterations that I have submitted for the
13 record, and any additional alterations that
14 may be necessitated by the more focused scope
15 of the grant eligibility projects resulting
16 from the amendments.

17 The Parking Authority understands
18 the complex nature of the issues presented to
19 the Department of Transportation and respects
20 its efforts and diligence in meeting such
21 far-reaching needs in the commonwealth, but we
22 believe that the proposed rulemaking has cast
23 too broad a net to be consistent with the
24 intent of the enabling legislation. And I
25 would like to thank everyone for letting me

1 testify today.

2 CHAIRMAN MARKOSEK: Okay. Thank
3 you. Thank you, Mr. Fenerty.

4 Chairman Geist.

5 REPRESENTATIVE GEIST: Thank you
6 very much, Vince. Since we are talking about
7 legislative intent, I wanted to tell you the
8 real reason that it was extended for two
9 years. It was really because it was not
10 totally implemented, and we wanted five years
11 of good data, and there was a lot of figure
12 writing (phonetic) that was done. That's
13 exactly why it was extended.

14 The other questions that I would
15 have, have to do with the purity of the
16 program and how you administer that program.

17 Also, I would I like to correct
18 that the monies that were spent on Mark's
19 question all come out of the red light monies
20 and not out of the City of Philadelphia,
21 totally paid for by the program and show up
22 clearly in the audit that you presented to us.

23 MR. FENERTY: Mr. Geist, the only
24 thing that is not repre -- which is not
25 reimbursed to the City of Philadelphia are the

1 engineering costs. Okay?

2 The police officers who do validate
3 the citations, that is reimbursed to the city
4 by a billing method.

5 The engineering cost, which the
6 city does incur, the city has never billed to
7 the program.

8 REPRESENTATIVE GEIST: Okay. Well,
9 you are paying for that policeman's time; is
10 that correct?

11 MR. FENERTY: That is correct. It
12 is clearly in any annual report, yes, sir.

13 REPRESENTATIVE GEIST: How many of
14 those tickets, Vince, are from people outside
15 of the city?

16 MR. FENERTY: Approximately -- We
17 did a quick look, and of those tickets issued
18 in the Commonwealth of Pennsylvania, to
19 Pennsylvania drivers, about 66.2 of those
20 tickets are issued to people from within the
21 boundaries of the City of Philadelphia, and
22 the other is about one-third of Pennsylvanians
23 from other counties or townships within the
24 commonwealth.

25 REPRESENTATIVE GEIST: How many of

1 those are from other states?

2 MR. FENERTY: Chris, how many are
3 from other states?

4 MR. VOGLER: Chairman Geist, out of
5 the total number of violations issued,
6 approximately -- Not -- Well, 85 --

7 As of two months ago,
8 eighty-three-and-a-half percent were issued to
9 Pennsylvania residents, so sixteen-and-a-half
10 percent of red light camera violations that
11 have been issued since the beginning of the
12 program have gone to out-of-state vehicles.

13 REPRESENTATIVE GEIST: You know, we
14 don't want to share with other states our
15 revenue enhancement.

16 MR. FENERTY: No.

17 MR. VOGLER: No, that's why,
18 Chairman, that's why the -- Director Fenerty,
19 he used just out of that -- out of
20 Pennsylvania.

21 REPRESENTATIVE GEIST: While you
22 have the mike there--keep it there for a
23 second--explain what happened with the dwell
24 time and the yellow lights and why you had to
25 use so much money.

1 MR. FENERTY: Let me do that one.
2 And as the members of the committee are aware,
3 because the Parking Authority sent a report to
4 the committee, is when we changed the red
5 light camera system from wet film to digital,
6 approximately, I guess at this point 18 months
7 ago or so, our contractor, ATS, did not set
8 the timing the same as it had been.

9 There was an agreement made that
10 the car had to be fully in the intersection
11 and past the bar, okay, for three-tenths of
12 one second before the camera would activate,
13 when that was always the case with the wet
14 filming technology. When we went to the
15 digital technology, the technicians did not do
16 that.

17 We had received one or two
18 inquiries in a hearing from individuals who
19 knew of this from reading it on our web site,
20 okay, that there was a three-tenths of a
21 second delay. One individual picked it up,
22 that it was clearly printed on the photos,
23 that the three-tenths of a second delay was
24 not in the digital technology.

25 Instead of the complaint coming

1 directly into the Parking Authority, I read
2 about it in a newspaper. We then investigated
3 it. We realized that we had missed it.

4 And there were about \$400,000 worth
5 of fines, which were paid, which people who
6 did go through the red light, the photo
7 actually showed them being through the red
8 light, but had not -- had been in the red
9 light before the three-tenths of a second.

10 The Parking Authority immediately
11 then sent an apology letter to each
12 individual, okay, and we refunded the money
13 because the fine should not have been issued.
14 It was a technical flaw.

15 We corrected it. We had an
16 investigator, Thomas Dell (phonetic), who has
17 appeared before this committee, go to Arizona
18 to ATS's headquarters, do a full investigation
19 on it. We presented the investigation, the
20 conclusion of the investigation, how it
21 happened. It was human failure on the
22 technicians and on the administration of ATS.
23 They didn't instruct the technicians to do it.
24 We took the burden. And it did happen on my
25 watch.

1 REPRESENTATIVE GEIST: Did you look
2 for a different provider after that mistake?

3 MR. FENERTY: No, we did not look
4 for a different provider. We have a public
5 bid contract. Okay? The provider is good.
6 The provider is responsive.

7 After that did happen, Chairman
8 Geist, we put a number of targets in, that
9 each month are set. And a new--is how you
10 usually work--a new purity factor, that we
11 have many more designs in the system now to
12 see that there are no flaws.

13 We have kept Mr. Mestoudt
14 (phonetic) on as an independent eye. He comes
15 to a monthly review with our staff, and he
16 meets with ATS at our staff monthly, to make
17 sure each of the goals that he recommended in
18 his report are met and are being done, and I
19 am happy to report they are.

20 REPRESENTATIVE GEIST: Vince, what
21 would be the cost if the City of Philadelphia
22 took this all over with police officers and
23 then were able to keep the fines within the
24 city?

25 MR. VOGLER: Well, I am not

1 qualified to answer that, number one.

2 REPRESENTATIVE GEIST: How many
3 officers would it take, in your estimate?

4 MR. FENERTY: Well, and I will just
5 use the term that I have most frequently used
6 it for the last four years. On each of these
7 intersections, if you had to put a police
8 officer there 24 hours a day, it would involve
9 health benefits, it would involve pay,
10 overtime -- or double-time, also staff. And
11 fighting crime in Philadelphia is more -- more
12 important than have an officer direct traffic
13 when we can have a red light camera system
14 there tracking.

15 REPRESENTATIVE GEIST: That goes
16 back to, then, the original argument why the
17 General Assembly allowed it to happen?

18 MR. FENERTY: Because it is more
19 cost-friendly to the city.

20 REPRESENTATIVE GEIST: Correct.

21 MR. FENERTY: All right? And
22 also--okay, Mr. Geist, if I may just add--the
23 old proverb, a photograph is worth a thousand
24 words, so the officer's actual finding could
25 be disputed in a court the same as this could

1 it be in a hearing. But when you look at the
2 picture of a car there, unfortunately that
3 officer wouldn't have a photograph, an
4 automated red light camera system does have a
5 photograph to prove that you have gone. And
6 we also have about a 67-percent payment rate
7 going right now.

8 MR. VOGLER: 76.

9 MR. FENERTY: I am sorry, 76. I
10 reversed it. 76 payment rate.

11 REPRESENTATIVE GEIST: Does that 76
12 percent include the people from other counties
13 and out of state?

14 MR. FENERTY: Yes.

15 REPRESENTATIVE GEIST: Do they pay
16 better than the people in Philadelphia?

17 MR. FENERTY: I have never analyzed
18 that.

19 REPRESENTATIVE GEIST: Thank you.

20 CHAIRMAN MARKOSEK: Okay. Thank
21 you. Representative Mark Keller.

22 REPRESENTATIVE KELLER: Thank you,
23 Mr. Chairman.

24 Thank you for your testimony. One
25 of the questions that I wanted to ask is: How

1 many of the citations are sent out that, even
2 though you said a picture is worth a thousand
3 words, that that particular vehicle really
4 wasn't there?

5 MR. FENERTY: That the vehicle
6 itself wasn't there?

7 REPRESENTATIVE KELLER: Or the
8 driver?

9 MR. FENERTY: There had been a few
10 of those. Okay? And that happened more with
11 the wet film technology than it does with
12 digital. Digital gives a clearer picture.
13 And I believe a few members of the
14 Transportation Committee, Chairman Geist and
15 Markosek had been to the Parking Authority.
16 Representative Sabatina had been there many
17 times because he is from Philadelphia. Okay?

18 We have, in each of our viewings,
19 our clerks view it first, and then it goes
20 over to the police to be validated. If in
21 doubt, throw it out. Okay? That is the motto
22 we go by.

23 So with wet film technology, some
24 of the photos were blurred and sometimes you
25 could confuse an M with a W, an E with an S,

1 okay, a five with an S. And some of our
2 clerks did make mistakes and the validating
3 police officers did not pick up on it.

4 With the digital technology the
5 picture is so much clearer, we are almost at a
6 zero, a zero error rate. There can be errors,
7 but they are so minor at this point they
8 really don't come to an astronomical amount.

9 REPRESENTATIVE KELLER: So you
10 really don't have a percentage, is that what
11 you're saying?

12 MR. FENERTY: We really don't have
13 a percentage. I would say it would be well
14 under one-hundredth percent, one-hundredth of
15 one-tenth. It is very, very low, sir.

16 REPRESENTATIVE KELLER: Second of
17 all, I would like to make a couple of comments
18 for the record, if I may? Is the fact that I
19 respectfully disagree with your testimony in
20 wanting the dollars to stay in Philadelphia,
21 and there is many reasons that I have that
22 mindset, and that is because when I look at
23 the state budget and look at the amount of
24 dollars that are generated throughout the
25 commonwealth and sent to Philadelphia for just

1 the educational piece alone, it is a big
2 factor.

3 So, you know, I truly believe in
4 spreading the wealth. So that's my own
5 personal. And I just want that known for the
6 record that, you know, I understand what your
7 thinking process is here, but I think you need
8 to look at the big picture, too. Thank you.

9 MR. FENERTY: Representative, I do
10 realize that. I am here advocating for the
11 City of Philadelphia as each of you are
12 elected to advocate for your counties, and I
13 hope you would respect my position, also.

14 CHAIRMAN MARKOSEK: Okay. Thank
15 you. Representative Mike Carroll.

16 REPRESENTATIVE CARROLL: Thank you,
17 Mr. Chairman. It really is not a question,
18 more of a comment. It is very much in line
19 with what Representative Keller has to say.

20 I do understand that the City of
21 Philadelphia and the Philadelphia Parking
22 Authority would be eager to keep 8 or \$9
23 million in the city. That is obvious. But
24 the fact of the matter is that there are a
25 whole slue of funding formulas that we have in

1 this state with respect to transportation,
2 maintenance, education funding, an area agency
3 on aging, and I would venture to say that the
4 City of Philadelphia is a gigantic winner in
5 most of those funding formulas.

6 In counties that I represent,
7 including -- I'm close to the Pocono's, that
8 have had exponential population growth over
9 the last 20 years, are colossal losers in that
10 transaction, for the most part, because in
11 many cases we use census data that dates back
12 to 1991.

13 And so, I caution the City of
14 Philadelphia every chance I get--we had the
15 same conversation just a few months ago with
16 respect to local police and paying for the
17 state police coverage--that if we would wish
18 to engage in an examination of every single
19 funding formula within this state and
20 recalibrate them based on current census
21 numbers and current, you know, details related
22 to how the funding of that formula is
23 implemented, that there would be a gigantic
24 shift of resources away from the City of
25 Philadelphia.

1 And so, you know. But I just
2 caution the city, and anybody the city sends
3 to Harrisburg to talk about funding formulas,
4 to be cognizant of the concern that many of us
5 have in this General Assembly: That the City
6 of Philadelphia, by and large, is a winner
7 when it comes to the sharing of state dollars;
8 and to take that as a given and then say, by
9 the way, we would like to keep this extra \$9
10 million, it's just a little bit over the top
11 in my deal; and the communities and the
12 counties across the state that are
13 short-changed, at some point they are going to
14 say enough is enough. We are getting close to
15 that point.

16 Thank you, Mr. Chairman.

17 CHAIRMAN MARKOSEK: Thank you very
18 much. Representative Mark Longietti.

19 REPRESENTATIVE LONGIETTI: Thank
20 you, Mr. Chairman.

21 Are you aware of any instances
22 where a community has implemented the red
23 light camera system like this where
24 subsequently they discontinued it because it
25 was perceived, at least in part by the public,

1 that this is just a revenue generator and it
2 is really not about safety so much?

3 MR. FENERTY: In the states of
4 Minnesota and Virginia, there were two
5 programs that were canceled. And I believe it
6 was one was because of a -- an -- I am doing
7 this from a vague memory. One was because the
8 statute ran out, and that was in Virginia.
9 And that wasn't because the program failed, it
10 was the statute ran out.

11 REPRESENTATIVE LONGIETTI: Okay.

12 MR. FENERTY: And, in Minnesota, I
13 am really not sure of what had happened.

14 REPRESENTATIVE LONGIETTI: Let me
15 add to that because I lived at the Ohio
16 border, and, oddly enough, my media market was
17 Youngstown, Ohio. That's where I'd get my
18 television as well as my radio. And there was
19 at least one community there, just recently, I
20 can't remember whether it was Warren, Ohio, or
21 Girard, Ohio, where they implemented red light
22 cameras. And the public, there was a public
23 outcry because this is all about revenue
24 generation.

25 The revenues were going to the

1 local municipality. They were being sent out
2 as civil penalties and the people would pay
3 them and they would go to the municipality.
4 They discontinued that system because the
5 public perception, and what the politicians
6 responded was, this is all about generating
7 revenue for the local municipality and not so
8 much safety.

9 And so, I point that out to you,
10 and dovetail on the comments earlier made by
11 Representative Geist, that this program is
12 really designed about safety concerns. That
13 if the money all gets funneled to the local
14 municipality, that it could well be a
15 situation like Warren, Ohio, or Girard, Ohio,
16 whichever the case may be, that it becomes, is
17 perceived this is all about revenue generation
18 and not about safety. So I just point that
19 out. Thank you.

20 CHAIRMAN MARKOSEK: Okay. Thank
21 you. All right. There don't seem to be any
22 other questions here, so thank you.

23 MR. FENERTY: Representative
24 Markosek, I have one other point I would like
25 to explain --

1 CHAIRMAN MARKOSEK: Okay.

2 MR. FENERTY: -- because there is
3 many new members of the committee. If there
4 is anyone that hasn't seen, we have done
5 studies on three intersections. And in our
6 last study, we did along the boulevard, which
7 showed how many citations were issued
8 previously, how many citations are issued now,
9 with crash data, fatality data.

10 If there is anyone who didn't get
11 those reports, we would be glad to give it to
12 them.

13 That report also included something
14 which has not been mentioned here, what a halo
15 effect is of a red light camera.

16 And for those members who don't
17 know what a halo effect is, is when you have a
18 red light camera at an intersection--and I
19 will say Roosevelt and Grant because that is
20 one of the three worst that we had, very much
21 came down--when individuals know that red
22 light camera is there, they slow down many,
23 many blocks before they get to that
24 intersection. And even if the light is green
25 and they are going to pick up and they are

1 going to accelerate to go, they don't do it.
2 So it makes the intersections which are
3 adjoining to Grant and Roosevelt Boulevard
4 much safer and accident data has come down.

5 Although there will be no citation
6 data because the red light camera isn't there,
7 the accidents have decreased in almost all
8 instances on the adjoining intersections. And
9 that is something that when we went into this,
10 many years ago with Chairman Geist and
11 Chairman Markosek, that we didn't realize
12 happened. Okay? And our studies came out
13 that the halo effect, okay, around the
14 surrounding intersections, has also been very
15 good for the communities where the red light
16 cameras are in affect.

17 And like Deputy Mayor Cutler, I
18 would urge not for money generating, but if
19 there are other communities--and I know Bucks
20 County and Bensalem was looking at it--if
21 there are communities who have dangerous
22 highways, this is a way to save lives and stop
23 the accidents.

24 Because the year prior to the red
25 light camera starting, I believe there were 13

1 fatalities on Roosevelt Boulevard. Okay?
2 That has significantly dropped, and I believe
3 we had two years with no fatalities.

4 Thank you, Chairman Markosek.

5 CHAIRMAN MARKOSEK: One question,
6 additional question. Representative John
7 Evans.

8 REPRESENTATIVE EVANS: Yes, thank
9 you, Mr. Chairman.

10 I just was curious if you could
11 explain one sentence of the testimony that I
12 am a little confused about. It would be
13 paragraph three. Since the proposed rule
14 permits the use of revenue generated with the
15 Red Light Camera Program for highway safety
16 and mobility within the commonwealth, the
17 Parking Authority respectfully disputes the
18 consistency of the proposed rule with the
19 legislative intent of the statute which
20 necessitates its promulgation. What does that
21 mean?

22 MR. FENERTY: And, Representative,
23 we were always under the belief then--and
24 former Representative Kenney will be up
25 next--I believe the first proposal, when we

1 did this, was to build some bridges across
2 Roosevelt Boulevard with the net proceeds.
3 And when PennDOT met with us, they told us
4 that was unlikely and almost cost prohibitive
5 because the bridge would cost \$10 million and
6 then where is the maintenance fund?

7 And we were always led to believe
8 that the money was going to go back to improve
9 the Roosevelt Boulevard, U.S. 1 corridor.
10 That we weren't in the General Assembly or we
11 didn't attend the hearings, but we were always
12 led to believe that the net proceeds would be
13 turned over to PennDOT and PennDOT in turn was
14 going to fix and correct some of the other
15 problems along the Route 1 corridor.

16 REPRESENTATIVE EVANS: Is that in
17 the language of the bill or of the
18 legislature?

19 MR. FENERTY: No, sir, it is not.
20 It didn't make it.

21 REPRESENTATIVE EVANS: Okay.

22 MR. FENERTY: It just goes through
23 the safety enhancement program.

24 REPRESENTATIVE EVANS: And then
25 further down in your testimony at the bottom

1 of the page, you say the intent of the
2 legislation was to improve the highway
3 transportation system in Philadelphia; is that
4 correct?

5 MR. FENERTY: Yes, sir.

6 REPRESENTATIVE EVANS: My
7 understanding, in listening to your earlier
8 testimony, the intent was a safety issue; am I
9 wrong?

10 MR. FENERTY: No, sir. As a safety
11 issue, there is -- there are many corrections
12 that need to be done along Route 1. And
13 that's what we had believed the safety project
14 was for, the safety enhancement project for,
15 and then PennDOT would select projects along
16 that highway to do it.

17 I know Representative Geist has
18 told me that that wasn't the legislative
19 intent. I respectfully am not debating his --
20 his -- him at all, but that's what we were led
21 to believe in.

22 REPRESENTATIVE EVANS: However, I
23 believe we get into a slippery slope if we
24 start to believe that intent is language in
25 the legislation. If it is not in the

1 legislation, it is not in the legislation.

2 MR. FENERTY: I understand that.

3 And, sir, I am only here advocating for

4 Philadelphia.

5 REPRESENTATIVE EVANS: Thank you

6 very much, Mr. Chairman.

7 CHAIRMAN MARKOSEK: Okay. Thank

8 you.

9 MR. FENERTY: Thank you.

10 CHAIRMAN MARKOSEK: And I am very

11 happy and proud to introduce our former

12 colleague, former Chairman George Kenney --

13 HONORABLE KENNEY: Oh, that was

14 wonderful.

15 CHAIRMAN MARKOSEK: -- who was the

16 original sponsor of the red light legislation

17 back in 2001, I believe, George?

18 HONORABLE KENNEY: Yes, Mr.

19 Chairman.

20 CHAIRMAN MARKOSEK: And so,

21 welcome. Welcome back.

22 HONORABLE KENNEY: Thank you.

23 CHAIRMAN MARKOSEK: And we are

24 anxious to hear from you.

25 HONORABLE KENNEY: It is good to

1 see you in person and not on PCN. That's --
2 We got a lot of viewing time.

3 But, Chairman Markosek and Chairman
4 Geist, thank you, and members of the
5 committee, thank you for this opportunity. It
6 really is a pleasure to see all of you again.

7 As Chairman Markosek said, if I can
8 just give you a little history of how this all
9 began, because I think, I do believe that the
10 situation is unique. We all think that in our
11 legislative districts, I am sure.

12 Back in 2001, a national survey
13 came out designating two intersections --
14 actually three intersections along Route 1 in
15 the City of Philadelphia as the most dangerous
16 intersections in the country. Two of those
17 intersections were in my legislative district.
18 Along Route 1 is a state road, it is
19 nine-miles long, 12-lanes wide. You will see
20 nothing like it anywhere in this Commonwealth.

21 Along the Roosevelt Boulevard,
22 which we refer to as Route 1, it's commercial
23 activity, residential activity, industrial,
24 schools, churches. You name it, it is a busy,
25 busy state highway.

1 Well, when this came out that we
2 had three of the top ten, most dangerous
3 intersections, I turned to PennDOT. I didn't
4 turn to -- To be honest, I didn't turn to the
5 city. I didn't turn to the Parking Authority.
6 I turned to PennDOT, and said, you know, the
7 number of fatalities along this roadway, this
8 national survey just reinforces the problem.
9 What do we begin to do?

10 I think, Mark, you had mentioned,
11 we began to spend more money on police
12 overtime, new signage, new line painting on
13 the boulevard, new lighting. None of it was
14 enough to make a difference in that behavior.

15 So, propose. I proposed. At the
16 time, there was a program. I am going to say
17 San Diego, Washington, D.C., were programs
18 that existed with this red light camera. I
19 remember standing at the corner of Grant
20 Avenue and Roosevelt Boulevard, and
21 Representative Sabatina knows the
22 intersection. I stood on the northwest corner
23 and the northeast corner in 2001, and really
24 just said something has to be done. This is
25 -- It's not acceptable. And I proposed a red

1 light camera pilot program.

2 And let me defer to and say about
3 Chairman Geist. I will say that without his
4 leadership -- And he certainly, believe me, I
5 think spent a lot more time on this issue and
6 even maybe the intent than I did, working with
7 Chairman McCall and their staffs. And this
8 committee, believe me, they did a great job.

9 I came up with -- I threw it out,
10 there was something has to be done. And the
11 original proposal was, what do you do with a
12 nine-mile road, 12-lanes wide? I don't know
13 how many intersections. It must be -- John,
14 how many intersections along?

15 REPRESENTATIVE SABATINA:

16 Countless, countless.

17 HONORABLE KENNEY: I mean, I will
18 say 40, 50.

19 REPRESENTATIVE SABATINA: There is
20 a lot.

21 HONORABLE KENNEY: So I -- Somebody
22 suggested, why don't you put pedestrian
23 bridges? Well, I think I put that in the
24 original.

25 Well, where do you put and who has

1 -- Where do you find money for all of this?
2 And it was then the intent that any monies
3 generated would go back to making safety
4 improvements along Route 1 because it was so
5 unique.

6 But just the whole concept, I
7 think, about adding cameras to our whole
8 traffic safety model really had Chairman Geist
9 concerned and I would say most of the
10 legislature because it was something so
11 unique, but. And I will say again, thanks to
12 Chairman Geist and at the time Chairman McCall
13 and their staffs, they really worked this
14 issue, the nitty-gritty, to get this
15 legislation passed.

16 When it came to where the funding,
17 and I remember the concern that, as I said, I
18 didn't reach out to the city or Parking
19 Authority initially, but I remember adamantly
20 the concern being that these fines not be sent
21 to the city to control. And being a
22 Republican member of the City of Philadelphia,
23 I understood that.

24 It was a state road. I didn't want
25 to just send it to the city and who knows

1 where the monies may or may not go. I wanted
2 that money invested on Route 1, it was a state
3 highway, and to make a difference.

4 And safety was my concern and is my
5 concern today. I think we -- There is always
6 more things we could probably do to make Route
7 1, the Roosevelt Boulevard, a safer roadway
8 for both pedestrians and vehicle traffic.

9 John and I, Representative Sabatina
10 and I, probably drive it every day. It is
11 just unique, and that's why I think we have to
12 look at how you reinvest these dollars
13 generated there.

14 I think it is different,
15 Representative Carroll and Representative
16 Keller. I think -- I understand what you are
17 saying. I understand what you are saying, but
18 a nine-mile, 12-lane state highway in the City
19 of Philadelphia is unique to anywhere else in
20 the commonwealth and I believe it deserves to
21 be treated differently. Thank you.

22 Thank you, Mr. Chairman.

23 CHAIRMAN MARKOSEK: Okay. Thank
24 you, Chairman Kenney. And, you know, I think
25 maybe we don't get enough credit sometimes.

1 And, certainly, all of your efforts, and
2 Chairman Geist and Chairman McCall at the
3 time, and the rest of the legislature, I think
4 we can safely say, because of this program, we
5 are in fact lifesavers.

6 We have empirical data that we have
7 saved lives because of this program.

8 Irregardless of our quibbling of where the
9 money is going to go ultimately, we have saved
10 lives with this program.

11 And I think you deserve a lot of
12 credit as well as all of the rest of the
13 legislators at that time, and certainly now in
14 the Parking Authority, the city, et cetera,
15 everybody involved with this program. It has
16 been a successful safety program.

17 And, you know, sometimes we don't
18 get enough credit for the good things that we
19 do here, so.

20 HONORABLE KENNEY: And let me just,
21 Mr. Chairman, and I -- to recognize you and
22 Chairman Geist and the members of this
23 committee and your staffs.

24 Someone whispered to me, you know,
25 you hear from your constituents about these

1 tickets? I don't hear a word. And I am sure
2 they are getting them. They are probably one
3 of the -- part of that 80, whatever percentage
4 they gave.

5 Actually, they asked for more
6 cameras along Route 1. They want more traffic
7 safety enhancements. That's what they want
8 along Route 1.

9 And these are my constituents and
10 Representative Sabatina's constituents that we
11 are trying to adjust their behavior, but
12 sometimes they just don't get it.

13 But I want to commend each you, I
14 think it has been a lifesaver, and thank all
15 of you for your leadership on this issue.

16 CHAIRMAN MARKOSEK: Okay. Thank
17 you. Representative Geist.

18 REPRESENTATIVE GEIST: I think you
19 did a great job, and I think the General
20 Assembly did a fabulous job with this. You
21 were able to engineer, along with us, a change
22 in a way that a safety ticket was given out,
23 where the JP wouldn't throw out: camera
24 enforcement.

25 You were also able to pass

1 something through this General Assembly. And,
2 yes, the pot color caller (phonetic) crowd
3 actually agreed with it. And, yes,
4 Representative Vitally and that crowd agreed
5 with it.

6 So we got everybody to agree on a
7 program, and passed it overwhelmingly through
8 the House and the Senate, so that in the
9 experimental lab of the City of Philadelphia
10 we could prove that this could work for public
11 safety.

12 And that's what this is all about,
13 and that's what it is all about all down the
14 line. And yet, and eventually, in 20 years
15 from now, everybody will say, well, why didn't
16 they just do that right away? Well, because
17 people in Pennsylvania resisted that kind of
18 change, and they really don't want to have law
19 enforcement have a rolling tollbooth to
20 collect money from them.

21 So I think that having Vince and
22 the wonderful people at the Parking Authority
23 and everybody that we have worked with to set
24 this up, I think makes it this way.

25 What I don't want to do is

1 prostitute the program now and have it look
2 like it is a money grab, because there are
3 monies that we don't flaunt there. And if the
4 City of Philadelphia wants to say, well,
5 that's fine, then nobody else's, we can't do
6 that. If we do that, we ruin the integrity of
7 the program, and then we are not going to see
8 it in other intersections in Pennsylvania
9 where it is really needed.

10 And I think you did a great job
11 with this. And, you know, five years from
12 now, nobody knows who we all are anyhow, so.
13 Great job.

14 CHAIRMAN MARKOSEK: Representative
15 Mike Carroll.

16 REPRESENTATIVE CARROLL: Thank you,
17 Mr. Chairman.

18 And, George, I appreciate your
19 testimony and your advocacy here. You know, I
20 heard the city and their designated hitter
21 advocate for the extra \$8 million for use in
22 the city. I didn't hear them testify that
23 they would use it exclusively on Roosevelt
24 Boulevard. What assurance do you have that
25 they are going to use it on the very route

1 that you described?

2 And I will concede that it is a
3 unique scenario. I do not have any 12-lane
4 U.S. Route 1's in my district. So what
5 assurance do you have that they are going to
6 take this money--if they get it--and use it
7 just on that eight or 10 mile of road?

8 HONORABLE KENNEY: To be honest,
9 Representative, I don't have any assurance. I
10 guess my -- And let me go back to when we
11 changed the --

12 As I said initially, the
13 legislation, I mentioned like overpasses, and
14 I even remember putting a red light, and
15 people like laughing. You have got to be --

16 Well, I was looking for something
17 to do. I mean we had to do something.

18 Then it was -- And I think this is
19 where Chairman Geist -- It wasn't --

20 We were not going to give the city
21 control of those dollars because this was a
22 state road and a state program. We chose the
23 Parking Authority, I think down the road, to
24 be the administrator and not the city.

25 So I would hope that when -- When

1 we say city, I guess that under the
2 enhancement program the city has to apply for
3 these grants. But do I have an any assurance
4 that the city, when they apply, are going to
5 spend it on just Route 1? No. But I would
6 hope, when you look at that highway program
7 within the city, Route 1 certainly should jump
8 out and say that's where most of your dollars
9 should be spent.

10 And then again, and to be honest,
11 Michael, Representative Carroll, when we gave
12 it to PennDOT initially, I think was -- I
13 thought, okay, they will get it and spend most
14 of that money, if not all of it, on Route 1.
15 That was my very parochial view, giving it to
16 the state. Chairman Geist and some members
17 have a different -- And I respect that.

18 I mean, I -- I just think Route 1
19 is what you need. But assurances? None. I
20 didn't have any at the time when I was -- when
21 the bill passed, I don't think.

22 REPRESENTATIVE CARROLL:
23 Considering that it'S so unique that you may
24 have a better chance of getting the money from
25 the Transportation Enhancement Fund then

1 statewide, with a solid application for a very
2 unique problem, than you would with respect to
3 handing the money over to the city and having
4 them decide.

5 HONORABLE KENNEY: But I think any
6 -- the monies must be applied for. You can't
7 -- I -- Is that correct?

8 REPRESENTATIVE CARROLL: But it
9 doesn't have to be the city government.

10 HONORABLE KENNEY: Well, I think --

11 MS. RITTER: Well, that's part of
12 the confusion. Okay?

13 REPRESENTATIVE KENNEY: Oh, is that
14 --

15 MS. RITTER: It's unclear.

16 REPRESENTATIVE KENNEY: I thought
17 it would -- I thought that it had to be the
18 municipality had to apply.

19 REPRESENTATIVE CARROLL: As I read
20 it, there was -- there were other entities --

21 REPRESENTATIVE KENNEY: I mean that
22 is --

23 REPRESENTATIVE CARROLL: -- that
24 had to apply, MPOs and the RPOs and some
25 others. But I guess I just wanted --

1 REPRESENTATIVE KENNEY: But I --

2 REPRESENTATIVE CARROLL: -- trying
3 to get my hands around how -- Your testimony
4 really focused on U.S. 1, and then the
5 problems there and the unique nature of those
6 problems, and using these funds, these \$8
7 million for that particular section of
8 roadway. I didn't hear that during the
9 testimony that was presented earlier today.
10 All I heard were that these funds should be
11 used within the city confines and/or unknown
12 or unnamed projects at this point.

13 MR. KENNEY: And let me say,
14 Representative, that was -- When it was
15 initially introduced, that was the intent. We
16 have added other state intersections
17 throughout the city. I mean, I am just saying
18 what my objective was.

19 I think Representative Waters
20 advocated for an intersection, which I think
21 we have, and that Representative Donatucci
22 advocated for another intersection. I believe
23 -- Are they up and running?

24 VOICE: Yeah.

25 MR. KENNEY: They are all up and

1 running. So we added other state
2 intersections, within the city, to this
3 program. So I am sure that would be their
4 advocacy that monies were spent on those types
5 of projects within the city, other state roads
6 within the city.

7 But, naturally, I am advocating for
8 that nine lane, and but with no assurances.

9 REPRESENTATIVE CARROLL: I
10 understand. It just seems to me that we ought
11 to take the enhancement applications that
12 exist from throughout the state, measure them
13 in some analytical way, and make the
14 calculation as to the best way to use \$8
15 million.

16 And, you know, I just hate to start
17 out the process like that, excluding everyone
18 else except one, because it just seems to me
19 we have very unique--although not 12-lane U.S.
20 1 scenarios--unique transportation issues all
21 over the state. And I --

22 In fact, every one of us in our
23 districts could think of an example of a short
24 -- shortfalls -- or a shortcoming with respect
25 to local components of the transportation

1 network in their area, and say, you know what?
2 A million or \$2 million here would make a
3 gigantic difference with respect to crashes,
4 fatalities, school children, you know,
5 pedestrians, any number of things.

6 And so, it just seems to me, I
7 really do believe that we ought to measure the
8 applications on demerit and make a
9 determination as to how to invest those \$8
10 million. And if Roosevelt Boulevard is as you
11 say it is--and I believe you--then it seems to
12 me that they should qualify with a strong
13 application.

14 And so, I don't think that's an
15 exclusion for any area, including Roosevelt
16 Boulevard or the City of Philadelphia is the
17 way to go. I think that we ought to take a
18 look at the applications that are submitted
19 and make the best allocation of those funds.

20 CHAIRMAN MARKOSEK: Thank you.

21 Representative Paul Costa.

22 REPRESENTATIVE COSTA: Thank you,
23 Mr. Chairman.

24 And thank you, George. I am not
25 going to lecture you. I actually want to

1 thank you.

2 You know how hard it is when you
3 have an idea. You know in your heart and in
4 your mind that it is the right thing to do for
5 your district and how hard it is to get it to
6 become law. And I want to congratulate you
7 for actually creating this law. And,
8 hopefully, one day, we will be able to expand
9 this throughout this state so other people can
10 benefit from those safeties which this
11 provides.

12 But for the record, I want to say,
13 I miss you, George. I would like to see you a
14 little more. So, please, keep in touch.

15 CHAIRMAN MARKOSEK: Okay. Well
16 said. Then we --

17 HONORABLE KENNEY: And let me --
18 And I guess I look at it this way: You know,
19 advocating to install red light cameras in
20 your legislative district, you know, that is
21 --

22 And, Mike, Representative Carroll,
23 I mean, yeah, that's not the best way to go.
24 I mean, I was so frustrated there. I mean we
25 didn't have enough policemen, Mark, when we

1 did it. I mean we could -- I think we were
2 giving out like \$450,000 in overtime, but.
3 And you couldn't put enough police along a
4 nine-mile road.

5 So, let me tell you, I was nervous
6 standing on that corner when I first advocated
7 in 2001 that we should put cameras so I
8 could -- or we, the state, could, you know,
9 try to change your behavior.

10 So I think that's what makes, you
11 know, Philadelphia a little different when it
12 comes to spending these dollars than say
13 spending it elsewhere.

14 REPRESENTATIVE COSTA: Well, that
15 -- I mean that's my point, though, George.
16 You had an idea and, you know, you are able
17 now to look back.

18 HONORABLE KENNEY: Yeah.

19 REPRESENTATIVE COSTA: It wasn't
20 that easy back then, but now that you have
21 proven that it has saved lives, from the woman
22 from -- Ms. Cutler from Philadelphia said,
23 there were 16 fatalities in 2007 and reduced
24 down two seven in 2008. I am not sure what
25 the number is so far in 2009. But it's

1 working, it is saving lives and it is helping
2 people. And so, again, thank you for that.

3 HONORABLE KENNEY: And I think
4 Chairman Geist said, there's a way--you know,
5 I would hope we have all done it in our
6 careers--there's a way to resolve this issue
7 without getting crazy about it.

8 CHAIRMAN MARKOSEK: Okay. Thank
9 you. Thank you, George. I appreciate it a
10 lot.

11 HONORABLE KENNEY: Thank you.

12 CHAIRMAN MARKOSEK: The Chair would
13 like to note the timely arrival of
14 Representative Gerber.

15 REPRESENTATIVE GERBER: Thank you.

16 CHAIRMAN MARKOSEK: Also, just a
17 little bit of business. The next
18 Transportation Committee event will be
19 Thursday, November 5th, which is the committee
20 is invited to the State Transportation
21 Commission hearing in Pittsburgh. And also on
22 Friday, November 6th, we will have a hearing
23 and perhaps a tour, relative to Mag life, in
24 the Pittsburgh area. So the 5th and 6th, in
25 Pittsburgh, for the information of the

1 members.

2 And, with that, I want to thank
3 everybody for attending here, particularly our
4 testifiers. And the meeting is adjourned.
5 Thank you.

6 (At 11:10 a.m., the hearing was
7 concluded.)

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